



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

South Derbyshire Draft Consultation Statement Local Plan Part 2



June 2016

South Derbyshire Changing for the better

Purpose of document

This Consultation Statement sets out how South Derbyshire District Council has undertaken community consultation and stakeholder preparation of the Local Plan Part 2. The document describes the consultations undertaken, outlines who was consulted and how, presents a summary of the main issues raised and explains how they have shaped the Local Plan Part 2.

The National Planning Policy Framework (NPPF) paragraph 155 sets out the Government's principles for community engagement; "Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made."

The Consultation Statement has been produced to fulfil the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. It forms the statement defined at regulation 17 comprising a statement setting out:

- i. Which bodies and persons the local planning authority invited to make representations under regulation 18.
- ii. How those bodies and persons were invited to make such representations
- iii. A summary of the main issues raised by those representations and
- iv. How those main issues have been addressed in the local plan.

The statement also shows how the District Council has met the requirements of its Statement of Community Involvement which was adopted in March 2006.

It should be noted that this document does not attempt to include every individual comment but does identify the broad issues raised. We have endeavoured to summarise all the issues raised but reference should be made to the summary of representations. Full details can be found at <http://www.ldf.consultations.south-derbys.gov.uk>.

Statement of Community Involvement

In March 2006, the Council adopted its Statement of Community Involvement (SCI), which sets out how the community and other stakeholders will be engaged in the preparation of the Local Plan and in development management matters.

The Town and Country Planning (Local Development) (England) (Amended) Regulations 2008 altered the stages of production of a development plan document (regulation 26, the Preferred Options stage, was removed), and now sets out two stages in which the Local Plan

should be subject to consultation; regulation 18, where issues and policy options are explored and regulation 19, the formal consultation on the publication draft plan.

The District's SCI was produced before the pre-2008 regulations, however its content is still considered to be consistent with the 2008 requirements.

The SCI proposed possible methods of consultation involvement and indicates the approach which will be used to involve the community in the preparation of the Local Plan. It also includes the approaches that may be used if it is believed to be beneficial and/or the resources are available. The Council has employed a range of consultation methods, which are considered to be consistent with SCI.

The following table is an extract from the SCI setting out the approaches the District Council will use to involve the community in the preparation of the Local Plan and its different documents (✓). It also indicates the additional approaches that may be used where it is believed that they would be beneficial and/or resources are available (P).

Method	Core & general policies			Development Plan Documents (e.g. area action plan)			Supplementary Planning documents	
	1	2	3	1	2	3	1	2
Making documents available for review at Council Offices and libraries	-	✓ *	✓ *	-	✓ *	✓ *	-	✓ *
Newsletter or leaflet available at local venues, e.g. supermarkets, surgeries	✓ *	P	P	✓ *	-	-	✓ *	-
Information sent to existing network of organisations and their newsletters	✓ *	P	P	✓ *	P	✓ *	✓ *	P
Press releases/articles in press	✓ *	✓ *	✓ *	✓ *	P	✓ *	✓ *	P
Exhibition/display in local area(s)	-	P	-	-	✓ *	-	-	P

Information and documents on website	✓ *	✓ *	✓ *	✓ *	✓ *	✓ *	✓ *	✓ *
Questionnaire survey	✓ *	-	-	✓ *	-	-	P	-
Public meeting/surgery	-	✓ *	P	-	✓ *	P	-	✓ *
Focus group with representatives of specific issue area	P	-	-	P	-	-	✓	P
Workshop with representatives of range of issues or interest areas	P	✓	-	P	-	-	✓ *	P
Participative planning activities	-	P	-	P	-	-	-	-
Community liaison group	P	P	P	P	P	P	P	P

The Local Plan Part 2 consultation was undertaken in accordance with the methods stated within the SCI.

In regards to making newsletters and leaflets available at local venues e.g. supermarkets, surgeries, during the Issues and Ideas consultation stage of the Local Plan Part 1 an attempt was made to distribute materials to local supermarkets. However this was unsuccessful as supermarkets were only willing to accept material from charities. Consultation documents were made available at South Derbyshire libraries during the consultation.

A separate document setting out in detail how the Council has discharged its responsibility under the duty to cooperate will be published alongside the proposed submission version of the Local Plan Part 2. Discussions with neighbouring authorities have been ongoing and will continue to take place through the preparation of the second part of the Plan.

Local Plan Part 2 (15th December 2015 – 12th February 2016)

Introduction

The Local Plan is being prepared in two parts. The Part 1 was submitted to the Secretary of State in August 2014 and examination of the Plan took place in late 2014 and December 2015. Part 1 deals with strategic allocations and key policies, while Part 2 is concerned with

smaller housing sites (known as non-strategic housing allocations) and more detailed Development Management Policies.

In December 2015 South Derbyshire District Council published its first consultation on the Local Plan Part 2.

The consultation sought views on six consultation documents:

- The Local Plan Part 2 which contained detailed development management policies.
- Appendix A: Settlement Boundary Topic Paper- which set the methodology for reviewing and establishing new settlement boundaries.
- Appendix B: Housing site options – which contains maps of the housing site options for the Part 2 Plan
- Appendix C: Housing site Pro-formas – which assesses the sites contained within the Strategic Housing Land Availability against a set of criteria.
- Appendix D: Local Green Spaces Topic Paper –which set the methodology for establishing Local Green Spaces
-
- Appendix E: Maps showing the location of Local Centres.

This initial consultation ran from 15th December 2015 until 12th February 2016. The consultation document and responses received can be found on the Councils website at: <http://www.ldf.consultations.south-derbys.gov.uk> .

Who was invited to be involved at this stage and how?

Different methods of public consultation were used to maximise community and stakeholder engagement in the process. These included:

- a. All organisations and individuals on the LDF consultation database (including Parish Councils and South Derbyshire's MP) were contacted by letter or email where provided, informing consultees of the purpose of the consultation, how to find further information and how to make representations (Appendix A1, A2, A3). In total 1138 emails and 1710 letters were sent.
- b. All South Derbyshire Parish Councils and Meetings were sent a paper copy of the consultation documents, summary leaflet and questionnaire.

South Derbyshire District Councillors did not receive a hard copy of the consultation documents. This is due to the provision of hand held electronic devices which enable Councillors to view documents online.

- c. Posters were distributed to all Parish Councils/ Meetings and libraries (Appendix A4).

- d. A reference copy of the Local Plan Part 2 consultation documents was available to view in South Derbyshire District Councils Main Reception along with summary leaflets and questionnaires to take away.
- e. Posters and reference copies of the Local Plan Part 2 consultation documents were available to view at all South Derbyshire Libraries and the following libraries outside of the District: Burton on Trent, Chellaston, Mickleover and Sinfen. Summary leaflets and questionnaires were also available to take away.
- f. During the consultation period the Local Plan Part 2 was advertised as part of a rolling presentation on screens in the Councils Office's Main Reception (Appendix A5).
- g. A banner advertising the Local Plan Part 2 consultation was uploaded on the home page of the District Councils webpage, during the consultation period. A hotlink on this banner connected directly to the Local Plan Part 2 webpage, which provided further information on the consultation and contained the consultation documents, summary leaflet and questionnaire to download (Appendix A6).
- h. Questionnaires were produced soliciting responses to the consultation documents. These were made available at all drop in events, all South Derbyshire Libraries (and the libraries outside of the District stated above), the District Councils Main Reception and to download from the District Councils webpage (Appendix A7).
- i. Drop in events were published on the District Councils website and the consultation documents, summary leaflets (Appendix A8) and questionnaire were available to view on-line or download.
- j. Eleven drop in events were held in various locations, with the aim of reaching all sections of the community. Planning officers were at the events to talk through the consultation and answer questions from members of the public and stakeholders.

The exhibitions included information panels explaining the purpose of the consultation, the purpose of Local Green Spaces, an explanation of settlement boundaries and the settlement boundary review, a brief overview of the proposed strategy for distributing housing within the part 2 and the housing options and a summary of the Part 2 policies (Appendix A9).

Reference copies of the consultation materials were on display, along with copies of the summary leaflet and questionnaire which consultees could take away with them.

The drop in events took place at the following venues.

- Old Post Centre, High Street, Newhall DE11 0HX on 8 January 2016 from 2.30pm to 7.30pm

- Goseley Community Centre, Hartshill Road, Woodville on 11 January 2016 from 2.30pm to 7.30pm
 - All Saints' Heritage Centre, Shardlow Road, Aston on Trent, DE72 2DH on 12 January 2016 from 2.30pm to 7.30pm
 - Rosliston and Cauldwell Village Hall, Main Street, Rosliston on 15 January 2016 from 2.30pm to 7.30pm
 - Repton Village Hall, Askew Grove, Repton, DE65 6GR on 18 January 2016 from 2.30pm to 7.30pm - Repton Parish Neighbourhood Development Plan Group will be displaying some information at the event
 - Church Rooms, adjacent to St George and St Mary's Church, Church Street, Church Gresley on 19 January 2016 from 3.10pm to 7.30pm
 - Frank Wickham Hall, Portland Street, Etwall, DE65 6JF on 21 January 2016 from 2.30pm to 7.30pm
 - Swadlincote Market, on 22 January 2016 from 10am to 2pm
 - Hilton Village Hall, Peacroft Lane, Hilton, DE65 5GH on 25 January 2016 from 1.30pm to 5.45pm
 - Melbourne Assembly Rooms, High Street, Melbourne on 27 January 2016 from 2.30pm to 7.30pm
 - Elvaston Village Hall on 28 January 2016 from 2.30pm to 7.30pm
- k. A short URL code was created for the District Council's webpage, which set out information on the consultation.
- l. The District Council issued a press release advertising the consultation and drop in events on 18th December 2015 and 6th January 2016 (Appendix A10 & A11)
- m. A statement regarding the Local Plan Part 2 was read out at the Area Forums to advice of the consultation dates and where information could be found.
- n. Contact was made with several stakeholders in the period before the consultation and during the consultation to inform them of the progress of the Part 2 Plan and seek their technical advice. These included the Environment Agency, Severn Trent and the County Council.
- o. A Local Plan Member Working Group was held on the 12th November 2015 and 23rd May 2016 with an update report regarding the first consultation taken to the Environmental and Development Services Committee on the 14th April.

What were the main issues raised?

A total of 318 consultees responded, raising around 2,278 comments on all parts of the Local Plan Part 2.

This report provides a summary of the responses received and is split into the questions asked in the Local Plan Part 2 questionnaire. Not every consultee response has been summarised below, however the main responses received have been grouped together.

STD1: Settlement Boundary and Development

Q1. Is the use of settlement boundaries the correct mechanism to direct appropriate development? Are there any other options?

The majority of responses agree that settlement boundaries are the correct mechanism to direct appropriate development. Some however added a caveat to their response, the main one being: as long as the boundaries are enforced, due to development currently being granted outside of settlement boundaries. Other caveats include: settlement boundaries should be the starting point not the determinative; settlement boundaries are a sensible mechanism provided housing policy remains up to date; provided green spaces used for recreation/leisure/amenity/wildlife habitat is not lost and settlement boundaries should be subject to a routine monitoring and review process to take into account housing land supply variations or changes to government policy.

Furthermore it has been suggested that settlement boundaries should not be so tightly drawn, to allow some flexibility in the event that allocations fail to deliver, leading to failure to deliver a 5 year housing land supply.

Some consultees however do not agree that settlement boundaries are the correct mechanism to direct appropriate development. Reasons given for this include.

- Allows development in open spaces that should remain rural.
- Land outside of settlement boundaries are considered to be countryside. The world however is not as clear cut as this and whilst there may be many instances where a clear dividing line can be drawn, this is not one of them.
- Settlement boundaries do not provide officers with the flexibility required should housing number climb and are thus likely to require continually updates rendering them inefficient
- Would preclude otherwise sustainable development from coming forward
- Ineffective mechanism for directing appropriate development in the past, as development does take place outside the current boundaries.

An alternative mechanism to direct appropriate development was suggested – a criteria based policy. One consultee stated that a criteria based policy should seek to allocate land for residential development which is adjacent to the existing settlement boundary and can be demonstrated as meeting the three dimensions of sustainable development. However another consultee suggests that this approach provides less certainty in terms of the future development potential on sites adjoining settlement boundaries.

Another consultee suggests that the following wording should be used instead of the use of settlement boundaries “Sustainable development proposals adjacent to existing settlements will be permitted provided that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of development.”

How, where necessary, these issues were addressed

The District Council intends to continue the use of settlement boundaries to direct appropriate development, for the settlements stated within the Settlement Boundary Topic Paper. The District Council considers that settlement boundaries provide certainty over where development is likely to be acceptable and can provide a strong premise for defining and protecting the countryside from unnecessary encroachment.

Q.2 Do you think we have identified the correct settlements to have settlement boundaries?

The majority of the consultation responses either state they agree that the correct settlements have been identified to have settlement boundaries or agree with a particular settlement having a settlement boundary. Those settlements specifically mentioned include: Stanton By Bridge, Aston on Trent, Repton, Milton, Hartshorne, Melbourne, Kings Newton, Hilton, Church Broughton and Lees.

In addition one consultee stated they agree that Foremark should not have a settlement boundary.

Reasons given for agreeing with the identified settlement boundaries include: the settlements identified are of an appropriate size and location to warrant the provision of defined boundary; they have been fairly and objectively assessed in the evidence base; prevents ribbon developments and encroachments onto good agricultural land and general countryside; it is essential that small towns and villages keep their identities; it protects the rural village of Kings Newton from Melbourne; and are considered appropriate to have settlement boundaries.

However some (but few) consultees stated no to this question. Reasons given include, Aston on Trent is not really a Key Service Village, any development on the south west side of Linton will require an upgrade to sewage disposal facilities and where there is beautiful countryside as is the case in Linton it is totally inappropriate as would be devastating for the countryside, wildlife and local people.

Furthermore additional settlement boundaries have been suggested:

- Woodville to Hartshorne
- The Derby Urban Area

- All settlements should have defined boundaries
- Mercia Marina should either have its own settlement boundary or be included within the settlement boundary of Willington
- Any settlement identified by a name it has been known by historically is worthy of a boundary
- All settlements in rural areas should have a settlement boundary
- Acresford
- Foremark

Moreover amendments to existing settlement boundaries have been suggested, however these will be addressed within Q3.

A consultee also suggested that the explanation of the policy does not reference any potential implications of additional Part 2 housing allocations to be located on the edge of Derby and/or Burton on Trent in which event settlement boundaries are not proposed. Policy H22 indicates that between 150 and 300 dwellings will be directed to the urban areas, which at this stage may include edge of Derby and Burton (as well as Swadlincote), and so the policy or sub text requires clarification in this respect.

Additionally it has also been suggested by a few consultees that it is worth considering the boundaries of Ticknall conservation area in relation to the settlement boundary.

How, where necessary, these issues were addressed

The District Councils intends to propose settlement boundaries for the settlements identified within the Settlement Boundary Topic Paper. The Council does not intend to establish settlement boundaries for any of the suggested settlements.

It is not considered appropriate to establish settlement boundaries for all settlements. Neither is it felt appropriate to establish boundaries for other reasons given such as settlements identified by a name it has been known by historically, all rural areas, Acresford and Foremark. It is not practical to draw settlements boundaries around more dispersed settlements as it may lead to the consequence of large areas falling within a boundary that is unsuitable for development. In terms of Acresford there are few dwellings within the settlement and the settlement is dispersed and with regards to Foremark the settlement is small scale. However development could still take place within these settlements, subject to compliance with the Local Plan Policies.

The land between Woodville and Hartshorne consists of ribbon development between the settlements and also detached from both settlements. It is considered unnecessary to establish a settlement boundary for this land as it does not logically form its own

settlement. Furthermore it is not considered necessary to establish a settlement boundary for the sustainable urban extensions on the edge of Derby City as they would not form established boundaries due to the not being able to include land within Derby City. The premise for boundaries in the District is that they are complete entities.

Principle 2 of the settlement boundary topic paper states that settlement boundaries do not always need to be continuous and more than one element of the settlement can be established. However Merica Marina is detached from Willington settlement boundary by approximately 1km. It is therefore not considered appropriate to include Merica Marina within Willington settlement boundary though a new policy just considering Marina Development has been included within the Plan to ensure that appropriate development is supported within Marinas. Also, it is not considered necessary or appropriate to establish a separate settlement boundary for the Marina.

In regards to the suggestion that the policy explanation needs updating, no change has been made. The settlement boundaries will be updated to include the allocations made within the Part 2 Plan.

Q3.Do you wish to suggest any changes to the proposed boundaries?

A large number of alterations were suggested through the consultation. These include:

- i. Sites with planning permission should not be included within settlement boundaries
- ii. The National Forest at Swadlincote Woodlands should have a boundary also to include Bernard St, Frederick St, Granville St and Court Street, to stop further development.
- iii. Keep Rosliston boundary the same as the last plan.
- iv. The extension to the garden at Pinnins, Stanton By Bridge in 1984 is not included.
- v. Modification 3 in Egginton - the line ought to follow the existing rear boundary of the lane, or at the very least the boundary alignment to area 3 ought to be retained as shown on the 1998 adopted Local Plan.
- vi. Include land to the rear of Broughton Close within the Church Broughton Settlement Boundary.
- vii. Area 9 of Sutton on the Hill should include the 2 new houses granted planning permission (9/2014/0650) but exclude the adjoining paddocks and rear gardens of Field House, The Birches and Bank House.
- viii. Area 6 of Sutton on the Hill should change to reflect the creation of a new driveway to barn conversions (application number 9/2011/0312).

- ix. The settlement boundary at Repton's north west corner should include Tanners Lane at least up to and including 36 and 38 Tanners Lane and include the entire sports centre at Repton School.
- x. Include Bower Hill, Well Lane, within Repton settlement boundary.
- xi. Include the rear garden of The Old Hall, Etwall Lane, Burnaston
- xii. Area 6 Swarkestone – Include permission 9/2008/1021 which has commenced for a barn conversion and carport.
- xiii. The 1998 Local Plan includes an area Fronting London Road – the proposal deletes this land from the limits and sets its back on the opposite, northern side of the road. As drawn there is a defined line on the ground and therefore the principle is satisfied. It is not at all evident in any event why the boundary has to be taken to the opposite highway boundary.
- xiv. The development boundary of Findern should be amended to incorporate ribbon development at Burton Road and Doles Lane.
- xv. The Swarkestone settlement boundary should recognise the extent of the residential curtilage of Trentside Cottages.
- xvi. The Swarkestone boundary should tightly follow the residential boundaries of the properties as it does on east Trentside, not the line of the footpath.
- xvii. The boundary to the West of Trentside in Swarkestone should tightly follow the residential boundaries of the properties.
- xviii. Keep land to the south of Church Street, Netherseal within the settlement boundary
- xix. Netherseal settlement boundary should extend eastwards to 42 Church Street to encompass the adjacent paddock and the built form of Mill Farm.
- xx. Land at Church Lane, Newton Solney should be included.
- xxi. Areas 22(25 -87 Chellaston Lane) and 23 (agricultural buildings to the south of Chellaston Lane) of Aston On Trent should be included within the settlement boundary
- xxii. Houses on Sleepy Lane and further down Trent Lane, the full garden of 32 Trent Lane and the full garden and orchard at Kings Newton House, should be included within Kings Newton settlement boundary
- xxiii. Swadlincote Urban Area boundary should be amended to include land to the south of Station Street (i.e. land between Station Street and railway line).

- xxiv. The settlement boundary of Hilton should be amended to align with the Local Plan Part 1 allocation (and now planning permission), as the western part of the proposed boundary does not precisely align with the allocation and permission.
- xxv. The settlement boundary for Willington should be amended to include the land granted planning permission for 60 units of holiday accommodation (9/2012/0027).
- xxvi. Willington Settlement Boundary excludes Derwent Court, Findern Lane, parts of Castleway, east of Fern Close and Wheatfield Court, which are part of the village.
- xxvii. Changes to the settlement boundaries to include additional housing sites in Repton.
- xxviii. Upon allocation the settlement boundary of Hilton should be extended to include Site S0023
- xxix. Include extension of Etwall Settlement boundary to include land east of Egginton Road.
- xxx. The proposed settlement boundary for Linton should include land at Cauldwell Road, Linton as an allocation for residential development.
- xxxi. The proposed settlement boundary should include land at Bond Elm, Melbourne as an allocation for residential development.
- xxxii. Charnwood and Blakefield House Jawbone Lane and the immediate land around are Kings Newton not Melbourne.
- xxxiii. Land to the north and haulage depot yard should be included within Kings Newton settlement boundary
- xxxiv. Existing housing to the east of settlement boundary at Station Road Melbourne should be included within the boundary
- xxxv. Land at Lambert House, land to the south of Smith Avenue, 172 Derby Road and land to the west of the housing development at Kings Newton Road should be included within Melbourne Settlement boundary
- xxxvi. Ticknall settlement boundary should include the dwellings on Main Street to the east of Calke Abbey entrance.
- xxxvii. Poplar Farm In Overseal has recently been granted planning permission and should be included within the settlement boundary
- xxxviii. The settlement boundary amendment at Repton (number 17) is fields not the properties gardens.

- xxxix. The curtilage of the Poplars, Newton Soleny, should be included within its entirety in Newton Solneys settlement boundary
- xl. The settlement boundary of Etwall should include SHLAA reference S0265
- xli. Include land at Marcella House, Church Broughton within Church Broughton settlement boundary
- xl. Mount Pleasant should encompass the whole of Castle Gresley Parish and renamed as such.
- xl. The boundary should include Priory Farmhouse and Cottage Farm, Cauldwell
- xl. Move the proposed boundaries to the north west side of the Linton
- xl. The Aston on Trent settlement boundary (along with others) needs revising on order to allow the settlement to accommodate further sustainable housing growth.
- xl. Reinstate the original boundary of Milton in the south eastern corner
- xl. Ticknall Settlement boundary should include SHLAA site S0267.
- xl. Hartshorne settlement boundary should be amended to include land to the rear of 43 Repton Road, where permission for 7 dwellings has been granted.
- xl. If the settlement boundary is moved around SHLAA site S0017, can the boundary move around 13a Burton Road, Castle Gresley, instead of it sticking out on a limb, as it already separates the garden from the house.
- I. Repton settlement boundary should include SHLAA sites S0116, S0101 and S0089
- li. Rosliston settlement boundary should be amended to include SHLAA site S0175
- lii. Swadlincote settlement boundary should be amended to include SHLAA site S0092
- lii. Castle Gresley Parish Council believes the Parish Boundaries should be shown.
- liv. Consideration should be given to the opportunity to accommodate development on land to the north of Derby Road, Melbourne through allocations and the settlement boundary should reflect the allocations.
- lv. The proposed settlement boundary for Repton should be removed and a criteria based policy used.
- lvi. The settlement boundary of Overseal should include SHLAA site S0250
- lvii. The settlement boundary of Aston should include SHLAA site S0271 and S0272.
- lviii. The settlement boundary of Hartshorne should include SHLAA site S0245

- lix. The settlement boundary of Shardlow should include land to the north of London Road, Shardlow, which benefits from an extant planning permission for a new farmhouse.
- lx. The existing curtilage of 83 London Road should be included within the settlement boundary.
- lxi. Include land at Ingleby Lane, Ticknall within Ticknall settlement boundary.
- lxii. The settlement boundary of Stanton by Bridge should remain the same as the existing settlement boundary at reference point 8.

How, where necessary, these issues were addressed

Planning Policy officers reviewed the suggested alterations against the principles set out within the Settlement Boundary Topic Paper. Aerial photographs, the District Councils Geographical Information System Mapping, Google Street View and site visits, were used/undertaken when applying the principles.

Those suggested alterations which complied with Principle 1, 2 and 3 were included. For example, the SHLAA sites proposed as Part 2 allocations (Principle 3a) and all those sites with planning permission which are physically/functionally related to the settlement (Principle 3b) have been included within the relevant settlement boundary.

In addition suggestions which include land and curtilages of buildings which relate closely to the character of the built form have been included within settlement boundaries (Principle 3c). For example dwellings at Tanners Lane, Repton School sports facilities buildings and the dwellings at Well Lane, Repton, have been included within Repton settlement boundary as the land relates closely to the character of the built form (Principle 3c).

However those suggestions which did not comply with Principle 3 and complied with Principle 4 were not included within the settlement boundary. For example the houses at Trent Lane and Charnwood and Blakefield House Kings Newton have not been included within Kings Newton settlement boundary as they are physically detached from the settlement (Principle 4c). Similarly, the curtilage of Poplars, Newton Solney has not been included within the Newton Solney settlement boundary. If the curtilage was included and developed the site could have the capacity to detrimentally impact upon the form and character of the settlement (Principle 4a).

H22: Part 2 Housing Allocations

Q4. Do you have any comments regarding the proposed distribution of 600 dwellings across the District?

Some comments of support have been received for the policy. A few consultees have suggested that the proposed distribution appears reasonable; another suggests they

support that the policy does not promote any development to settlements below rural village designation; a further consultee suggests that they agree with the strategy to allocate the additional housing across villages broadly in line with the existing size of the village and; an additional respondent suggests that the proposed distribution will deliver housing growth to locations which have the local services and facilities to support the growth and form local sustainable locations.

However some amendments to the policy have been suggested:

- It should be made clearer that the 150 dwellings distributed within the Local Service Villages and Rural Villages, should be first directed within the Local Service Villages, in preference to the Rural Villages.
- The Council should allocate in excess of the minimum level of development
- The upper range figures in each locational category should be used
- 600 dwellings should be a maximum number of dwellings, based on current infrastructure
- 850 dwellings should be the minimum figure taken forward
- 400 dwellings should be allocated within Key Service Villages
- A separate number of dwellings should be set for Rural Areas.
- Given the level of development allocated within Urban Areas within the Part 1, a lower level of development should be allocated within Part 2, allowing a higher level of growth to be allocated to Key Service Villages.
- The policy incorrectly identifies the range of houses to be delivered is between 500 to 850 dwellings rather than 450 – 850 dwellings.
- There is an unfair bias towards Key Service Villages

In addition it has been suggested that brownfield sites should be used and greenfield sites should not be built on and that development is needed where there is access to regular transport, primary and secondary school availability and availability of nearby shopping centres and the impact on existing local infrastructure needs to be a priority in the decision making process. Moreover it has been suggested that the proposed distribution appears to be developer driven rather than need/capacity of villages.

Furthermore some consultees have stated that existing development and allocations within the Local Plan Part 1 should be taken into account when allocating Part 2 housing sites.

Specific opposition was received for the following Strategic Housing Land Availability (SHLAA) sites S/0271, S/0271, S/0026 and S/0062 (Aston on Trent), S/0084 and S/0169 (Winshill), S/0113, S/0049 (Mickleover) and S/0152 (Hatton). Furthermore opposition to development within Swadlincote, Aston, Weston, Mickleover, Etwall, Hatton, Church Broughton, Hilton, Melbourne, Kings Newton, Dalbury, Lees, and Linton was also received.

However it has been suggested that the following settlements would be suitable for development; Swadlincote, Melbourne, Repton, Hilton, Etwall, Linton, Hartshorne, Rosliston, Overseal, Aston on Trent and Shardlow.

How, where necessary, these issues were addressed

The element of 600 dwellings is set through the strategic policy S4 in the Local Plan Part 1 to enable the delivery of non-strategic sites of less than 100 dwellings. The number is a minimum as the overall housing target is a minimum which has now been agreed by the Inspector as sound and legally compliant so it cannot be set as a maximum amount.

The sites that were consulted on are not all required in order to meet the requirement of at least 600 dwellings. Whilst a target was set per settlement hierarchy tier, this is also dependent on appropriate sites being found which is supported through work on the Sustainability Appraisal.

South Derbyshire has one main town in Swadlincote and the rest of the settlements are of a range of sizes none of which have services and facilities comparable to Swadlincote. The settlements can only be assessed against each other and ranked according to the number of services and facilities each one has and those in the higher tiers have more services as opposed to those lower down. Growth should be directed at the more sustainable locations in the District to be in line with the National Planning Policy Framework though allocations in lower tier settlements will be made if it is appropriate though at a low number of dwellings.

Q5. Do you have any comments to make regarding the housing site options for Part 2 shown on the maps?

A large number of responses were received in regards to this question. The majority of the responses received were either objections in regards to specific potential housing sites or objections to development within a specific settlement. A brief summary of the objections received per settlement is below:

Aston on Trent

General issues were raised in regards to development within Aston on Trent – the village school is oversubscribed and Chellaston Academy is at capacity, healthcare is at breaking point, traffic congestion is already a problem and further development will only add to the issues and there is already sewerage and drainage issues within Aston.

Specific comments regarding the Aston On Trent housing site options were also received:

S/0062 – Development of the site would; put excess strain on the local infrastructure; would close the gap between Weston and Aston, development of the site would destroy the wildlife in the woodland.

S/0061 – Development of the site would increase flood risk

S/0026 – Development of the site would affect the size of the village

S/0230 – Flooding on the site

S/0272 – The site is close to a nature reserve and near to a cemetery, development on the site would shatter the peace; the access road to the site is narrow

S/0271 –There is flooding on the site; Moor lane is a single track road; the surrounding houses are single storey; development of the site would lead to damaging hedgerows on the site; development of the site would extend the village.

S/0026 – Development of the site would be out of proportion to the current size of the village

S/0093 – Development of the site would be infill land and against the wishes of the village as stated in the village plan. There is existing flooding on the site.

Castle Gresley

Some concerns regarding development within Castle Gresley were received: there is concern regarding foul flooding and risk of pollution; the amenities within the settlement are insufficient to cope with the existing development within the settlement; all sites will denude views of the landscape in particular views towards the scheduled ancient monument of Castle Knob, National Forest and distant horizon; Irrespective of the level of retention of trees and hedgerows, development will put further pressure on ecology, particularly where wildlife corridors are further constrained; the settlement has no schools, very overcrowded roads - especially the A444 and a single medical centre that is grossly oversubscribed.

Specific comments regarding the Castle Gresley housing site options were also received:

S/0239: there are no services connected to this land; the entry/exit to the site is from Oak Close which is already an heavily populated housing estate; the site contains a wealth of wildlife; development of the site will have a detrimental effect on the character of the village and on indigenous occupants identification with its rural nature; the site is arable land; the site is susceptible to water draining; the surface water from such development will further impact on the volume being directed to the White Lady which is at capacity; the infrastructure of the area is not suitable to sustain the growth of the development

S0147 - High risk of flooding on the site

S0017 - Access on to the highway is constrained; the site would have detrimental effects on the character of the village and on occupant's identification with its rural nature.

S0142, S0239 – The sites have highway issues; the sites would have detrimental effects on the character of the village and on occupant's identification with its rural nature.

S0098 – The site has some flood risk and is next to the recreation ground; the site would have detrimental effects on the character of the village and on occupant's identification with its rural nature.

S0097 - The best option for access and the area; there are a number of cars parked on the left hand side of the road – where will they part of the site is developed?; there would be noise pollution from construction of the site; the development would overlook properties; access to the site would cause disturbance for neighbouring properties; the site contains wildlife; the site would have detrimental effects on the character of the village and on occupants identification with its rural nature.

Church Broughton

General comments were received regarding development within the village - Church Broughton has limited services – no shop, post office or other amenities, the bus service is once a week, boggy lane is very wet and the sewerage system is close to capacity.

Specific comments regarding the Church Broughton housing options were also received:

S/0189 – Access to the site is constrained; there is flooding on the site; development of the site would lead to the loss of greenfield sites

S/0043 – The site is not well related to Church Broughton and development of the site would be highly visible.

S0263 - This site is well outside of the village settlement boundary and we would not envisage that this site could be developed until after any potential development of S0054.

S0054 - There are flooding issues on the site and there is concern that development of the site would lead to development of S/0263 in the future.

S0264 - There is access to two roads from the site, but these would need some re-enforcement. The far southern part of this site is highlighted on the Environment Agency Flood Map and as such this particular section of the proposed site may not be suitable for development.

Dalbury

It has been commented that Dalbury is only a Hamlet with no local school provision or bus route and lacks a main sewer. The road to the site is only a single track road and development of the site could cause danger on the roads.

Etwall

Concerns received regarding development in Etwall include; traffic congestion is already in a problem; the bus service is not very good so residents will drive; Etwall Settlement area should not expand beyond the bypass, old railway line and the A50.

Specific comments regarding the Etwall housing site options were also received:

S/0265 – The site is outside a reasonable village boundary; however one consultee states the site should be considered only as an option for school expansion

S/0253 - The site would presumably affect the aspect of the nearby listed building so should have been considered unsuitable.

S/0036 - The site was refused at appeal

S/0063 - The site was refused at appeal

Findern

It was stated that S/0010 and S/0228 would add considerable extra volume of water on Doles Brook, which could cause flooding and that S/0288 is within the countryside and is crossed by a footpath which would be spoilt if built around.

Foremark

A consultee stated that the settlement is below rural village designation and there would be a clear conflict with Policy H22 if the site in Foremark was allocated. The settlement is not a sustainable location for future housing growth and the site has prominent woodland coverage.

Hartshorne

One consultee suggested that site S0052 and S0215 should be Local Green Spaces and not allocated. The consultee goes on to add that site S/0233 and S/0208 are too large and would be a major intrusion in the countryside and that site S/0208 would cause additional traffic congestion on the road network.

Hilton

It was stated that option S0014 to the southwest of the village is on the flood plain and does not seem a viable option. The other options would only add to a very large housing estate that has little infrastructure filling in green countryside up to and alongside the A50.

Lees

Responses were received objecting to all the SHLAA sites within Lees. The reasons given include: development of the SHLAA sites will overwhelm the village; the sites lie outside the settlement boundary; development of the site will lead to the loss of countryside; new housing development has already taken place within the village; the existing infrastructure would not be able to cope; there is no mains gas within the village; there is only a demand response bus service; development would lead to the loss of wildlife due to decrease wildlife habitat; development would lead to more light and noise pollution and development would change the nature and character of the linear settlement.

Linton

Consultees have stated that Linton is a village with few amenities, with a school at capacity and the local infrastructure would not be able to cope with additional development. It has also been stated that the sites would drain into the holding tanks of the pumping station on Colliery Lane which has difficulty coping currently and regularly overflows. It was stated that the people of Linton do not want the village to expand and the sites should stay as countryside.

Melbourne and Kings Newton

The main comments received in regards to Melbourne and Kings Newton are that development of sites S/0225, S/009 and S/0226 would be detrimental to the effect of heritage assets and would lead to coalescence of Melbourne and Kings Newton.

It has also be raised by some consultees that the housing sites provide the potential to build a further 410 houses in Melbourne and this not sustainable. Existing housing commitments needs to be taken into account.

Mickleover

Objections have been raised regarding the housing site options around the Mickleover area.

Concern has been raised regarding the impact development of SHLAA sites S/0113, S/0049, and S/0048 would have on the traffic congestion. One consultee states that the development should not be looked at in isolation in regards to impact on the highway network.

Another consultee states that development of the sites along Hospital Lane (S/0158, S/0113 and S/0048) will take away green belt land, spoil the Mickleover Cycle track green route and will develop the green space enjoyed by the residents of the Pastures Hospital Estate.

One consultee is concerned that if sites S/0013, S/0048 and S/0029 and S/0049 are allocated along with Hackwood Farm and Newhouse Farm (allocated within the Part 1 Local Plan), the existing community of Mickleover will be cut off from the local 'valued and cherished; green countryside'.

Milton

The comments received stated that Milton is not a sustainable village and consultees have raised that the responses from Repton Neighbourhood Development Plan survey, did not demonstrate any appetite for development in Milton.

Overseal

One consultee states that S/0022 will have impact on the local roads, S/0250 will dominate that size of the village and S0013 and S0053 floods and is a nature reserve. Another consultee states that S/0013 and S/0053 requires proper access to be suitable and S/0141 is acceptable.

Repton

The comments received included; Repton has already taken growth within the Local Plan Part 1 and that the Neighbourhood Development Plan survey did not demonstrate any appetite for development within Repton and If development is to be forced onto Repton then the Neighbourhood Development Plan survey is clear that the sites should be limited to no more than 10 dwellings; the sites are too far away from the centre of Repton; any development would result in increased car usage on roads that are already very congested at certain times of the day; the village services would not be able to cope with further development

Specific comments were also received regarding the Repton housing site options:

S/0089 - Should be classified as inappropriate. It provides an important strategic gap between Repton core village and the hamlet of Mill Hill

S/0101 & S/0116 – Development would extend the Repton envelope; it is an area of natural beauty with wildlife; houses would overlook the dwellings in Burdett Way, as the proposed site is on an upward elevation; there are open areas within the local envelope that should be developed before extending the settlement boundary.

Rosliston

A few consultees have raised concern about the impact development would have on a 'small national forest village'.

Specific comments were also received regarding the Rosliston housing site options: Particular concern has been raised regarding development of S/0274. Consultees have stated that the site is an important recreational community facility with the village. Rosliston Parish Council states that they have a licence to rent a large proportion of Strawberry Land Playing Field.

S/0262 – A consultee has stated that the development threatens the expansion of the village boundary into the National Forest area and another state the site is totally out of character of the village.

S/0177 – A consultee has stated that the entrance to the site would be onto a busy road.
Stanton Bridge

One consultee suggested that if site S/0123 was considered suitable especially on addition to S/0124, the whole character of the village would change. In addition there would be increased traffic on what is a narrow, congested and poorly maintained road through the village.

Swadlincote

It has been suggested by a consultee that most of the housing allocations should be within Swadlincote as it has good services, however it has been suggested by another consultee that further development within Swadlincote and Woodville would call chaos.

Specific comments were received regarding the Swadlincote housing site options:

S/0208 and S/0248 would cause an increase in traffic. The settlement boundary would need to be expanded to include the site and local infrastructure is inadequate.

S/0105A should be avoided, there are accidents on the road known as 'Murder Mile' on a weekly basis and increase traffic should not be added to the road.

S/005 – The site is excessively large, would be a major intrusion into the open countryside between Hartshorne and Goseley Estate, would cause traffic congestion and would be unsustainable.

Ticknall

The following comments have been received regarding development within Ticknall: the sites have flooding issues; the village doesn't have the services to accommodate growth and are overstretched; additional houses would be detrimental to the historic nature of Ticknall;

Ingleby Lane is very narrow; traffic speeds within the village area is an existing problem; the road system is not capable of handling further traffic increase; and development would comprise the footpaths through the sites.

Weston on Trent

It has been suggested that development on sites S/0025 and S/0042 would be out keeping with the varied low density housing and open plan of Weston Village. Both proposed development sites will increase traffic and place additional strain on the very limited resource in the village and flood risk is a concern within the village.

Willington

It has been stated by consultees that over the last 5 years the village has experienced housing growth; there is pressure on local facilities; further development would put pressure on the drainage infrastructure which is near to capacity; and the proposed sites are located outside of Willington settlement boundary and therefore should be protected from unnecessary encroachment.

Winshill

A consultee stated that site S/0084 does not enhance Newton Solney and another stated that development of the site would be contrary to policy H1 of the Local Plan Part 1 and would be a strategic site.

However some responses were also received promoting particular SHLAA sites for allocation within the Local Plan Part 2, these include:

S/0123 North side of Church Close, Stanton By Bridge

S/0124 South side of Church Close, Stanton By Bridge

S/0260 Chestnut Avenue, Foremark

S/0011 Land off Ingleby Lane, Ticknall

S/0267 Land at Ashby Road, Ticknall

S/0019 Former Nursery, London Road, Shardlow

S/0216 Wyevale Garden Centre, Burton Road, Findern

S/0049 Land at A516/Staker Lane, Mickleover Derby

S/0023 Land off Derby Road, Hilton

S/0084 Land at Newton Road, Burton on Trent

S/0176 Breach Lane, Melbourne

S/0225 Bond Elm, Jawbone Lane, Melbourne

S/0265 Land north of Derby Road and east of the A516 Etwall

S/0036 Land at OS Part 1546, Derby Road, Etwall

S/0089 Adjacent to Mount Pleasant Road, Repton

S/0075 Land at Cowlshaw Close/ Aston Lane, Shardlow

S/0076 Land at Aston Lane, Shardlow
S/0245 Woodville Road between 53 and 67, Hartshorne
S/0271 Land off Moor Lane, Aston on Trent
S/0250 Land off Acresford Road, Overseal
S/0134 Burton Road, Repton
S/0253 Land at Willington Road, Etwall
S/0244 Land at Acresford Road, Acresford
S/0052 Land off A514 Main Street, Hartshorne
S/0062 Land to the east of Weston Road, Aston on Trent
S/0026 Valerie Road./ Chellaston Lane, Aston on Trent
S/0163 Land at 102 % 104, northern fringe of Derby Road, Aston on Trent
S/0040 Land at Uttoxeter Road, Foston
S/0248 Land west of Longlands Lane, Midway, Swadlincote
S/0175 Burton Road, Rosliston
S/0257 Land off Milton Road, Repton
S/0130 Land east of Milton Road Repton (the north west element of the site)
S/0051 – Land to the east of Rosliston Road South, Drakelow

In addition the following new (SHLAA) sites were submitted and promoted through the consultation:

S/0278 Land at Bower Hill, Well Lane, Repton
S/0279 The Old Hall, Etwall Lane, Burnaston
S/0280 Land the rear of 131 Woodville Road, Hartshorne
S/0282 Land off Kingfisher Lane, Willington
S/0283 Land south of Caldwell Road, Linton
S/0284 Land east of Egginton Road and north of Jacksons Lane, Etwall
S/0285 Land at Derby Road, Melbourne
S/0286 Land south of Church Street, Netherseal
S/0290 Bridge Farm, Barrow on Trent, Sinfin Lane, Derby
S/0291 Land north of Scropton Road, Scropton

How, where necessary, these issues were addressed

Comments on individual sites have been considered and the evidence used in assessing the site through the Sustainability Appraisal process. This has established the most suitable sites to recommend for allocation which will be further consulted on.

Q6. Do you have any comments or further information on the housing site pro-formas?

(i) A number of respondents ask for amendments to the site scoring in the proformas based upon:

- new information which was not included with the original SHLAA submission, e.g. proposals for affordable housing provision and/or accommodation for older and disabled people on particular sites.
- The identification of factual oversights, e.g. the primary school at Ticknall is not a state school as inferred by the SA comments in relation to sites within that village.
- Disagreement as to the interpretation of the SA criteria, e.g. it was felt by the Church Commissioners that the Council's interpretation of the value of new development in regard to reducing numbers of residents with no or lower level qualifications was too negative.
- Perceived discrepancy between the Council's written assessment of site performance against the SA criteria and the score awarded
- inconsistencies between the way the Council has interpreted particular criteria between one site and another, e.g. in relation to the availability of capacity at John Port School.
- Planning decisions made subsequent to the drafting of the latest version of the SA. E.g. in relation to site S0036, an appeal decision acknowledged that proposals for the site would enhance biodiversity and ecological value, contrary to the SA scoring.

(ii) A number of respondents take issue with the methodology employed in the following respects:

- In some cases information is not available or very subjective assessments are made. This leaves the process open to misinterpretation or manipulation.
- The scoring conventions are inappropriate and often make arbitrary assumptions e.g. some respondents take issue with the distance thresholds used in measuring the accessibility of services and facilities, arguing that 2km is the accepted walking threshold.
- Some of the key criteria are unclear, e.g. in relation to "will it reduce the number of people involved in accidents", it is not clear whether this refers to accidents in general or just road accidents;
- The inclusion of some of the key criteria is inappropriate, e.g. the availability of school places is a matter for the Local Education Authority and should not be regarded as a development constraint.

- There is no weighting of the key criteria to place greater emphasis on some over others, nor an overall score for each of the sites to allow an assessment of their relative suitability.

How, where necessary, these issues were addressed

All the points made by the respondent are addressed above and there are no outstanding issues raised that would lead to the conclusion that there is a need for a more fundamental review of the scoring system by refining or combining categories, as the respondent proposes.

(i)

- Where new information is provided that was not previously known to the Council this has in a number of cases lead to changes being proposed to the scoring.
- Factual oversights have been addressed by making amendments as necessary.
- Where SA criteria have been interpreted in a different way by the respondent and the Council, this has sometimes been due to the respondent not fully understanding the conventions that have been used. In such cases no changes have been proposed. In other cases the respondent has proposed a more appropriate interpretation of the criteria than that used by the Council and the written comments and/or scoring have been amended accordingly.
- Where the Council agrees that discrepancies exist between the written assessment of site performance against the criteria and the actual scoring, amendments have been made.
- Where there are inconsistencies in the comments and scores attributed to the same key criteria on different sites, these have been reviewed and amended accordingly.
- Where planning decisions subsequent to the latest draft of the SA contradict the site assessments, amendments have been made to the relevant comments and/or scoring.

(ii)

- To avoid any potential inconsistencies the individual criteria are scored in accordance with a standard set of conventions, set out at the back of Appendix C. These have been slightly amended for clarification, where necessary
- All the respondents' comments on the scoring conventions have been considered, but it has not been considered necessary to change the meaning of any of the conventions. However, where it is clear that development proposals for specific sites are inconsistent with the scoring standard assumptions, the conventions have

been set aside, e.g. where the site promoter has made it clear that affordable housing is proposed in a development of fewer than 15 dwellings.

- Where there is uncertainty as to the meaning of particular criteria, the wording of the scoring conventions have been reworded for clarification.
- In regard to the weighting of key criteria, the SA process is intended to provide a broad assessment of the sustainability of the sites under consideration. The approach to identifying allocations allows scope for factors other than those identified in the SA, to be weighed in the balance. These may include any mitigation that may be proposed by the developer; the cumulative impact of allocating more than one site in a particular location, or any wider community benefits that may be secured through allocating particular sites. The weighting of factors and the calculation of overall scores for individual sites could be misleading in that it would imply that there were no other determining factors in the choice of sites beyond those specifically identified in the SA.

H23: Infill

Q7. Do you have comments on the scope and content of this policy?

A mixed response was received regarding this policy, some in support of the policy, others objecting/raising concerns.

Comments received in support of the policy include:

- i. Policy seems reasonable
- ii. Very comprehensive
- iii. Appears to give protection outside settlement boundaries (some have added provided boundaries are enforced)
- iv. Provides suitable opportunities for limited infill of existing smaller areas of housing within the countryside.
- v. Small scale development is better use of land that would not otherwise be any use.
- vi. Two dwellings seems reasonable

Further caveat responses have also been received; these included yes, provided: the site can adequately house the dwellings; is in keeping the neighbouring properties and character; the curtilages of boundaries are appropriately identified.

Comments received raising concern/objections include:

- i. Only allowing infill development causes too much building being squashed into infill opportunities and inappropriate density development.
- ii. The policy doesn't make reference to appropriate scale or style of housing to fit in with the countryside and existing housing.
- iii. The policy is counter to the Governments aspiration established in the Framework that development which is sustainable should be approved without delay.
- iv. We should be building close to industry/jobs, not in countryside.
- v. Gap is a very indefinable word when applied to planning.
- vi. Development outside of settlement boundaries should not be restricted to infill – there will be opportunities for appropriate development which is sensitive to the local setting.
- vii. Should only be adopted in relation to the smallest group of houses (hamlets of no more than say 4/5 dwellings) and a wider use of settlement boundaries should be adopted.
- viii. The policy should clarify a small gap or small groups
- ix. Presumption in favour of development is contrary to protection of the countryside. Policy has no grounding in NPPF.
- x. The policy should be reworded to state “outside of settlement boundaries, new housing development will be permitted provided it represents the infilling of a small gap within small groups of housing”
- xi. In certain places, gaps between dwellings may make an important contribution to residential amenity, landscapes and townscape character, views etc. In such cases, infill development is less likely to be inappropriate. It would be helpful if Policy H23 and its supporting text made reference to the importance of these considerations

How, where necessary, these issues were addressed

The policy has been incorporated into BNE5 Development in the Countryside, though no changes to the policy wording have been made based on the comments received.

It is considered that an infill policy is consistent with Government policy. In addition it is considered that policy BNE1 of the Local Plan Part 1 deals with a number of the comments consultees raised. This Policy would be used in the determination of any proposed infill application along with the relevant infill policy or criteria. Policy BNE5 ensures that development contributes towards achieving continuity within the street scene is visually attractive, possess a high standard of architectural quality, respects important landscape,

townscape and historic views and vistas and development should respond to their context and has regard to valued landscape, townscape and heritage characteristics.

H24: Replacement Dwellings in the Countryside

Q8. Is the policy sufficient to safeguard the countryside from inappropriate dwellings? (Please give reasons)

The majority of consultees agree that the policy is sufficient to safeguard the countryside from inappropriate dwellings. Some however stated that the policy provides some protection and others have added a caveat to their response: Yes providing the design is in keeping with the area/environment and yes but replacement dwellings need to recognise the character of the existing buildings and not be architectural statements.

Some consultees however stated no to this question. The reasons provided include:

- i. No – because to SDDC housing is more important than the countryside, village life and existing residents wishes and needs
- ii. No. All of the above locations are greenfield sites and does not consider brownfields sites
- iii. Seems unlikely much evidence in Melbourne of developers running rings round planning regulations
- iv. No it clearly is not and you need to work harder to prevent ruining the countryside surrounding Linton

Furthermore amendments to the policy have also been suggested. Derbyshire County Council recommends that additional text could be included to ensure that replacement dwellings are sympathetic to the character of the area:

“iv) The scale, layout and design are sympathetic to the character of the area.

v) They are designed to minimise visual intrusion on the landscape through, sympathetic siting, design, materials and colour

Historic England suggests that a further criterion be added “the existing dwelling to be demolished is not of architectural or historic merit”.

In addition a developer has suggested concerns with the policy content/wording:

- There might be opportunities for a replacement dwelling with a larger form and bulk than the original to be accommodated on a different footprint to the existing dwelling and to either have the same or less impact on the character and appearance of the countryside.

- The policy refers to site and whereas the supporting statement refers to footprint, this needs clarification; however site is preferred to footprint.
- There should be no restriction on the subdivision of a replacement dwelling to provide an increase in the number of dwellings. The provision of replacement dwellings on more than “like for like” basis might provide a useful source of smaller, more affordable dwellings in the rural areas (assuming similar floorspace/form/bulk/permitted development limitations apply).

How, where necessary, these issues were addressed

The policy explanation has been amended to state site, rather than footprint, to ensure that the policy and explanation are consistent.

It is considered that the policy already allows some movement of the location of the replacement dwellings, by the policy stating “the new dwelling has substantially the same siting as the existing”. In addition the policy does allow for a larger replacement dwelling as the policy “the form and bulk of the new dwelling does not substantially exceed that of the existing or that which could be achieved under permitted development”.

This policy is in regards to replacement dwellings. If an applicant proposes the demolition of an existing dwelling and the erection of two or more dwellings, other Local Plan policies will be used in the determination of any application.

Derbyshire County Councils wording has not been included within the policy. BNE1 of the Local Plan Part 1 ensures that, “New development should be visually attractive, appropriate, respect important landscape, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality”. Furthermore the policy wording has been amended to ensure that replacement dwellings are “not more intrusive in the landscape than that which it replaces”.

However to help protect Non-designated Historic Assets Historic England’s criterion has been added to the policy.

H25: Rural Workers Dwellings

Q9. Is the policy sufficient to safeguard the countryside from inappropriate dwellings? (Please give reasons)

The majority of consultee respondents, that is over 71%, either agreed that the policy was sufficient to safeguard the countryside from inappropriate dwellings or were neutral on the subject. Some added a caveat to their response, sometimes in the form of a condition or criteria to be added to the policy, such as that the dwelling should not be able to be sold for residential purposes for at least 30 years, nor a change of use permitted.

8% of respondents felt that the policy was not sufficient to safeguard the countryside in this regard and stated no to this question; the reasons provided include:

- i. No. High density buildings and the pollution generated from it are no safeguard at all; in fact just the opposite.
- ii. No – given the choice we would rather you didn't build on our fields as many of us enjoy the wide range of wildlife, birds, insects, bats and mammals which roam freely and safely, killing off valuable sources of food for them.
- iii. No – not enough consultation with locals.
- iv. Seems unlikely based on recent experience.

One comment on behalf of a developer states that policy criteria iii) sets out a financial test which was part of Annex A of PPS7 yet does not now appear in Paragraph 55 of the NPPF. As such the Council needs to be satisfied that the policy approach is consistent with the NPPF. Two respondees commented that A iv) should not refer to “within the locality”, another that priority should be given to brownfield sites.

Amendments to the policy have been suggested and are summarised below.

- Derbyshire County Council recommends additional text to part B “They are designed to minimise visual intrusion on the landscape through sympathetic siting.”
- Suggestion that the condition be added that the dwellings can only be occupied by rural workers.
- A planning consultancy responding on behalf of different individuals stated that the wording of the policy was overly restrictive. They suggested that criterion i) was too restrictive in requiring an existing functional need, as some new enterprises would require an on-site presence from the outset. Furthermore if the need is genuine then to insist on a temporary rural workers' dwelling for the first 3 years is not necessary. Regarded criterion ii) a re-wording was suggested to remove reference to agriculture and forestry, or otherwise to provide further clarification that the policy applies to a wide range of rural enterprises. Regarding criterion iv) a re-wording was suggested to acknowledge that any existing dwellings on the unit or nearby also need to be suitable and available before they can fulfil the identified functional need.

How, where necessary, these issues were addressed

Regarding the consistency of criteria iii) of the policy with the NPPF, the wording has been amended to reflect the NPPF and now refers to the rural-based activity being sustainable, with the prospect of remaining so. In response to Derbyshire County Council's comment,

the phrase “to minimise visual intrusion” has been incorporated into the policy. Regarding including a condition restricting occupancy to rural workers, this had previously been included in the explanation to the policy but has now been moved to form part of the policy itself. Regarding the final bullet point above, where an on-site presence is required from the outset this is covered by temporary rural workers’ dwellings, and; reference to agriculture and forestry have been removed from the policy wording. That existing units would need to be suitable and available is self-evident.

H26: Residential Curtilages

Q10. Do you have any comments on the scope and content of this policy?

Over a quarter of respondents to this policy had no particular comment to make. A further 38% expressed support for the policy scope and content. Derbyshire County Council suggested a change to the explanation, due to most landscapes having been altered at some point, to: “However, it can also result in the unacceptable domestication of land in a rural landscape”. A planning consultancy suggested that the policy should refer to domestic gardens rather than curtilage, as “the latter is not a use of land and not always clearly identifiable”.

Other comments and suggestions included:

- i. Garden development should not be allowed where it impinges on historical open spaces.
- ii. The definition of unduly detrimental should be more clearly defined.
- iii. Changes of use should be in keeping with size and scale.
- iv. The key issue is non-intrusion into the Countryside.

How, where necessary, these issues were addressed

The policy as revised refers to residential gardens in the Countryside, instead of residential curtilages, and the amendment to the explanation suggested by the County Council has been made. The policy has been simplified, no longer having three criteria, instead solely not allowing detrimental domestication of the Countryside.

H27: Development within Residential Curtilages

Q11. Do you have any comments on the scope and content of this policy?

Nine consultees stated no to this question and one just stated yes. The majority of the rest of the comments were in general support of the policy.

However one consultee is concerned the policy provides a mechanism for getting around restrictions on building in local fields and another states there should be higher specifications for accesses on the A roads.

In addition amendments to the policy have been suggested: the policy should deal with the urban-rural interface so that potential landscape and visual effects on the countryside are minimised; the policy should refer to land used as domestic gardens rather than curtilage as the latter is not a use of land and nor clearly identifiable and the policy might be strengthened by explicitly excluding separate granny flats in back gardens.

How, where necessary, these issues were addressed

Two policy amendments have been made as a result of the consultee responses. The policy explanation has been updated to state that “Normally such development should be designed so as to fit in with the original dwelling and the street scene in general, minimise the landscape and visual effects on the countryside and designed without creating an overbearing effect and a loss of privacy”. And the words residential curtilage has been replaced with residential gardens.

With regard to the comments made about access on A roads, Policy INF2 of Part 1 of the Plan requires development to have safe and convenient access. In addition it is not considered that this policy provides a mechanism for getting around restrictions on building in local fields. Furthermore the policy has not been updated to explicitly exclude separate granny flats, as in some instances annexe accommodation will be acceptable and comply with the requirements of the policy and its explanation.

H28: Residential Conversions

Q12. Do you have any comments on the scope and content of this policy?

A mixed response was received regarding this question.

Comments of support for the policy include: this is a far better use of previously run down areas and buildings; the policy is consistent with the provisions of the NPPF which permits development in the countryside where the development would re-use redundant or disused buildings; agree its wording; reasonable; standard practice; policy A is agreed; agree there needs to be safeguards in place; the description is appropriate; and support the policy.

The most common concern regarding the policy is that it should support the demolition and rebuilding of existing buildings. Furthermore it has been suggested that extensions can make conversions suitable residential properties.

Other concerns/ suggestions made include:

- i. Section A should be amended to add ‘and the amenities of adjoining properties’.

- ii. Section A should be extended to include Rural Areas in order to encompass small rural settlements lacking a settlement boundary.
- iii. Permitted development rights should still apply.

In addition Natural England stated that where buildings are converted into residential units, it should be ensured that their potential impact as dwellings (including potential drainage issues) be considered against the SSSI Impact Risk Zone.

How, where necessary, these issues were addressed

The policy has not been amended to include 'and the amenities of adjoining properties', as Policy BNE1 h) sets out the requirement that development should not adversely affect the privacy and amenity of nearby occupiers.

In addition the element of the explanation which states permitted development could be withdrawn as a condition of approval for a dwelling, is to remain. Removal of permitted development rights will be assessed on a case by case basis and will be removed when necessary to maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

Furthermore no amendment to the policy has been made in regards to extensions, alterations and rebuilding as the proposal does allow for some alteration, rebuilding and or extensions to take place.

The policy has not been amended to explicitly state Rural Areas. For clarification the policy has been amended to states "Outside settlement boundaries the conversion.....".

In regards to Natural England's comment, no wording to the policy or explanation has been added, as the proposals would be considered against the SSSI Impact Risk Zone during the application process.

H29: Non-Permanent Dwellings

Q13. Do you have any comments on the scope and content of this policy?

Several respondents to this question provided a neutral response and a further few of support for the policy as it stood. Representations were received expressing opposition to, and for tighter regulation of, mobile homes and caravans together with the concern that non-permanent dwellings eventually become permanent dwellings. A representation was received strongly objecting to the policy on the grounds that it was being unreasonable and contrary to the proper functioning of Mercia Marina. The respondent suggested that the policy wording for criteria B state "further moorings within marinas for either leisure, tourism or residential use will be permitted where there is a proven demand and it is in keeping with the scale and character of the marina."

Other comments and suggestions included:

- i. Should the policy also include other non-permanent structures such as tents, canvas structures and camping vehicles.
- ii. Either the policy or explanation may need to recognise that caravans are not usually designed or constructed to be in keeping with the character of an area.
- iii. Paragraph A of the policy needs to make clear that the restriction does not apply to traveller sites.
- iv. Temporary restrictions should be used and enforced.

How, where necessary, these issues were addressed

This policy has been replaced by BNE7: Marina Development. This policy sets out the criteria for granting: new marina development; further development or re-development of existing marinas, and; permanent berths.

BNE5: Development in the Countryside

Q14. Is the policy sufficient to safeguard the countryside from inappropriate development?

A mixed response was received in response to this question. Those providing an outright “no” to the question tended to qualify their answer with a comment that this was because too much development has taken place in the Countryside of late, that any development in the Countryside was not a good thing and/or that housing allocations tend to be on greenfield sites.

Just over a fifth of respondents replied with a yes to the question and considered that the policy was sufficient to safeguard the Countryside.

One house builder suggested that a third bullet should be added to say that “development within the Countryside will be permitted where it meets a demonstrable housing need without undue harm to the setting or wildlife.” Similarly, three developers/planning consultancies suggested that the policy is too restrictive, not in line with national policy and contrary to the Government’s ambition to boost housing supply. Derbyshire County Council by contrast states that BNE5 is fully supported and is in accordance with the requirements of the NPPF regarding development in the countryside. The County suggested changes to policy wording: that there should be an ‘and’ not an ‘or’ between i) and ii) and that B should be reworded with a greater emphasis on mitigation, landscaping and planting. A query was raised as to the definition of a “rural-based activity”.

Other comments and suggestions included the following:

- i. It is only the first part of the policy, A i) that is required.
- ii. The policy should specify which rural activities would be approved.
- iii. There should be greater protection for agricultural land.
- iv. Criteria i) is not consistent with the NPPF; soften or remove this criteria.
- v. Include a fourth point, “iv) it is supported by a Neighbourhood Development Plan”.
- vi. Concern that the phrase “appropriate for its location” does not provide enough policy direction.
- vii. The effectiveness of the policy is dependent on accurate settlement boundaries.
- viii. An additional section is required regarding traveller sites.
- ix. The policy should ensure all brownfield sites and allocations built before countryside.
- x. Greater protection is needed for hedgerows.
- xi. The policy should cross-refer to INF10.

How, where necessary, these issues were addressed

The Settlement Boundary policy, SDT1, is now specifically referred to in policy BNE5. Part A i) together with its reference to rural-based activities has been removed. A new Part B has been added to the policy to reflect the principle of sustainable development; this element of the policy sets out the circumstances in which development in the Countryside for ‘non-countryside uses’ would be acceptable, including consideration of whether this would be on best and most versatile land. Policy BNE 5 as revised now incorporates the previously proposed Infill Policy, H23. Examples of appropriate development in the Countryside are set out in the explanation to the Policy.

BNE6: Recreational Uses in the Countryside

Q15. Does the policy provide sufficient scope for recreational uses whilst also safeguarding the countryside?

- (i) Some respondents commented that there was no mention of footpaths or cycle routes in the policy and that potential housing sites would impair public rights of way.
- (ii) Others felt that the policy should seek to protect the amenity of adjacent buildings, conservation areas and the surroundings in general.
- (iii) CSJ Planning Consultants Ltd on behalf of Mercia Marina queries the need for the policy requirement that countryside recreation facilities be open and outdoor in nature. The National Trust seeks clarification as to the distinction between “visitor attractions”, as

referred to in emerging Local Plan part 1 Policy INF10 'Tourism Development' and "countryside recreation facilities" as referred to in this policy. There was a need to avoid any potential conflict between the two policies.

(iv) There is a suggestion that the policy should require that any development should be warranted. Another respondent considers that the policy should require that development be justified and suitable.

(v) Derbyshire County Council propose that the policy and explanatory text should refer to the protection of landscape character.

(vi) Concern is expressed about a potential policy loophole that might allow for noisy activities in inappropriate locations. Another consultee is concerned that odours be addressed in the policy.

(vii) One respondent considers that trees and land in the National Forest should be protected from development and that there should be no building there.

(viii) One respondent suggests that many footpaths could be re-designated as bridleways to keep horses and cyclists off the road.

(ix) Another respondent considers that the policy should be worded more forcefully to protect agricultural land.

(x) A respondent considers that the policy should be related to the equine population.

(xi) One respondent makes comments in regard to open space provision.

How, where necessary, these issues were addressed

(i) Public footpaths and cycle routes are addressed in the Local Plan Part 1 Policy INF2: "Sustainable Transport". No further action proposed.

(ii) The protection of amenity, local character and visual attractiveness is addressed in Local Plan Part 1 Policy BNE1 (e, g and h) 'Design Excellence'. The protection of heritage assets is addressed in the Local Plan Part 1 Policy BNE2 'Heritage Assets'. No further action proposed.

(iii) In regard to the suggestion that the words "open and outdoor in character" should be removed, it is considered that Local Plan Part 1 of Policy INF10, "Tourism Development", together with the proposed inclusion in Draft Local Plan Part 2 of Policy BNE5 "Development in the Countryside" provide sufficient control over this type of development and that Policy BNE6 can therefore be deleted.

(iv) In regard to the suggestion that development should be warranted, Draft Policy BNE5 indicates that it should be "appropriate". A more restrictive approach to development, as

would be implied though the use of such words as “warranted” and “justified” would be inconsistent with the National Planning Policy Framework para 28 , which takes a very positive approach to sustainable development in rural locations. No further action proposed.

(v) It is considered that Policy BNE6 can be omitted for the reasons given in point (iii), above. Policy BNE5 “Development in the Countryside” indicates that development should not unduly impact the countryside and landscape quality.

(vi) In regard for the potential to allow noisy activities in inappropriate locations and pollution in the form of odours, these matters are addressed in Local Plan Part 1, Policy SD1.

(vii) With regard to the protection of trees and land from development in the National Forest, it would be unreasonable to prevent building necessary to meet the housing, employment and other needs of the area. The approach to development and protection of trees is set out in Draft Local Plan Part 2 Policy BNE8 and to development within the National Forest in Local Plan Part 1 Policy BNE4 D. No further action proposed.

(viii) The Local Plan Part 1, Policy INF2 “Transport” does refer to the enhancement of public rights of way and this suggestion can be addressed within the context of this policy.

(ix) Protection of the best and most versatile agricultural land is addressed in the Local Plan Part 1 Policy BNE4. No further action proposed.

(x) Concerning the comment regarding the equine population it is proposed that Policy BNE6 be deleted for the reasons given in point (iii), above. Draft Policy BNE5 provides for appropriate development in the countryside provided that it would not result in unacceptable harm to valued landscapes.

(xi) Open space provision is addressed in the Local Plan Part 1 Policy INF9. No further action proposed.

BNE7: Agricultural Development

Q16. Does the policy provide sufficient scope for agricultural development whilst also safeguarding the countryside?

(i) One respondent expresses concern about permitted development rights relating to agricultural activity, particularly in regard to Conservation Areas, and asks whether this can be controlled. Another considers that the requirement that development be sited in close proximity to existing buildings, where possible, could lead to undesirable development in conservation areas.

(ii) There is concern from Castle Donington and Castle Gresley Parish Councils and several individual respondents that development could involve the loss of agricultural land. Two others believe that development should take place on brownfield sites.

(iii) Derbyshire County Council considers that in order to be acceptable the applicant may also need to consider additional landscape mitigation measures and proposals should also be appropriate to the local landscape character.

(iv) One consultee is concerned that the policy does not provide for alternative approaches to farming, such as permaculture design and land use.

(v) Hartshorne Parish Council considers that the buildings should be functional and not capable of conversion to dwellings in the near future.

(vi) Two consultees raise concerns about potential amenity impacts of agricultural development such as noise, odours and scale.

(vii) Melbourne Civic Society consider that the policy should be strengthened to exclude large sheds for intensive milk and livestock production due to landscape and animal welfare concerns.

(viii) One consultee asks whether the policy differentiates between agriculture and associated processes such as produce cleaning and packaging (i.e. manufacturing).

How, where necessary, these issues were addressed

(i) Permitted development rights in regard to agricultural activity are nationally prescribed in the General Permitted Development Order. Draft Policy BNE7 seeks to control development that lies outside these rights, but the point indicating that development should be “required” is now proposed for deletion, as its implementation would be impracticable. Any such development that would affect a Conservation Area would be subject to Local Plan Part 1 Policy BNE2 “Protection of Heritage Assets”.

(ii) Local Plan Part 1 Policy BNE4 E “Landscape Character and Local Distinctiveness” seeks to protect the best and most versatile agricultural land and this accords with the National Planning Policy Framework, para 112, which indicates that where development of agricultural land is necessary, poorer quality land should be used in preference to higher quality land. Whilst national policy requires that brownfield development be prioritised, there are few remaining brownfield sites in South Derbyshire and those which are suitable and available, such as the former Hilton Depot and the former Drakelow Power Station sites, have been identified for redevelopment in the Local Plan Part 1. A new policy is proposed for the Local Plan Part 2 (BNE13) addressing potential redevelopment on the part of the Drakelow Power Station site falling outside the Local Plan Part 1 housing and employment land allocations. It is proposed that the policy be strengthened by indicating that agricultural development should be suitable for its intended purpose; of an appropriate design and sited in proximity to agricultural buildings and by requiring that appropriate landscape mitigation be included.

(iii) Accepted. The Policy and explanation have been amended accordingly.

(iv) The policy approach embodied in the Local Plan Parts 1 and 2 seeks to accommodate necessary agricultural development, whilst recognising the intrinsic character and beauty of the countryside, in accordance with National Planning Policy Guidance. Policy H25 identifies the circumstances in which agricultural workers dwellings would be considered acceptable.

(v) To address this concern the proposed amended wording requires that new agricultural buildings should be suitable for their intended purpose.

(vi) The proposed policy, both in its original and amended form addresses the issue of scale. Noise, odours and other potential amenity impacts of development are addressed by policy SD1 of the Local Plan Part 1. No further action proposed.

(vii) National policy does not allow planning policy to militate against large agricultural buildings in principle. The proposed amended wording of the policy and explanation requires that appropriate landscape mitigation be provided to minimise landscape impact. Animal welfare concerns fall outside the remit of the local planning authority.

(viii) Manufacturing processes, such as those described, would be considered to represent industrial development and therefore would be considered in relation to policies contained in the employment chapter of the Local Plan Part 1.

BNE8: Protection of Trees Woodland and Hedgerows

Q17. Do you think this policy provides for the adequate protection of trees, woodland and hedgerows within the District?

A notable number of representations have been received regarding this policy (71 in total). Around a quarter of responses indicate that they support the policy. However many consultees indicated that they did not support the policy as drafted and the policy required amending to provide a greater level of protection or widen the scope of the policy to ensure that all trees and hedgerows are protected.

A notable number of representations have also been received regarding the previous wording of the policy which requires that 'there will be no unacceptable loss of trees, hedgerows and woodland. Many consultees though this requirement lacked clarity and as a result weakened the policy.

A number of consultees considered that this this policy was unnecessary and sought to over regulate development. In particular there has been a suggestion that any reference to the UTAQS requirement to plant trees which contribute towards improving air quality. This response was on the basis that no air quality management areas are located in the district and hence this part of the policy is not justified.

Natural England have recommended that the policy make reference to ancient woodland and veteran trees. Whilst the Wildlife trust have indicated that the policy should protect

trees, woodland and hedgerow of biodiversity value, stating that broadleaved woodland and hedgerows are habitats of principal importance (UK BAP Priority Habitat types) and are material considerations within the planning process.

How, where necessary, these issues were addressed

The policy has been altered significantly to clarify its scope. The policy as now drafted has removed reference to unacceptable impacts and instead requires that losses of hedgerows, trees and woodland on development sites are minimised with layout and form of development informed by appropriate survey effort.

Greater detail on the felling of protected trees and important hedgerows has been included in the policy and requirements for replacement planting included in the policy where losses occur. A general requirement for biodiversity gain in line with NPPF requirements is also included in the policy

References to UTAQS have been removed and replaced with a simplified requirement for developers to consider the use of tree species in urban areas which are known to contribute towards improving air quality.

No changes have been made in respect of responses from Natural England or the wildlife trust. Veteran Trees and Ancient Woodland and priority habitats and species are protected in the Part 1 Local Plan within Policy BNE3 (Biodiversity). Any amendments along the lines proposed by these consultees would simply repeat the protections already provided in this strategic policy.

BNE9: Local Green Spaces

Q18. Do you agree that the authority needs to designate Local Green Spaces?

There was a proportionally large response to this question. Respondents had different reasons for feeling it important that Local Green Spaces be designated; for instance, for children to play safely, for the protection of environment, wildlife and public enjoyment, for the wellbeing and health of the population, or for preservation of the street scene. Over 92% of respondents expressed support for the designation of Local Green Spaces. Some respondents suggested areas for designation as part of their response. Natural England welcomed the policy and encouraged making the distinction between natural greenspace and open space in general. The Home Builders Federation pressed the importance of ensuring that Local Green Spaces were consistent with the definitions set out in the NPPF.

Other comments and suggestions included:

- i. Only as part of the overall plan. Don't listen to NIMBYs.
- ii. Allotment areas are not Local Green Spaces, as they don't contribute to the character of the area.

- iii. Yes; there are not enough public local green spaces.
- iv. Allotments are particularly vulnerable but are an important community asset.
- v. This is a vital provision of the Plan.
- vi. More consideration should be given to green spaces within Conservation Areas.

How, where necessary, these issues were addressed

A criteria-based approach reflecting the criteria set out in the NPPF has been undertaken in determining which sites to take forward for designation as Local Green Spaces. Allotments, Fields in Trust or areas with restrictive covenants are not being taken forward for Local Green Space designation as they are either protected in their own right or by other policies in the Local Plan.

Q19. Of the Local Green Spaces proposed, are there any that you consider should not be designated?

Of those who responded to this question, 55% did so to state that they did not consider that any of the proposed Local Green Spaces should not be designated as such. Several other respondents commented that if anything there should be more rather than fewer Local Green Spaces. Some sites however were suggested as not suitable for designation, these were:

- Weston on Trent
- Willington Village Hall
- Allotment, Blacksmith's Lane, Egginton
- The private gardens backing onto Melbourne Pool
- The proposed designation at Church Broughton
- Are allotments green spaces?
- North of Twyford Road, Willington has village green application pending.
- Ticknall Village Hall itself and car park.

Other comments included:

- Within the DUA, SDDC should allocate proper open spaces that are fully functional instead of a piecemeal approach.
- The Council need to ensure that the Local Plan designations align with national policy and that they are able to demonstrate the rationale behind such designation.

How, where necessary, these issues were addressed

All of these comments have been taken into account when reviewing which Local Green Spaces to take forward for designation. Details of the proposed designations are within the Local Green Space Topic Paper.

Q20. Are there other sites that meet the requirements of Local Green Space as set out in the NPPF and therefore should be included?

Many sites were suggested by respondents for designation for Local Green Space. Ticknall Parish Council suggested a further eight sites/areas; Repton Village Society suggested four sites and the Parish Council, five; Castle Gresley Parish Council suggested five sites and two war memorials; Egginton Parish Council suggested three sites; Etwall Parish Council suggested three sites; Hartshorne Parish Council suggested two sites and Hartshorne Village Residents Association enclosed a map of sites; Rosliston Parish Council suggested Strawberry Lane Playing Field; Willington Parish Council suggested three further sites; Linton Parish Council suggested SHLAA site S0050, and Walton on Trent Parish Council suggested Walton Playing Field. Other individuals and organisations suggested other sites or reiterated the suggestions of these sites.

How, where necessary, these issues were addressed

All of these sites have been considered when reviewing which Local Green Spaces to take forward for designation. Details of the proposed designations are within the Local Green Space Topic Paper.

BNE10: Advertisements and Visual Pollution

Q21. Does the policy provide adequate protection whilst also offering sufficient flexibility to allow necessary development to which the policy refers?

Over half of those who responded to this question felt that the policy provided adequate protection whilst allowing for necessary development. A few respondents commented to say that they do not appreciate billboards, seasonal advertisements or street clutter. A few respondents commented that temporary advertisements were fine, provided that they are removed after the relevant event. One local group felt that the policy was over-prescriptive and that the Part 2 should not seek to control advertisements.

Other comments and suggestions included:

- i. That the policy should include light and sound pollution.
- ii. A time limit should be placed on advertisements for new housing developments.
- iii. More stringent controls needed, particularly for temporary signs on farmland.

How, where necessary, these issues were addressed

Reference to a relevant SPD has been moved from the policy itself to the explanation; in other respects the policy is unchanged.

BNE11: Heritage

Q22. Does this policy provide for suitable levels of protection, preservation and enhancement of heritage assets within the District?

(i) Kings Newton Residents Association and some other respondents considered that the policy could provide more protection for the areas around heritage assets.

(ii) Repton Parish Council suggests that the policy should begin with “The Council will only grant permission....” Another respondent considered that the use of the words “will resist” suggests that the Council might be overly flexible.

(iii) Some respondents wish to see more depth and clarity to ensure that the heritage and conservation of important historical areas are preserved. There is a concern that the past efforts and documentation would be lost and replaced by the Local Plan part 2 policy, which could lead to a dilution of the protection towards conservation areas.

i(v) Gladman Developments object on the basis that no distinction is made in terms of the weight given to the protection of designated and non-designated heritage assets. The policy test that the Framework applies to the level of harm to designated heritage asset also differs to the approach set out in Policy BNE1. The National Planning Policy Framework states that if harm is substantial then the proposal needs to achieve substantial public benefits to outweigh that harm. If the harm is less than substantial then the harm should be weighed against the public benefits of the proposal including securing its optimum viable use. The Policy makes no such distinction and is therefore unsound. Para 135 of the Framework relates specifically to non-designated heritage assets and the policy test that should be applied in these cases is that a balanced judgement should be reached having regard to the scale of any harm and the significance of the heritage asset. Whilst section D of Policy BNE11 refers specifically to non-designated heritage assets it fails to make reference to the need for a balanced judgement to be made and is therefore unsound.

(v) Historic England does not consider that the policy provides appropriate levels of protection for heritage assets. It would be helpful to make policy reference to the information requirements needed for applications affecting heritage assets. Wording for an additional paragraph requiring the submission of heritage assessments is suggested. There is concern from Historic England, the National Trust and another respondent that the policy could be construed to suggest that ‘less than substantial harm’ is acceptable. It is suggested that references to substantial harm be deleted. Thomas Taylor Planning consider that the

policy should indicate how public benefits will be taken into account where less than substantial harm is involved. The supporting text to the policy could signpost that where harm is identified, the relevant tests as set out in the NPPF (133 and 134) will be used. B) listed buildings –the policy does not reference instances where development proposals may just affect setting (for example building in the grounds of a listed building). C) Conservation Areas – greater detail is required. D) Non-designated heritage assets - there should be more information in the supporting text about non-designated assets. F) the criteria are overly broad and should be amended.

(vi) Melbourne Parish Council and others consider that the policy needs to be more explicit about encouraging positive improvements to heritage assets, to promote restoration, enhancement and repairs. It also needs to be more explicit in preventing spoiling such sites by enabling adjacent car parking on verges.

(vii) The National Trust considers that criterion B - listed buildings should indicate that it is harm or loss to the significance of the asset which ought to be resisted. It would be helpful for the policy to protect the settings of conservation areas. (D) - Non-designated heritage assets - it may be preferable to use the terminology 'significance' rather than 'special interest' to align with the NPPF. (F) - historic parks and gardens - is couched negatively and may inhibit appropriate and sensitive development within registered parks.

(viii) One respondent considers that the policy should not restrict improvements which make buildings more environmentally friendly.

(ix) Thomas Taylor Planning considers that the policy should not seek to enhance non-designated landscapes as this represents a greater degree of control than is provided for in the National Planning Policy Framework.

How, where necessary, these issues were addressed

(i) The introduction of the policy (formerly Part A) refers to heritage assets and their settings, thereby addressing the concern expressed.

(ii) Although the reference to resisting harmful development remains in relation to Conservation Areas, the policy has been strengthened in other ways which are considered to help address the concerns expressed here (see below).

(iii) All relevant records continue to be held by the District Council and other bodies and can be referred to as appropriate. The policy has been strengthened in ways that will help to address the concerns expressed here (see below).

(iv) Concerns relating to the distinction between substantial and non-substantial harm are addressed through changes to the policy proposed in response to comments from Historic England and the National Trust (see below).

(v) The policy has been strengthened to address the concerns expressed as follows: including a sentence in the first section indicating that applications will be expected to be accompanied by a proportionate heritage assessment; by deleting all references to “substantial” harm; to refer to the settings of listed buildings; additional detail has been provided in relation to the character of Conservation Areas and the section on Historic Parks and Gardens has been amended in accordance with the wording suggested by Historic England.

(vi) Enhancement of heritage assets is referred to in overall terms in the first part of the policy and is also referred to specifically in regard to Conservation Areas, thereby addressing the concerns expressed.

(vii) The policy wording in relation to listed buildings has been amended to refer to proposals which would be harmful to the significance of the heritage asset. The wording of the section on historic parks and gardens has been amended in accordance with the suggestion from Historic England (see point (v)) and this change is considered to address the concerns expressed by the National Trust in this regard.

(viii) A balance needs to be struck in relation to such matters, but it is not considered that any change to the wording of the policy needs to be made to address this concern.

(ix) This aspect of the policy has been retained as it is considered that enhancement of the landscape is a laudable objective.

BNE12: Shopfronts

Q23. Do you have any comments on the scope and content of this policy?

There is general support for this policy. However, one respondent considers that there should be some recognition of light sources and their efficacy and illumination times due to their impact on the environs and Melbourne Civic Society considers that the policy may be over prescriptive.

How, where necessary, these issues were addressed

Consideration of illumination times can be considered within the terms of the policy as worded.

EDU1: Provision of Education Facilities

Q24. Do you have any comments regarding this policy?

A mixed response was received regarding this policy. Some consultees have stated their support for the policy and others have raised issues.

A large number of consultees have expressed the need for new educational facilities (primary and secondary) within the District and have stated that primary and secondary schools are at capacity. Schools specifically mentioned include Chellaston Academy, John Port Academy, Burton Schools, Melbourne Junior and Infant School, Linton and Coton in the Elms Primary Schools. Some consultees have raised concern that the policy does not make reference to primary school provision.

In addition further comments raising concern with the policy have been received, these include: the policy is vague; its inadequate; needs to be more robust than just the provision of an 800 place secondary school; the policy is overly prescriptive at this stage; there should be provision in the policy relating to the impact of development on existing schooling and the ability of children who already live in the area being able to attend the local school; the policy must take account of the impact of a super-sized secondary school on the daily lives of Etwall village particularly in terms of traffic.

It has also been suggested that a secondary school will have a major impact in the area where it is developed and therefore needs to be considered alongside other proposals/opportunities identified within the plans.

Furthermore specific locations and broad locations of a new secondary school were suggested, these include: Thulston Fields; Hilton or Mickleover; near Derby City; Midway area; the site should be accessible by public transport through Ticknall.

How, where necessary, these issues were addressed

This policy has been drawn up in consultation with Derbyshire County Council who is statutorily responsible for providing school places to children within the District (and Derbyshire). The County Council need to identify a suitable site for a new secondary school and advise the District Council of the location so that it can be included in the policy. Due to the growth within South Derbyshire it is known that a new school will be required at a point in the future though the exact timing is dependent on the expansion of other schools within South Derbyshire and also Derby City.

The information within the policy includes what is known at this point in time as being required. A change to the policy has been included to ensure that the school site minimising any undue impacts on surrounding land uses and the wider environment which addresses some comments received during the consultation.

The provision of primary schools is not mentioned as many new primary schools are being provided across the District with the requirement set out within the relevant housing policy in the Local Plan Part 1. New schools are to be built at: Hilton, Boulton Moor, Wragley Way, New House Farm, Chellaston Fields and Highfields Farm and extensions made to several others. If a new school site was needed for a primary school that was not to part of a

housing site then the County could ask that a site is notified within the Local Plan which means that the site is protected from development for the period of the plan.

RTL1: Swadlincote Town Centre

Q.25 Do you agree with the proposed town centre boundary, as identified on the town centre map?

Support from a number of respondents to the proposed town centre boundary, although one considered that Hill Street should be excluded.

How, where necessary, these issues were addressed

The town centre boundary has been retained without alteration. The Hill Street area is considered to represent the eastern gateway to the town centre and has attracted investment in building frontage enhancements, with scope for further environmental improvement. The junction of Church Street and Hill Street is identified as an aspirational node and centre of activity in the Swadlincote Town Centre Vision and Strategy 2012. Furthermore, the north side of Hill Street lies within the Town Centre Conservation Area. Hill Street has therefore been retained within the town centre boundary.

Q26. Do you agree with the primary and secondary frontages, as identified on the town centre map?

Support from a number of respondents for the proposed primary and secondary frontages, although one considers that the whole of High Street should be primary frontage.

How, where necessary, these issues were addressed

It has been decided that the frontages identified as primary and secondary in the consultation document should all be identified as primary and that the policy should be amended to allow hot food takeaways (Use Class A5) in these locations as well as A1, A2, A3 and A4 uses to provide maximum flexibility, reducing the likelihood of vacant units along town centre frontages.

Q27. Should there be a locally set threshold for the floorspace area at which a retail impact assessment is required with an application, or is the NPPF default threshold of 2500sqm appropriate?

A clear majority of respondents felt that the use of the NPPF threshold was appropriate. One considered that whilst this was so, there needed to be some mechanism for supporting small traders.

How, where necessary, these issues were addressed

It is proposed that the NPPF threshold should be used.

Q28. Do you have any further comments on the scope and content of this policy?

One respondent requests that the policy include a reference to Community Assets

Derbyshire County Council requested an amendment to the policy Part B to indicate that development proposals on sites both on the edge of and outside the town centre be subject to an impact assessment, as per the NPPF.

Some respondents consider that there are too many charity shops on the High Street and that more commercial retail shops should be encouraged. One considers that too many charity shops and betting shops depress the area.

How, where necessary, these issues were addressed

Since the right to nominate and bid for Community Assets is not directly linked to planning policy, it is proposed that a reference be included as part of the introduction to the chapter.

Part B can be amended to indicate that sites both on the edge of and outside the town centre will be subject to an impact assessment.

The Council's overall strategy for retail in the town centre seeks to protect and enhance its vitality and viability through planning and other measures. However, General Development Order Use Class A1 does not distinguish between charity shops and other retail facilities and the Council therefore has no direct planning control in this respect. However, the policy does not provide for changes of use to betting shops, which occupy a separate use class, and is thus restrictive in this respect.

RTL2: Local Centres and Villages

Q29. Does the policy identify the correct Local Centres and should they be listed in the policy?

(i) One respondent considers that there is a clear conflict between creating new local centres and retaining small rural villages and Key Service Villages.

(ii) Another respondent does not believe that Repton can be claimed as a local centre, particularly since the opening of the new Co-op in Willington has impacted smaller retailers in both villages.

(iii) Melbourne Parish Council suggests that the policy could refer to the Neighbourhood Development Plan, where in existence.

(iv) Willington Parish Council and two respondents express concern that the policy does not identify local centres and that the Appendix E map for the Derby fringe is too small scale and has no key.

(v) A respondent is concerned that brownfield land should be used instead of greenfield land.

(vi) Another respondent considers that building should be kept to a minimum in rural villages and not allowed to take over from the village community and the vitality of the centres.

(vii) A respondent comments that Dalbury has no local services.

(viii) Planning and Design Group on behalf of Hallam Land Management acknowledge the aspiration for a new local centre at the Wragley Way strategic housing site and indicate that such is included within the emerging masterplan.

(ix) A respondent notes that the policy makes no reference to proposed development on land to the west of Mickleover.

(x) Willington parish Council is concerned that the policy makes no distinction between local centres, villages and key service villages and considers that there should also be some form of policy to assist the longer term viability / growth of key villages to ensure that they are able to continue to provide the services they currently offer to the wider community.

How, where necessary, these issues were addressed

(i) It is intended that all parts of the policy should be read together. Therefore proposals to establish local service centres as referred to in Part C of the policy, would need to be consistent with the requirements of Part A of the policy. It is proposed that the text be amended to clarify this point.

(ii) Repton is identified as a Key Service Village. The policy provides for the establishment of new retail facilities, whilst resisting the loss of established shops and pubs, where appropriate. This approach supports the continued provision of local retail facilities in villages such as Repton.

(iii) In regard to the suggested reference to the Neighbourhood Development Plans, it is proposed that the explanatory text be amended to indicate that they will be taken into account where they exist in relation to the potential loss of established facilities.

(iv) The existing and proposed local centres are identified in the explanatory text, but can also be referred to in the Policy itself. Amend the introduction to the policy accordingly.

(v) This is addressed in NPPF para 17. No further action required. Amend the map at Appendix E to show the locations of proposed local centres at a larger scale and to include a key.

(vi) The wording of the policy addresses these concerns in that it requires that development be consistent with the scale and function of the settlement or locality.

(vii) Noted. This has no bearing on the policy. No further action required.

(viii) Noted. No further action required.

(ix) As a local centre is proposed to be included as part of the development of the land to the west of Mickleover, this will be referred to in the policy. Amend policy and explanatory text accordingly.

(x) It is proposed that the policy be amended to distinguish between local centres and key service/local service villages. Policy for the long term viability and growth of key villages is reflected in the Local Plan Part 1 Policy H1, which identifies their position within the settlement hierarchy and indicates that development up to and including small strategic sites can be located here.

Q30. Does the policy satisfactorily provide for the maintenance and enhancement of the viability and vitality of local centres and villages?

(i) Some respondents are concerned that the policy makes no distinction between local centres, villages and key service villages and considers that there should also be some form of policy to assist the longer term viability / growth of key villages to ensure that they are able to continue to provide the services they currently offer to the wider community.

(ii) CAMRA considers that the assessment of viability should be more rigorous and fleshed out and propose a potential form of words to this end. They note that there is no mention of Assets of Community Value.

(iii) Dalbury Lees Parish Council, are concerned that the policy may lead to vacant buildings where no alternative facilities exist.

(iv) Etwall Parish Council support the policy

(v) Hallam Land Management and Turley Associates note that housing growth can help maintain and enhance the viability of local centres and villages

(vi) Hartshorne Parish Council note that the village has lost 2 shops in the past 45 years and there is no site for a new one.

(vii) One respondent says that the Council is not bothered about village life and considers that open spaces are for building on.

(viii) Two respondents are concerned that lack of viability can lead to the loss of facilities.

(ix) One respondents considers that villages are becoming too large and that village centres are dying due to lack of parking.

(x) One respondent thinks that developers will do as little as possible to enhance local areas, especially as much of what is expected of them is voluntary.

(xi) Willington Parish Council considers that the policy is vague in regard to local centres and villages and requests that there should be a policy to assist the viability/growth of key villages.

How, where necessary, these issues were addressed

(i) See response to Q29, point (x)

(ii) It is agreed that greater clarification as to the requirements for the assessment of viability would be helpful. It is also proposed. Also include a reference to Assets of Community Value in relation to the potential loss of established facilities. Amend lower case text accordingly.

(iii) The policy allows for a change of use where the current use is demonstrably unviable.

(iv) Support welcomed.

(v) Noted. No further action proposed.

(vi) Noted. The policy allows for the development of new facilities, but this is dependent on suitable sites being available.

(vii) The policy seeks the provision of new, and retention of existing, facilities. No further action required.

(viii) The retention of unviable facilities can result in vacant buildings, which represent an eyesore and a wasted resource that could otherwise be put to beneficial use. No further action proposed.

(ix) In most cases housing growth should lead to greater, rather than lesser patronage of such facilities, thus enhancing their viability. No further action proposed.

(x) It would be unreasonable to expect developers to provide shop and service accommodation where any occupying business could not operate on a profitable basis. No further action proposed.

(xi) See response to Q29(x)

Q31. Do you have any further comments on the scope and content of this policy?

(i) Parish of Repton Neighbourhood Development Plan is concerned that there do not appear to be any policies that are relevant to Key Service Villages.

- (ii) Repton Parish Council consider In areas where significant parking and traffic management issues exists, retail development should only be allowed when it can be demonstrated adequate provision is made to address these issues.
- (iii) One respondent considers that villages are potentially expanding too much.
- (iv) CAMRA asks that the Council consider adopting its model policy to be employed where existing pubs and other community facilities are in danger of being lost.
- (v) Dalbury Lees Parish Council considers that local centres should serve the areas they are in and so should be awarded on their own merits and not on the locality of the local centres nearby.
- (vi) Hartshorne Residents Association have an aspiration to open a community shop.
- (vii) Willington Parish Council and another respondent consider that traffic impacts of retail development should be taken into account.
- (viii) Melbourne Parish Council consider that there should be stress on the need to prevent unsustainable out of town retail developments.
- (ix) A respondent notes that whilst Etwall does not have the variety of retail activities of other service centres and has suffered losses since the opening of Aldi in Hilton. Lack of GP facilities in the village should not be underestimated.
- (x) Thomas Taylor Planning consider that the policy should make provision for other retail developments outside villages and local centres where they would represent diversification of the rural economy and agriculture.
- (xi) The suitability of a 2km walking threshold in considering the acceptability of proposals is queried.

How, where necessary, these issues were addressed

- (i) Reword policy to clarify approach to be taken in key service villages.
- (ii) This matter is addressed in the Local Plan Part 1 Policy INF2. No further action proposed.
- (iii) Village expansion, where it exists or is proposed, can often help to enhance the viability of existing shops and services, representing a community benefit. No further action proposed.
- (iv) The policy itself and the explanatory text can be amended to incorporate elements of CAMRA's model policy.
- (v) The location of local centres can potentially undermine the vitality and viability of nearby centres, depending on their scale and the extent of their catchment areas. Planning can

seek to ensure that local centres prosper by discouraging potentially harmful competition. No further action proposed.

(vi) The policy as drafted would allow for the establishment of a community shop in an appropriate location. No further action proposed.

(vii) Traffic impacts of development are addressed in Local Plan Part 1 Policy INF2.

(viii) Policy RTL1 (A) addresses this point. No further action proposed.

(ix) The extent of retailing facilities within any given settlement is influenced by a wide range of factors, which would need to be measured and carefully considered before any conclusions could be drawn. No further action proposed.

(x) Permitted development rights provide broad scope for the establishment of farm shops in appropriate circumstances. No further action proposed.

(xi) The reference to the 2km walking threshold was intended to apply in the case of the considering the availability of alternative comparable facilities where an existing facility may potentially be lost. However, this paragraph is considered unnecessary and can be deleted.

INF11: Telecommunications

Q32. Does the policy provide enough protection whilst allowing enough scope to allow necessary telecommunications development?

A little under half of respondents answered yes and considered that the policy provided the right balance between protection and allowing necessary telecommunications development. One respondent felt that the policy provided too much protection and that NIMBYism gets in the way of needed telecommunications development. Other respondents echoed this view and also stated that either mobile phone signal was not good enough where they lived, or that broadband speeds were not sufficient to work from home.

A few respondents felt that the policy did not provide enough protection, particularly with respect to health concerns or sensitive sites. That National Trust requested that the policy refer to all designated heritage assets rather than just Conservation Areas and Listed Buildings.

Other comments and suggestions included:

- i. All future development must incorporate fibre optic cable.
- ii. Telecoms companies should be obliged to install underground cabling.
- iii. The policy should include a requirement for an ICNIRP certificate.

- iv. The policy refers to mobile telecommunications but does not refer to other infrastructure needs such as highways, drainage and broadband.

How, where necessary, these issues were addressed

The policy as revised now specifically refers to designated heritage assets, rather than Conservation Areas and Listed Buildings. Two further criteria have been added to the policy; the first is to ensure that apparatus is located to complete or improve coverage and the second is to ensure that, where feasible, all cables and pipelines are placed underground. Reference is made in the explanation to infrastructure other than mobile telecommunications.

Other comments

Q33. Should Part 2 continue with Part 1 policy numbering or start again?

The overwhelming majority of responses to this question favoured continuation of policy numbering from the Local Plan Part 1.

How, where necessary, these issues were addressed

The numbering system adopted for the Local Plan Part 2 consultation document is consistent with this approach. No further action proposed.

Q.34 Do you wish to make any other comments?

- (i) Some respondents express concern that transport concerns such as highway congestion, narrow roads and parking are not addressed in the document.
- (ii) A number of respondents are concerned that the infrastructure required to support new development, such as health care, schools etc., may not be adequately addressed.
- (iii) A respondent asks that there be no more housing allocated to Linton. Affordable housing for families leads to pressure on the primary school. Linton Parish Council advises that the improvement of the sewage treatment site at Colliery Lane may be feasible through the provision of a second foul drain pipe.
- (iv) A number of respondents call for the Local Plan to be adopted as quickly as possible to protect the district against unplanned strategic scale development proposals and to ensure that all policy requirements can be applied.
- (v) One consultee considers that the Local Plan needs to provide stronger protection for the natural environment and should have a better evidence base ensuring that the cumulative

impacts of development in the Derby Urban Area are taken into account in relation to school place and open space provision and environmental protection.

(vi) One consultee identifies a need for more all-weather paths in the countryside.

(vii) Aston-on-Trent Parish Council ask that any development outside the Aston-on-Trent settlement boundary should be in keeping with the scale and character of the existing settlement and should not reduce the strategic gap separating the village from Weston-on-Trent. One respondent considers that the Aston Hall Hospital allocation contained in emerging Local Plan Part 1 Policy H8 was not based on sound evidence. Another considers that the housing sites identified for consultation in Aston-on-Trent are too many and too big as village services are overstretched and the roads are too small.

(viii) Barton Willmore acting for the Chamberlain family refers to a planning consent for a farmhouse to the north of Shardlow. They consider that the settlement boundary should be extended to include this site and that the Green Belt boundary should be amended to exclude the site.

(ix) Willington Parish Council expresses concern about the impact on the village of housing growth in terms of roads, schools, amenities and village character. They consider that there is a need for the introduction of traffic management and pedestrian access measures in the village. They draw attention to the uncertainty regarding proposals for a new power station and intermodal park in the area and believe there is a case for delaying any further development until the outcomes are known. Flood risk is a further area of concern in the south of the village. The pro-formas make no assessment of the effect of drainage to the Trent and associated flood risk. There needs to be an assessment of the cumulative impact of development. One respondent considers that It is misleading to say that Willington has had no new housing allocations as this does not take account of committed development.

(x) Mercia Marina say that the facility has developed into a sustainable location due to the variety of uses established and with planning consent on the site, including residential berths, and that it has developed into a small settlement.

(xi) Eon consider that there is a need for an additional policy to support the reuse of brownfield land and to ensure that the employment development target set out in emerging Local Plan Part 1 Policy S5 is met.

(xii) One respondent considers that protection should be provided for Government assisted forest areas, such as those found within the National Forest.

(xiii) Derbyshire County Council consider that a more detailed policy for managing development within the Green Belt may be appropriate. They also suggest that it may be appropriate to consider defining more detailed boundaries for the Green Belt. An individual respondent asks for consideration to be given to the review of the Green Belt boundary.

(xiv) Melbourne Parish Council and a number of individual respondents say that there needs to be greater acknowledgement of Neighbourhood Plans in the Part 2 Local Plan.

(xv) One respondent expresses concern regarding the capacity of the Etwall highway infrastructure to cope with current levels of traffic and parking. It is suggested that this could be partially alleviated by connecting the bottom of Willington Lane to the A50.

(xvi) One respondent asks that there be no more housing developments in the Swadlincote, Woodville and Hartshorne areas.

(xvii) The Home Builders Federation consider that there is uncertainty that the Objectively Assessed Housing Need for the Derby Housing Market Area can be met following the withdrawal of the Amber Valley Local Plan and that settlement boundaries may therefore be too tightly drawn. They consider that the Council should therefore reconsider its proposals as set out in emerging Local Plan Parts 1 and 2 and request that allocations contiguous with existing settlement boundaries be included within those boundaries. White Young Green acting for the Church Commissioners makes similar points about housing delivery.

(xviii) One respondent considers that the policies contained in the draft Local Plan Part 2 are too vague and open to interpretation.

(xix) One respondent asks that brownfield, rather than greenfield, sites be utilised.

(xx) Melbourne Civic Society considers that there should be an explicit policy discouraging solar arrays in the countryside and encouraging them on large buildings. They also consider that there should be a housing policy to encourage new zero carbon dwellings within settlement boundaries.

(xxi) Repton Neighbourhood Development Plan points out that residential development permitted at Longlands, Repton exceeds the numbers identified in the strategic allocation for that site. They say development must be limited to that identified in the Local Plan and that there was minimal consultation concerning the additional numbers at the planning application stage.

(xxii) One respondent considers that the document should address all types of infrastructure and not just telecommunications equipment.

(xxiii) One respondent considers that locations close to the District and County boundaries should have their needs jointly assessed and opportunities to address these addressed on a cross-boundary basis.

(xxiv) One respondent considers that the Local Plan Part 1 has been ineffective in limiting development and asks whether the same will be true of Part 2.

(xxv) One respondent expresses concern about the amount of house building that has happened in Hilton in recent times and planned for the future. Amenities are insufficient, as is access to open green spaces.

(xxvi) One respondent suggests that housing needs be met through the establishment of a new village or through small infill projects. There is a need for 1-3 bedroom houses, rather than 4-5 bedrooms.

(xxvii) One respondent considers that Local Plan Part 2 policies on heritage and conservation cover some points, but do not go far enough.

(xxix) Sport England recommends that consideration be given to the inclusion of a reference to “Active Design” in the Local Plan Part 2.

(xxx) Tetlow King Planning Ltd acting for Rent plus refer to their innovative housing model of discounted rented homes.

(xxxi) Two respondents ask whether there could be a more accessible version of the information presented in emerging Local Plan Part 2 as there is so much material it is difficult to find detail, which is significant when trying to form a judgement about something.

How, where necessary, these issues were addressed

(i) Transport matters are addressed in the Local Plan Part 1 policy INF2. No further action proposed.

(ii) The strategic housing allocation policies and Policy INF1 contained in the Local Plan Part 1 address supporting infrastructure provision. No further action proposed.

(iii) The Local Plan Part 2 proposes no new housing allocations at Linton. Linton Parish Council comments re. sewerage infrastructure noted.

(iv) The local planning authority is endeavouring to proceed to adopt Local Plan Parts 1 and 2 at the earliest opportunity.

(v) The policies affecting the Derby Urban Area and the policies upon which they are based have been prepared in close consultation with Derby City Council to ensure proper consideration of cross-boundary and cumulative impacts of policies and development proposals.

(vi) Proposals such as this can be considered in the context of the Local Plan Part 1 Policy INF2.

(vii) Development outside settlement boundaries would be considered in relation to Policy BNE5, the wording of which is proposed for amendment alongside other policies addressing

specific types of development. In relation to housing development, the policy requires that development should be restricted to the infilling of small gaps. The Aston Hall Hospital allocation formed part of the Local Plan Part 1 and does not represent part of this consultation exercise. The capacity of settlements to absorb further development has been taken into account in selecting housing allocation sites for inclusion in the Part 2 Local Plan.

(viii) The case referred to has been considered in relation to proposed policy SDT1: Settlement Boundaries and Development (see above). It is considered that there is no case for the amendment of the Green Belt boundary in this location. The fact that planning consent was granted for the proposed development indicates that it was not considered to be inappropriate development in a Green Belt location.

(ix) Local Plan Part 1 policy INF1 seeks to ensure that the infrastructure necessary to support or mitigate the impact of new development will be provided. Emerging Local Plan Part 2 Policy H23 identifies a site off Repton Road for the development of an additional 50 dwellings. However, as a non-strategic scale site any development here is unlikely in itself to have a significant impact on the village. Traffic management and pedestrian safety measures for Willington would be a matter for the local highway authority in the first instance, although there may be scope for securing developer contributions in future, should a suitable scheme be identified. The proposed power station already has the benefit of planning consent and any associated traffic impacts would be taken into account in considering the cumulative impact of any further development proposals with significant transport implications in or around the village. Any proposal for the development of an intermodal park would need to demonstrate through a Transport Assessment that it would not have unacceptable traffic impacts, again taking account of the traffic implications of other major consented development proposals in the area. The pro formas do take account of flood risk and the surface water drainage implications of new development.

(x) A new policy addressing marina development is proposed.

(xi) A new brownfield land development policy would be strategic in nature and it would therefore be inappropriate for inclusion in the Part 2 Local Plan. Furthermore, the Inspector has concluded that employment development target set out in Local Plan Part 1 Policy SD1 can be met. However, if a new policy is proposed to address redevelopment of the former Drakelow Power Station site to provide a basis for the consideration of proposals involving the redevelopment of land on this large brownfield site.

(xii) This matter is addressed by the Local Plan Part 1 Policy BNE8.

(xiii) It is considered that the National Planning Policy Framework provides sufficient detail for the consideration of development proposals within the Green Belt without the need for further local elaboration. It is considered unnecessary to define the Green Belt boundaries in more detail as the question as to whether or not a site has fallen within or beyond the

Green Belt designation has never arisen. There is not considered to be a need for a review of the Green Belt boundary as part of the Local Plan Part 2. No further action proposed.

(xiv) The relationship between Local Plans and Neighbourhood Plans is considered to be adequately explained in the National Planning Policy Framework without the need for further elaboration. There are references in the Local Plan Part 1 Introduction and Policy S2 to Neighbourhood Plans and the explanatory text accompanying Policy RTL3 (formerly RTL2) is proposed to be amended to refer to them in the context of the protection of established retail facilities. No further action proposed.

(xv) Transport matters are addressed by the Local Plan Part 1 Policy INF2. The suggested connection of Willington Road to the A50 would be a matter for the Highways Agency.

(xvi) National policy requires that the Council should plan to meet its housing needs through the Local Plan and in order to do so it will be necessary to accommodate new homes. The overall strategy for housing development is set out in the Local Plan Part 1, Policy H1 and has been accepted by the Inspector following consideration of all the evidence put before her. The policy establishes a settlement hierarchy, which is to be referred to in determining the location of housing development. Urban areas, including Swadlincote and Woodville, occupy the first tier of that hierarchy as they represent the most sustainable locations for new housing development. Hartshorne is identified as a Local Village, where a more restrictive approach is to be applied, commensurate with the scale of service provision within the settlement.

(xvii) The Planning Inspector has accepted the approach to housing provision embodied in Local Plan Part 1 and there is therefore no need to reconsider this. It is intended that allocated sites should be included within settlement boundaries.

(xviii) There is a need for a degree of flexibility in Local Plan policy as not all circumstances are predictable. There are often material considerations, not necessarily fully addressed by Local Plan policies, which need to be taken into account in decision making. A more rigid approach would be less capable of satisfactorily accommodating such cases.

(xix) There are few significant brownfield sites that are suitable for development available within the District. Where they exist, as at Drakelow Park and Hilton Business Park, they have been allocated in the Local Plan Part 1 for development (policies H6 Drakelow Park, H7 Hilton Business Park, H8 Aston Hall Hospital, E1 Tetron Point, Dove Valley Business Park, and Hilton Business Park). Furthermore, it is now proposed to include a policy in the Local Plan Part 2 to address any proposals that may come forward on the remaining area of the former Drakelow Power Station site during the plan period in the (see xi, above). It can be seen therefore that the Council is seeking to accommodate development on brownfield land as far as possible.

(xx) Emerging Local Plan Policy SD6 addresses renewable energy. However, to specifically exclude development as proposed would be contrary to national policy. There is a unified set of building standards and a requirement for Zero carbon homes would not be supported by Government policy, which does not allow for the introduction of local standards.

(xxi) This matter relates to Local Plan Part 1 rather than Part 2

(xxii) Provision of infrastructure other than telecommunications equipment is addressed in the Infrastructure chapter of the Local Plan Part 1.

(xxiii) Planning legislation requires that neighbouring local authorities and other public bodies work together to identify and address cross-boundary issues through the “Duty to Co-operate” and the emerging Local Plan Part 2 is being prepared in conformity with this requirement.

(xxiv) The Local Plan Part 1 has not yet been adopted and its effectiveness has therefore not yet been tested.

(xxv) Whilst the bulk of new housing development proposed for Hilton is addressed by Local Plan Part 1 Policy H7 , the emerging Local Plan Part 2 Policy H23 allocates land at Derby Road for a further 40 dwellings. The Council has sought to ensure the provision of new amenities to serve the expanded village, including a village hall, retail area, medical centre, expanded primary school, skate park and greenway linking to the countryside.

(xxvi) The possibility of establishing a new settlement was put forward during consultation on the then emerging Local Plan Part 1 “Options for Housing Growth” exercise and met with little public support. Emerging Local Plan Part 2 Policy H24 provides for small scale infill development in settlements. Local Plan Part 1 Policy H20 requires the provision of a mix of dwelling type, tenure, size and density.

(xxvii) Heritage and conservation related matters are also addressed by Local Plan Part 1 Policy BNE2.

(xxix) The principles of “Active Design” will be addressed in the proposed Design Supplementary Planning Document, which is linked to Local Plan Part 1 Policy BNE1.

(xxx) The Council will continue to monitor changes to planning policy at the national level and these will be taken into account in formulating Local Plan policy. At the present time the proposal to include this type of provision within the definition of affordable housing is only a proposal, rather than policy.

(xxxi) The Council seeks to ensure that the Local Plan Part 2 will be as accessible as possible, but the large volume of material is unavoidable as its production for consultation is a national requirement.