



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

### Decision Statement (Regulation 18)

2 July 2021

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations in the Hilton, Marston on Dove and Hoon Neighbourhood Plan Examiner's Report, which was issued on 26 May 2021.

#### 1. Background

1.1. The Town and Country Planning Act 1990 (as amended) places a statutory duty on South Derbyshire District Council to assist communities in the preparation of neighbourhood plans and to take the plans through a process of examination and referendum. The Localism Act 2011 sets out the responsibilities of Local Planning Authorities under neighbourhood planning.

1.2. South Derbyshire District Council (the Council) formally designated the Hilton, Marston on Dove and Hoon Neighbourhood Area on 6 March 2018, following an application by Hilton Parish Council and a six-week consultation in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations'). The Neighbourhood Area covers the same area as the parishes of Hilton, Marston on Dove and Hoon. The designation allowed Hilton Parish Council to become a 'qualifying body' for the area, with the power to produce a neighbourhood plan.

1.3. Hilton Parish Council submitted the draft Hilton, Marston on Dove and Hoon Neighbourhood Plan to the Council, having resolved to do so at its meeting on 15 May 2020, for consultation, independent examination and the remaining stages of the draft Plan's preparation in accordance with the Regulations.

1.4. The Council publicised the Plan and invited representations during the Regulation 16 consultation period, which was held between 7 September and 19 October 2020.

1.5. In December 2020, the Council appointed an independent examiner, Mr Derek Stebbing B.A. (Hons), Dip. E.P., MRTPI, to examine the Plan and consider whether it should proceed to referendum and whether it should be modified before doing so.

1.6. The examination took place between January and May 2021 and was held by means of written representations. The Council received the Examiner's final report on 26 May 2021. The report recommended that specific modifications should be made to the Plan and that



the modified Plan be progressed to a referendum. It also recommended that the referendum area should not extend beyond that of the designated area. The Examiner's report and this Decision Statement are available at <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=4>

1.7. Regulations 17A and 18 of the Regulations require the Council to decide whether to reject the Hilton, Marston on Dove and Hoon Neighbourhood Plan or progress it to a referendum, what action to take in response to the Examiner's recommendations, what modifications (if any) to make to the Plan, and whether to extend the referendum area beyond Hilton, Marston on Dove and Hoon Parish. The decisions must be set out in a "decision statement" (this document).

## **2. The Council's decision**

2.1. The Council agrees with the recommendations made by the Examiner. It has therefore decided to modify the Plan in accordance with the Examiner's recommended modifications.

2.2. The Council has also decided to progress the modified plan to a referendum of eligible registered voters within the Hilton, Marston on Dove and Hoon Neighbourhood Area, as recommended in the Examiner's report, as the Council agrees that this is the most appropriate area for the referendum.

2.3. This decision has been made by the Council at its meeting on 24 June 2021.

2.4. A list of the Examiner's recommended modifications and the Council's actions in response to each recommendation is included at the end of this statement, as well as in the Examiner's report.

## **3. Documents**

3.1. This Decision Statement and the Examiner's report are on the Council's website at <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/neighbourhood-planning?chapter=4>

3.2. Due to the Covid-19 pandemic the Council Offices are currently closed to the public. A hard copy of the Examiner's report and this Decision Statement will be made available at Swadlincote library, Civic Way, Swadlincote and Etwall library, Egginton Road, Etwall (again subject to Covid-19 restrictions) during opening hours and will also be made available on request.

3.3. For any questions, please contact the Planning Policy team on 07501 698400 or e-mail [planning.policy@southderbyshire.gov.uk](mailto:planning.policy@southderbyshire.gov.uk)



**Examiner's Proposed Modifications to the Draft (Regulation 16) Hilton, Marston on Dove and Hoon Neighbourhood Plan and Council's actions in response**

Proposed modification number (PM)	Page no./ other reference	Modification	Action taken in response	Reason for action
PM1	Page 15	<p><u>Policy N1 – Noise Mitigation</u></p> <p>Delete Policy text in full, and replace with:</p> <p><b>“Proposals for new development on sites within the Plan area that are close to the major road network, and principally the A50 road, shall be accompanied by a noise assessment report to identify any mitigation measures that may be necessary to avoid any adverse impacts upon health and the quality of life for residents, employees and others occupying the development.</b></p> <p><b>Where required, such measures shall include additional landscaping, including the planting of trees and hedgerows, and relevant building design features.”</b></p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner's Report
PM2	Page 15	<p><u>Policy A1 – Air Quality</u></p> <p>Delete Policy text in full, and replace with:</p> <p><b>“Proposals for new development within the Plan area shall, where required, include an assessment of air quality impacts within the vicinity of the proposed development site arising from traffic serving the development. Proposals which are assessed as leading</b></p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner's Report

		<b>to a deterioration of existing measured air quality will not be supported.”</b>		
PM3	Pages 16-18	<p><u>Policy H1 – Housing Delivery</u></p> <p>Pages 16 and 17– delete all supporting text under the heading of ‘Housing delivery’.</p> <p>Page 18 – delete the final paragraph of text on this page in full, and replace with:</p> <p><b>“The Lucas Lane residential development site is situated close to the A50, and development proposals will need to be accompanied by a noise assessment report and, if necessary, by suitable noise mitigation measures.”</b></p> <p><u>Policy H1</u></p> <p>Delete second paragraph of Policy text and replace with:</p> <p><b>“Elsewhere in the Plan area, proposals for new residential development within the Hilton settlement boundary will be supported where they comply with all relevant Policies in this Plan. Proposals for residential development beyond the Hilton settlement boundary will not be supported unless they meet the national and local criteria for appropriate development within the countryside.”</b></p> <p><u>Policy H1A</u></p> <p>Amend title of this Policy to read: <b>“The Mease mixed use development site”</b>.</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		<p>Delete existing Policy text in full, and replace with:</p> <p><b>“Proposals for the mixed-use redevelopment of this site, as shown on Map _*, will be supported where proposals include:</b></p> <ul style="list-style-type: none"><li><b>i) an appropriate level of new residential dwellings, including affordable housing, and</b></li><li><b>ii) specialist residential accommodation for older persons, and</b></li><li><b>iii) the provision of retail units within Use Class E and associated car parking provision as set out in Policy L3.</b></li></ul> <p><b>Development proposals should comply with all relevant Policies in this Plan.”</b></p> <p><u>Policy H1B</u></p> <p>Amend title of this Policy to read: <b>“Lucas Lane housing development site”</b>.</p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>“Proposals for the residential development of this site, as shown on Map _*, will be supported where proposals include:</b></p> <ul style="list-style-type: none"><li><b>i) an appropriate level of new residential dwellings, including affordable housing, and</b></li><li><b>ii) an appropriate landscaping scheme which safeguards the amenity value of Lucas Lane, and</b></li></ul>		
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		<p>iii) noise mitigation measures, if required following a noise assessment report, in accordance with Policy N1, and</p> <p>iv) open space and amenity areas in accordance with the District Council’s standards.</p> <p><b>Development proposals should comply with all relevant Policies in this Plan.</b></p> <p><b>(Outline planning permission was granted in 2020 for the development of up to 57 dwellings at this site.)”</b></p> <p>*Insert two Inset Maps of a suitable scale in the Plan, to show the boundaries of the sites covered by Policies H1A and H1B, and to be referenced with the Policies as above.</p>		
PM4	Page 20	<p><u>Policy H2 – Housing Mix</u></p> <p>Delete the words “including in the Local Plan planned development,” from the Policy text.</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM5	Page 22	<p><u>Policy H3 – Requirements of housing: residential car parking</u></p> <p>Delete the first sentence of the second paragraph of Policy text.</p> <p>Delete the words “and with a parallel layout” from the second sentence of the second paragraph of Policy text.</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM6	Page 22	<p><u>Policy H4 – Requirements of housing: homes designed for energy efficiency</u></p> <p>Delete the words “above that required by building regulations.” in the third bullet point clause of the Policy text and replace</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		<p>with: <b>“which contribute to achieving reduced energy usage.”</b></p> <p>Delete the text of the seventh bullet point clause in full.</p> <p>Delete the word “allowed” in the eighth bullet point clause and replace with <b>“supported”</b>.</p>		
PM7	Page 23	<p><u>Policy H5 – Gardens</u></p> <p>Delete the first sentence of Policy text and replace with:</p> <p><b>“New housing within the Plan area should make provision for adequate private amenity space for each dwelling as follows:”</b>.</p> <p>Insert bullet points ahead of each of the subsequent two sentences of Policy text.</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM8	Page 24	<p><u>Policy H6 – Housing Design</u></p> <p>Delete the text of the third bullet point criterion in full and replace with:</p> <p><b>“All new development should be located within 800 metres walking distance of shops, parks, recreational facilities and services including medical services.”</b></p> <p>Delete the text of the fourth bullet point criterion in full.</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM9	Page 30	<p><u>Policy T1 – Active Travel</u></p> <p>Delete existing Policy text in full, and replace with:</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		<p><b>“All proposals for new development in the Plan area should include proposals which make walking, cycling and public transport more attractive, including safe pedestrian access to provide links to existing footpaths, cycling routes and public transport.</b></p> <p><b>Development proposals should contribute to the creation and improvement of a safe, direct and convenient cycle route network, between homes and local destinations, such as schools and shops, and to the wider cycle network.</b></p> <p><b>Safe and secure storage and parking for cycles should be provided at local facilities, including the Village Hall, the Wellbrook Medical Centre, shops and schools.”</b></p>		
PM10	Page 30	<p><u>Policy T2 – Access to Schools</u></p> <p>Add new second sentence of Policy text as follows:</p> <p><b>“Any proposals for new pedestrian crossings on the A50 slip roads will be subject to the agreement of Highways England.”</b></p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM11	Page 31	<p><u>Policy T3 – Cycle Paths and Cycle Parking</u></p> <p>Delete the Policy and its text in full and amend the Contents page accordingly.</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM12	Page 43	<p><u>Policy E1 – Green Spaces</u></p> <p>Amend the title of the Policy to read: <b>“Local Green Spaces”</b>.</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report



	<p>Delete Policy text in full, and replace with:</p> <p><b>“The 19 sites listed above and shown on the map on page 43 are all designated as Local Green Spaces in the adopted SDDC Local Green Spaces Plan.</b></p> <p><b>In accordance with Policy BNE8 in the adopted Local Plan, the Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and do not harm the purpose for its designation:</b></p> <p><b>i) The construction of a new building providing essential facilities for outdoor sport. Outdoor recreation, cemeteries, allotments or other uses of the open land;</b></p> <p><b>ii) The carrying out of an engineering or other operation.”</b></p> <p>Amend the list of sites set out on page 43 to read as follows:</p> <p><b>“1. Land off Pegasus Way</b></p> <p><b>2. Land between A5132 and New Road</b></p> <p><b>3. Willowfields</b></p> <p><b>4. South of Egginton Road/Corner of Peacraft Lane (‘Roma’s Garden’)</b></p> <p><b>5. South of Main Street (Village Green and Play Area)</b></p> <p><b>6. Land north of Egginton Road</b></p> <p><b>7. Bren Way</b></p>		
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PM13	Page 44	<p><u>Policy E2 – Retaining Village Identity</u></p> <p>Amend the title of the Policy to read: “<b>Safeguarding Village Identity</b>”.</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		Delete Policy text in full, and replace with:  <b>“Development proposals within the countryside beyond the Hilton settlement boundary, as shown on the map on page 43, will be assessed in terms of their impact upon the character of the area and the settlements and hamlets that lie within the countryside. Proposals which would result in the loss of the character and identity of such settlements will not be supported.”</b>		
PM14	Page 45	<u>Policy E3 – Community Land</u>  Delete the words “and given priority” from the text of the Policy.	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM15	Page 46	<u>Policy E4 – Nature Conservation</u>  Delete Policy text in full, and replace with:  <b>“Development proposals in the Plan area should include landscaping schemes, which seek to retain and protect existing wildlife habitats, create new habitats through the planting of native species and maintain and extend linked habitats to provide wildlife corridors. Where possible, they should integrate existing trees, hedgerows and vegetation.”</b>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM16	Page 47	<u>Policy E5 – Biodiversity</u>  In the second line of Policy text, delete the word “accepted” and replace with “ <b>supported</b> ”  In the second sentence of Policy text, delete existing text and replace with: “ <b>Proposals for new residential and</b>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		<p><b>commercial development in the Plan area should seek to deliver no net loss to biodiversity and achieve a measurable net gain.”</b></p> <p>In the fifth sentence of Policy text, amend text to read: <b>“All designated Local Wildlife Sites and the Hilton Nature Reserve SSSI will be protected from development.”</b></p>		
PM17	Page 49	<p><u>Policy L1 – Recreational Facilities</u></p> <p>Amend first sentence of Policy text to read:</p> <p><b>“Developer contributions through Section 106 Agreements will be sought from new residential developments permitted in the Plan area for the improvement and enhancement of sports and children’s play facilities.”</b></p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM18	Page 51	<p><u>Policy L2 – Healthcare Facilities</u></p> <p>Delete the Policy text in full, and replace with:</p> <p><b>“Developer contributions through Section 106 Agreements will be sought from new residential developments permitted in the Plan area for the improvement and accessibility of health and social care facilities, including integrated community health facilities.”</b></p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM19	Page 53	<p><u>Policy L3 – Hilton Village Shopping Centre Development</u></p> <p>Delete Policy text in full, and replace with:</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		<p><b>“Hilton Parish Council will support the inclusion of retail units as part of the wider development proposals for The Mease housing allocation site, as defined on Inset Map 1, and set out in Policy H1A.</b></p> <p><b>The development of at least six retail units falling within Class E of the Use Class Order 2020 will be supported together with parking provision for up to 40 cars and adequate servicing arrangements for larger vehicles.”</b></p>		
PM20	Page 56	<p><u>Policy B1 – Business units</u></p> <p>Delete first paragraph of Policy text in full, and replace with:</p> <p><b>“Appropriate development proposals for small-scale and micro-businesses will be supported through the conversion of existing buildings within the Plan area, or by the development of new buildings within the Hilton settlement boundary. Business use will be restricted to commercial, business and services uses falling within Class E of the Use Class Order 2020 and will be subject to the requirements of other relevant Policies in this Plan.”</b></p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM21	Page 56	<p><u>Policy B2 – Home working</u></p> <p>Delete the word “permitted” within the second line of Policy text and replace with <b>“supported”</b>.</p> <p>Delete the word “does” in the third line of Policy text and replace with <b>“do”</b>.</p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM22	Page 57	<p><u>Policy B3 – Conversion of business property to domestic use</u></p>	Neighbourhood Plan modified in	As set out in the

		<p>Amend title of Policy to read: <b>“Proposals for the redevelopment or conversion of business properties”</b>.</p> <p>Delete existing Policy text in full and replace with:</p> <p><b>“Proposals for the redevelopment or change of use of properties currently in business use to other uses, including residential use, will only be supported if the existing use is no longer economically viable and the property has been actively marketed for at least 12 months without restriction.</b></p> <p><b>This Policy only applies to those proposals which require planning permission, and not to proposals for which Permitted Development rights are applicable.”</b></p>	accordance with recommendation	Examiner’s Report
PM23	Page 57	<p><u>Policy B4 – Broadband</u></p> <p>Amend Policy text to read as follows:</p> <p><b>“Proposals for new development in the Plan area should enable the enhancement of digital infrastructure and incorporate full fibre broadband connections, including ducting capable of accommodating more than one digital infrastructure provider.”</b></p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report
PM24	Page 58	<p><u>Vision for the future</u></p> <p>Add new paragraph, to follow existing text, as follows:</p> <p><b>“When necessary, we shall keep the Plan up to date by undertaking a formal review of its Policies and proposals, particularly when the current South Derbyshire Local Plan is reviewed to extend beyond 2028. We shall need to take</b></p>	Neighbourhood Plan modified in accordance with recommendation	As set out in the Examiner’s Report

		<b>account of any implications arising from that Local Plan Review, to ensure that this Plan remains an important part of the statutory development plan for the Parish.”</b>		
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