



F. McArdle
Chief Executive

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Date: 26 June 2014

Dear Councillor,

Council

A Meeting of the **Council** will be held in the **Council Chamber**, on **Thursday, 03 July 2014 at 18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

Councillor Murray (Chairman) Councillor Atkin (Vice-Chairman) and Councillors Bale, Mrs. Brown, Ford, Mrs. Hall, Harrison, Hewlett, Mrs. Hood, Jones, Lemmon, Mrs. Patten, Mrs. Plenderleith, Roberts, Smith, Stanton, Mrs. Watson, Watson and Wheeler.

Labour Group

Councillors Bambrick, Bell, Chahal, Dunn, Frost, Mrs. Heath, Mrs. Mead, Mulgrew, Pearson, Rhind, Richards, Shepherd, Southerd, Stuart, Taylor, Tilley, and Wilkins.



AGENDA

Open to Public and Press

- 1** Apologies

- 2** To confirm the Open Minutes of the Meeting of Annual Council held 15.05.14 (CL/1-CL/19).
Open Minutes **5 - 22**

- 3** To confirm the Open Minutes of the Civic Council held 29.05.14 (CC/1-CC/5).
Open Minutes **23 - 24**

- 4** To note any declarations of interest arising from any items on the Agenda

- 5** To receive any announcements from the Chairman, Leader and Head of Paid Service.

- 6** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.

- 7** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.

- 8** Sealed Documents Report (July 07) **25 - 25**

- 9** To receive and consider the Open Reports of the following Committees:-

Licensing and Appeals 12.05.2014 9 LA/41-LA/47 **26 - 27**

Planning 13.05.2014 PL/106-PL/118 **28 - 32**

Overview & Scrutiny 14.05.2014 OS/29-OS/33 **33 - 36**

	Finance and Management (Special) 20.05.2014 FM/01-FM/03	37 - 39
	Environmental and Development Services 05.06.2014 EDS/01-EDS/10	40 - 44
	Housing and Community Services 12.06.2014 HCS/01-HCS/10	45 - 48
	Finance and Management Committee 19.06.2014 FM/05-FM/18	49 - 55
10	To review the compositions of Committees, Sub-Committees & Working Panels for municipal year.	
11	To review the composition of Substitute Panels.	
12	To review representation on Outside Bodies.	
13	Local Plan Part One	56 - 151

Exclusion of the Public and Press:

- 14** The Chairman may therefore move:-
That in accordance with Section 100 (A) of the Local Government Act 1972 the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 15** To receive the Exempt Minutes of Annual Council on 15.05.2014 (CL/20-CL/21).
Exempt Minutes
- 16** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 17** To receive and consider the Exempt Reports of the following Committees:-
Planning Committee 13.05.2014 PL/119
Finance and Management 20.05.2014 FM/04
Environmental and Development Services 05.06.2014 EDS/11-EDS/12
Housing and Community Services 12.06.2014 HCS/11



MINUTES of the ANNUAL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 15th May 2014
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Mrs Hood (Chairman), Councillor Murray (Vice-Chairman) and Councillors Atkin, Bale, Mrs. Brown, Ford, Mrs. Hall, Harrison, Hewlett, Jones, Lemmon, Mrs. Patten, Mrs. Plenderleith, Roberts, Smith, Stanton, Mrs. Watson, Watson and Wheeler.

Labour Group

Councillors Bambrick, Bell, Chahal, Dunn, Frost, Mrs. Heath, Mrs. Mead, Mulgrew, Rhind, Richards, Shepherd, Southerd, Stuart, Taylor, Tilley and Wilkins.

CL/1. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Pearson.

With the permission of the Chairman, the Chief Executive informed Council of the sad death of the former Chairman of the Council's Standards Committee, Dudley Williams. The meeting observed a silence as a mark of respect.

CL/2. **PRESENTATION**

The Chairman welcomed to the meeting David Dalby from the Cabinet Office. Mr Dalby then gave a presentation to members about the new system of Individual Electoral Registration (IER) that would shortly be introduced to replace household electoral registration. Mr Dalby explained the advantages of the new system. This included less scope for fraud and new ways for people to register using electronic options. He went on to explain in detail the data matching process that is currently underway to help prepare the register and the time table that will be used to move directly to individual registration.

Members noted that electoral registration levels in South Derbyshire were already very high and the hope that the new registration system would increase this still further.

The Chairman thanked Mr Dalby for his presentation.

CL/3. **MINUTES**

The Open Minutes of the Meeting of the Council held on 3rd April 2014 (Minutes Nos. CL/88 - CL/97) were taken as read, approved as true records and signed by the Chairman.

CL/4. **APPOINTMENT OF THE LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Wheeler was Leader of the Conservative Group and Councillor Richards was Leader of the Labour Group.

It was proposed, duly seconded and,

RESOLVED:-

That Councillor Wheeler be appointed Leader of the Council for the ensuing year.

CL/5. **APPOINTMENT OF THE DEPUTY LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Harrison was the Deputy Leader of the Conservative Group and Councillor Southerd was the Deputy Leader of the Labour Group.

It was proposed, duly seconded and,

RESOLVED:-

That Councillor Harrison be appointed Deputy Leader of the Council for the ensuing year.

CL/6. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman recorded her thanks for the support of Members during her year in office. The Chairman also spoke about events that she had attended since the last Council meeting.

CL/7. **LEADER'S ANNOUNCEMENTS**

The Leader of the Council paid credit to the Chairman for her year in office and behalf of the Council as a whole thanked her for all her hard work. He also informed members that the Deputy Leader of the Council had attended the funeral of the late Dudley Williams and of the progress that had been made towards establishing an educational partnership between South Derbyshire and Toyota City in Japan. Finally, the Leader paid tribute to Councillor Lemmon, who would be standing down as chairman of the Housing and Community Services Committee. The Leader's comments were endorsed by the Council as a whole.

CL/8. **HEAD OF PAID SERVICE ANNOUNCEMENTS**

The Chief Executive explained to members the technical problems that had occurred with the electronic distribution of the agenda for today's meeting

through the CIMIS system, caused by a software update. However, he pointed that in overall terms, significant progress had been made towards achieving the Council's goal of reducing paper use because of the system. He also explained to members that there had been changes in the support provided to the Council's constitutional arrangements and he introduced the two new Democratic Services Officers that had recently been appointed – Sally O'Hanlon and Alan Maher. Together with the new appointment of Angela Edwards to the role of Senior Legal Officer, who would be commencing employment with the Council shortly.

CL/9. **REPORTS OF COMMITTEES**

RESOLVED:-

That the Open reports of the following Committees be received and noted and any recommendations contained therein be approved and adopted, subject to any matters annotated:-

Etwall Area Forum 28.01.14 (EA/18 – EA/26)

Finance & Management Committee 20.03.14 (FM/98 – FM/105)

Planning Committee, 26th March 2014 (Minutes Nos. PL/132 – PL/143)

Licensing & Appeals Committee 2nd March 2014 (LA/38)

Environmental & Development Services Committee 10.04.14 (EDS/51 – EDS/58)

Planning Committee, 15th April 2014 (PL/98 – PL105)

Housing & Community Services Committee, 17th April 2014 (HCS/50 – HCS/55)

Finance & Management Committee 24th April 2014 (FM/109 – FM/115). It was noted that the chair for the meeting was Councillor Mrs Watson not Councillor Watson. It was agreed that the minutes be altered accordingly.

CL/10. **POLITICAL PROPORTIONALITY**

It was reported that the Council's duty to determine the allocation of seats was prescribed by the Local Government and Housing Act 1989, as modified by the Local Government (Committees and Political Groups) Regulations 1990.

A report was submitted which confirmed the political composition of the Council. It also set out the requirements to review representation of the different political groups at, or as soon as practicable after, the Annual Meeting of the Council.

RESOLVED:-

- (1) That in accordance with Council Procedure Rule No. 1.1(e) the Council appoints the Committees and Sub-Committees as set out at Annexe “A” to these Minutes, together with the six Area Forums detailed in Article 9 of the Council’s Constitution.**
- (2) That the Council approves and adopts the recommended allocation of seats to the Political Groups for the municipal year 2014/15.**
- (3) That the Council allocates seats between the Political Groups as set out at Annexe “A” to these Minutes, and invites the two Groups to make nominations to fill these seats.**

CL/11. **APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2014/15**

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2014/15.

RESOLVED:-

- (1) That the nominations of Members to serve on Committees, Sub-Committees and Working Panels for the ensuing year, as set out at Annexe “B” to these Minutes be received and noted.**
- (2) That the appointments of Chairmen and Vice-Chairmen be approved as indicated.**
- (3) That the majority group membership of the Housing Revenue Account Review Group – Councillors Harrison, Hewlett and Smith – be approved.**

CL/12. **COMPOSITION OF SUBSTITUTE PANELS**

RESOLVED:-

That the nominations of Members to serve on Substitute Panels, as set out at Annexe “C” to these Minutes, be received and noted.

CL/13. **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2014/15**

RESOLVED:-

That Council approves the schedule of persons nominated to serve on Outside Bodies for 2014/15, as set out at Annexe “D” to these Minutes.

CL/14. **APPOINTMENT OF MEMBER CHAMPIONS**

RESOLVED:-

That Council approves the schedule of Members Champions for 2014/15 as set out at Annexe “E” to these Minutes, subject to Councillor

Stanton replacing Councillor Watson as the members champion on the 'Historic Environment'.

CL/15. **APPOINTMENT OF CHAIRMEN AT AREA FORUMS**

RESOLVED:-

That the following Chairmen be appointed to the Area Forums as indicated below:-

*Etwall Area Forum – Councillor Mrs. Brown
Linton Area Forum – Councillor Wheeler
Melbourne Area Forum – Councillor Harrison
Newhall Area Forum – Councillor Richards
Repton Area Forum – Councillor Smith
Swadlincote Area Forum – Councillor Rhind*

CL/16. **SEALING OF DOCUMENTS**

RESOLVED:-

That the Sealed Documents listed at Annexe "SMB1" to the Signed Minute Book, which have no specific authority, be duly authorised.

CL/17. **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2013/14**

The annual report of the Overview and Scrutiny Committee for 2013/14 was submitted. The Chairman of the Committee presented this document to Members, speaking on the reviews undertaken during the previous year. In particular, she highlighted the valuable investigations that had been undertaken on environmental volunteering and domestic abuse. She also highlighted the issues that were likely to form the basis for the Committee's work programme during 2014/15

RESOLVED:-

That the Council receives the annual report of the Overview and Scrutiny Committee for 2013/14

SCHEME OF DELEGATION

CL/18. Members were asked to approve the scheme of delegation.

RESOLVED:-

That the scheme of delegation be approved.

CL/19. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under the paragraphs of Part 1 of Schedule 12A of the Act as indicated in the reports of Committees.

MINUTES

The Exempt Minutes of the Meeting of the Council held on 3rd April 2014, were duly received and approved.

REPORTS OF COMMITTEES

The Exempt reports of the following Committees were received and noted and any recommendations contained therein, approved and adopted:-

Finance & Management Committee, 20th March 2014 (FM/106 – FM/108)

Planning Committee, 25th March 2014 (PL/97)

Licensing and Appeals Sub-Committee, 2nd April 2014 (LAS/39 – LAS/40)

Environmental and Development Services Committee, 10th April 2014 (EDS/59)

Housing and Community Services Committee, 18th April 2014 (HCS/56)

Finance and Management Committee, 24th April 2014 (FM/116 – FM/118) subject to the alteration of the chair for the meeting to read ‘Councillor Mrs Watson’.

Councillor Mrs Hood

CHAIRMAN

**SCHEDULE OF PERSONS NOMINATED FOR SERVICES AS
REPRESENTATIVES OF THE COUNCIL
ON OUTSIDE BODIES FOR 2014/15**

Organisation	Representative(s)
1. Acre Lane, Shardlow Sand & Gravel Site Liaison Committee	Councillor P Watson Councillor A Watson (sub)
2. Adult Care Services Board(Supporting People).	Chairman of Housing and Community Services Committee
3. Arts Derbyshire	Councillor J Hewlett
4. Association of Retained Council Houses Ltd. (ARCH)	Councillor J Hewlett Director of Housing and Environmental Services
5. Building Control Joint Working Project Board.	Chairman of Environmental & Development Services Committee
6. Burton Hospitals NHS Foundation Trust Governors	Councillor A Plenderleith
7. Central Midlands Audit Partnership Board	Chairman of Audit Sub-Committee Vice-Chairman of Audit Sub-Committee (sub)
8. Community Arts Project (“People Express”) Management Committee	Councillor P Murray Councillor P Smith
9. Community Transport (Swadlincote) Management Committee	Councillor M Hall
10. Derby Airfield Consultative Committee	Councillor M Ford
11. Derbyshire Economic Partnership Board	Councillor R Wheeler
12. Derby and Derbyshire Strategic Leadership Forum	Councillor R Wheeler Councillor J Harrison(sub) Chief Executive Monitoring Officer (sub)
13. Derby and Sandiacre Canal Trust Ltd	Councillor M Stanton
14. Derbyshire Hate Crime Panel	Councillor J Patten
15. Derbyshire Partnership Forum	Councillor R Wheeler
16. Derbyshire Police and Crime Panel	Councillor A Plenderleith Councillor N Atkin (sub)
17. Derbyshire Sport	Councillor P Smith
18. Donington Park Racing Circuit Liaison Committee	Councillor P Watson Councillor N Atkin (sub) Councillor J Harrison (sub)
19. East Midlands Airport Independent Consultative Committee	Councillor J Harrison Councillor N Atkin (sub)

20. East Midlands Airport Liaison Committee	Aston, Melbourne and Repton Ward Members
21. East Midlands Arts	Councillor J Patten
22. East Midlands Councils	Councillor R Wheeler
23. Elvaston Quarry Waste Disposal Site Liaison Committee	Councillor P Watson Councillor Mrs A Watson(sub)
24. Environmental Education Project Steering Group	Councillor J Hewlett
25. Goseley Community Centre Committee	Councillor P Murray Councillor S Taylor
26. Heart of the Forest Forum	Councillor M Stanton
27. Hilton Harriers Mease Management Committee	Councillor J Patten
28. Homestart	Councillor P Smith
29. Local Government Association (London)	Councillor R Wheeler (General Assembly) Councillor J Harrison (Rural Commission) Councillor P Watson (Urban Commission)
30. Local Government Information Unit	Councillor R Wheeler Councillor J Harrison (sub)
31. Melbourne Sporting Partnership	Director of Community and Planning
32. New Albion Revised Liaison Committee	Councillor P Watson
33. Next Step Against Domestic Abuse	Councillor J Patten
34. Parking and Traffic Regulations (outside London) Adjudication Joint Committee	Councillor P Watson
35. Pingle Artificial Turf Pitch Management Group	Councillor P Smith
36. Relate	Councillor J Patten
37. Rosliston and Caldwell Village Hall Management Committee	Councillor R Wheeler
38. Rosliston Forestry Centre Management Executive	Councillor J Hewlett
39. Rosliston Forestry Community Group	Councillor R Wheeler
40. Rural Action Derbyshire	Councillor M Stanton
41. Safer South Derbyshire Partnership Strategic Group	Councillor R Wheeler Councillor J Hewlett (sub)
42. Shardlow Heritage Centre Museum Working Group	Councillor M Stanton
43. Sharpe's Pottery Heritage & Arts Trust Ltd.	Councillor J Hewlett Councillor P Smith Councillor M Stanton Councillor R Wheeler
44. Sir John Port and John Osbourne Almshouses Charitable Trust	Councillor J Lemmon

45. Social Care Forum	Councillor P Smith
46. South Derbyshire Citizens' Advice Bureau	Councillor J Hewlett Councillor C Jones
47. South Derbyshire CVS	Councillor M Hall Councillor C Jones
48. South Derbyshire Partnership	Councillor R Wheeler Councillor J Harrison Councillor K Richards Councillor T Southerd (sub) Chief Executive
49. South Derbyshire Mental Health Association	Councillor J Hewlett
50. South Derbyshire Music Trust Management Committee	Councillor M Hall
51. South Derbyshire Strategic Sports Group	Councillor P Smith Councillor J Hewlett (sub)
52. Swarkestone Pit, Barrow-on-Trent Sand and Gravel Site Liaison Committee	Councillor P Watson Councillor A Watson (sub)
53. Toyota Community Liaison Committee	Councillor R Wheeler Councillor J Lemmon
54. Visit Peak District and Derbyshire	Councillor M Stanton

COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS **2014/15**

FINANCE AND MANAGEMENT COMMITTEE (13)

Conservative Group (7)

Councillor Mrs. Watson (Chairman), Councillors Jones (Vice-Chairman) and Councillors Hewlett, Murray, Smith, Watson and Wheeler.

Labour Group (6)

Councillors Bell, Rhind, Richards, Southerd, Taylor and Wilkins.

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE (13)

Conservative Group (7)

Councillor Watson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Mrs. Brown, Ford, Mrs. Hall, Mrs. Patten and Stanton.

Labour Group (6)

Councillors Chahal, Frost, Mulgrew, Stuart, Taylor and Tilley.

HOUSING AND COMMUNITY SERVICES COMMITTEE (13)

Conservative Group (7)

Councillor Hewlett, (Chairman), Councillor Smith (Vice-Chairman) and Councillors Ford, Harrison, Mrs. Hood, Lemmon and Murray.

Labour Group (6)

Councillors Dunn, Frost, Mulgrew, Rhind, Richards and Shepherd.

PLANNING COMMITTEE (13)

Conservative Group (7)

Councillor Ford (Chairman), Councillor Mrs. Brown (Vice-Chairman) and Councillors Bale, Mrs. Hall, Jones, Stanton and Watson.

Labour Group (6)

Councillors Bell, Dunn, Pearson, Richards, Shepherd and Southerd

LICENSING AND APPEALS COMMITTEE (15)

Conservative Group (7)

Councillor Stanton (Chairman) and Councillors Atkin, Bale, Harrison, Mrs. Patten, Watson and Wheeler.

Labour Group (8)

Councillors Bell, Dunn, Frost, Mrs. Heath, Rhind, Richards, Southerd and Wilkins.

OVERVIEW AND SCRUTINY COMMITTEE (8)

Conservative Group (4)

Councillor Mrs. Plenderleith (Chairman), Councillor Atkin (Vice-Chairman) and Councillors Mrs. Hood and Mrs. Patten.

Labour Group (4)

Councillors Bambrick, Heath, Mrs Mead and Pearson.

STANDARDS COMMITTEE (6)

Conservative Group (3)

Councillors Harrison (Chairman), Stanton (Vice-Chairman) and Murray.

Labour Group (3)

Councillors Mrs. Mead and Pearson (one other to be confirmed)

JOINT CONSULTATIVE COMMITTEE (5)

Conservative Group (3)

Councillors Harrison, Mrs. Watson and Wheeler.

Labour Group (2)

Councillors Richards and Southerd

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE (3)

Conservative Group (2)

Councillors Bale and Lemmon.

Labour Group (1)

Councillor Shepherd

AUDIT SUB-COMMITTEE (5)

Conservative Group (3)

Councillor Harrison (Chairman), Councillor Ford (Vice-Chairman) and Councillor Murray.

Labour Group (2)

Councillors Dunn and Shepherd

HERITAGE GRANTS SUB-COMMITTEE (4)

Conservative Group (2)

Councillors Bale and Hewlett.

Labour Group (2)

Councillors Southerd and Taylor.

SINGLE STATUS STEERING GROUP (3)

Conservative Group (2)

Councillors Harrison and Wheeler.

Labour Group (1)

Councillor Wilkins

COMMUNITY PARTNERSHIP SCHEME ASSESSMENT PANEL (5)

Conservative Group (3)

Councillors Bale, Harrison and Wheeler.

Labour Group (2)

Councillors Rhind and Taylor

CORE STRATEGY WORKING PANEL (5)

Conservative Group (3)

Councillors Hewlett, Smith and Watson.

Labour Group (2)

Councillors Rhind and Taylor

CORPORATE SERVICES STRATEGIC PARTNERSHIP BOARD (3)

Conservative Group (2)

Councillors Harrison and Wheeler.

Labour Group (1)

Councillor Richards

LOCAL PLAN OFFICER/MEMBER WORKING GROUP (6)

Conservative Group (3)

Councillors Watson (Chairman) and Councillors Mrs. Plenderleith and Stanton.

Labour Group (3)

Councillors Shepherd, Southerd and Taylor

AREA FORUM COMPOSITIONS

ETWALL

(Comprising Members from Etwall, Hatton and Hilton Wards)

Conservative Group

Councillors Bale, Mrs. Brown, Lemmon, Mrs. Patten, Mrs. Plenderleith and Roberts.

LINTON

(Comprising Members from Linton and Seales Wards)

Conservative Group

Councillors Mrs. Hall, Jones and Wheeler.

Labour Group

Councillor Frost.

MELBOURNE

(Comprising Members from Aston and Melbourne Wards)

Conservative Group

Councillors Atkin, Harrison, Hewlett, Mrs. Watson and Watson.

NEWHALL

(Comprising Members from Midway and Newhall & Stanton Wards)

Labour Group

Councillors Bambrick, Dunn, Mrs. Mead, Pearson, Richards and Wilkins.

REPTON

(Comprising Members from Repton, Stenson and Willington & Findern Wards)

Conservative Group

Councillors Ford, Mrs. Hood, Smith and Stanton.

Labour Group

Councillors Chahal and Shepherd.

SWADLINCOTE

(Comprising Members from Church Gresley, Swadlincote and Woodville Wards)

Conservative Group

Councillor Murray.

Labour Group

Councillors Bell, Mrs. Heath, Mulgrew, Rhind, Southerd, Stuart, Taylor and Tilley.

MEMBER CHAMPIONS 2014/15

Arts & Culture	Councillor Hewlett
Consultation, Communication & Engagement	Councillor Murray
Design (Planning)	Councillor Bale
Equality & Diversity	Councillor Mrs. Patten
Health & Safety	Councillor Watson and Councillor Bell
Historic Environment	Councillor Watson
Information Technology	Councillor Mrs. Watson and Councillor Frost
Older People	Councillor Hewlett
Performance & Data Quality	Councillor Harrison
Procurement & Business Improvement	Councillor Mrs. Watson
Risk Management	Councillor Watson
Safeguarding	Councillor Mrs. Watson
Training	Councillor Lemmon and Councillor Southerd
Voluntary Sector	Councillor Hewlett
Young People	Councillor Bale

ANNEXE 'A'

POLITICAL PROPORTIONALITY 2014/15

Committee	Membership	Conservative Group	Labour Group
Finance & Management	13	7	6
Environmental & Development Services	13	7	6
Housing & Community Services	13	7	6
Planning	13	7	6
Licensing & Appeals	15	7	8
Overview & Scrutiny	8	4	4
Standards	6	3	3
Joint Consultative	5	3	2
Etwell Leisure Centre Joint Management	3	2	1
Audit Sub	5	3	2
Heritage Grants Sub	4	2	2
Seats available for allocation	98	52 (51.72)	46 (46.28)
Total number of seats on Council	36 (100%)	19 (52.78%)	17 (47.22%)

SUBSTITUTE PANELS 2014/15

FINANCE AND MANAGEMENT COMMITTEE

Conservative Group (7)

Councillors Atkin, Bale, Mrs. Hall, Mrs. Hood, Lemmon, Roberts and Stanton.

Labour Group (6)

Councillors Dunn ,Frost Mulgrew,Shepherd,Stuart and Tilley

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

Conservative Group (7)

Councillors Atkin, Harrison, Jones, Lemmon, Murray, Smith and Wheeler.

Labour Group (6)

Councillors Dunn,Rhind,Richards,Shepherd,Southerd and Wilkins

HOUSING AND COMMUNITY SERVICES COMMITTEE

Conservative Group (7)

Councillors Bale, Mrs. Hall, Mrs. Plenderleith, Roberts, Stanton, Watson and Wheeler.

Labour Group (6)

Councillors Bell,Chahal,Southerd,Stuart,Taylor and Wilkins

PLANNING COMMITTEE

Conservative Group (7)

Councillors Hewlett, Mrs. Hood, Lemmon, Murray, Mrs. Patten, Roberts and Wheeler.

Labour Group (6)

Councillors Bambrick,Mrs Heath,Rhind,Stuart,Taylor and Wilkins

JOINT CONSULTATIVE COMMITTEE

Conservative Group (3)

Councillors Hewlett, Mrs. Patten and Watson

Labour Group (2)

Councillors Rhind and Taylor

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

Conservative Group (2)

Councillors Mrs. Plenderleith and Roberts.

Labour Group (1)

Councillor Chahal

HERITAGE GRANTS SUB-COMMITTEE

Conservative Group (2)

Councillors Atkin and Smith.

Labour Group (2)

Councillor Bell and Mrs Heath

SINGLE STATUS STEERING GROUP

Conservative Group (2)

Councillors Mrs Hood and Mrs. Watson.

Labour Group (1)

Councillor Richards

COMMUNITY PARTNERSHIP SCHEME ASSESSMENT PANEL

Conservative Group (3)

Councillors Atkin, Mrs. Hood and Lemmon.

Labour Group (2)

Councillors Southerd and Tilley

MINUTES of the CIVIC MEETING
of the SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Town Hall, The Delph, Swadlincote
on 29th May 2014
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Mrs Hood (Chairman), Councillor Murray (Vice-Chairman) and Councillors Atkin, Bale, Mrs. Brown, Ford, Mrs. Hall, Harrison, Hewlett, Jones, Lemmon, Murray, Mrs. Patten, Mrs. Plenderleith, Smith, Stanton, Mrs. Watson, Watson and Wheeler.

Labour Group

Councillors Bambrick, Bell, Chahal, Dunn, Frost, Mrs. Heath, Mrs. Mead, Mulgrew, Pearson, Rhind, Richards, Shepherd, Southerd, Stuart, Taylor, Tilley and Wilkins.

CC/1. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Roberts (Conservative Group)

CC/2. **ELECTION OF THE CHAIRMAN OF THE COUNCIL**

It was proposed, and seconded that Councillor Murray be elected as chairman of the Council for the 2014/15 local government year.

It was further proposed and seconded that this proposal be amended and that Councillor Bambrick be elected as Chairman.

The amendment was not carried and the Council agreed instead the substantive motion that Councillor Murray be elected as Chairman of the Council.

RESOLVED:-

That Councillor Murray be elected Chairman of the Council for the ensuing year.

(Councillor Murray then made the Declaration of Acceptance of Office of Chairman and presided, thanking the Members for the honour conferred upon him. He announced that Mrs Sandra Murray would act as his Consort during his term of office).

CC/3. **RETIRING CHAIRMAN OF THE COUNCIL**

In accordance with adopted practice, the Chairman of the Council presented insignia to Councillor Mrs Hood and her Consort, Mr. Frank Hood. He paid tribute to the manner in which they had performed their duties over the past year and this was endorsed by Members of the Council. Councillor Mrs Hood responded thanking members and Officers for their support during her year in office.

CC/4. **ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL**

It was proposed, and seconded Councillor Atkin be elected, and,

RESOLVED:-

That Councillor Atkin be elected Vice-Chairman of the Council for the ensuing year.

(Councillor Atkin then made the Declaration of Acceptance of Office of Vice-Chairman and thanked Members for the honour conferred upon him).

CC/5. **PRESENTATION OF LONG SERVICE AWARDS**

The Chairman presented a long service awards to Jayne Beech and Ray Bateman , who had completed 20 years service as at 31st March 2014.

P MURRAY

CHAIRMAN

The Meeting terminated at 6.35 p.m.

REPORT TO: COUNCIL **AGENDA ITEM:** 8
DATE OF MEETING: 3rd July 2014 **CATEGORY:** DELEGATED
REPORT FROM: CHIEF EXECUTIVE **OPEN**
MEMBERS' CONTACT POINT: DEMOCRATIC SERVICES **DOC:** 01283 595848/595722
SUBJECT: SEALED DOCUMENTS **REF:**
WARD (S) AFFECTED: VARIOUS **TERMS OF REFERENCE:** N/A

1.0 Purpose of Report/Detail/Recommendation

1.1 To authorise the Sealed Documents listed below, which have no specific authority:-

<u>Date</u>	<u>No. of Seal</u>	<u>Nature of Document</u>
8.05.14	10835	Transfer – 12 Roseleigh Crescent, Newhall
8.05.14	10839	Transfer – 56 Bellfield Road, Swadlincote
2.06.14	10813	Transfer – 126 Packhorse Road, Melbourne

2.0 Financial Implications

2.1 None.

3.0 Corporate Implications

3.1 None.

4.0 Community Implications

4.1 None.

5.0 Background Papers

5.1 Seal Register

LICENSING AND APPEALS SUB-COMMITTEE

12th May 2014

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillors Harrison (Chairman) and Mrs. Patten (Conservative Group) and Councillor Bell (Labour Group)

District Council Representatives

A. Kaur (Chief Legal Officer), E. McHugh (Senior Licensing Officer) and A. Maher and S. O'Hanlon (Democratic Services Officers).

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/41. **APPOINTMENT OF CHAIRMAN**

RESOLVED

That Councillor Harrison be appointed Chairman for the Meeting.

LAS/42. **DECLARATIONS OF INTEREST**

Councillor Mrs Patten declared an interest on Item 5 (determination of an application for a premises licence for the Derbyshire Food and Drink Fair in her capacity as a Derbyshire County Councillor.

LAS/43. **DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE – FOOD STOP, SWADLINCOTE.**

The Sub-Committee met on Monday, 12th May 2014 to determine an application for a Premises Licence under the Licensing Act 2003 for Food Stop, Coppice Side, Swadlincote.

RESOLVED:-

The application was approved, as detailed in the Decision Notice, a copy of which is incorporated in the Signed Minute Book.

LAS/44. **DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE – DERBYSHIRE FOOD AND DRINK FAYRE ELVASTON**

The Sub-Committee considered an application for a Premises Licence for the Derbyshire Food and Drink Fayre, Elvaston.

RESOLVED:-

That the application for a Premises Licence be granted, as detailed in the Decision Notice, a copy of which is incorporated in the Signed Minute Book.

LAS/45. LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (ACCESS TO INFORMATION) ACT 1985

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

- LAS/46. The Sub Committee reviewed an existing private hire driver's licence. Members were informed that in line with the Council's Private Hire Driver's licence conditions, the licence holder was required to complete the Driving Standards Agency test. However he had indicated that he did not intend to take the test due to the cost.

RESOLVED:- *To suspend the Private Hire Driver's Licence until such time as he had taken and passed the Driving Standards Agency test.*

- LAS/47. The Sub-Committee then reviewed another existing private hire driver's licence in the context of an incident in which he had been involved, unrelated to his role as a private hire driver.

RESOLVED:-

That the licence holder is issued with a written notice warning as to his future conduct and that this remains on his file for a period of 12 months.

J HARRISON

CHAIRMAN

The Meeting terminated at 10.30 a.m.

PLANNING COMMITTEE

13th May 2014

PRESENT:-

Conservative Group

Councillors Ford (Chairman), Mr Brown (Vice Chairman) and Councillors Bale, Mrs Hall, Stanton, Watson.

Labour Group

Councillors Bell, Dunn, Pearson, Richards, Shepherd, Southerd.

In attendance

Councillors Frost, Tilley, Mulgrew, Mrs Heath, Atkin and Mrs Hood.

PL/106 **Declarations of Interest**

Councillor Richards explained to the Committee that although he did not intend to declare an interest, he did live in close proximity to the proposed development at Midway (item 1.2 on the agenda). The Chairman of the Committee, Councillor Ford, explained that he was strongly opposed to the change of use of the Wheel Inn public House in Findern. Having set out the reasons for his opposition, he made it clear that he would vacate the chair and leave the chamber when this item was discussed.

MATTERS DELEGATED TO COMMITTEE

PL/107 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services then submitted reports for consideration and determination by the Committee. The Head of Planning Services suggested that the Committee consider first the change of use of the Wheel Inn public house in Findern. Members agreed to this suggestion. At this point the Chairman vacated the chair, which was then taken by the Vice Chairman, Councillor Mrs Brown.

PL/108 **APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR A CHANGE OF USE FROM CLASS A4 (DRINKING ESTABLISHMENT) TO CLASS A1 (FUNERAL DIRECTORS) AT THE WHEEL INN, 25 MAIN STREET, FINDERN 9/2014/0286/Z.**

The Head of Planning Services explained to members the legal basis for this application. National planning law allowed for them to be converted from their current use as a public house to use as a funeral directors. This change did not require the agreement of the Planning Committee. The request before the Committee, therefore, was simply to confirm that this change was allowed

under the law. As this was simply a statement of fact, the Committee would have no option but agree to do this.

The consequences of not granting the certificate were discussed. Members were informed that such a decision would be subject to appeal (possibly through a judicial review) which the Council would be likely to lose on a matter of law and, potentially, could have costs awarded against it.

RESOLVED:-

That the application for a lawful development certificate for a change of use from Class A4 (drinking establishment) to Class A1 (funeral directors) be approved.

PL/109 **THE ERECTION OF AN EXTENSION AND ALTERATION AT NO. 5 MERE BECK, AMBASTON 9/2014/0150/FH**

The Committee was informed that following discussions, the applicant had agreed to change the proposals and to accept certain conditions on the scheme.

RESOLVED:-

That planning permission be granted, subject to the conditions set out in the report of the Director of Community and Planning Services.

PL/110 **THE ERECTION OF 66 DWELLINGS AND ASSOCIATED INFRASTRUCTURE, DEVELOPMENT OF NEW COMMUNITY FACILITIES AND SPORTS HALL AND CAR PARK WITH DEMOLITION OF EXISTING PAVILLION AND INSTALLATION OF NEW PLAY AREA AND TWO NEW FOOTBALL PITCHES ON LAND OFF CHESTNUT AVENUE, MIDWAY 9/2014/0158/RSD.**

The Committee was reminded by the Head of Planning Services that some members had visited the site of this proposed development earlier in the day. It was explained that the scheme had been developed by the Council, in conjunction with Strata Homes, and was supported by local members.

Members discussed the proposed development. There was general agreement that this was a high quality scheme, which would be of real benefit to the local community.

RESOLVED:-

That planning permission be granted, subject to the conditions set out in the report of the Director of Community and Planning Services.

PL/111 **THE CONVERSION OF A BARN TO DOMESTIC ANEXEE WITH THE ERECTION OF A CONSERATORY AT NO.80 WEST STREET, WESTON ON TRENT. 9/2014/0261/FM**

The Committee was informed that changes had been made to the proposed development. As a consequence of these, the Committee was now recommended to approve the application.

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report of the Director of Community and Planning Services.

PL/112 **THE ERECTION OF ONE, TWO AND THREE BEDROOM BUNGALOWS AND HOUSES WITH ASSOCIATED PARKING, GARDENS AND ACCESS ON LAND AT PENNINE WAY, SWADLINCOTE. 9/2014/0278/RSD.**

It was reported that members of the Committee had visited the site prior to the Meeting. The Head of Planning explained that the proposal involved the creation of housing on land at the end of Pennine way.

Members of the Committee welcomed the proposed development. The Committee was informed that as a condition for the development, works vehicles would not be allowed to approach the site at the beginning or end of the school day in order to help prevent any traffic problems from being caused for local residents.

RESOLVED:-

That planning permission be granted, subject to the conditions set out in the report of the Director of Community and Planning Services.

PL/113 **THE CONVERSION OF A FORMER PUBLIC HOUSE AND RESTAURANT TO A SINGLE DWELLING AND THE ERECTION OF FOUR DWELLINGS ON LAND AT NO. 92 ASHBY ROAD, MELBOURNE. 9/2014/006/FX**

Members received a report on the development. As part of this, the various conditions that had been placed on the development were explained.

RESOLVED:-

That planning permission be granted, subject to the conditions set out in the report of the Director of Community and Planning Services.

PL/114 **THE ERECTION OF AN EXTENSION AT HILL TOP BARN, MAIN STREET, INGLEBY. 9/3013/1013/FH.**

It was reported that members of the Committee had visited the site prior to the Meeting. The Head of Planning Services explained that concerns about the proposed development had been raised by the Council's conservation officer;

both in terms of impact on the ‘roofline’ of the barn conversions as a whole and on the nearby listed farmhouse.

The Committee heard from the representative of the applicant, who spoke in favour of the development. In particular, that the proposal would not have a serious impact either on the barn conversions as a whole or on the listed farmhouse.

RESOLVED:-

That planning permission for the erection of an extension at Hill Top Barn, Main Street Derby be granted. That the Head of Planning Services be authorised to agree the necessary conditions on the development.

PL/115 **THE ERECTION OF DWELLING AND GARAGE ON LAND SOUTH OF WOODBINE COTTAGE, ASHBY ROAD, TICKNALL, DERBY 19/2014/0245/FM**

Members were reminded that previous applications for developments on this site had not been approved. They were also informed that the County Highway Authority objected to the proposed development because of the restricted access to it. The Committee was advised that there were valid reasons for rejecting the proposed development as unsuitable for the site.

RESOLVED:-

That planning permission be refused for the reasons set out in the report by the Director of Community & Planning Services.

PL/116 **APPEAL DECISIONS**

The Committee noted the results of various appeal decisions made by the Planning Inspectorate:

- Appeal ‘A’ – land lying to the west of Main Street, Repton
- Appeal ‘B’ – 136 Main Street, Repton

PL/117 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

PL/118 **Enforcement Action - Willington**

Members received a report on this issue.

Resolved:

That the recommendations be approved.

M. FORD

CHAIRMAN

OVERVIEW AND SCRUTINY COMMITTEE

14th MAY 2014

PRESENT:-

Conservative Group

Councillors Mrs Plenderleith (Chairman), Atkin (Vice-Chairman), Mrs Hood and Mrs Patten

Labour Group

Councillors Bambrick, Dunn and Pearson

OS/.29 **APOLOGY**

An apology for absence from the Meeting was received from Councillor Mrs Mead

OS/.30 **MINUTES**

The minutes of the meetings held on the 22nd January and 12th February 2014 were agreed as a true record.

OS/.31 **Regulation of Investigatory Powers Act**

The Committee received a report on the Council's use of the Regulation of Investigatory Powers Act (RIPA) 2000 since February 2014. This made it clear that RIPA was intended to regulate the use of investigatory powers and to ensure that they are used in accordance with human rights. With this in mind the Council has made only sparing use of these powers and members were informed that no use had been made of them over the last four months.

RESOLVED:

The Committee note the report

OS/.32 **Annual Report**

The Committee then considered its draft Annual Report for the 2013/14 local government year. This report outlined how the Committee had discharged its functions over the year and in particular, what issues the Committee had

looked at. In particular, the report highlighted the work that members had carried out on domestic abuse. The Committee had found out that there were many groups providing services to the victims of domestic abuse, but that there were doubts about their long term financial viability. For this reason members had agreed to raise the issue with the Police & Crime Commissioner for Derbyshire. The officers were asked to find out what response had been received from the Commissioner.

The report made it clear that the Committee had also carried out an important investigation into 'environmental volunteering'. What had emerged from this investigation is that a lot of activity is already taking place and that the Council is now actively seeking local companies to become involved in the scheme and asking them for suggested projects to work on.

Members welcomed the report, which it was felt reflected adequately the work that the Committee had carried out during the year.

OS/.33 **The Committee's Work Programme**

The Committee received a report setting out some suggestions on how the Committee might identify and agree possible issues to form the basis for its work programme during the new local government year. Once members had decided what issues that they wished to scrutinise and what questions they would like to address then, the report argued, officers would be able to produce some specific proposals for how the investigations should run. A range of internal and external stakeholders could then be consulted in order to gauge their views on how they should be carried-out.

Members considered a range of possible topics for the Committee to scrutinise, the councillors who would be responsible for carrying out the initial scoping exercise and in particular what lines of enquiry they would like to cover. At the conclusion of their discussion, they agreed a number of topics as the basis for their core work programme; which could be added to if other issues were identified by members during the course of the year.

The Committee agreed to look at the following topics and identified the members who would take lead responsibility for scoping the issues that should be covered by any investigations:

- Cemetery provision in the district. Members noted that the Committee had previously identified this investigation as part of its work programme, but that this had not yet been taken place. The Committee was informed by the Director of Finance and Corporate Services that work was ongoing on this issue. He agreed to submit a report to the Committee at its meeting in June.
- The Choice Based Letting System. In particular, members were keen to find out whether it was properly understood by those seeking to use it and

whether it had proved cost effective as a value for money measure. Councillor Dunn was nominated to scope the areas to be covered by the investigation.

- Electoral processes. The Committee had identified this as a potential issue for scrutiny. However, it was noted that Council would receive a presentation at Annual Council on the new system for individual electoral registration. This new scheme would require all adults to register in order to retain their right to vote. It was agreed, therefore, that the investigation be scoped following on from this presentation, so that the potential impact of the changes on what issues will have to address in order to ensure that people do register were properly understood. It was agreed that the Chairman and Vice Chairman of the Committee should take the lead in scoping this investigation
- Dental provision in the district. Members discussed examples of how people had been forced to travel to dentists at some distance for dental treatment because they were unable to register with a dental practice in South Derbyshire. There was concern that the problem could become worse, given the increasing population of the district. The Committee felt that this investigation would address an issue that was important for the wider community and complement the wider health scrutiny being carried out at a county-wide level. It was agreed that Councillor Patten should take the lead in scoping this investigation.

Members discussed other possible investigations and especially sickness levels of both of the staff directly employed by the Council and also those employed by Northgate. The Committee was informed that the Finance & Management Committee had already asked for information on Council sickness levels to be submitted to it on a regular basis. The Overview & Scrutiny Committee was content with this approach, but asked that the information about Northgate staff absences should also be submitted to the Finance & Management Committee. The Director of Finance & Corporate Services agreed to do this.

The Committee considered a possible review of leisure in the borough and in particular, whether we have the right leisure facilities and whether we are doing enough to enable hard to reach groups participate in sport and exercise. Members felt that there could be value in this, but felt that any investigation would need to be carefully thought through and not replicate any earlier work. It was agreed that Councillor Atkin should give some further thought to this in order to determine whether it would be suitable topic for the Committee work programme.

The Committee agreed to consider this and any further ideas for the work programme at its meeting in June.

Councillor Dunn thanks the chair for welcoming him to the committee and advised that he would be leaving the committee post Annual Council.

The meeting closed at 6.40pm

RESOLVED:

That the Annual Report of the Overview & Scrutiny Committee be agreed and submitted to Annual Council.

The meeting ended at 6.45pm

MRS. A. PLENDERLEITH

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE (SPECIAL)

20th May 2014

PRESENT:-

Conservative Group

Councillor Mrs. Watson (Chairman) and Councillors Jones (Vice-Chairman), Hewlett, Murray, Smith, Watson and Wheeler.

Labour Group

Councillors Bell, Rhind, Richards, Southerd, Taylor and Wilkins.

In Attendance

Councillor Harrison and Atkin (Conservative Group)

FM/01 **MINUTES**

The Open Minutes of the Meetings held on 20th March and 24th April 2014, were taken as read, approved as true records and signed by the Chairman.

MATTERS DELEGATED TO COMMITTEE

FM/02 **FINANCIAL MONITORING and PROVISIONAL OUT-TURN 2013-14**

It was reported that, as part of proper financial management, the Council monitored income and expenditure against its budgets on a regular basis throughout the year. Financial information was available on-line to enable day-to-day monitoring within services. Overall financial performance and the major budget variances were reported to the Committee throughout the year. In accordance with its Treasury Management Strategy, the Council monitored its lending and borrowing on a regular basis. The fourth and final monitoring report for the financial year detailed performance up to 31st March 2014 and was effectively the provisional out-turn position. The final figures would be reported to a Special Meeting on the final accounts on 26th June 2014.

The figures contained within the report are provisional and no significant changes are expected. Final figures are still awaited in respect of Housing Benefit subsidy and Business Rate subsidy.

The report's detail contained the following sections:-

- Section 3 – General Fund Revenue Account
- Section 4 – Housing Revenue Account
- Section 5 – Capital Expenditure and Financing
- Section 6 – Reserves, Balances and Provisions
- Section 7 – Treasury Management
- Section 8 – The Collection Fund
- Section 9 – Collection Rates and Financial Indicators

A presentation was provided to accompany the report. With detailed explanations being given around saving to the General Fund and any

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variances to budget with explanations where there have been areas of additional costs. Comments and questions were submitted regarding transferring monies between reserves; were there any trends where Council Tax arrears are occurring would be sought and has court action increased in respect of unpaid Council Tax.

Members welcomed the underspend and offered thanks to Officers for their prudent financial management. This was endorsed by the Chairman.

RESOLVED:-

- (1) *That the provisional out-turn figures for 2013/14 are approved.*
- (2) *That a net appropriation of £280,140 in 2013/14 is made from the General Fund Reserve to other Earmarked Reserves.*
- (3) *That the following contributions are made to Bad Debt Provisions in 2013/14:*

Sundry Debtors and Housing Benefit Overpayment	£124,146
Council Tax Arrears	£346,909
Business Rates Arrears	£1,360,817
Business Rates Appeals	£314,598
Housing Rent Arrears	£67,216

- (4) *That the following Provisions in accordance with Accounting Standards are made in 2013/14;*

Land Charge (Personal) Searches	£100,000
Planning Appeal	£70,000

FM/03 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meetings held on 20th March and 24th April 2014, were taken as received

MRS ANN WATSON

CHAIRMAN

The meeting terminated at 18.32

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

5th June 2014

PRESENT:-

Conservative Group

Councillor Watson (Chairman), and Councillors Mrs. Brown, Ford, Mrs. Hall, Mrs. Patten, Smith (substitute for Councillor Roberts), and Stanton.

Labour Group

Councillors Chahal, Dunn (substitute for Councillor Mulgrew), Frost, Stuart, Taylor and Tilley.

In attendance

Councillor Plenderleith.

EDS/01 **APOLOGY**

Apologies for absence from the Meeting were received from Councillor Roberts and Councillor Mulgrew.

EDS/02 **MINUTES**

The Open and Exempt Minutes of the Ordinary Meeting held on 10th April 2014 were approved as a true record and signed by the Chairman.

MATTERS DELEGATED TO COMMITTEE

EDS/03 **SOUTH DERBYSHIRE LOCAL PLAN –PART ONE**

A report was submitted to update members on the Local Plan Part 1, with particular reference to the Regulation 19 consultation that was undertaken from 10 March to 22 April 2014. This is a statutory consultation concerned with the sound and legal compliance of the Local Plan part 1. The majority of the objections are concerned with the housing target that is being suggested, sites suggested; the start date of the plan and the length of the Plan period. Comments were also received in support of any of the policies and also the housing sites proposed.

The housing target was set with two other LA's as members of the Derby Housing Market Area (HMA). Due to the inability of Derby City Council to meet its own housing requirements within its boundary, South Derbyshire and Amber Valley have taken a share of the growth that the City can't accommodate.

The target has been tested during a public examination at Amber Valley; the examination has now been suspended for six months to allow Amber

Valley to address some of the Inspector's concerns, including that of the Derby HMA housing target. The implications for South Derbyshire being that an agreement must be reached under an extension of the Duty to cooperate as to how this additional housing requirement is to be met.

The Officer advised members of four options moving forwards, and updated as to the current main pros and cons of each option.

The Officer answered question from Members, and Members debated the report, it was agreed that a further Members working group would be beneficial in advance of the report being submitted to Council in July

Members expressed their thanks to the Planning Policy Manager for her efforts and flexible thinking.

RESOLVED:-

That the Committee note the content of the report and select an option to determine onward progress of the Local Plan Part 1 towards submission to the Secretary of State. The decision will require approval by Full Council in due course.

EDS/04 **SOUTH DERBYSHIRE LOCAL PLAN – PART TWO**

A report was presented to Members to note the contact and authorise the Local Plan Part 2 consultation. The Officer advised Members both Part 1 and Part 2 of the Local Plan need to be adopted to replace in full the adopted 1998 Local Plan .

The Local Plan Part 2 covers the following areas:

- Remainder of the housing requirement not dealt with in Part 1 and the allocation of non strategic housing sites
- Updating settlement boundaries,
- Retail Policies
- Conservations and Heritage policies
- Green belt anomaly review
- Countryside policies
- Allocation of secondary school site(s)

Members debated the report and the Officer answered questions from Members.

RESOLVED:-

That Members note the content of the report and authorise the Local Plan Part 2 first round of options consultation. The dates of the consultation and the document format shall be agreed by the Chair of the Committee and the Planning Policy Manager,

EDS/05 **WORK PROGRAMME**

The Committee considered the updated work programme.

RESOLVED:-

That the updated work programme be approved.

EDS/06 **MONITORING THE CORPORATE PLAN**

A report was submitted which detailed achievements and outturn performance at year end; in relation to the Council's Corporate Plan 2009-2014. Details were provided, within appendices, covering Progress against Corporate Plan Key Projects and, progress against Corporate Plan Performance Measures.

RESOLVED:-

(1) That achievements and outturn in relation to the Council's Corporate plan 2009/14 be noted.

(2) That where progress has failed to achieve the specified target, the adequacy of the remedial action taken be reviewed.

EDS/07 **SCHEME FOR THE RECOVERY OF BUILDING REGULATION COSTS**

A report was submitted to update Members on to a review that had been undertaken in respect of income from fees and associated charges, and to seek approval to increase fees in line with inflation. Together with a brief overview of the current market condition in Building Control.

The Officer reported that Building Control competes with the private sector and that currently South Derbyshire District Council has an 82% market share.

In addition to increasing fees it was advised that on occasions there is a need to be flexible with fees and sought approval to alter the scheme with appropriate authorisation as deemed necessary.

RESOLVED:-

- (i) That the proposed fees and charges as detailed for 2014/15 are considered and approved.***
- (ii) That the proposed changes to the Scheme for the Recovery of Building Regulation Costs and Associated Matters (in accordance with The Building (Local Authority Charges) regulation 2010 (as amended)) as detailed in the report if approved***
- (iii) That delegated power is given to the Director of Community and Planning Services in consultation with the Director of Finance and Corporate Services and the Chairman of this Committee to alter and adapt the Scheme for the Recovery of Building Regulation Costs and Associated Matters at any time and as deemed necessary, in order that the service can***

adapt to market conditions and account for changes in the rate of inflation or other indices.

- (iv) Any changes will be retrospectively reported back to the Committee.***

EDS/08 **SERVICE PLANS 2014/15 HOUSING & ENVIRONMENTAL SERVICES, COMMUNITY & PLANNING SERVICES AND THE CHIEF EXECUTIVE'S DEPARTMENT**

Presentations were provided on Service Plans for Housing and Environmental Services, Community and Planning Services and the Chief Executive's. Service Plans are a key part of the Council's performance management framework, acting as an important link between high level plans and strategies.

Each service plan contained details on

- Overview of the Service
- Service Performance
- Key National Regional and Local Strategies
- Partnerships
- Consultation and Communication
- Service Review/Transformation Programme
- Managing Risks
- Action Plans

RESOLVED:-

That the Service Plans for Community & Planning Services, Housing & Environmental Services and Chief Executive's (Economic Development) be approved as basis for service delivery during the period 01 April 2014 to 31 March 2015.

EDS/09 **CONSULTATION PLAN EAST MIDLANDS INTERMODAL PARK**

A report was submitted to note the proposed Consultation Strategy to be adopted by Goodman Shepherd for the non-statutory consultation to be adopted in respect of the East Midlands Intermodal Park.

The Officer detailed that the report is not about the development but to inform on the Consultation Strategy.

Members were reminded of the development namely a Strategic Rail Freight Interchange, a logistics facility which will allow goods to be moved between the rail and road networks, together with the areas of consultation zone to be used. It was explained that the Consultation Plan reflects normal custom, though more information needs to be added prior to the first consultation event with regard to how the options were arrived at, this should be available electronically in advance of the first exhibition taking place.

A detailed explanation was given of Goodman Shepherds plans for undertaking stakeholder consultation together with the timeline for the different stages of consultation

Members debated the report and asked questions of the Officers present. Members felt that they did not have enough information to comment on the options by the timeline demanded, additionally that the areas included did not include all areas that should be included.

RESOLVED:-

That a response be sent to Goodman Shepherd outlining the key points of debate raised by the Committee. To be overseen by Councillor Watson and Councillor Mrs. Brown.

EDS/10 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on 10TH April 2014 were received.

P. WATSON

CHAIRMAN

The meeting terminated at 19.35

HOUSING AND COMMUNITY SERVICES COMMITTEE

12th JUNE 2014

PRESENT:-

Conservative Group

Councillors Hewlett (Chairman), Councillor Smith (Vice-Chairman) and Councillors Ford, Harrison, Mrs Hood, Murray and Stanton (vice Councillor Lemmon)

Labour Group

Councillors Dunn, Frost, Mulgrew, Rhind, Richards and Shepherd

In attendance

Councillors Atkin, Mrs Plenderleith

HCS/1 **APOLOGY**

An apology for absence was received from Councillor Lemmon (Conservative Group).

HCS/2 **Minutes**

The Committee considered the open minutes of the meeting held on 17th April.

RESOLVED:-

To approve as a true record the open minutes of the meeting held on 17th April.

HCS/3 **Choice Based Lettings**

The Committee considered a report from the Director for Housing & Environmental Services on how the district's Choice Based Letting (CBL) scheme had operated during 2013/14. This made it clear that fewer properties had been allocated as emergency lettings, to those households which the Council has a statutory duty to rehouse. Members welcomed this and especially the preventative work carried out by the Housing Options Team to ensure better overall use of the housing stock.

Members were also informed that following the consultation exercise carried out during last autumn, minor changes had been made to the Homefinder Allocations Policy. The Committee was now asked to make a range of further changes to the policy. These were explained in the report.

RESOLVED:-

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To note the outcome of the 2013/14 operation of the South Derbyshire Homefinder Choice Based Lettings (CBL) Scheme.

To approve progress and the timetable in the implementation of the amended South Derbyshire Homefinder Allocations Policy.

To approve further minor amendments to the allocation policy, as set out in the report.

HCS/4 **Facility Development Update**

The Committee then considered a report by the Director for Community & Planning Services on the progress to date in improving sports and cultural facilities. These improvements included a major refurbishment programme for the Green Bank Leisure Centre and the installation of a full sized floodlit artificial grass pitch at the Etwall Leisure Centre.

The Committee discussed these improvements and what actions had been taken. Members welcomed in this context the opportunity for a site visit to the Green Bank leisure centre, so that they could see for themselves the changes being made.

Members of the Committee were also informed that the Council had successfully submitted an expression of interest to Sport England for a scheme to increase participation by young people in sporting activities. Following on from this, the Council had now been asked by Sport England to submit specific proposals. These would involve greatly improved facilities for young people at both the Grove Hall and Green Bank leisure centres. Under the proposals, Sport England would meet the vast majority of the capital costs of the improvements.

The Committee welcomed the expression of interest and the work carried out to date. Members also agreed that the authority now submit a formal application to Sport England to fund the proposed improvements at Grove Hall and Green Bank leisure centres.

RESOLVED:-

To note the progress on sport and cultural facility development.

To approve the submission of the Sport England Improvement Fund Application for the re-development of the Grove Hall and the Green Bank leisure centres.

HCS/5 **Corporate Plan 2009-14: Performance Management Year End Report 2013/14**

Members considered a report by the Directors of Housing & Environmental Services and of Community & Planning Services on the Corporate Plan 2013/14. This focused on the 'outcomes' which the Committee was

responsible for delivering under the 'Safe and Secure' and 'Lifestyle Choices' themes.

The Committee considered the information. Several errors were identified in the text, which it was agreed would now be rectified.

RESOLVED:-

Note the achievements and out-turn performance at year end, in relation to the Council's Corporate Plan 2009/14

Note where progress had failed to achieve the specified targets and the remedial action taken.

HCS/6 **Service Plans 2014-15**

The Committee then considered a report from the Directors of Housing & Environmental Services and Community & Planning Services, setting out the service plans for the Housing & Environmental and Community & Planning service areas. Members were reminded that these service plans formed a key part of the Council's performance management framework; explaining the key achievements during the year, highlighting specific service strengths and pointing out the areas for further improvement.

RESOLVED:-

To approve the Service Plans for Community & Planning Services and Housing & Environmental Services as the basis for service delivery over the period 1 April 2014 to 31 March 2015.

HCS/7 **Work Plan**

Members of the Committee received a report from the Directors of Community & Planning Services and Housing & Environmental Services setting out the suggested work programme for the Committee during the 2014/15 local government year.

RESOLVED:-

To note the work programme for the year.

HCS/8 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be

disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

HCS/9 **Exempt Minutes**

The Committee considered the exempt minutes of the meeting held on 17th April.

RESOLVED:-

To approve as a true record the exempt minutes of the meeting held on the 17th April.

HCS/10 **Housing & Environmental Services – proposed changes to staffing structure**

Finally, the Committee considered a report from the Director of Housing & Environmental Services explaining the proposed restructure of Housing & Environmental Services directorate. He explained the rationale for the changes. In particular, he pointed out that the reorganisation would free-up capacity to enable more work to take place in priority areas; and especially to further improve the Council's already impressive track record in preventing homelessness.

During the subsequent discussion, members asked about the potential impact on employment and possible redundancies.

RESOLVED:-

To approve in principle the proposed changes to the Housing and Environmental Services Directorate set out in the report.

Cllr Hewlett
CHAIRMAN

The meeting terminated at 6.55 p.m.

FINANCE AND MANAGEMENT COMMITTEE

19th June 2014

PRESENT:-

Conservative Group

Councillor Mrs. Watson (Chairman), Councillor Jones (Vice-Chairman) and Councillors Hewlett, Murray, Mrs Hall (substitute for Councillor Smith), Watson and Wheeler.

Labour Group

Councillors Bell, Rhind, Richards, Southerd, Taylor and Wilkins

In Attendance

Councillor Harrison (Conservative Group)

FM/05 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Smith (Conservative Group).

FM/06 **PRESENTATION FROM EQUITA (COUNCIL'S ENFORCEMENT AGENTS)**

Paul Sharpe of Equita gave a presentation in respect of the national changes to debt recovery processes, which have been introduced recently. The rationale behind these changes are intended to place stronger controls on the operation of the bailiff and debt collection industry; and in particular, to prevent rogue operators from using unfair methods when collecting debts. The most important change has been the introduction of a so-called 'compliance stage' which allows non-enforcement activity, such as telephone calls and emails etc. before visits have to take place.

Members asked questions relating to the presentation

Cllr Mrs Watson thanked Paul for the presentation and for clarifying concerns and the points raised

MATTERS DELEGATED TO COMMITTEE

FM/07 **CORPORATE PLAN - PERFORMANCE MANAGEMENT 2013/14**

A report was presented detailing progress and achievements during the year 2013/14, in relation to the Council's Corporate Plan 2009-14. Appendices to the report gave detail on the progress against Corporate Plan key projects, performance measures, The Corporate Plan consisted of 4 main themes or priorities.

The Officer referred Members to the statistics in respect of sickness absence, and the actions that had been taken to reduce these figures. It was reported that post implementing new processes the first months monitoring figures showed an improvement, and close monitoring would continue.

Members commented on the report and asked questions of the Officer.

RESOLVED:-

(1) That progress against targets and projects for the period 1st January to 31st March 2014 is approved.

(2) That performance for the year 2013/14 is approved.

FM/08 **CONSULTATION ANNUAL REPORT 2013/14 AND ACTION PLAN 2014/15**

A report was submitted on the Annual Consultation Strategy that detailed how consultation activities would support the delivery of key priorities set down in the Corporate Plan 2009/14. It detailed the achievements made during 2013/4.

The key consultation exercises for 2013/14 were summarised in the report covering the following areas:

- Allocations/Tenancy Policy
- Citizen Panel survey
- Safer Neighbourhood meetings/Community Safety road shows
- Local Plan
-

The report then looked ahead, providing information on the range of planned consultation activities for 2014/15

It was explained that additional thought needs to be given not only what we consult on; but how we do it e.g. SMS, social media etc.

(1) That the key consultation achievements for the year ending 31st March 2014 be noted.

(2) That the refreshed Action Plan, as shown in an Appendix 2 be approved.

(3) That the planned consultation activity to be undertaken by the Council in 2014/15 be noted.

FM/09. **COMMUNICATIONS ANNUAL REPORT 2013/14 AND ACTION PLAN 2014/15**

A report was submitted on the outcomes achieved in external and internal communications during 2013/14. It presented an action plan for 2014/15 that detailed how communication activities would support the delivery of key priorities set down in the Corporate Plan 2009/14.

The report gave examples of the external communication undertaken with reference being made to the successful communications that were undertaken during the recycling campaign. A section was also provided on internal communications, before looking ahead to 2014/15.

Again, the Officer advised moving forwards to support the action plan it is necessary to look at how we communicate and how effective the communications are, in addition to what we communicate.

RESOLVED:-

- (1) ***That the Committee consider the Corporate Communications Annual Report and key achievements for 2013/14 , as shown in the Appendix***
- (2) ***That performance against the Communications Action Plan 2013/14 be noted.***
- (3) ***That the Council's revised Communications Action Plan for 2014/15 be approved.***
- (4) ***That the updated Corporate Communications Campaigns, be approved.***

FM/10 **DATA QUALITY STRATEGY 2013/14 ANNUAL REPORT AND ACTION PLAN 2014/15**

A report was submitted on the revised Data Quality Strategy 2012/15 which was adopted by the Committee in June 2012.

The Officer explained the importance of Data Quality in the Council and the need to have 100% confidence that when data is reported it is reliable.

During this year a significant amount of work has been undertaken to ensure compliance with the Government's new stringent approach to connectivity and data security (Public Service Network (PSN) Code of Compliance).

The report concluded by looking at the Action Plan for 2014/15.

RESOLVED:-

- (1) ***That progress made against the Data Quality Strategy Action Plan 2013/14, be noted.***
- (2) ***That the Action Plan 2014/15, be approved.***

FM/11 **CORPORATE EQUALITIES AND SAFEGUARDING ANNUAL REPORT 2013/14 AND ACTION PLAN 2014/15**

A report was submitted on the achievements in 2013/14 and the importance of ensuring that Equalities and Safe Guarding are embedded in services and that

the Council is compliant. The report detailed the duty on public authorities and others carrying out public functions. Case studies were included to highlight the work that had been undertaken during 2013/14, and concluded by looking at the planned activities for 2014/15.

Members asked questions with regard to what processes are in place for staff dealing with safeguarding matters.

Cllr Mrs Watson passed on her thanks to Chris Smith for the work that had been undertaken on Hate Crime.

RESOLVED:-

- (1) That the Corporate Equalities and Safeguarding Annual Report for 2013/14 shown in an Appendix to the report be approved for publication.**
- (2) That progress against the 2013/14 Action Plan be noted.**
- (3) That the Corporate Equalities and Safeguarding Action Plan for 2014/15 shown in an Appendix to the report be approved.**

FM/12 **ANNUAL TRAINING REPORT 2013/14 AND PRIORITIES FOR 2014/15**

A report was submitted to propose the priority actions for corporate training activities during 2014/15 to support the achievement of the Council's Corporate Plan 2009/14. It also provided an overview of corporate training, learning and development activities completed during 2013/14 and the outcomes. The detail of the report provided a review of 2013/14, including a graph showing training days for the year. Sections were then included on the following areas:-

- Review of training activity 2013/14
- Training for front line staff
- Modern Apprenticeships
- Work Experience

The report then looked at the key outcomes from this training activity. The report also looked at priorities for 2014/15 and detailed proposals for training under the following headings:-

- Leadership and Management Development
- Health and Safety
- Employment Policy
- E-learning resources
- IT Training
- Soft skills

There was discussion on the content of the report with particular reference to "growing our own" and also absence management training for managers. Members were advised that it is mandatory for all managers to attend absence management training.

RESOLVED:-

- (1) *That the priority areas for training and development during 2014/15, which are linked to the delivery of the key priorities of the Council's Corporate Plan, be approved.*
- (2) *That the range of training activities and actions provided during 2013/14, be noted.*

FM/13 **ANNUAL HEALTH AND SAFETY REPORT 2013/14 AND ACTION PLAN 2014/15**

A report was submitted to give an overview of the Council's health and safety performance, including an analysis of accident data for 2013/14. It reflected the Council's approach in enabling managers and employees to understand and fulfil their health and safety responsibilities.

It was explained that whilst statistically there appeared to be an increase in accidents, this was because of the increase in activities to the Summer Playcheme which had nearly a third more children attend the activities than in previous years.

The report detailed the main achievements over the year with particular reference to accidents, ROSPA Gold Award and training. Other sections covered training, achievements in Health and Safety training, the implementation of IT, risk assessments, professional support and an accident analysis. The report concluded by setting out the targets for 2014/15.

RESOLVED:-

That the key health and safety achievements and performance for the year ending March 2014 be noted and the Health and Safety Action Plan that sets down the priority actions for 2014/15, be approved.

FM/14 **COMPLAINTS AND FREEDOM OF INFORMATION REQUESTS – 1ST OCTOBER 2013 – 31ST MARCH 2014**

An informative report was submitted on the comments, compliments and complaints received during this period. These comprised 0 comments, 18 compliments and 35 complaints. Tables were included within the detail of the report showing the division to which each related. Statistics were then provided on the Freedom of Information requests received.

Members suggested that the level of detail contained in the report should be looked at moving forwards.

RESOLVED:-

That the complaints and Freedom of Information requests, as detailed in the report, are noted.

FM/15 **FINANCE AND CORPORATE SERVICES SERVICE PLANS 2014/15**

It was reported that Service Plans were a key part of the Council's performance management framework, acting as an important link between high level plans and strategies, such as the Corporate Plan and Sustainable Community Strategy, and personal performance objectives established through the Employee Review and Development Scheme. The form and content of service plans had been reviewed and minor changes had been made. The amendments captured a number of cross-cutting themes for the Council such as the Transformation Programme, Partnerships, outcomes and linking priorities to budgets. Detail was provided on the content of the Service Plan, a copy which was appended to the report. The Plan would cover a one year period and be reviewed at the end of March 2015. Progress reports to Members would be made on a quarterly basis.

RESOLVED:-

That the Service Plan for Finance & Corporate Services be approved as basis for service delivery for the period 1st April 2014 to 31st March 2015.

FM/16 **WORK PROGRAMME**

The Committee was asked to review its work programme.

RESOLVED:-

That the updated work programme be noted.

RESOLVED:-

FM/17 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

FM/18 **HOUSING AND ENVIRONMENTAL SERVICES STAFFING RESTRUCURE**

Approval was granted for the recommendations detailed within the report

MRS ANN WATSON

CHAIRMAN

The meeting terminated at 7.05 p.m.

REPORT TO:	Full Council	AGENDA ITEM: 13
DATE OF MEETING:	3rd July 2014	CATEGORY:
REPORT FROM:	Director of Community & Planning	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	Nicola Sworowski x5983 nicola.sworowski@south-derbys.gov.uk	DOC:
SUBJECT:	Local Plan Part 1	REF:
WARD(S) AFFECTED:	District	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 To agree that the proposed modifications are not so significant as to warrant a re-consultation and submission is to include them (option B para.4.8).
- 1.2 That the Policy Manager with the Director of Community and Planning is authorised to prepare and submit reports, statements and proofs of evidence that reflect the Council's agreed position during the post submission period.
- 1.3 In the interests of expediency allow delegated authority to the Planning Policy team in agreement with the Planning Services Manager to make further changes during the examination of the Local Plan in line with the Council's agreed position.
- 1.4 To agree an option in order to allow the submission of the Local Plan Part 1 to the Secretary of State (para. 4.20).

2.0 Purpose of Report

- 2.1 The report is being submitted to bring Members up to date with the latest position on the Local Plan and to seek endorsement for the next steps in the process. The Committee is being asked to consider whether the Local Plan Part 1 alongside the suggested modifications to be submitted to the Secretary of State for examination by an independent Inspector.

3.0 Executive Summary

- 3.1 The main issue under consideration in this report is the progression of the Local Plan Part 1. The report sets out that the plan has been through all of the statutory consultations required and that following the final consultation a list of modifications are proposed to the Plan. Many of these modifications are to clarify a position or policy or to pick up on grammatical errors.

The report also picks up on the current Derby Housing Market Area position regarding the housing increase that has been highlighted following Amber Valley's Inspection recently. The options that this brings forward for South Derbyshire are discussed in the report.

4.0 Detail

Background

- 4.1 The Local Plan Part 1 will be the first of two parts that will replace the 1998 Local Plan. Part 1 will include strategic allocations and key development management policies and Part 2 will set out the location of new education facilities contain non-strategic allocations and the remaining development management policies.
- 4.2 There have been seven rounds of consultation throughout this process of the Local Plan Part 1 originally referred to as a Core Strategy. This culminated with the Pre-Submission Local Plan Part 1 consultation in March this year known as a Regulation 19 consultation. The process started in 2009 as aligned working as part of the Derby Housing Market Area (HMA). The authorities of the Derby HMA are South Derbyshire, Amber Valley and Derby City.
- 4.3 Since 2009 South Derbyshire have worked alongside the other two HMA authorities on aligned Core Strategies and then Local Plans. This was the case up until Amber Valley's submission in December 2013.
- 4.4 The regulation 19 consultation which is a statutory consultation concerned with the soundness and legal compliance of the Local Plan Part 1. As was reported to Environmental and Development Services Committee on 5th June, comments from 127 people were received which created 615 comments. The key issues raised from this consultation can be seen at appendix A.
- 4.5 All representations received will be included in the evidence that is submitted to the Secretary of State and passed on to the Planning Inspectorate and subsequently an independent Inspector from the Planning Inspectorate that will examine South Derbyshire's Local Plan Part 1. The Inspector will set the agenda for the hearings based on the information that is submitted and may ask initial questions of the Authority prior to hearings to clarify its position.
- 4.6 The Local Plan will be examined to assess whether the Plan that has been submitted can be considered 'sound'. As set out in paragraph 182 of the National Planning Policy Framework (NPPF) the plan will be assessed as to whether it "has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound." The tests of soundness, again from paragraph 182 of the NPPF, are as follows:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

Current South Derbyshire position

- 4.7 Following the Regulation 19 consultation a review of all the comments received and further review by officers has led to a proposed list of modifications to the Plan. These modifications predominantly address issues of clarity in policies or the supporting text. There is no addition of allocations and only one change to a site which is the removal of part of the Etwall allocation at Sutton Lane with the rest of the allocation remaining. The proposed list of modifications can be seen in appendix B.
- 4.8 Notwithstanding what will be discussed in the next part of this report in regards to the Derby HMA as whole there are three options that Council has:
- A. To submit the plan as it is without any of the proposed changes.
 - B. To submit the plan with the proposed changes. The changes would be tested through examination. The concern is whether the changes are classed as minor or major changes. If the Inspector considers them to be major then the Inspector needs to support the changes. It is also possible that the Inspector will suggest a period of consultation on the major changes before the examination can close.
 - C. To accept the proposed changes but consult on these changes prior to submission.
- 4.9 It is not unusual for Local Authorities to submit proposed changes along with their Plans. The changes represent issues that have been raised through the Regulation 19 consultation which the Inspector will receive every consultation response. However, there are certain changes that it is felt should be made and option 2 is the most appropriate way to undertake this process.
- 4.10 Where any changes to the Plan are agreed the Authority will look to update its sustainability appraisal prior to submission to reflect the proposed minor modifications made to the Plan.

Current Derby HMA position

- 4.11 As work has been ongoing with the HMA since 2009 there has been much evidence base collected on a HMA wide basis including the housing and employment information. On this basis both the housing and employment targets were originally derived as HMA totals and then split across the three local authorities. The reason for discussing the current HMA position is a recent change to the housing evidence base.
- 4.12 A housing requirements study was finalised in September 2012 which set the housing target which following revisions was increased in through the Strategic Housing Market Assessment update in July 2013 following reconsideration of migration and household formation data. This update gave a total housing requirement of 35,354 across the HMA with South Derbyshire’s share of that being 13,454 with 2,551 helping Derby to meet its assessed needs that it cannot meet within its own boundary.
- 4.13 Following the conclusion of the study Amber Valley undertook their final consultation and submitted their plan in December 2013. They have now undertaken 9 days of hearings in March and April 2014. Following these hearings the Inspector

recommended that the process be suspended for 6 months to allow them time to answer some of his concerns.

- 4.14 One of these concerns is the Derby HMA housing requirement. Amber Valley's Inspector asked for sensitivity testing to be undertaken on the Housing Requirement figure which resulted in 4 scenarios. The Inspector has made clear that he supported the option that tracked the midpoint between 2011 and 2008 based rates. This has resulted in an increase of 1,474 dwellings to the Derby HMA total. This is in its entirety due to increased growth within Derby City and not in South Derbyshire or Amber Valley.
- 4.15 Through the Duty to Cooperate it has been agreed at Joint Advisory Board (attending by Portfolio Holder Members from the Derby HMA authorities and the County Council along with Officers) and through Environmental and Development Services Committee, that Derby City is not able to provide its fully objectively assessed housing need with its boundary. Following this, Amber Valley's Inspector has stated in his letter to AVBC dated 12th May (appendix C) that the HMA authorities "revisit the Duty to Cooperate (DtC) to review the way in which the City of Derby's increased unmet needs should be distributed between Amber Valley and South Derbyshire, bearing in mind agreement that Derby's ability to meet its own needs is capped by its fixed physical capacity".
- 4.16 The concerns that this approach taken by the Inspector raises is that he is accepting of Derby City's capacity constraints without having examined their Plan though based on previous agreements across the three authorities. Also he is placing an assumption on South Derbyshire for further housing growth again not having examined the Plan. However, the Inspector from his letter is clear that the issue should be concluded between the two authorities.
- 4.17 Amber Valley has submitted a timetable to cover its six month period of suspension to show the steps they will take including a further round of consultation in order to address the Inspector's concerns regarding their five year supply and also the Derby HMA housing increase.
- 4.18 What is suggested currently in both Local Plans of South Derbyshire and Amber Valley will provide for its objectively assessed housing needs plus provide some further housing to accommodate needs that Derby City is unable to provide for itself. In South Derbyshire this number is 2,551 dwellings (22% of total) whilst Amber Valley are providing 1,074 dwellings (11% of total).
- 4.19 Under the Duty to Cooperate an officer and Member meeting was arranged with Amber Valley and Derby City to discuss the housing number increase and how this may be dealt with. Derby City made clear that their position of being capacity capped was still the situation. Amber Valley are currently re-appraising many of their existing sites and also appraising new potential housing sites.
- 4.20 As reported to Environmental and Development Services Committee on the 5th June there are 3 possible options with a further sub option presented at Committee. These options that are to be considered are as follows:

- 1 – Accept no further housing increase
- 2– Accept X of housing increase and defers selection of sites to Part 2
- 2A - Accept X of housing increase and defers selection of sites to Part 2 as a strategic site
- 3 – Accept X of housing increase dealt with as a strategic site through Part 1

- 4.21 The Committee noted the options. A suggestion made at Committee was for the Local Plan Member Working Group to reconvene to discuss the options further. Following this meeting it was felt that option 1 would be the most appropriate option.
- 4.22 A legal opinion has been sought by the Council regarding all of the four options which is not available at the time of writing this report but a verbal update will be provided at Full Council.
- 4.23 Whilst concerned about the Duty to Cooperate element of the examination it has now reached the point where it is no longer mutually beneficial to South Derbyshire to take any further of Derby City's growth. The benefit received by Derby City in South Derbyshire accommodating 70% of its excess growth cannot continue as it may start to become harmful to South Derbyshire to make further allocations that are likely to be in unsustainable locations and not supported by the required infrastructure.
- 4.24 The extent of the housing and the strategy that is suggested through the Local Plan Part 1 and the requirement that has been set aside for Part 2 has reached a capacity for South Derbyshire. The current strategy puts forward suitable and deliverable sites that enable a five year supply to be demonstrated.
- 4.25 Whilst there is undeveloped land across the District, the recent review of the SHLAA sites highlighted that it would be unlikely to provide sustainable development in accordance with the NPPF beyond what is already being suggested as developments. The councils concern is in regard to the housing number but the rest of the Plan cannot be removed from this equation as the Local Plan as a whole needs to deliver development to meet the vision of sustainable growth, renewal and opportunity.
- 4.26 There are limited options in that no further growth can take place in both Swadlincote and the edge of Derby and beyond the Part 2 allocations further sites in the villages would start to become detrimental. Many of the villages have seen strategic sites to deal with previous increase in numbers so to find further non-strategic sites would be extremely difficult.
- 4.27 South Derbyshire is already in a position of needing at least one new secondary school, new primary schools on sustainable urban extensions and in Hilton, new roads and numerous other pieces of infrastructure. This can be dealt with through the suggested allocations being made in the Plan as that is what has been planned and consulted on.
- 4.28 There are risks involved with this approach as there would be with any route taken due to South Derbyshire being affected by another Authority's plan whilst its own has not yet been submitted. The Authority will need to address the Duty to Cooperate which is likely to be tested at Amber Valley's reconvened examination in November this year. The issue of soundness may also be raised by developers/agents if not the Inspector. The two elements will be positively prepared and justified. South Derbyshire's Local Part 1 has been positively prepared and the Plan as a whole can be justified. Whilst this one page of the Plan is likely to be the focus of much

discussion it is important to remember that the Plan is dealing with many other constraints and opportunities beyond that of the housing target increase.

4.29 What is fundamental to the decision on the way forward is the delivery of the Local Plan bearing in mind that we are currently reliant on a 1998 plan and are not able to demonstrate a five year supply due to not allocating further housing sites.

4.30 The current Local Development Scheme states that South Derbyshire will submit to the Secretary of State in July this year. This date was set prior to the concerns received from Amber Valley's examination. Due to the uncertainty and being unable to confirm to PINS a specific date in July and are awaiting PINS who suggest that the beginning of August will be more appropriate due to scheduling they need to make.

5.0 Financial Implications

5.1 None arising directly from this report.

6.0 Corporate Implications

6.1 There is a risk of further delay to the Local Plan process without submitting the Plan to the Secretary of State which is an action within the Sustainable Growth and Opportunity theme of the Corporate Plan. It also has the potential to impact on other themes within the Corporate Plan as the Local Plan sets out development requirements to 2028.

7.0 Community Implications

7.1 An adopted Local Plan will ensure that development across the District is achieved in as sustainable manner as possible and in a way that provides the infrastructure of community facilities for both the new residents but also existing residents.

8.0 Background Papers

8.1 Pre Submission Local Plan

8.2 Sustainability Appraisal

Appendix

A Key Issues from Regulation 19 consultation

B Proposed list of Modifications

C Letter from Roy Foster, Inspector to Amber Valley dated 12th May

Key Issues from Pre Submission Local Plan consultation

S1: Sustainable Growth Strategy

The main comments received regarding this policy relate to the Derby HMA and South Derbyshire's housing target. The majority of consultees consider that South Derbyshire's housing number is not high enough and along with the Derby HMA are not meeting their objectively assessed housing need. Many consultees suggested that the housing requirement for the District would need to be increased to reflect the outcome of objectively assessed housing needs as recommended by the Amber Valley Core Strategy Inspector¹.

South Derbyshire's plan period is another main issues raised by respondees. It is considered by many that the District plan period is too short and should be extended to be in line with the requirements of the National Planning Policy Framework (NPPF).

Furthermore some consultees suggest that the policy should be more specific about the distribution of housing growth within the district.

In addition to the above, other issues/amendments were suggested regarding Policy S1, these include the following:

- Two consultees considered that criterion v) did not reflect the NPPF. The National Trust suggest that the criterion should state: 'Through this strategy being put in place it is essential that the Districts heritage assets, landscape, natural environment and rural character are recognised and conserved in a manner which reflect their importance and historic significance, and enhanced where possible, whilst accepting that some change is necessary to allow for this strategy to be delivered'.
- English Heritage suggests that the final section of criterion v) should be deleted ('whilst accepting that some change is necessary to allow for the strategy to be delivered'), as this is suggestive that the environmental dimension is not equal to the other sustainability dimensions and therefore undermines the concept of sustainable development.
- Clarity is required over the definition of the sites being allocated within Part 1 and 2 of the Local Plan.
- The policy should be amended to recognise the growth needs of Burton Upon Trent, based upon an assessment of the housing needs in a Housing Market Area which does not exclude this town.
- The details of the housing split between South Derbyshire and Derby City set out in criterion i) would be best set out in Policy S4 Housing Strategy, as Policy S4 deals with other matters relating to housing requirement and split across the HMA.
- Objection to the policy's preference for brownfield land where possible.

Some elements of the policy were however supported, these include:

¹ The Planning Inspector at Amber Valleys Local Plan Examination has stated that the housing number for the Derby HMA would not be found sound unless it is increased by 1,474 dwellings according to further sensitivity testing that was undertaken.

- Criterion iv) encouraging tourism and leisure.
- The policy confirms that South Derbyshire's objectively assessed housing needs will be met, along with providing additional housing, to ensure Derby City's housing needs are also met.
- The policy's recognition of the need to develop greenfield land to meet the Districts housing need.

S2: Presumption in favour of Sustainable Development

Few comments were made which directly related to this policy. Derbyshire County Council and Turley Associates on behalf of Hallam Land Management support the policy. Barton Under Needwood Parish Council however suggested that the policy should be removed, as the policy just reiterates national policy. The Parish Council add that there is no such policy within the plan to set out the definition of what sustainable development means for South Derbyshire. The Parish Council suggests that the Local Plan Strategic Objectives could be recast to form a new policy.

S3: Environmental Performance

A mixed response was received regarding the policy. Savills of behalf of Taylor Wimpey supports Policy S3 and supports the policies reference to the use of 'allowable solutions'. However Nathaniel Lichfield and Partners on behalf of Commercial Estates Group object to the policy's support of zero carbon standards through off site "allowable solutions" where it cannot be fully met on site. The consultee suggests that the support for allowable solution is not based on robust viability evidence, is considered inappropriate and should be deleted from the policy. In addition the Home Builders Federation states that the policy needs to be viability tested.

S4: Housing Strategy

One of the main issues received regarding policy S4 is in regards to the Districts housing target. It has been suggested the proposed housing number for South Derbyshire does not meet the Districts objectively assessed need and needs increasing. Some consultees mentioned that the policy would need to be amended to reflect the outcome of the further assessment of objectively assessed housing need as requested by the Amber Valley's Inspector; and also that the housing number would need to increase, as the plan period should be extended.

In addition the following issues and alterations have been suggested:

- It is inappropriate to leave 600 units to be allocated in a future Development Plan Document.
- The Policy is unclear that the 450 windfall allowance should be in addition to the allocation of a future 600 dwellings.
- The policy should state the start and end dates for the plan period for clarity.
- No need to produce Local Plan Part 2 as the NPPF states that 'any additional development plan document should only be used where clearly justified'.
- Unlikely to be effective in delivering growth as planned and as needed.
- Provision of 450 dwellings is unplanned and unidentified development and therefore cannot feature as part of planned supply.

- Replace “at least 12,404” with “a minimum of 12,404”
- Replace “around 600” with “a minimum of 600”.
- Less reliance should be made of Part 1 strategic sites and a greater proportion of the housing delivery should be identified from other sources e.g. Part 2 and windfall. The changes will increase the likelihood that the plan will deliver its objectively assessed housing need.
- The Part 1 should include smaller allocation sites to provide greater flexibility to respond rapidly to changing circumstance. It will also remove unnecessary delay of around 2 years for the completion of the Local Plan Part 2.
- Policy should be amended to recognise the growth needs of Burton on Trent.

In addition to the above, some elements of the policy are supported, these include:

- The expression of the dwelling requirement as a minimum figure.
- The proposed split of 12,404 dwellings to be delivered on strategic sites and that the remaining 600 dwellings to be dealt with as non-strategic sites.
- Housing numbers appear to be based on robust and up to date evidence and to provide objectively assessed need for market and affordable housing.
- Supports the word ‘at least’ within the policy.
- Supports the allocation of strategic sites for residential development.

S5: Employment Land Need

The main issue received regarding policy S5 is that the employment requirement for South Derbyshire is not high enough and should be increased. Pegasus Planning on behalf of Christ Church, Oxford and Chave Planning Ltd both suggest that the employment land requirements will need to reflect the higher housing requirement as identified by Amber Valley’s Local Plan Inspector. Pegasus Planning on behalf of Christ Church, Oxford suggests that the policy should be amended to plan for 100ha of employment land and Chave Planning Ltd suggest that the policy should be changed to allow for additional employment growth beyond the edge of Derby, consistent with the level of housing growth planned to meet the objectively assessed need for the area.

Boyer Planning on behalf of Dove Valley Park suggests that the policy should express the provision of employment land as “a minimum of 53 ha”.

Derbyshire County Council however states that the policy’s approach to the provision of new employment land is based on sound and robust evidence and is supported.

S6: Sustainable Access

Only two responses were received which directly relate to this policy. The National Trust and Highways Agency both support the policy.

S7: Retail

Planning and Design Group on behalf of Hallam Land Management support the policy’s recognition of the benefits of providing retail services within urban extensions.

Derbyshire County Council however suggest that the policy should be amended to include criteria to assess new retail and leisure developments on the edge of and outside Swadlincote town centre, to be consistent with paragraph 24-26 of the NPPF. In particular the policy should include the sequential and impact tests for retail and leisure developments.

S8: Green Belt

The majority of responses received support the policy or at least some aspects of the policy. Derbyshire County Council supports the policy and state that the policy is consistent with the findings of the Review of the Derby PUA undertaken in 2012.

English Heritage and the National Trust support the proposed inclusion of land into the Green Belt as it has the potential to help protect the setting of nearby heritage assets.

Erewash Borough Council welcomes the approach taken by the District Council in planning strategically in order to uphold the principle, general extent and permanence of the Nottingham-Derby and Swadlincote-Burton Green Belts. Erewash Borough Council however suggests that wording 'very exceptional circumstances' should be amended to 'very special circumstances' to be consistent with the NPPF.

Knight Frank on behalf of Thulston Fields Farm Partnership however suggest that given the shortage of land available for both housing and education provision, the Council should have used the 2012 Technical Assessment of the Nottingham-Derby Green Belt to justify the release of land from the Green Belt for a secondary school with some residential. The consultees also questions why one Green Belt anomaly is being resolved within the Part 1, while other anomalies are being left until Part 2.

Nathaniel Lichfield and Partners on behalf of Commercial Estates Group object to the proposed deletion of land within the Green Belt. The consultee suggests that just because two major roads now form a physical feature in the landscape, does not amount to development which removes all contribution of this land to the openness of the Green Belt. It is considered that it is possible to deliver the housing growth required without the use of Green Belt land, through the allocation of sites such as Newhouse Farm, Mickleover.

H1: Settlement Hierarchy

Some consultees supported policy H1 or specific aspects of it, whilst others suggested alterations. Aspects of the policy which were supported included:

- the inclusion of Hatton, Repton and Etwall as Key Service Villages and the inclusion of Linton as a Local Service Village;
- the priority given to the development of sites within Swadlincote;
- the tiers of the hierarchy and the settlements named within them;
- the overall settlement hierarchy;
- the policy prioritisation of extensions to urban areas of Derby and Burton upon Trent.

One of the main issues raised in objection was the proposed housing provision across the settlements within the hierarchy. There is concern that giving each category a number of dwellings it could accommodate is too restrictive. In addition a few consultees suggested that the allocation of 200 dwellings to Urban Areas within Part 2 is too low. Another consultee suggested that the allocation of 404 dwellings to Key and Local Service Village is too low, and a further consultee suggested that 600 dwellings should be allocated to Key Service Villages. One consultee suggested that the policy should be

amended to refer to a minimum number of dwellings in each of the settlement hierarchy categories.

Further alterations/changes to the policy were suggested including:

- Overseal should not be allocated as a Key Service Village.
- Change the settlement hierarchy to recognise Melbourne's position as a sustainable settlement ahead of other less sustainable Key Service Villages.
- Linton should be upgraded to a Key Service Village.
- A definition and justification should be given to what is meant by small strategic sites.
- The criterion would be more appropriate if settlements were ranked e.g. Hilton better placed to accommodate more housing.
- It would be clearer if specific mention to Church Gresley was given, as it forms part of the wider urban area of Swadlincote.
- Query over the inclusion of Burton on Trent within the urban area element of the hierarchy.
- It would be more appropriate to combine Key and Local Service Villages, allow suitable development dependent upon the particular village characteristics and allow more local needs based on housing for more rural settlements.

H2: Land north of William Nadin Way, Swadlincote

A mixed response was received regarding policy H2, some of which supported specific aspects of the policy and others which suggest amendments.

The Highways Agency welcomes the reference of high quality cycle and pedestrian links form the housing allocation, connecting to existing and proposed networks and the Coal Authority is pleased to note that their comments from the Draft Local Plan Part 1 have been taken into account.

The suggested amendments to the policy include:

Pegasus Planning on behalf of Harworth Estate which supports the strategic allocation however, suggests that the policy's requirements of provision of recreational community facilities should be changed to consideration of appropriate recreational and community facilities. And the policy's requirement of an appropriate buffer in agreement with the Council to be placed around the Breach Ley Farm Meadow County Wildlife site should be amended to an appropriate mitigation or compensation strategy to be agreed, to deal with any harm that may be caused to the Breach Ley Farm Meadow County Wildlife Site.

The National Forest Company suggests that the young planted woodland in the northern parcel of the proposed allocation should be omitted from the allocation.

DPD on behalf of Grasscroft Homes and Properties Ltd suggests that the boundary of the housing allocation needs to be amended so that the site does not include the Tetron Point Golf Course; the policy should give greater detail to understand what housing will be built where amongst the three separate sites and whether there is to be any phasing (when) and if there is any linked delivery (how). The consultee suggests that land at Wrekin, Woodland Road Stanton should be allocated for housing development to provide greater certainty on delivery of approximately 51 dwellings.

H3: Land at Church Street/Bridge Street/Football club site, Church Gresley

Again a mixed response was received regarding this policy, with some consultees supporting the policy as a whole (Planning Prospects on behalf of Dyson and St

Modwen Developments and Planning Prospects on behalf of St Modwen Developments) and others supporting only specific aspects of the policy such as the Highways Agency who welcomed the reference to high quality cycle and pedestrian links and connecting to existing and proposed networks and the Coal Authority is pleased to note that their comments from the Draft Local Plan Part 1 have been taken into account. Other consultees have suggested the following amendments to the policy:

- Sport England suggest that policy requires a clearer statement requiring the replacement of the current football ground facility with a facility of equivalent or better quality in a suitable location in line with paragraph 74 of the NPPF.
- The National Forest Company and The National Forest Charitable Trust request that the policy refers to the Conkers circuit in regards to the high quality cycle and pedestrian links connecting to existing and proposed networks.
- North West Leicestershire District Council object to the lack of uncertainty of the proposed use of the Bridge Street site and considers that the proposal needs to consider the impact on the amenities of the residents of Albert Village and should maintain a buffer/separation between the proposed site and Albert Village.

H4: Land at Broomy Farm, Woodville

All responses received from residents in regards to this policy suggest that H4 should include a landscape buffer to the south side of the site to protect the existing residential properties that back onto the site. Concern was also raised by some residents of the existing traffic levels and accidents that occur along the A514 and A511.

Further amendments to the policy were also suggested. Derbyshire County Council suggested the Local Plan should be seeking contribution towards the Swadlincote Regeneration Route and that the policy should make requirements for development contributions towards the extension of a local primary school.

In addition Pegasus Planning on behalf of Hallam Land Management suggest that clause ii) of the policy should be deleted as the design of the road from the A514 to the A511 through the site can be agreed as part of any application and the design of the road will need to take account of the findings of supporting Transport Assessments. Furthermore the consultee suggests that the policy should delete clause ii) and amend clause vi) to refer to the provision of a landscaped buffer on the northern site boundary.

The Highways Agency and The National Forest Company do support specific aspects of the policy. The Highways Agency welcomes the reference of high quality cycle and pedestrian links from each development site connecting to existing and proposed networks. The National Forest Company supports the policy requirement to incorporate a significant green buffer to the north east boundary of the site.

H5: Council Depot

Few responses were received regarding this policy.

The Highways Agency and The Coal Authority support specific aspects of the policy. The Highway Agency welcome the reference of high quality cycle and pedestrian links for the site connecting to existing and proposed networks and the Coal Authority are pleased that their comments from the Draft Local Plan Part 1 have been taken into account.

Sport England however states that the proposed site allocation includes a small area of playing field land within the northern part of the site. Due to this it has been suggested that the policy requires a clearer statement, stating that the playing field land should be

safeguarded/replaced in line with paragraph 74 of the NPPF, or the playing field land should be removed from the allocation.

H6: Drakelow Park

Few responses were received in regards to this policy. The Highways Agency welcome the reference to high quality cycle and pedestrian connecting to existing and proposed networks and English Heritage welcome and support criterion v) and vi) of the policy.

H7: Land at Hilton Depot, Hilton

A mixed response was received regarding this policy.

Planning Prospects on behalf of St Modwen support the allocation at Hilton, however suggest that the number of dwellings allocated on the site should be increased to 485 dwellings. The consultee also suggests that criterion vii) of the policy should be deleted, as it is unclear if Egginton Junction Gravel Pit Country Wildlife site relates to the proposed allocation and the necessity for nature conservation enhancements at the wildlife site.

The Highways Agency welcome the reference of high quality cycle and pedestrian links connecting to existing and proposed networks.

In objection, Planning and Design Group on behalf of Hallam Land Management have concerns regarding the proposed allocation, due to the sites lack of sequential and exception test as set out in the NPPF for the following reasons:

- H7 is located in a high flood risk area
- The Sustainability Appraisal (SA) fails to consider reasonable alternatives in the process that has led to the selection of the site for allocation
- The SA has failed to fully and properly consider the impact of flood risk in the process that has led to selection of the site for allocation

As a result of the above, the consultee considers that the Council has not demonstrated that the Local Plan presents the most appropriate strategy for meeting housing and associated community development needs in Hilton and that consideration should be given to alternative sites within and around Hilton.

Vincent and Gorbing object to the allocation of H7, in particular the loss of employment land and suggest that the housing allocation be replaced with land to the north of Derby Road, Hilton.

In addition concerns were also raised regarding school provision.

H8: Former Aston Hall Hospital, Aston on Trent

Only three responses were received regarding this policy. The Highways Agency welcome the reference of high quality cycle and pedestrian links connecting to existing and proposed networks. Derbyshire County Council welcomes that the sites relative environmental sensitively has been taken into account in this policy.

English Heritage however, are concerned that no reference is made within the policy H8 to the need to protect the setting of heritage assets and suggest that a further criterion is added to the policy to address this.

H9: Land at Longlands, Repton

The majority of responses received either support the policy (CT Planning on behalf of Maplevale Developments support the proposed allocation; Derbyshire County Council welcomes that the sites relative environmental sensitivity has been taken into account in the policy) or support specific aspects of the policy. The Highways Agency welcome the reference of high quality cycle and pedestrian links connecting to existing and proposed networks and English Heritage welcome the policy reference to the protection of heritage assets and their settings.

However WYG Planning and Environment suggest that the extent of the allocation should be amended to provide a larger strategic allocation by incorporating land to the east. Turley Associates on behalf of Hallam Land Management suggest that the land immediately adjacent to the south of the allocation and fronting Mount Pleasant Road should be included within the allocation.

H10: Land south of Willington Road and land south of Sutton Lane, Etwall

The majority of responses received objected to this allocation, including 44 consultees who submitted the same representation. Reasons given for the objections include:

- Sutton Lane site was not consulted upon until the Pre- Submission stage and the Willington Road site was only included at the Draft Plan stage, preventing the local community from being able to participate fully in neighbourhood planning as required by the Localism Act;
- There are reasonable SHLAA alternatives which do not necessitate building on well-established recreational facilities;
- No better or improved village facilities can be offered apart from new cricket facilities, which will not benefit the majority of Etwall residents;
- The need for new cricket facilities has never been considered as an essential requirement by village residents;
- The establishment of cemetery space should be explored elsewhere in the District.

Furthermore Chave Planning on behalf of Gainsborough Property suggest that the policy should be deleted and the 114 dwelling requirement added to the Local Plan Part 2.

Changes to the policy have been requested. Pegasus Planning on behalf of Bloor Homes suggests that the word “require” should be amended to “seek”, and criterion C should be removed which requires a green buffer and landscaping along the southern edge of the site.

In addition Barton Willmore on behalf of Taylor Wimpey suggest that land to the south west of Etwall should be included within the plan for 150 dwellings.

English Heritage however welcomes the policy’s reference to the protection of heritage assets and their settings whilst The Highways Agency welcome the reference of high quality cycle and pedestrian connecting to existing and proposed networks.

H11: Land north east of Hatton

The majority of responses received regarding this policy support H11 or specific aspects of the policy. The Highways Agency welcome the reference of high quality cycle and pedestrian links connecting to existing and proposed networks and English Heritage welcome the policy reference to the protection of heritage assets and their settings.

Seven Trent Water Limited states that a sewage pumping station which would be located to the southeast of the proposed urban extension of Hatton is now surplus to their requirements and could be made available in order to facilitate bringing forward the proposed urban extension. Seven Trent's site access could be redirected away from the existing residents on Church Avenue and instead enable access to be taken via Derby Road to the north which could then run along the eastern boundary of the proposed urban extension.

Cass Associates supports the proposed extension at Hatton but suggests that the delivery of the 'combined access' is expressed with firmer intent.

Savills on behalf of Taylor Wimpey suggest a number of amendments to the policy which can be seen below:

- The location plan for the policy should be amended to accurately reflect the ownership boundaries of the site. The land controlled by the Salt Box Café in the north west corner of the site should be amended to show a potential location for retail and the area of land between Rye Flatts Lane and Lime Grove should be included in the plan.
- The criteria which seeks to protect heritage assets in the area should be removed from the plan.
- The wording of the criteria B iv) and vii) should be amended to include viability considerations
- Paragraph 5.53 makes reference to the sites access. Taylor Wimpey consider that the site will be accessed off Derby Road and/or off Station Road via a suitable point of access.
- The policy should be reworded to state a minimum of 400 dwellings.

H12: Highfields Farm

Two responses were received which directly related to this policy, both from the Highways Agency. The Highways Agency welcome the reference to developer contributions for junction improvements and also the reference to high quality cycle and pedestrian links connecting to existing and proposed networks.

H13: Boulton Moor (South East of Derby)

The majority of responses received regarding this policy suggested alterations to the policy.

The National Trust and English Heritage suggest that the policy needs to be reworded to include the opportunity to secure positive improvements to heritage assets, to be in line with the NPPF. The National Trust added that the criteria xi) of the policy should be reworded to include the provision of high quality pedestrian and cycle routes within the site and links between these and existing and proposed routes and green spaces beyond the site, including in particular Elvaston Park and Garden.

Derbyshire County Council on behalf of County Council Members state that consideration could be given to exploring what opportunities there are for section 106 monies from the existing/planned housing and other developments to be directed towards Elvaston to fund capital improvements, such as recreational facilities.

The Highways Agency provides support for the developer contributions towards junction improvements access and transportation the positive comment regarding the policy. The Highways Agency welcome the statement 'developer contributions to be made toward improvements to the A50/A515 and A50/A38 junction to safeguard the operation of the

Strategic Road Network' within in the policy. And welcome the reference of high quality cycle and pedestrian links from the housing allocation, connecting to existing and proposed networks

Barton Wilmore on behalf of the Chamberlain Family and Central Land Holding offer their full support to the allocation and offer their broad support for policy H13. They support aspects of the policy such as: the Councils proposal to apply a cross boundary approach to the provision of affordable house, support the requirement for financial contributions to be made by the development toward the proposed provision of bus services and a Park and Ride and they support the requirement that the green infrastructure requirements of the site could be partly met through improvements to existing green infrastructure. However, some alterations to the policy have been suggested by the consultees, examples of which can be seen below:

- The development should be referred to as a sustainable urban extension, in preference to a new suburb.
- Cross boundary flood mitigation from fluvial sources is not relevant in this instance. The word cross boundary should be removed from the policy.
- The requirement for a cross boundary approach to preparing a flood risk assessment should be deleted or reworded to require the applicant to consider submitting a flood risk assessment.
- The requirement for a small/medium sized supermarket should be deleted.

H14: Chellaston Fields, Chellaston

The Highways Agency welcome in the policy reference to developer contributions towards junction improvements and also the high quality cycle and pedestrian links connecting to existing and proposed networks. English Heritage have concerns that the policy makes no reference to the need to protect and enhance the setting of heritage assets; and Derbyshire County Council consider that the following wording should be included in the policy 'developer contributions to be made to primary and secondary school provision on an agreed strategy with the council'.

H15: Wragley Way (South of Derby)

Six consultees (making 9 comments) commented on this policy, four of which raised concern. Two consultees suggested that the proposal will put extra strain on the existing road system. One suggests that the transport modelling work should have been completed by the time of publication of the Pre Submission Local Plan Part 1. A consultee suggested that the road infrastructure at Deep Dale Lane will need to be upgraded to cater for extra traffic and a third suggests that the non-preferred sites should be reinstated and allocated for 500 dwellings along with the western segment of H15 bounded by the railway line and A50 which could also accommodate 500 dwellings negating the need for the expensive and irrelevant Southern Derby Link Road.

Planning and Design Group on behalf of Hallam Land Management however supports the allocation and states that the policy can be complied with.

In addition the Highways Agency welcomes the statement in regards to developer contributions towards junction improvements within the policy and criterion iii) and welcomes the reference to high quality cycle and pedestrian links connecting to existing and proposed networks.

H16: Primula Way, Sunny Hill

Two consultees (raising three comments) made representations directly relating to Policy H16. The Highways Agency welcomes the statement 'developer contributions to be made toward junction improvements and also welcomes the reference to high quality cycle and pedestrian links connecting to existing and proposed networks.

Derbyshire County Council suggests that the policy requires certainty and clarity on the improvements to a primary school and suggest that policy should include the following 'Developer Contributions to be made to primary and secondary school provision on an agreed strategy with the Council'

H17: Holmleigh Way, Chellaston

Only The Highways Agency commented on this policy which was that they welcomed the reference to developer contributions towards junction improvements and also the reference to high quality cycle and pedestrian links connecting to existing and proposed networks.

H18: Hackwood Farm, Mickleover

A mixed response was received regarding Policy H18.

Two consultees supported specific aspects of the policy. The Highways Agency welcome the reference to high quality cycle and pedestrian links connecting to existing and proposed networks and English Heritage welcomed the policy's reference to the protection of heritage assets and their settings.

Two consultees oppose the proposed allocation at Hackwood Farm. A resident raises concern about the community's services, infrastructure, transportation needs, the lack of regard for wildlife issues and flood risk on the site. Nathaniel Lichfield and Partners on behalf of Commercial Estates Group raise a number of concerns over the site including:

- There are cross boundary issues which raise doubt as to whether the Derby City part of the site will be allocated for development and whether as a result the South Derbyshire part of the site will be delivered.
- There are number of factors which raise doubt over the deliverability and developability of Hackwood Farm
- The proposed housing allocation should be deleted.
-

Pegasus Planning Group on behalf of Miller Homes broadly supports the proposed allocation in principle however suggests some alterations to the policy:

- Criteria iv) requires the provision of a pedestrian cycle bridge , however reference to the bridge should be deleted as the bridge will be a requirement of Derby City's Local Plan Hackwood Farm Policy
- Reference to the Greenway being a local wildlife site should be deleted, as no development is proposed in the part of the Greenway within South Derbyshire's boundaries.
- The applicant is committed to construct a one form entry primary school on Derby City land and provide sufficient land to enable the City Council to expand to a two form entry school if necessary. This means that primary school contributions for South Derbyshire's part of the site should not be necessary and therefore deleted from the policy.

- Criteria viii) seeks a new local centre. The consultee suggests that this should be deleted as policy H18 relates specifically to the South Derbyshire part of the site, and the local centre will be provided within Derby City.

H19: Housing Balance

A number of comments were received the key issues being:

The Home Builders Federation stated that the policy needs to be viability tested and is concerned that a degree of uncertainty is caused by reference to Supplementary Planning Documents in the Policy. The consultee suggests that the Council should provide further clarification of its intentions.

Barton Willmore on behalf of Taylor Wimpey support the Councils approach in not prescribing specific proportion of dwelling size within a policy, however suggest that it is important that the SHMA figures are used as a guide and not a precise requirement.

The Planning Bureau Ltd on behalf of McCarthy and Stone are concerned that the Council have missed an opportunity to tackle the issue in shortfall of specialist accommodation for the older population.

H20: Affordable Housing

The majority of consultees raised concern about elements of the policy.

Some consultees welcomed the reduction of the Council seeking up to 40% affordable housing on sites over 15 dwellings or 0.5ha to 30%. However many suggested that there is no justification of a 30% affordable housing target from a viability perspective. It has been suggested that evidence needs to be provided to demonstrate the requirement of such a figure.

In addition the following concerns and alterations have been suggested:

- The policy should identify the types of affordable housing tenure which are currently available and suitable.
- The option for off-site contribution, subject to exceptional justification should be extended to all sites where affordable housing is required
- Exception sites should reflect locals needs, not all settlements are the same, with some villages requiring a greater amount of affordable dwellings
- The plan currently does not make provision for the potential for some cross subsidy from an element of market housing, to bring forward additional affordable units
- It is not clear how the affordability housing target would impact on infrastructure delivery and the viability of the Local Plan as a whole.
- The policy suggests that the Council will consult with itself this is confusing and should be amended

H21: Sites for Gypsies and Travellers and for Travelling Showpeople

North West Leicestershire District Council and Derbyshire County Council support that the policy does not include gypsy and traveller targets, but that allocations will be provided within a separate allocations document.

E1: Strategic Employment Land Allocations

The majority of responses received regarding this policy either supported the policy in full or specific aspects of the policy.

William David Limited supports Policy E1C. Derbyshire County Council states that the provision of new employment land is based on sound and robust evidence. They further stated that the proposed allocations will be more than sufficient to meet the Districts future employment land needs, ensure flexibility in the supply of land and that there was an attractive choice of sites. Barton Willmore on behalf of Goodman Shepherd consider that the updated supporting text to Policy E1 accords with the tests of soundness and that it acknowledges that the East Midlands Intermodal Park has the potential to deliver new employment opportunities on a significant scale.

The Highways Agency does not anticipate that the proposed employment growth in Swadlincote, Hilton and Dove Valley Park will have any strategic implications for the A50 route.

Some alterations to the policy were also suggested. Pegasus Planning on behalf of Christ Church suggests that it is necessary to include 30ha of employment land at Sinfin Moor to ensure that the plan is sound. The National Trust states that the Policy does not make any provision to ensure that there are no detrimental impacts on landscape or the built, historic or natural environment.

E2: Other Industrial and Business Development

Two comments were received in regard to Policy E2.

The National Trust supports the policy changes made from the Draft Local Plan Part 1 but suggests that there should be a general provision that applies to all new industrial and business development, rather than solely developments within or on the edge of urban areas and villages. Of particular concern is criteria ii) as no indication is given as to the scale of expansion that would be acceptable. Also, a change should be made to ensure that development does not give rise to undue impacts on the landscape, natural environment or cultural heritage assets.

E3: Existing Employment Areas

Two opposing responses have been received for this policy. One states that the general approach in the policy for the protection of existing employment areas is supported and consistent with paragraph 22 of the NPPF. Whereas the other consultee states that the policy should be amended to support the release of employment sites in scenarios where a site is no longer needed for employment use due to lack of demand. This change would allow the plan to be positively prepared in accordance with the NPPF.

E4: Strategic Location for Sinfin Moor Employment Site Extension

Two responses have been received regarding Policy E5, both of which support the protection/identification of Sinfin Moor as a strategic employment site. One however suggests that to ensure the plan is sound the site should be included as an employment allocation under Policy E1 for employment development in use classes B1(b), B1(c), B2 and B8 purposes.

E5: Safeguarded Employment Sites – Dove Valley Park

Two consultees provided six comments regarding this policy. Dove Valley Park Ltd (DVP Ltd) welcomes the identification of the remaining 28.3ha of land north of the existing

committed site for further strategic employment. However is concerned at the constraint which the policy would impose on their ability to bring this land forward. DVP Ltd stated that the policy seeks to impose an 'exceptional circumstances' test and suggests that this form of sequential testing is impractical for a site which is specifically intended to respond to a one off strategic investment opportunity. DVP suggests that the policy should be reworded.

The Highways Agency considers that although development at this location will be subject to Policy INF2, it would be helpful if Policy E5 included the need for associated transport issues to be fully considered and addressed if and when development comes forward, including impacts on the A50/A511 junction and public transport accessibility to the site.

E6: Woodville Regeneration Area

Two consultees generally support the allocation, however suggest that the plan should maintain some flexibility over the precise balance of uses on the site. The exact balance of employment, housing and other uses within the site are still emerging and opportunities for additional public sector funding may affect the use of the site.

The National Forest Charitable Trust suggests that policy should be amended to include the provision of high quality cycle and pedestrian links both within the development and connecting to existing and proposed networks, including links from the Heart of the Forest towards Swadlincote Woodlands.

North West Leicestershire District Council (NWLDC) support the approach taking by the District Council, for the need for joint working with NWLDC, protecting the amenity of NWLDC, and maintaining a separate identify of nearby Albert Village.

SD1: Amenity and Environmental Quality

The National Trust supports the policy and the National Farmers Union supports paragraph B (iii) of the policy.

SD2: Flood Risk

A mixed response was received regarding this policy. The National Trust gives its general support for the policy and Planning and Design Group on behalf of Hallam Land Management supports the policy, in particular the statement that the Council will apply the sequential approach to flood risk management.

The Home Builders Federation however suggested that the policy needs to be viability tested and the policy has implications for gross to net development land ratios. A further consultee suggests that the flood risk policy negates the current issues of concern regarding the Hackwood Farm proposal and the policy in conjunction with the Hackwood Farm proposals does not take into account the resultant victims of flooding with insurance costs for those properties that would be affected if proposals were to take place.

SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure

A mixed response was received regarding this policy. The National Trust generally supports this policy, and NWLDC supports the proposed approach with regard to the River Mease Special Area of Conservation and the continuation of joint working between relevant authorities in addressing this issue.

The Home Builders Federation state that the policy needs to be viability tested as it has implications for gross to net development land ratios. Planning Design Group on behalf of Hallam Land Management stated that proposed water consumption target set out in section A(ii) of the policy (110 litres per person per day) is just 14 litres less than the standard required by Building Regulation. Such a small improvement in water consumption above that already achieved through legislation does not justify policy intervention.

SD4: Contaminated Land and Mining Legacy Issues

Only one response was received regarding this policy which was in general support of the policy.

SD5: Minerals Safeguarding

No responses were received regarding this policy

SD6: Sustainable Energy and Power Generation

The National Trust supports the policy and the National Forest Company strongly support the emphasis in the policy on sourcing biomass materials from within The National Forest.

However one consultee states that there is no basis for renewable constructions, i.e., on-shore wind turbines, as the Authority does not have a consulted on or, applicable policy from which to test pre-applications against.

BNE1: Design Excellence

A mixed response was received regarding policy BNE1.

English Heritage welcomes the policy's reference to and recognition of heritage assets and their settings and the National Forest Company supported the policy. The National Trust generally supported BNE1 however suggests that the policy should recognise that important historic views exist which do not relate specifically to landscape or townscape, for example a view of a landmark.

Furthermore, Overseal Parish Council state that the need for an enforceable design policy is strongly supported.

Derbyshire County Council however suggested that the policy should be amended to include a requirement for new development to incorporate broadband serves (in conjunction with service providers) as part of the design of new development.

Nathanial Lichfield and Partners on behalf of Commercial Estates Group object to Part ii) of the policy. The consultee suggests that the requirement is unduly onerous as it is not clear what standard would need to be met in order to achieve high performance, and it is unclear as to what SPD the Council is referring.

BNE2: Heritage Assets

Two responses were received regarding this policy. English Heritage welcomed and supported the contents of Policy BNE2. The National Trust strongly supported the inclusion of a policy relating to heritage assets, but suggests that the current wording is not sufficiently clear that undesignated heritage assets, including archaeological remains not restricted to the local list, warrant protection as appropriate to their significance.

The National Trust suggested that recognition in the policy or supporting text of the economic/tourism/leisure benefits of South Derbyshire heritage assets would also help to ensure that BNE2 meets NPPF requirements. In addition the National Trust suggested that they are supportive of the identification of BNE2 as a strategic policy (par 8.44), however for avoidance of doubt, the National Trust suggest the plan ought to contain a statement confirming the policy and other relevant policies are strategic.

BNE3: Biodiversity

A mixed response was received regarding this policy. Natural England supported the policy as they suggest that it provides a strong framework for the protection and enhancement of biodiversity and geo diversity.

The National Trust supported the policy in principle but suggested that the policy should be expanded to ensure that there is protection of undesignated sites or features of demonstrable value. They also raised concern that point A(i) restricted the consideration of impacts of development 'within or adjacent' to sites and therefore fails to recognise that other development may have impacts.

Furthermore the National Farmers Union suggests that policy needs to be made clear in its accompanying text that potential wildlife sites will be on a list identified and verified and not just drawn up by development opposition and the policy should clarify the distances involved in "adjacent to sites".

BNE4: Landscape Character and Local Distinctiveness

The policy is generally supported.

The National Trust strongly supported the policy; Natural England states that policy provides strong guidance for the protection and enhancement of the character and quality of the district landscape; English Heritage welcomed references to and recognition of heritage assets and their settings; and Derbyshire County Council also welcomed and supported the policy.

However, Nathaniel Lichfield and Partners on behalf of Commercial Estates Group objected to the policy and considered that additional text should be added before the final sentence of Part B, in order to provide more certainty for developers as to how landscape impact can be mitigated. The consultee suggests that the policy as currently worded does not suggest solutions which would help achieve sustainable development.

INF1: Infrastructure and Developer Contributions

The majority of responses received suggested changes to the policy though no overriding key issue regarding the policy was received.

Overseal Parish stated that the Community Infrastructure Levy can be spent anywhere in the District, even if the relevant development were to be local. The Parish Council suggest that this should be changed so that the community which houses the relevant development achieved some community benefit from it.

The Home Builders Federation suggest that the policy needs to be viability tested and that policies INF1, INF2, INF4, INF 6 and INF9 overlap and as currently worded there is a distinct impression of potential "double dipping" which should be avoided. The Council should reconsider its wording so that developers are not charged twice. In addition the HBF raise concern that a degree of uncertainty is caused by reference to Supplementary Planning Documents (SPD) in this Policy. Paragraph 153 of the NPPF states that the Council cannot use SPD to introduce policy or increase development costs.

Nathaniel Lichfield and Partners on behalf of Commercial Estates Group suggested that evidence has not been provided to demonstrate that infrastructure and service requirements can be achieved through the application of S106 Planning Obligations. Furthermore evidence should be provided by the Council to demonstrate that the provision of infrastructure can be provided in accordance with the requirements of the CIL and the Council will need to ensure that there is no overlapping of contributions to infrastructure from S106 agreements and CIL in order to avoid "double charging".

Knight Frank on behalf of Thulston Fields Partnership state that there is very little regard to the need for additional secondary school plans within the Infrastructure Delivery Plan (IDP). Only page 27 of the IDP refers to demand at Infant and Junior level with no acknowledgement of the growing demand of secondary provision in the demand trend assessment. The table on page 38 identifies the need for a new secondary school, but gives no indication of timetable or funding sources. We are concerned to see that despite the recognised importance and significant cost, there is no assessment of how, when or where this will be delivered. The consultee suggests that the policy should respond to the identified infrastructure need and be deliverable for a new secondary school.

The National Trust generally support the policy however are disappointed that the policy's supporting text makes no reference to the potential for heritage related works to be covered by this policy. In addition the National Trust suggest that they are supportive of the identification of INF1 as a strategic policy (par 9.8), however for avoidance of doubt, the National Trust suggest the plan ought to contain a statement confirming which policies are strategic.

Derbyshire County Council supported the principal of the policy, but state that to meet the requirements of the NPPF and to provide greater clarity to developers, infrastructure providers and the public regarding deliverability, the Local Plan should include more detail regarding what infrastructure is critical to delivery of the Local Plan and how it will be funded and delivered.

Some comments of support were also received regarding the policy. For example the Highways Agency stated that they are satisfied with the Infrastructure Delivery Plan and Planning and Design Group on behalf of Hallam Land Management welcome and support the recognition of the need to consider development viability 'when determining the extent and priority of development contributions'.

INF2: Sustainable Transport

The majority of responses received support this policy.

The Highways Agency welcomes the policy as it seeks to reduce the need to travel and encourages a modal shift through enhancements to the walking and cycling network and improvements to public transport services. They also welcome the requirements for planning applications with significant transport implications to be accompanied by Transport Assessments and Travel Plans.

The National Trust provides general support for the policy relating to walking and cycling, in particular provision A. Derbyshire County Council welcomed and supported amended changes from the Draft Local Plan Part 1. The National Forest Company supported the encouragement for sustainable transport particularly paragraph E which refers to the protection of land for railway stations on the National Forest Line at Drakelow and Church Gresley.

In addition Overseal Parish Council support the re-opening of the Burton – Leicester railway line, however suggested that the reduction of car journeys is unrealistic.

The Home Builders Federation suggested that the policy should be viability tested and raised concern that policies INF1, INF2, INF4, INF6 and INF9 overlap and there is a distinct impression of potential 'double' dipping' which should be avoided. The Home Builders Federation suggested that the policy should be required so that developers are not charged twice.

INF3: Strategic Rail Freight Interchange

The majority of responses received support or support for specific aspects of Policy INF3.

The Highways Agency broadly supported the policy. English Heritage welcomed the reference to and recognition of heritage assets and their settings in the policy. Derbyshire County Council considered it appropriate and justified that the Planning Inspectorate incorporated a criteria based policy for the assessment of any potential SFRI development scheme and considered that the policy takes account of guidance published by the Department of Transport.

There were however suggested amendments to the Policy. Derbyshire County Council suggested that all rail freight routes past or connecting to the Toyota site have or will be cleared to W10 height by 2015/16.

Barton Wilmore on behalf of Goodman Shepherd supports the principal of the policy in respect of the development of a Strategic Rail Freight Interchange in the context of the proposed East Midlands Intermodal Park. However suggested that the policy details require further refinement. In particular the lack of site specificity was mentioned by the consultee.

Egginton Parish Council however stated that South Derbyshire has failed its duty to cooperate as it had failed to indicate how South Derbyshire had engaged with other partners and authorities to develop this policy. In addition the policy fails in its duty to produce a policy upon which a planning application can be judged within a strategic context.

INF4: Transport Infrastructure Improvement Scheme

A mixed response was received in regards to this policy. The Highways Agency supported the policy, North West Leicestershire District Council (NWLDC) supported the approach to avoid any unacceptable impact to NWLDC and Planning Prospects on behalf of St Modwen Developments and Dyson supported the proposed Woodville-Swadlincote Regeneration Route.

Regarding those consultees who have suggested changes, there was not an overriding issue. Pegasus Planning on behalf of Christ Church recommends that the policy be amended to be explicit in protecting the route of the South Derby Integrated Transport Link phases 1 and 2.

The Home Builders Federation suggests that the policy needs to be viability tested. The Home Builders Federation suggests that policies INF1, INF2, INF4, INF6 and INF9 overlap and as currently worded there is a distinct impression of potential 'double dipping' which should be avoided. The consultee suggested that the council should re-consider its wording so that developers are not charged twice.

INF5: East Midlands Airport

No responses were received which directly relate to this policy.

INF6: Community Facilities

There was no one main issue received regarding this policy.

The Theatres Trust stated that the policy does not include the word cultural nor does the accompanying text and there is no explanation of the term community facilities. The Home Builders Federation suggests that policy needs to be viability tested and policies INF1, IN2, INF4, INF6 and INF9 overlap and as currently worded there is a distinct impression of potential 'double dipping' which should be avoided. The consultee suggested that the Council should re-consider its wording so that developers are not charged twice.

Additionally Sport England's supported the inclusion of policy concerning provision, enhancement and protection of community facilities. However suggested that current wording around protection of facilities should be modified to better align with the NPPF. Suitable alternatives should be changed to require 'replacement with equivalent or better provision in terms of quantity and quality in a suitable location' and the suggestion in the explanatory text that marketing for 12 months could justify loss should be omitted as such an approach would not be supported of need and would be contrary to the NPPF.

INF7: Green Infrastructure

The National Trust and Derbyshire County Council both support the policy. One consultee has raised concern over INF7. Barton Under Needwood Parish Council are disappointed that the Local Plan fails to make reference to the Central Rivers Initiative, does not give an explanation of the Trent Strategic River and the Trent and Mersey canal corridor is and does not explain what the Trent Valley vision means.

INF8: The National Forest

The majority of responses received support this policy.

The National Trust, The National Forest Company and the National Forest Charitable Trust supports the policy (however the National Forest Charitable Trust do suggest that the figure in the commuted sum section of Table 6 on page 148 increase from 10,000 to £20,000).

In objection, the Home Builders Federation suggested that this policy needs viability testing and policy has implication for gross to net development land ratios.

INF9: Open Space, Sport and Recreation

There was no one main issue received regarding this policy.

Overseal Parish Council stated that the expansion of leisure services is welcomed, but the failure of the Council to assist with repairs to the sports changing room is disappointing.

The Home Builders Federation suggested that the policy needs viability testing and policies INF1, IN2, INF4, INF6 and INF9 overlap and as currently worded there is a distinct impression of potential 'double dipping' which should be avoided. The consultee suggested that the Council should re-consider its wording so that developers are not charged twice.

Sport England supported the inclusion of policy concerning provision, enhancement and protection of open space, sport and recreation facilities. And states that the policy correctly emphasis the requirement to plan for facilities and to base decisions in the light of up to date evidence, but it is not clear from the list of evidence base documents within the appendix or the explanatory text to the policy that there is at present a sufficiently robust evidence base to support successful application of the policy.

INF10: Tourism Development

The responses received regarding this policy have some concern over the policy wording. The National Trust and the National Forest Company both suggest that the policy is too restrictive on tourist development and the National Forest Charitable Trust and the National Forest Company consider that the policy contradicts Policy INF8 and will be too restrictive on tourism development within the National Forest, as most visitors of the National Forest will travel by car.

Furthermore the National Trust and National Forest company and Chave Planning Ltd on behalf of Mr and Mrs Woodward all consider that the policy is not consistent with the NPPF.

Proposals Map

No one main issue was raised regarding the proposals map. However alterations to the maps were suggested including:

- It would be helpful if the area of H13 to be added to the Nottingham-Derby Greenbelt was shaded green according to the key. Recognising that this area has planning consent it may be necessary to include a boundary line. However the current shading gives the impression that this piece will accommodate built development.
- The symbol denoting the Historic Park and Garden should be moved a little south and enlarged to more accurately reflect the location and extent of Elvaston Park and its relationship with nearby development sites.
- The exact boundary of Elvaston Park and Garden should be plotted along with Green Belt boundary
- The proposals maps should be based on an Ordnance Survey Map
- SDITL should be identified as a protected route
- Employment site Sinfin Moor is incorrectly referenced as E4 on the Aston Area Proposals Map
- The boundary of the housing site H2 should be amended to fit the approved and under construction golf course boundary.
- The proposed protected station site at Drakelow is not shown on the Southern Villages Area Proposals Map.

Appendix 3

Few responses were received which directly related to Appendix 3. Individual reasons for either support or opposition were received regarding the appendix, these include:

- There are potential issues regarding the trajectory demonstrating a 5 year housing land supply
- Delivery will not occur at all or at least not in accordance with the published trajectory
- Broomy Farm should have a start date as 2014/15 rather than 15/16

- Agreement over the housing trajectory start period for Hackwood Farm
- The trajectory indicated that in year 2014/15 there will be a 100% increase over the highest completions so far. It is considered that the trajectory is wholly unrealistic for the next 5 years and should be reconsidered.

South Derbyshire District Council

Schedule of Proposed Modifications to Pre-Submission Local Plan Part 1

Modification No.	Document Page No.	Policy/ Paragraph/ Table	Modified text (deleted text shown as struck through , additional text shown in bold and SDDC comments shown in <i>italics</i>).	Reasons for modification	Source of modification (including representation no. if applicable)
Contents					
	N/A	N/A	Policy S1: Strategic Sustainable Growth Strategy	Typo	SDDC
	N/A	N/A	5 Housing Policy	Typo and minor change for consistency	SDDC
	N/A	N/A	8 Built and Natural Landscape Environment	Typo and minor change for consistency	SDDC
Chapter 1: Introduction					
	2	1.12	Chapters 5 to 9 – includes key development management and other overarching policies		National Trust (028/5112)
Chapter 3: A Vision and Local Plan Objectives for South Derbyshire					
	3	1.15	It is the intention of the Council to write supplementary planning documents (SPD's) on topie's that require further detailed information beyond that in the Local Plan policies. These will cover: Design: Guidance for assessing and proposing all types of development Car Parking Standards: Guidance on car parking standards and requirements on all developments Cycling & Greenway: Guidance and proposals on strategic multiuser routes for walkers, cyclists, horse riders and those with mobility difficulties.	Typo and to improve clarity	National Trust (052/5223)
	12	3.4	To accommodate growth, brownfield land and	To reflect the current	SDDC

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			disused buildings will be brought back into beneficial use and major sustainable urban extensions to immediately to the south and south east of Derby will have been developed, accommodating a minimum of 6,800 additional homes and providing a wide range of accommodation to meet the expanding housing needs of the City of Derby and South Derbyshire. The growth potential of Derby and these new urban extensions in particular, will have been unlocked through transport and other infrastructure improvements such as the provision of a new secondary school and other required local amenities.	strategy	
Chapter 4: Spatial Strategy – A Plan for Growth					
	17	S1 i)	<p>Ensuring that South Derbyshire’s objectively assessed housing need is met alongside providing additional housing to ensure that Derby City’s needs are also met. The housing split is as follows:</p> <p>a) 10,903 as South Derbyshire’s need as assessed b) 2,551 to allow Derby City to meet its assessed need</p> <p>Generating a total of 13,454 dwellings to be built in the plan period. The housing sites required will be met on a mixture of brownfield and greenfield sites with brownfield land</p>	To better reflect the requirements of the NPPF	WYG Planning and Environment (097/ 5371) Commercial Estates Group (114/5536) Garden Centre Group (125/5569)

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			preferred where possible encouragement given to the re-use of previously developed land.		
	17,18	S1 (v)	Through this strategy being put in place it It is essential that the District's heritage assets, landscape and rural character are recognised protected, conserved and enhanced. where possible, whilst accepting that some change is necessary to allow for the strategy to be delivered..	To better reflect the requirements of the NPPF	English Heritage (032 5146) National Trust (028/5113)
	18	S2	When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to seek solutions, which mean that proposals secure development that improves the economic, social and environmental conditions in the area. Planning applications received by the Council that accord with the policies in the Local Plan Part 1 & 2 (and where relevant, with policies in neighbourhood plans) will be dealt with positively and without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material	Typos (two comma insertions)	SDDC

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			<p>considerations indicate otherwise - taking into account whether:</p> <p>i) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the national planning policy framework taken as a whole; or</p> <p>ii) specific policies in that framework indicate that development should be restricted.</p>		
	18	4.15	<p>In 2010 the Government announced the need for an industry-led examination of housing standards, to find a way to simplify them. Through its review of housing standards in 2013 this review, the Government is seeking to restrict local planning authorities from setting higher standards than are set out in buildings regulations in respect of the technical or functional performance of new buildings. As part of this review the government is also seeking to wind down the use of the code for sustainable homes the Government has acknowledged that it is not always possible or desirable to require a single national standard for all new development, and that local discretion is, in some circumstances, necessary. The Housing Standards Review consultation proposes the introduction of new powers in the Building Act which would enable</p>	Minor change to update policy	SDDC

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			different levels of performance where these were necessary to meet certain local circumstances. As part of the review the Government is also consolidating many of the requirements of the Code for Sustainable Homes into Building Regulations.		
	19	4.16	However Moreover , the g Government's proposed approach to housing standards does not restrict developers from bringing forward, or adopting their own voluntary standards to ensure that new developments are sustainable and contribute to the delivery of sustainable homes and businesses, indeed many elements of the Code for Sustainable Homes (which is likely to be wound down as a result of the Housing Standards Review) not mainstreamed into building regulations could be retained as voluntary standards.	Minor change to update policy	SDDC
	19	S3	The Council will support developers in bringing forward more sustainable homes and commercial properties by supporting the delivery of the governments 'nationally described standard set' under the planning policy framework and by working Government's drive towards improved housing standards including in respect of access, security, water and energy efficiency. The Council will work collaboratively with developers, or other organisations wishing to bring their own environmental or social	Minor change to update policy	SDDC

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			<p>sustainability standards to market for utilisation on a voluntary basis.</p> <p>The Council supports the progression towards zero carbon development.</p> <p>In order to meet targets for zero carbon development the Council will, where appropriate, encourage developers to maximise carbon reductions on site. However, where it is not achievable the Council will support the use of ‘allowable solutions’.</p>		
	19	4.17	<p>Nonetheless, theThe environmental performance of new buildings is not determined solely by the technical specification of the building itself. Other factors such as site-wide infrastructure delivery (such as the integration of sustainable drainage systems), or the delivery of biodiversity gain on site could make a meaningful contribution to improving the quality and environmental performance of individual buildings.</p>	Typo and minor change for clarity	SDDC
	20	4.22	<p>The Council accepts that this is a complex and quickly evolving area of policy and will provide further information through the Design SPD. an appropriate Supplementary Planning Document.</p> <p>This support getting to grips with the concept of ‘allowable solutions’</p> <p>This could support the local development</p>	Minor change for clarity	SDDC

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			industry and other interested parties understand the concept of 'allowable solutions' and providing provide a directory of local and national providers.		
	20/1	S4	<p>Provision will be made in this Plan for at least 13,454 net additional dwellings over the Plan period. The dwellings will be split between the Local Plan Part 1 and the Local Plan Part 2 as follows:</p> <p>i) Part 1 — Sites allocated to accommodate at least 12,404 dwellings as strategic sites.</p> <p>ii) Part 2 — the remaining dwellings, around 600, to be dealt with as non-strategic sites across the District including an assumed windfall of 450 dwellings across the Plan period.</p> <p>All of the above allocation in Part 2 will be made in regard to the settlement hierarchy (policy H1).</p> <p>The Council will maintain a five-year rolling land supply of specific deliverable sites with additional buffers in accordance with the NPPF.</p> <p>Provision will be made in this plan for at least 13,454 additional dwellings over the plan period.</p>	Minor change for consistency.	SDDC

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			<p>The dwellings will be split between the Local Plan Part 1 and 2 as follows:</p> <p>A Part 1 – Sites allocated to accommodate at least 12,404 dwellings as strategic sites and 450 dwellings as a windfall allowance.</p> <p>B The Part 1 allocations will be made according to the following strategy:</p> <p>Urban Areas – Swadlincote, edge of Derby and the edge of Burton upon Trent</p> <p>Key Service Villages – strategic sites in Aston on Trent, Etwall, Hatton, Hilton and Repton.</p> <p>C Part 2 – the remaining dwellings, around 600 dwellings, to be dealt with across non-strategic sites in the following proportions according to the Settlement Hierarchy (Policy H1):</p> <p>Urban Areas – around 200 dwellings Key Service Villages/Local Service Villages – around 300 dwellings Rural Villages – around 100 dwellings</p> <p>D The Council will maintain a five year rolling land supply of specific deliverable sites with additional buffers in accordance with the</p>		

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			NPPF.		
	22	4.29	The proposed distribution reflects the fact that the least constrained options for physical extensions to Derby predominately, but not entirely , lie in South Derbyshire. The distribution also reflects that Amber Valley has many constraints including the Derwent Valley World Heritage Site and Green Belt surrounding their Market Towns though does have a significant development opportunity at Cinderhill, near Denby.	Minor change for clarity	SDDC
	22	4.30	The proposed distribution also reflects the fact that the amount of growth proposed in Amber Valley is somewhat higher than the adjusted trend projection as otherwise that Borough would be planning for virtually no plans for employment growth at all.	Minor change for clarity	SDDC
	23	4.35	Despite the recent global economic downturn, many headline economic indicators, such as unemployment and economic activity, remain positive. However, pockets of deprivation persist both in urban and rural parts of the District. The population of the southern parishes generally has lower levels of educational achievement and skills than that of the northern parishes and whilst the north of	Typo	SDDC

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			the District has benefited from good communications and the creation of new employment along the A50 corridor, progress in the south of the District has been slower. However, the presence of The National Forest in the south of the District has assisted greatly in the improvement of the local environment and thus the attraction of investment and expansion of the visitor economy. Likewise recent large scale public and private sector investment in Swadlincote town centre has greatly enhanced and expanded the town's retail core.		
	25	S5	Provision across a range of sites, including allocations, will be made for the development of 53 ha net additional land for industrial and business development in support of the Economic Strategies of the D2N2 Local Enterprise Partnership and the Council Council's Economic Strategy .	Typo and minor change for clarity	SDDC
	26	4.49	Since 2008 there has been 13.09 14.16 hectares of land have been developed in the 'remainder of South Derbyshire' area. therefore Therefore , the remaining requirement is just less than 40 39 hectares.	To reflect the most up to date evidence	SDDC
	26	4.51	Growing reliance upon the private car has given rise to highway congestion; increased air pollution; reduced physical activity; community severance and other detrimental impacts. The NPPF in indicates that planning should seek to	Typo	SDDC

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			reduce the need to travel and encourage modal shift away from the use of cars and heavy good vehicles towards public transport, cycling, walking and rail freight. The objectives of transport policy are to support economic growth and reductions in greenhouse gas emissions and congestion.		
	27	S6	A The Council will seek to:	Formatting error	SDDC
	27	S6	B This will be achieved by seeking:	Formatting error	SDDC
	27	S6 'B' ii)	the provision of new or enhanced walking, cycling, public transport and rail freight services and infrastructure and, where needs cannot be met by the aforementioned means, highways and car/lorry parking infrastructure; and	Typo (comma insertion)	SDDC
	29	S8 i)	a triangular parcel of land measuring around 12.5 hectares immediately to the east of the A6 and south west of Thulston, will be included within the Green Belt	Typo (comma insertion)	SDDC
	29	S8	In addition, Green Belt boundaries will be reviewed through the Local Plan Part 2, to amend any existing anomalies since the adoption of the Green Belt.	Typo (comma insertion)	SDDC
	29	4.63	The southern part of the Nottingham-Derby Green Belt lies within South Derbyshire's administrative boundary and covers the north east corner of the District, covering the villages of Elvaston, Thulston, Ambaston and to the edge of Shardlow.	Typo (comma insertion)	SDDC
	29	S8	There is a presumption against inappropriate development within the Green Belt, unless very	Typo and minor modification for clarity	SDDC 020/5080 (Erewash

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			exceptional special circumstances exist. Development proposals received within the Green Belt will be assessed against national policy.		Borough Council)
	30	4.67	The Study concluded that there may be opportunity to amend the Green Belt boundary specifically in the Boulton Moor area, due to the construction of the A50 and A6. The Study states that these roads now form a physical feature on the landscape and an area bounded by London Road and the A6 spur appears landlocked and no longer contributes to the openness of the Green Belt. In addition, an area of land south west of Thulston now appears to perform a Green Belt role and could be incorporated into it.	Typo (comma insertion)	SDDC
	30	4.69	In addition, the NPPF seeks to enhance the beneficial use of the Green Belt.	Typo (comma insertion)	SDDC
Chapter 5: Housing					
	33	5.2	The housing site policies within this chapter include site specific requirements, individual to the particular site to which the policy refers. Each housing site allocation included in this Local Plan will be subject to the normal process of granting of planning permission and the necessary conditions and planning obligations. As such, whilst not all possible contributions to are listed , for example, primary and secondary school provision are not listed in the specifics of a policy, such contributions as	Minor change for clarity	SDDC

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			education, transport and health would be expected, as would be the case for any such planning application, whether the site be allocated in the Local Plan or not.		
	33	5.3	Each of the housing site allocations are shown on a map alongside the policy. The site area of each allocation as boundary indicated on the maps illustrates the full site, not just the developable area. As such landscaping, additional buffers, open space and roads will be included within the site area shown.	Minor change for clarity	SDDC

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	34	Table 3	<p><i>Delete the existing Table 3 and replace with up to date information for 'Lond Supply within Swadlincote and Villages Area'</i></p> <p>Table 3: Land supply within Swadlincote and Villages area</p> <table border="1"> <thead> <tr> <th>SITES</th> <th>No. of Dwellings</th> </tr> </thead> <tbody> <tr> <td colspan="2">Sites started</td> </tr> <tr> <td>Castleton Park, Swadlincote Lane, Swadlincote</td> <td>206</td> </tr> <tr> <td>Woodville Woodlands</td> <td>64</td> </tr> <tr> <td>Calder Aluminium, Repton Road, Willington</td> <td>42</td> </tr> <tr> <td>Land at Station Road, Melbaume</td> <td>32</td> </tr> <tr> <td>Former Kwik Save, Alexandra Road, Swadlincote</td> <td>51</td> </tr> <tr> <td>Former Clayton Works, Hatton</td> <td>41</td> </tr> <tr> <td>Cadley Hill, Burton Road</td> <td>215</td> </tr> <tr> <td>Other Small Sites</td> <td>157</td> </tr> <tr> <td colspan="2">Sites with Planning Permission</td> </tr> <tr> <td>Drakelow Power Station, Drakelow</td> <td>2,239 ⁽¹⁾</td> </tr> <tr> <td>Depot housing site, Danklands Road, Swadlincote</td> <td>165</td> </tr> <tr> <td>Rose Hill Works, Off Swadlincote Lane, Woodville</td> <td>53</td> </tr> <tr> <td>Playing fields off Watwood Rd/Chestrut Avenue</td> <td>24</td> </tr> <tr> <td>Former Dikes Garage, Hill Street, Swadlincote</td> <td>18</td> </tr> <tr> <td>33-59 Court Street, Swadlincote</td> <td>14</td> </tr> <tr> <td>1 Frederick Street, Swadlincote</td> <td>23</td> </tr> <tr> <td>North of 26 The Rise, Swadlincote</td> <td>10</td> </tr> <tr> <td>23 Coppice Side, Swadlincote</td> <td>14</td> </tr> <tr> <td>22 Coppice Side, Swadlincote</td> <td>20</td> </tr> <tr> <td>Hardwick, Coleman & Whotton, Swadlincote</td> <td>13</td> </tr> <tr> <td>Kathglow, Dominion Road, Swadlincote</td> <td>12</td> </tr> <tr> <td>47-51 Alexandra Road, Swadlincote</td> <td>15</td> </tr> <tr> <td>Land off Repton Road, Willington</td> <td>58</td> </tr> <tr> <td colspan="2">Allocations</td> </tr> <tr> <td>Broomy Farm</td> <td>400</td> </tr> <tr> <td>Land to north east of Hatton</td> <td>400</td> </tr> <tr> <td>Land in the vicinity of Church Street/Bridge Street & Gresley FC site</td> <td>350</td> </tr> <tr> <td>Land north of William Nadin Way/West of Depot</td> <td>600</td> </tr> <tr> <td>Land off The Mease, Hilton</td> <td>375</td> </tr> <tr> <td>Land off Longlands, Repton</td> <td>100</td> </tr> <tr> <td>Elwell</td> <td>114</td> </tr> <tr> <td>Former Aston Hall Hospital, Aston</td> <td>100</td> </tr> <tr> <td>Part 2 Site Allocations</td> <td>600</td> </tr> <tr> <td>Windfall allowances</td> <td>450</td> </tr> <tr> <td>Completions 2008-2012</td> <td>1,756</td> </tr> <tr> <td>TOTAL ALLOCATIONS</td> <td>3,039</td> </tr> <tr> <td>SITES WITH PLANNING PERMISSION</td> <td>2,527</td> </tr> <tr> <td></td> <td>7,772 <small>(only including Drakelow @ 1,250)</small></td> </tr> </tbody> </table> <p>Note: (1) of which 1,280 within the Plan period.</p>	SITES	No. of Dwellings	Sites started		Castleton Park, Swadlincote Lane, Swadlincote	206	Woodville Woodlands	64	Calder Aluminium, Repton Road, Willington	42	Land at Station Road, Melbaume	32	Former Kwik Save, Alexandra Road, Swadlincote	51	Former Clayton Works, Hatton	41	Cadley Hill, Burton Road	215	Other Small Sites	157	Sites with Planning Permission		Drakelow Power Station, Drakelow	2,239 ⁽¹⁾	Depot housing site, Danklands Road, Swadlincote	165	Rose Hill Works, Off Swadlincote Lane, Woodville	53	Playing fields off Watwood Rd/Chestrut Avenue	24	Former Dikes Garage, Hill Street, Swadlincote	18	33-59 Court Street, Swadlincote	14	1 Frederick Street, Swadlincote	23	North of 26 The Rise, Swadlincote	10	23 Coppice Side, Swadlincote	14	22 Coppice Side, Swadlincote	20	Hardwick, Coleman & Whotton, Swadlincote	13	Kathglow, Dominion Road, Swadlincote	12	47-51 Alexandra Road, Swadlincote	15	Land off Repton Road, Willington	58	Allocations		Broomy Farm	400	Land to north east of Hatton	400	Land in the vicinity of Church Street/Bridge Street & Gresley FC site	350	Land north of William Nadin Way/West of Depot	600	Land off The Mease, Hilton	375	Land off Longlands, Repton	100	Elwell	114	Former Aston Hall Hospital, Aston	100	Part 2 Site Allocations	600	Windfall allowances	450	Completions 2008-2012	1,756	TOTAL ALLOCATIONS	3,039	SITES WITH PLANNING PERMISSION	2,527		7,772 <small>(only including Drakelow @ 1,250)</small>	Minor change to provide up to date information	SDDC
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	35	5.9	In general, our transport assessment work indicates that road congestion around the City is a key issue, and it will be important to mitigate the effects of development so far as possible. Although development in all locations poses problems in this regard, there is greater potential for serving major new development by a choice of modes of transport, particularly to the south and south east of the City. Bus patronage in particular appears to be much more difficult to achieve on sites to the west of the A38.	Minor change for clarity	SDDC
	36	5.14	The Strategy favours the larger allocations of on sites to the south and south east of Derby, these being the which are likely to be most suitable broad locations with respect to future secondary school provision, in addition to those which already have planning permission, in meeting future housing needs.	Minor change for clarity	SDDC
	36	5.15	Development to the south and south east of the City is also capable of being contained within firm southerly defensible boundaries offered by the A50 where the landscape is better able to accommodate major development, in contrast to some areas further west which would result in more obvious intrusions into attractive open countryside.	Minor change for clarity	SDDC

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	36	Table 4	<p><i>Delete the existing Table 4 and replace with up to date information for 'Land Supply on the Derby Urban Edge'.</i></p> <p>Table 4: Land supply on the Derby Urban Edge</p> <table border="1"> <thead> <tr> <th>SITES</th> <th>No. of Dwellings</th> </tr> </thead> <tbody> <tr> <td colspan="2">Sites started</td> </tr> <tr> <td>Stenson Fields conjoined site</td> <td>487</td> </tr> <tr> <td colspan="2">Sites with Planning Permission</td> </tr> <tr> <td>Boulton Moor (South East of Derby)</td> <td>1,058</td> </tr> <tr> <td>Primula Way, Stenson</td> <td>145</td> </tr> <tr> <td>Highfields Farm (South West of Derby)</td> <td>1,200</td> </tr> <tr> <td colspan="2">Allocations</td> </tr> <tr> <td>Boulton Moor Phase 2</td> <td>700</td> </tr> <tr> <td>Boulton Moor Phase 3</td> <td>190</td> </tr> <tr> <td>Chellaston Fields, Chellaston</td> <td>500</td> </tr> <tr> <td>Wragley Way (South of Derby)</td> <td>1,950 ⁽¹⁾</td> </tr> <tr> <td>Primula Way, Sunny Hill</td> <td>366</td> </tr> <tr> <td>Holmleigh Way, Chellaston</td> <td>150</td> </tr> <tr> <td>Hackwood Farm, Mickleover</td> <td>290</td> </tr> <tr> <td>Completions 2008 - 2012</td> <td>0</td> </tr> <tr> <td>TOTAL ALLOCATIONS</td> <td>3,376</td> </tr> <tr> <td>SITES WITH PLANNING PERMISSION</td> <td>2,890</td> </tr> <tr> <td></td> <td>6,266 <small>(only including Wragley Way @ 1,180)</small></td> </tr> </tbody> </table> <p>Note: (1) of which 1,180 within the Plan period.</p>	SITES	No. of Dwellings	Sites started		Stenson Fields conjoined site	487	Sites with Planning Permission		Boulton Moor (South East of Derby)	1,058	Primula Way, Stenson	145	Highfields Farm (South West of Derby)	1,200	Allocations		Boulton Moor Phase 2	700	Boulton Moor Phase 3	190	Chellaston Fields, Chellaston	500	Wragley Way (South of Derby)	1,950 ⁽¹⁾	Primula Way, Sunny Hill	366	Holmleigh Way, Chellaston	150	Hackwood Farm, Mickleover	290	Completions 2008 - 2012	0	TOTAL ALLOCATIONS	3,376	SITES WITH PLANNING PERMISSION	2,890		6,266 <small>(only including Wragley Way @ 1,180)</small>	Minor change to provide up to date information	SDDC
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	37	5.17	<p>The overall strategy for the distribution of housing is guided by a Settlement Hierarchy. The Settlement Hierarchy provides a greater degree of specificity to the location of future housing supply for the strategic sites in Part 1, the small site allocations in Part 2 and for future windfall planning applications. This has been informed by a comprehensive assessment of all settlements together with other</p>	Minor change for clarity	SDDC																																						

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			potential development locations throughout the District, and their capacity to accommodate development by virtue of the range of services and facilities they offer.		
	37	H1	<p>A The location of further residential development will be determined in accordance with the following settlement hierarchy:</p> <p>i) Urban Areas — Development of a range of scales up to and including strategic sites and affordable and cross subsidy exception sites of up to 25 dwellings will be promoted in appropriate sites within and adjoining Swadlincote including Woodville and as extensions to the urban areas of the City of Derby and Burton upon Trent.</p> <p>It is anticipated that 200 dwellings will be allocated within these locations in Part 2 of the Local Plan.</p> <p>ii) Key Service Villages — development of a range of scales up to and including small strategic sites and affordable and cross subsidy exceptions sites of up to 25 dwellings will be promoted in appropriate sites and according to individual settlement circumstance within the following settlements:</p>	<p>Minor change reflecting that the number of services within Stanton has decreased since the publication of the Pre-Submission Local Plan Part 1, and that the number within Coton in the Elms has increased.</p> <p>Minor change to correct typos and an omission.</p> <p>Minor change to simplify policy.</p>	<p>Chave Planning Ltd on behalf of Gainsborough Property (096/5369) and Antony Asbury Associates on behalf of Barratt/David Wilson Homes (038/5194)</p> <p>Planning Prospects on behalf of St Modwen (111/5495)</p> <p>Gladman Developments Ltd. (104 5414) Gladman Developments Ltd. (104 5415) Gladman Developments Ltd. (104 5416) Grasscroft Homes and Properties Ltd. (105 5430) Grasscroft Homes and Properties Ltd. (105 5431) Barrats/David Wilson Homes (5194)</p>

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			<p>Aston on Trent Overseal Etwall Repton Hatton Shardlow Hilton Willington Melbourne</p> <p>iii) Local Service Villages — Development of a local scale (up to 15 dwellings) and local scale affordable and cross subsidy exceptions sites of up to 15 dwellings to be promoted in appropriate sites and according to individual settlement circumstance within the following settlements:</p> <p>Findern Newton Solney Hartshorne Rosliston Linton Stanton Ticknall Weston on Trent Netherseal</p> <p>It is anticipated that sites for 404 dwellings will</p>		

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			<p>be allocated in Key and Local Service Villages through Part 2 of the Local Plan.</p> <p>iv) Development of limited infill and conversions of existing buildings and local scale affordable and cross-subsidy exception sites of up to 12 dwellings will be promoted on appropriate sites and according to individual settlement circumstance within the following settlements, classed as Rural Settlements:</p> <p>Ambaston Egginton Radbourne Barrow upon Trent Elvaston Scropton Foremark Stanton by Bridge Bretby Foston Smisby Burnaston Ingleby Sutton on the Hill Cauldwell Kings Newton Swarkestone Church Broughton Lees</p>		

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			<p>Thurlston Coton In The Elms Long Lane Trusley Coton Park Lullington Twyford Dalbury Marston on Dove Drakelow Village Milton</p> <p>It is anticipated that sites for around 96 dwellings allocated in Rural Villages through Part 2 of the Local Plan.</p> <p>vi) Rural Areas — dependant on limited infill and conversion of existing buildings will be acceptable within any settlement not classed elsewhere in the hierarchy.</p> <p>A</p> <p>Development will be allowed within the following settlements in accordance with the hierarchy below:</p> <p>i) Urban Areas – the urban areas of Swadlincote including Woodville, Derby and Burton upon Trent</p> <p>Exception sites on the edge of these areas</p>		

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			<p>will be allowed as affordable or cross subsidy exception sites up to 25 dwellings.</p> <p>ii) Key Service Villages</p> <p>Aston on Trent Etwall Hatton Hilton Melbourne Overseal Repton Shardlow Willington</p> <p>Exception sites on the edge of these defined settlement confines will be allowed as affordable or cross subsidy exception sites up to 25 dwellings.</p> <p>iii) Local Service Villages</p> <p>Coton in the Elms Findern Hartshorne Linton Mount Pleasant Netherseal Newton Solney Rosliston</p>		

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			<p>Ticknall</p> <p>Weston on Trent</p> <p>Exception sites on the edge of these defined settlement confines will be allowed as affordable or cross subsidy exception sites up to 15 dwellings.</p> <p>iv) Rural Villages</p> <p>Ambaston</p> <p>Barrow upon Trent</p> <p>Bretby</p> <p>Burnaston</p> <p>Cauldwell</p> <p>Church Broughton</p> <p>Coton Park</p> <p>Dalbury</p> <p>Drakelow Village</p> <p>Egginton</p> <p>Elvaston</p> <p>Foremark</p> <p>Foston</p> <p>Ingleby</p> <p>Kings Newton</p> <p>Lees</p> <p>Long Lane</p> <p>Lullington</p> <p>Marston on Dove</p> <p>Milton</p>		

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			<p>Radbourne Scropton Smisby Stanton Stanton by Bridge Sutton on the Hill Swarkestone Thulston Trusley Twyford Walton on Trent</p> <p>Exception sites on the edge of these defined settlement confines will be allowed as affordable or cross subsidy exception sites up to 12 dwellings.</p> <p>iv) Rural Areas – areas outside of the defined settlements listed above.</p> <p>Development of limited infill and conversions of existing buildings will be acceptable.</p>		
	39	5.23	<p>Access to the site will be off William Nadin Way for the parcels of land to the east of the site and Park Road for the other two parcels of land to the north east and east west of the site. The site is likely to be phased with the largest parcel of land, to the east of the site, to come forward first.</p>	Typo and minor change for clarity	SDDC Grasscroft Homes and Properties Ltd (105/5420)

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	42	H3 B (ii) and (iii)	<p>Residential development of the Moat Street site will only be permitted when the provision of an appropriate replacement facility on the Bridge Street site has been secured;</p> <p>Consideration needs to be given to the provision of a new football ground on the Bridge Street site of an acceptable standard in terms of quality, with contributions achieved where viable.</p> <p>(iii) Consideration will also need to be given to any undue adverse impact on nearby occupiers which may require mitigation of the visual impact to be put in place. Measures will be used to protect the separate identity of Albert Village and the amenity of nearby occupiers by mitigating against undue adverse visual impacts;</p>	To achieve consistency with the NPPF.	Sport England (100/ 5383) North West Leicestershire District Council (108/5442) Sport England (100/5383)
	43	H3 (vi)	Provide high quality cycle and pedestrian links both within the development and connecting to existing and proposed networks, including NCN63 Burton to Leicester route and the CONKERS circuit.	For clarification	The National Forest Charitable Trust (119/5563)
	50	5.34	The site relates well to the existing urban area of Burton upon Trent. The development will be phased and it is crucial that a comprehensive approach to the delivery of the site is undertaken to ensure that infrastructure is delivered at the right time.	Typos	SDDC
	50	Policy H6 B iv)	The provision of one or two local retail centres	Typo	SDDC

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			commensurate with the size of the development, to provide for the day to day needs of the wider neighbourhood. The local centres should be the focal points within the development as a whole;		
	52	5.37	The site is predominantly used as an employment site for storage purposes and was allocated in the adopted Local Plan (1998) for industrial and businesses use redevelopment.	Typo	SDDC
	52	5.38	Parts of the site currently lies-within areas at a higher risk of flooding, although works around Scropton, Hatton and Egginton will redefine the actual flood risk locally.	Typos (including comma insertion)	SDDC
	52	H7 B i)	The provision of a two-form entry primary school on site to address the capacity issues of current primary school provision within Hilton;	Minor change to update policy wording.	SDDC
	53	H7 B (vi)	Retain existing woodland and deliver additional planting and habitat creation to screen the site from the south and west, with these areas being opened up for public access wherever possible;	Typo (comma insertion)	SDDC
	53	H7 B (vii)	Development should reflect the location of Egginton Junction Gravel Pit County Wildlife Site and should, where possible enhance nature conservation interests of that site;	Typo (comma insertion)	SDDC
	53	H7 B (viii)	The opening up of an existing culvert through the site and the creation of appropriate easements An appropriate easement along watercourses on the site, free of built development.	Typo (comma insertion) and minor change to strengthen policy	SDDC

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	55	5.41	Careful Careful design of the site will ensure that housing development reflects the character of the Aston on Trent, the surrounding landscape and any potential impact on the County Wildlife Site.	Typos	SDDC
	55	H8 B (vi)	High quality pedestrian and cycle links within the site and connecting to adjacent development;	Typo	SDDC
	55	H8	vii) Protection of heritage assets in the area.	Minor change to strengthen policy	English Heritage (032/5145)
	60, 61	H10	<p>A Residential development on land at Willington Road and land at Sutton Lane, Etwall for around 114 100 dwellings in total.</p> <p>B The Council will require the below listed site specifics and accordance with other Local Plan policies:</p> <p>i) For land at Willington Road:</p> <p>a) Provision of a replacement cricket pitch and pavilion, which should be an improvement in relation to the existing pitch and pavilion;</p> <p>b) That the development shall not adversely affect the setting of Etwall Lodge;</p> <p>e) b) High quality pedestrian connections will be made from the site into the village of Etwall.</p> <p>ii) For land at Sutton Lane:</p>	To meet the objections of English Heritage and others	<p>Mr and Mrs Brown (002/5007/5008/5009)</p> <p>Mrs P M Smith (006/5027/5028/5029)</p> <p>A Jenner (037/5187/5188)</p> <p>J Lawrence (039/5198/5199/5200)</p> <p>J Bonardt (047/5215)</p> <p>Etwall Parish Council (054/5237/5238/5239)</p> <p>Mr P Price (056/5248/5249/5250)</p> <p>P Price (057/5251/5252/5253)</p> <p>S Hollingworth (058/5254/5255/5265)</p> <p>A Hollingworth (059/5257/5258/5259)</p> <p>L Hollingworth (060/5260/5261/5262)</p>

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			<p>a) Land is provided for the extension of Etwall cemetery; the present cemetery is at capacity and needs to expand;</p> <p>b) The character and setting of the Conservation Area and adjacent listed buildings shall be preserved;</p> <p>c) The southern edge of the site will require a green buffer and landscaping to help soften the housing development against the rural landscape and create a new village edge;</p> <p>d) High quality pedestrian links will be enhanced between the site and the village centre and between the site and the cemetery</p> <p>e) The existing hedgerow to be retained as far as possible.</p>		<p>J Hollingworth (061/5263/5264/5616)</p> <p>H Bonard (062/5266/5267/5268)</p> <p>P Lee (063/5269/5270/5271)</p> <p>A Lee (064/5272/5273/5274)</p> <p>Mrs Seggon (065/5275/5276/5277)</p> <p>D James (066/5278/5279/5280)</p> <p>C Beddows (067/5281/5282/5283)</p> <p>T Cutts (068/5284/5285/5286)</p> <p>M Vickers (069/5287/5288/5289)</p> <p>E Kemps (070/5290/5291/5292)</p> <p>T Kemps (071/5293/5294/5295)</p> <p>G Compson (072/5296/5297/5298)</p> <p>Mr F Casey (073/5299/5300/5301)</p> <p>Mrs J Casey (074/5302/5303/5304)</p> <p>Mr J Gatenby (075/5305/5306/5307)</p>

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					M J Gatenby (076/5308/5309/5310) Mr R Gatenby (077/5311/5312/5313) Mrs Bonnard (078/5314/5315/5316) C Bennett (079/5317/5318/5319) C A Bennett (080/5320/5321/5322) R Faulkner (081/5622/5323/5324) I Faulkner (082/5326/5327/5328) Mrs C Bryers (083/5329/5330/5331) B Madden (084/5332/5333/5334) J Madden (085/5335/5336/5337) Mr P Smith (086/5338/5339/5340) Mr J Clark (087/5619/5620/5342) J Clark (088/5344/5345/5346) Mr D Kemps (089/5347/5348/5349) R Kemps (090/5350/5351/5352)

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					Mr J Sandland (091/5353/5354/5355) M Clutterbuck (092/5356/5367/5368) Mr York (093/5359/5360/5361) Mrs York (094/5362/5363/5364) Mr A Jenner (126/5570/5571/5572)
	63	5.53	The site will be accessed of Derby Road and /or through the existing Salt Box Café access on Station Road. The site will be accessed from Derby Road and /or appropriate access off Station Road. However development of a new access to serve the manufacturing site to the south will provide a wider community benefit by removing some of the HGV traffic on Station Road.	Minor change for clarity	Savills (036/5180/5181/5182) Severn Trent (051/5219) Nestle UK (010/5033) SDDC
	64	H11 B vi)	Consideration will be given to the provision of a combined access to the site and to a large manufacturing plant in Hatton Ensure the provision of a combined access to the site and to a large manufacturing plant and nearby sewage treatment works. New road infrastructure should be designed to reflect and protect the amenity of existing and proposed residential properties;	Minor change for clarity	SDDC Nestle UK (010/5033) Severn Trent (051/5219)
	64	H11 B ix)	Consideration of Protection of heritage assets in the area.	To reflect most up to date evidence	SDDC Savilles 036/5178

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	68	5.58	Land at Boulton Moor will provide 2,750 dwellings over the lifetime of the p Plan. There will be 1,058 dwellings located at Boulton Moor Phase 1 (this was granted planning permission through the Conjoined E Inquiry in 2008) and 700 and 190 dwellings at Boulton Moor Phase 2 and Boulton Moor Phase 3 respectively , all within South Derbyshire's administrative boundary.	Typos (including comma insertion)	SDDC
	68	5.59	As previously stated, Boulton Moor Phase 1 was granted planning permission in 2008. When consented, consideration was given to the infrastructure requirements of phases 1 and 2. Due to the addition of Boulton Moor Phase 3 and Snelsmoor Grange within in Derby City (an additional 990 dwellings), it is important that infrastructure and mitigation packages are reviewed and optimised as appropriate, in light of the larger scale urban expansion now being proposed.	Typo (two comma insertions)	SDDC
	68	H13 B i)	That South Derbyshire District Council, Derby City and developers continue to work together to ensure that the proposals offer a holistic vision for a an urban extension which is delivered in a comprehensive manner across the local authority boundaries. Delivery mechanisms will need to be established to ensure that the necessary level of coordination to effectively deliver the infrastructure and facilities to support the development;	Typo and minor change for consistency	SDDC 106/5438 (Barton Willmore)

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	69	H13 B iv)	A cross boundary approach to the provision of affordable housing shall be developed/undertaken;	Typo	SDDC
	69	H13 B vi)	The provision of sustainable transport measures, including contributions to the delivery of a new park and ride and bus service to serve this the wider urban extension site;	Typo	SDDC
	69	H13 B viii)	Cross boundary Flood mitigation measures, to address fluvial, and surface water issues relating to Thulston Brook watercourse and ground water levels;	Minor change for clarity	SDDC 106/5438 (Barton Willmore)
	69	H13 B ix)	A cross boundary An appropriate flood risk assessment shall be submitted with any application;	Minor change for clarity	SDDC 106/5438 (Barton Willmore)
	70	H13 B xiii)	A new district centre shall be provided, anchored by a small/medium sized supermarket complemented by a range of smaller units providing for day to day needs of the wider neighbourhood;	Minor change to improve flexibility of policy	106/5438 (Barton Willmore) SDDC
	70	H13 B xiv)	The scale of the anchor store will be commensurate with the needs of the new community, the level of growth anticipated and the need to maintain the vitality and viability of other centres.	Typo	SDDC
	70	H13 B xv)	The provision of a two form entry primary school to cover phases 1 and 2, with separate primary provision to serve the site in Derby;	Typo (including comma insertion)	SDDC
	70	H13 B xviii)	Developer contributions to be made towards improvements to the A50/A514 and A50/A38 junctions. In order to safeguard the operation	Minor modification for clarity	SDDC 106/5438 (Barton Willmore)

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			of the Strategic Road Network an assessment of the impact of development traffic will be carried out and developer contributions will be sought.		
	70	H13 B xvi)	The urban extension as a whole shall not adversely impact upon protect and enhance the setting of nearby Elvaston Historic Park and Garden and other heritage assets, and will contribute towards softening the settlement edge around Boulton Moor;	Typo (comma insertion) and minor change for clarity	SDDC 032/5148 (English Heritage)
	72	H14 B ii)	Consideration should be given to some retail development on the site that is commensurate to the size of development and surrounding area, but does not affect the viability and vitality of existing retail in the area;	Typo (comma insertion)	SDDC
	72	H14 B iii)	Developer contributions are to be made towards improvements to the A50/A514 and A50/A38 junctions to safeguard the operation of the Strategic Road Network;	Typos	SDDC
	72	Policy H14 B	iv) Protection of heritage assets in the area.	Minor change to strengthen policy	SDDC 032/5149 (English Heritage)
	74	5.64	The sites lies on the southern edge of the built up area of Derby, extending southwards from the Stenson Fields estate to the A50.	Typos	SDDC
	74	5.66	The site is in a good location in relation to access to services and facilities, with close proximity to public transport and the Sinfin District Centre.	Typo (comma insertion)	SDDC
	74	H15 B ii)	Developer contributions to be made towards	Typo	SDDC

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			improvements to the A50/A514 and A50/A38 junctions to safeguard the operation of the Strategic Road Network;		
	75	H15 B v)	High quality pedestrian and cycle links should be provided across the site and to the nearby residential, retail, and employment developments and together with recreational areas;	Typo and minor change for clarity	SDDC
	75	H15 B vii)	A new on-site local shopping centre shall be provided which should be commensurate in size to the needs of the community, taking into account the surrounding retail provision available.	Typo (comma insertion)	SDDC
	77	H16 B i)	The south and west boundary of the site will require a green buffer and landscaping, to help soften the housing development against the rural landscape and create a new defensible boundary;	Typo (comma insertion)	SDDC
	77	H16 B ii)	An Appropriate sound attenuation/noise mitigation from the railway line to the east of the site shall be provided.	Typo	SDDC
	77	H16 B iv)	Developer contributions to be made towards improvements to the A50/A514 and A50/A38 junctions to safeguard the operation of the Strategic Road Network.	Typo	SDDC
	79	H17 B iii)	Avoidance of areas of flood risk on site to the north and south of the site due to Cuttle Brook;	Minor change for clarity	SDDC
	79	H17 B vii)	Developer contributions are to be made towards improvements to the A50/A514 and A50/A38 junctions to safeguard the operation	Typo	SDDC

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			of the Strategic Road Network.		
	81	5.73	The sites offers an opportunity to deliver a sustainable urban extension along with land in Derby City, as the site is South Derbyshire alone is not sustainable. As such, the site will only be developed subject to Derby City Council allocating the adjacent land for housing in their Local Plan — at time of writing a decision on allocation had not been made.	Minor change to up date paragraph.	SDDC
	81	5.74	The Highways Agency had previously stated concerns regarding any development to the west of Derby due to the impact it would have on the A38. Since our Preferred Growth Strategy consultation, the Government have announced its intention to support Highways Agency schemes including improvements to the A38 junctions, subject to value for money and viability considerations.	Typo (two comma insertions)	SDDC
	81	5.75	The site only being developed only in combination with the Derby City site allows for a more sustainable site to be developed; where better services and facilities can be provided that either site alone cannot provide. The site will also offer potential local highways improvements, better linkages across the Mickleover to Egginton Greenway and additional primary school provision which will benefit new and the existing residents of Mickleover. Some elements of the policy listed below may be provided on the Derby City site	Typo and minor changes for clarity	SDDC 095/5366 (Miller Homes)

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			but for completeness, they are all listed.		
	82	H18 B iv)	The site should provide high quality links into the existing cycle route, rights of ways and also the residential area to the south through a pedestrian/cycle bridge provided across the Mickleover to Egginton Greenway, which is likely to be in Derby City . The Greenway is a local wildlife site whose nature conservation interest should be protected and links maintained with the surrounding green infrastructure network;	Typo and minor change for clarity	SDDC 095/5366 (Miller Homes)
	82	H18 B v)	Development in South Derbyshire should connect to any housing development or housing allocation to the east of the site within Derby City;	Typo	SDDC
	82	H18 B vi)	The development should embrace high design standards that reflect the rural landscape beyond the site, particularly along Radbourne Lane and to the west of the site within South Derbyshire;	Typo (comma insertion)	SDDC
	82	H18 B viii)	A new local centre on site to help meets the needs of the site;	Typo	SDDC
	82	H18 B ix)	Improvements to the junction if the of Station Road and Radbourne Lane;	Typo	SDDC
	84	H20 A	A The Council will seek to secure up to 30% of new housing development as affordable housing as defined in the NPPF on sites of over 15 dwellings or 0.5 hectares .	To ensure consistency with the remainder of the Plan.	Gladman Developments Ltd (104/5411/5412/5413) SDDC

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	84	H19 E	The Council will also promote a mix of housing that is suitable and adaptable for different groups of people such as single occupiers, people with disabilities, people wanting to build their own homes and the ageing population of the District. Further detailed information on this will be in the Design SPD.	The removal of this sentence from the policy and the addition of further detail regarding SPD in Para 1.15 is intended to improve clarity	Home Builders Federation (052/5223)			
	85	H20 B iii)	The tenure mix and dwelling type on the site will be agreed by the Council in consultation with the Council's Strategic Housing team having regard to the SHMA; based on the SHMA in conjunction with the Council;	To improve clarity	SDDC Planning and Design Group on behalf of Hallam Land Management (113/5522)			
	85	H20 C	Rural exception sites for local people that are kept in perpetuity for local people will be permitted adjoining existing Key Service Villages, Local Service Villages and Rural Settlements rural settlements on small sites (less than 25 number of dwellings in regard to settlement hierarchy) in accordance with Policy H1 settlement hierarchy) as an exceptional circumstance to normal policy where:	Minor change for clarity	Gladman Development Ltd (104/5411/5412/5413) SDDC			
	85	H20 C (iv)	the development is in a scale relative to the settlement size and facilities available particularly public transport and does not have any unacceptable adverse impacts on the natural and built environment.	To better conform with national policy	Planning and Design Group on behalf of Hallam Land Management (113/5511)			
Chapter 6 : Employment and the Economy								
	89	E1 A	<i>Amend table as follows:</i> <table border="1" data-bbox="750 1348 1332 1380"> <tr> <td></td> <td></td> <td></td> </tr> </table>				To reflect the most up to date evidence	SDDC

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	89	6.4	In the Swadlincote urban area new land at Cadley Hill (8 3 ha) and the Woodville Regeneration Area (12 ha). The extent of the latter is subject to securing public infrastructure funding toward the development of the proposed Swadlincote Regeneration Route which will have a bearing on the mix of uses on the site.	To reflect the most up to date evidence	SDDC																														
	95	6.5	As at March 2014, sites completed since the beginning of the plan period, 2008, covered a total of 14.16 ha. Unallocated sites with extant planning consents amounted to 12.42	To reflect the most up to date evidence	SDDC																														

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			<p>ha. The addition of these to the sites allocated in this policy gives a total of 93.37 ha. In addition to the above, development under construction at March 2014 covered 17.64 ha. Sites previously in industrial and business use and lost to other types of development since the beginning of the plan period amount to 8.43 ha.</p> <p>The addition of these sites to the land supply on strategic sites brings the total provision for the period 2008—2028 to around 80 ha.</p>		
	95	6.11	<p>Further land has been allocated for employment-led regeneration on a regeneration site in at Woodville, although it is currently unclear what the overall mix of uses is likely to be (see Policy SD9 E6).</p>	Typo and minor change for simplicity	SDDC
	96	E2	<p>A The development of land for uses defined by classes B1(b), B1(c), B2 and B8 of the Use Classes Order, other than on sites identified under employment policies E1, E4, E5 and E6, will be permitted where:</p> <p>(i) the site lies within or on the edge of the Swadlincote urban area, Derby or Burton upon Trent, or a Key or a Local Service Village; and the proposal is in scale with existing built development and will not give</p>	To improve clarity and accuracy	SDDC (National Trust 0128/5116)

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			<p>rise to undue impacts on the local landscape, natural environment or cultural heritage assets; or</p> <p>(ii) the proposal is for the expansion of an existing business; or</p> <p>(iii) the proposal is for the redevelopment of established industrial or business land or premises; or</p> <p>(iv) the site lies outside settlements and the proposal is for the reuse or adaption of an existing building of substantial construction for small scale industrial and business use, including B1(a) office use, or the replacement of an existing building with a well designed new building of equivalent scale;</p> <p>B All proposals under part A should be in scale with existing built development and should not give rise to undue impacts on the local landscape, natural environment or cultural heritage assets.</p> <p><i>The above criteria apply to sites other than those identified under</i></p>		

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			employment policies E1, E3, E5 and E6		
	99	E5	<p>Where large premises to meet the needs of single industrial and business occupants cannot be accommodated within the strategic sites identified under employment Policy E1, provision will be made for such development on land measuring up to 28.3 ha to the north of Dove Valley Business Park.</p> <p>As an exception to the strategic allocations set out under Policy E1, development will be supported where needed to meet the scale and locational requirements of a single large industrial or business occupier on land measuring up to 28.3 ha to the north of Dove Valley Business Park.</p>	Minor change for clarification	SDDC Dove Valley Park Ltd. (005/5019)
	100	E6 A	Woodville Regeneration Area is protected for employment- lead led redevelopment, supported by the Woodville-Swadlincote Regeneration Route, to enable the economic, social and environmental regeneration of Woodville and Swadlincote.	Typo	SDDC
	100	6.33	Regeneration of this site could also contribute towards enhancing the existing urban environment in Woodville, providing new and improved green spaces, community facilities and tree planting, reflecting its key location in the Heart of The National Forest. To help ensure that proposals contribute toward meeting economic needs, the Council will	Minor change for clarity	SDDC

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			endeavour to secure the timely completion of industrial and business development on the site.		
Chapter 7: Sustainable Development					
	101	7.1-7.5	<i>Move paragraphs 7.1-7.5 prior to paragraph 4.17 (text to form first 5 paragraphs of explanation after Policy S3 Environmental Performance)</i>	Text is related to content of Policy S3 and no longer relates to policy included in the sustainable development chapter.	SDDC
	101	7.5	The targets for achieving zero carbon in buildings will be achieved implemented via changes to the Building Regulations in 2013 and 2016 (2019 for commercial buildings), although smaller housing sites could be exempt from zero carbon standards.	To reflect recent announcements in the Queens Speech on the Zero Carbon Homes Standard	SDDC
	101	Chapter 7	<i>Insert the following as the introduction to the Sustainable Development Chapter:</i> The Brundtland Report released by the World Commission on the Environment and Development defined sustainable development as: “Development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. The key priorities for delivering sustainable development are set out in the UK Government’s Sustainable Development Strategy (Securing the Future) published in March 2005. These are:	To provide an introduction into the purpose of the policies in the Sustainable Development Chapter of the Local plan	SDDC Barton under Needwood Parish Council (042/5592)

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			<ul style="list-style-type: none"> ▪ Sustainable Consumption and Production ▪ Sustainable Communities ▪ Natural Resource Protection and Environmental Enhancement ▪ Climate Change and Energy. <p>The National Planning Policy Framework states that ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development’. The policies included in this chapter will help ensure that future growth contributes towards the delivery of sustainable growth within the District.</p>		
	102	7.6	A key objective of the South Derbyshire Local Plan is to sustainably manage growth so that it avoids harmful effects on the amenity of existing and future occupiers and to nearby properties.	Typo	SDDC
	105	7.15	New development should minimise the risk of flooding to people, property and the environment.	Typo	SDDC
	105	SD3 A ii)	Supporting activities by the water companies to reduce demand for water and in turn suppress sewerage and discharge effluent volumes by ensuring that water consumption is no more than 110 litres per person per day (including external water use) as estimated using the Water Calculator methodology ¹ or all water	Incorrect reference number to the subsequent table included in the text	SDDC

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			fittings do not exceed the performance set out in Table XX5 below;		
	105/6	SD3 A iii)	Working with the County Council (as lead Local Flood Authority and SUDS Approval Body) to ensure new developments incorporate sustainable drainage schemes that reduce the demand for potable water supplies and mimic natural drainage, wherever practicable. In bringing forward SUDS, as a means of managing surface water run-off, developers will be expected to design schemes to improve river water quality and reduce ing pressure on local drainage infrastructure and deliver biodiversity gain on sites;	Typo	SDDC
	106	7.18	Meeting tighter water quality targets will be challenging in the face of supply and demand uncertainties associated with climate change and housing and employment growth over the Plan period. Planning Authorities have a key role to play in supporting the Environment Agency, Water Companies and local communities to meet these Water Framework Directive targets. tougher water quality targets	Typo	SDDC
	107	7.21	As such, w Whilst water resources available within the South Staffordshire Water Resource Zone could meet demand as a whole, local infrastructure and environmental al constraints summarised above justify the need for suppressing water demand (and hence waste water discharges) across communities in this	Typo	SDDC

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			water resource zone also.		
	108	7.30	In many rural parts of the District, it is not always possible for new or existing development to connect to the mains sewer network. How ever However a proliferation of private foul water treatment plants could increase diffuse pollution and lead to a deterioration in water quality.	Typos	SDDC
	112	7.41	In respect of B biomass generation the Council recognises that the National Forest can play a key role both in terms of contribution of wood fuel and helping to stimulate wood fuel and biomass markets locally.	Typo	SDDC
Chapter 8: Built and Natural Environment					
	115	N/A	Natural Built and Built Natural Environment	Typo and minor change for consistency	SDDC
	116	BNE1 A i) f)	National Forest: Within The National Forest, new development should be encouraged to follow National Forest Design Charter ¹ and Planting Guidance ² Guide for Developers & Planners and fully reflect the forest context;	Minor change to strengthen policy	SDDC
	116	BNE1 (Footnote)	<i>Amend internet link included at a bottom of page 116 as link is broken</i> The Design Charter can be viewed at: ¹http://www.nationalforest.org/document/information/design_charter.pdf The Design Charter can be viewed at: ¹ http://www.nationalforest.org/document/information/design_charter.pdf	Minor change to update footnote	SDDC

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	117	BNE1 (Footnote)	Amend internet link included at a bottom of page 117 as inaccurate Link ²The Planting Guidance can be viewed at: http://www.nationalforest.org/woodlandcreation/development/ The Guide for Developers & Planners can be viewed at: ² http://www.nationalforest.org/document/information/develop.pdf	Minor change to update footnote	SDDC
	117	BNE1 A i) g)	Visual attractiveness: New development should be visually attractive, appropriate, respect important landscape/townscape 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;	Minor change to strengthen policy	National Trust (028/5117)
	117	BNE1 A i) i)	Cross boundary collaboration: New areas of growth that span administrative, land ownership, developer parcel or phase boundaries shall should be considered and designed as a whole through a collaborative working approach;	Typo and minor change for consistency	SDDC
	117	BNE1 A i) k)	Resource Use: New development shall should be designed to facilitate the efficient use of resources and support the reuse and recycling of waste throughout the lifecycle of all developments from design, construction, use and after use. New development shall should provide	Typo and minor change for consistency	SDDC

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			adequate space for the storage of waste and where appropriate the treatment or collection of waste.		
	117	BNE1 A ii)	All proposals for major new development should perform highly when will be assessed against the Council's Design SPD;	Minor change to strengthen the policy	Nathaniel Lichfield on behalf of Commercial Estates Group (114/5547)
	118	8.24	The design of residential areas has a big impact on people's everyday lives and quality of life. New housing also accounts for a large proportion of new development within the District, providing a good opportunity to reflect the District's special character. It is therefore very important that the design of new housing is of a high quality. The District Council recognises that volume housebuilders often use standardised house types, but these nationally generic solutions will not meet the requirements of our design principles. Standardised house types, if used, will be expected to be tailored to the local con text context and character of the area. 'Building for Life' is a well-founded and commonly understood methodology for assessing the design of new residential areas, and all new housing development will be expected to perform well against it, or any successor standards.	Typo	SDDC
	119	8.27	Where new areas of development span administrative boundaries, joint collaborative working between Local Planning Authorities and	Typo	SDDC

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			also also between different developers will be encouraged. In order to ad here adhere to the Design Principles within this policy, with particular reference to movement, legibility and community cohesion, land ownerships and development sites should not prejudice the development of neighbouring land or create landlocked sites.		
	123	8.44	To supplement this strategic overarching policy the Council will look to develop further heritage policies through the Part 2 Local Plan Part 2 and other relevant planning documents such as supplementary planning documents .	Minor change for clarity	SDDC National Trust (028/5112)
	123	BNE3	Policy BNL3 BNE3 Biodiversity	Typo and minor change for consistency	SDDC
	123	BNL3 A	The Local Planning Authority will support development which contributes to the protection, enhancement, management and restoration of towards protecting, or improving local biodiversity or geodiversity and delivering net gains in biodiversity wherever possible by:	Minor change to strengthen the policy	SDDC
	124	BNL3 A iii)	Developing and m Maintaining a District-wide ecological network of SSSIs and local wildlife sites together with and corridors and stepping stone sites to support the integrity of the biodiversity network, prevent fragmentation, deliver ecosystem services and enable biodiversity to respond and adapt to the impacts of climate change.	Minor change to strengthen the policy	SDDC
	124	BNL3 B	Planning proposals that could have a direct or	Minor change to strengthen	SDDC

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			<p>indirect effect on affect sites with identified as having potential or actual ecological or geological importance including:</p> <ul style="list-style-type: none"> - Internationally important sites - Nationally important sites (such as SSSIs) - Sites of County importance (such as Local Nature Reserves, Local Wildlife Sites and Local Geological Sites) - Ancient woodlands, veteran trees and hedgerows - Priority habitats and species <p>will need to be supported by appropriate surveys or assessments sufficient to allow the Authority to fully understand the likely impacts of the scheme and the mitigation proposed. Where mitigation measures, or exceptionally, compensation cannot sufficiently offset the significant harm resulting from the development and/or where the development can potentially be located on an alternative site that would cause less or no harm, planning permission will be refused.</p>	the policy	
	125	8.50	Ancient woodland, together with ancient/veteran trees represents and irreplaceable semi-natural habitat that does not benefit from full statutory protection. The National Planning Policy Framework is	Typo	SDDC

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			supportive of ancient woodland and ancient trees and states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient wood-land woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.		
	126	BNL4	Policy BNL4 BNE4 Landscape Character and Local Distinctiveness	Typo and minor change for consistency	SDDC
	126	BNL4 C	In bringing forward proposals developers will be expected to demonstrate that close regard has been paid to the landscape types and landscape character areas identified in The Landscape Character of Derbyshire. Proposals should have regard to the woodland and tree planting, landscape management and habitat guidance set out in this document and demonstrates that mitigation proposals are appropriate to the character of the landscape.	Typo	SDDC
	126/7	8.52	The NPPF includes as part of its core principles, that planning takes account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside and contributes its contribution towards conserving the natural environment.	Typo	SDDC
	127	8.55	The Council will expect all developments to demonstrate how they respect local landscape character and where practicable contributes	Typo	SDDC

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			contribute towards enhancing landscape character.		
Chapter 9: Infrastructure					
	131	9.8	The NPPF States that “Local planning authorities should set the strategic priorities for the area in the Local plan. This should include strategic policies to deliver:	Typo and minor change for clarity	SDDC
	131	9.9	The purpose of infrastructure planning is to establish what infrastructure is required to support proposed development, it's its likely cost, how it can be funded, who is responsible for its delivery and the timescale over which delivery can happen.	Typo	SDDC
	133	INF2	<i>Policy lettering and numbering will be amended to remove ambiguity when referring to sections of the policy.</i>	Typo	SDDC
	139	INF4 A i)	Woodville - Swadlincote Regeneration Route	Minor change for consistency	SDDC
	140	9.39	The Swarkestone Bridge and Causeway is a Scheduled Scheduled Ancient Monument and is not suited to the volume and mix of traffic using it.	Typo	SDDC
	142	INF6 A i)	Require that development that increases the demand for community facilities* and services either:	Minor change to allow for clarification	SDDC
	142	INF6 (end)	*see Glossary for definition of community facilities	Minor change for clarification	SDDC
	142	9.44	The Council will seek to restrict the loss of existing built facilities to non-community uses unless it can be shown that there is no demand	Minor change for compliance with NPPF	Sport England (100/5384)

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			for retention of the site or unless an alternative facility is provided that is suitable for all users. The Council will expect proposals for the change of use of a built community facility to be accompanied by evidence that it has been marketed proactively and competitively for a period of not less than 12 months on the open market.		
	143	INF7 A iv)	Support the development of a the Green Infrastructure Network as proposed by the 6Cs Green Infrastructure Strategy, linking together key strategic routes of regional and sub-regional importance and providing for, in appropriate locations, visitor infrastructure that improves accessibility.	Typos	SDDC
	144	INF7 B	Within the Trent Valley, or other locally determined Nature Improvement Area , the District Council will support and help deliver the landscape scale change as promoted by the Lowland Derbyshire and Nottinghamshire Local Nature Partnership.	Minor change to improve the long term flexibility of the policy.	SDDC
	144	9.47	South Derbyshire contains a wealth of green spaces such as river valleys and floodplains, woodlands, historic parks and gardens, public rights of way, wildlife sites and nature reserves. These spaces provide various benefits including biodiversity, visual amenity, sport and recreation. The purpose of this policy is to ensure that green spaces are conserved, and enhanced.	Typo	SDDC

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	144	9.48	However, it is not just large scale or strategic GI, which plays an important role in contributing towards a wider network of green space. Individual elements or features such as important hedgerows and trees, play spaces or ponds can be equally important in helping to bring wildlife and amenity benefits into the heart of communities. For this reason the Council considers that even modest developments can contribute towards the protecting protection and enhancing enhancement of the District's GI network. Therefore the The Council will expect that all schemes for new housing and commercial development should, as far as possible, to protect existing green infrastructure and landscape elements, as far as possible , and bring forward development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase the provision of, and access to, green infrastructure.	Minor change for clarity	SDDC
	146	INF8 (A)	Within the National Forest, as defined on the relevant Area Profile Maps, Proposals Map South Derbyshire District Council will work with The National Forest Company and other local authorities and partners to:	Minor Modification for Clarity	SDDC
	146	INF8 (Ai-v)	i) Work with Partners to help deliver the National Forest Strategy 2014-2024 and any subsequent Strategy	Minor modification to update policy to reflected publication of new National	SDDC

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			<p>i) ii) Provide opportunities for diversification of the economy, especially in relation to the woodland economy and tourism, including overnight accommodation;</p> <p>ii) iii) Create an attractive, sustainable environment;</p> <p>iii) iv) Provide a range of leisure opportunities for local communities and visitors: and</p> <p>iv) v) Achieve 33% woodland cover in the National Forest.</p>	Forest Strategy	
	146	INF8 B	B Within the National Forest all residential schemes over 0.5ha and industrial, commercial and leisure developments over 1ha will be expected to incorporate tree planting and landscaping in accordance with National Forest Planting Guidelines (as set out in Table 6).	Minor Modification for Clarity	SDDC
	146	INF8 B	Within the National Forest all residential schemes over 0.5ha and industrial, commercial and leisure developments over 1ha will be expected to incorporate tree planting and landscaping in accordance with National Forest Planting Guidelines. (as set out in Table 6). Landscaping will generally involve woodland planting, but can also also include the creation and management of other appropriate habitats, open space provision associated with woodland	Typo and minor modification for clarity	SDDC

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			and the provision of new recreational facilities with a woodland character. The appropriate mix of landscaping features will depend upon the setting characteristics, opportunities and constraints that individual sites present. The District Council recommend that early discussions are held with the National Forest Company. Further information is available from the National Forest Company's Guide for Developers and Planners¹.		
	146	INF8 C	http://www.nationalforest.org/woodlands/woodlandcreation/development	Footnote added to bottom of page to signpost location of Guide for Developers and Planners	SDDC
	146	INF8 C	In exceptional circumstances, a commuted sum may be agreed where planting and landscaping cannot be accommodated within or close to the development site. This will be used to either purchase land for tree planting; to create new woodland and/or other habitats; to provide public access to it and maintain those works for a minimum of five years. This will be used for tree planting (including urban tree planting); purchasing land for tree planting; creating new woodlands and maintaining those works or other agreed projects for a minimum of five years	Minor modification to update policy to reflected publication of new National Forest Strategy	SDDC
	147	INF8 E	The Council will work with developers, the National Forest Company and other stakeholders to improve access to the forest	Typo and minor change for consistency	SDDC

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			Forest from new development sites and existing built up areas and deliver a step change in the quality of new development and the existing urban areas with an emphasis upon the use of Forest related construction materials where appropriate.		
	147	9.56	The National Forest is a nationally designated area which covers an area of 200 square miles and extends from Charnwood Forest near Leicester to the east to the Needwood Forest near Yoxall in the west. Since its inception the National Forest Company has supported wood land woodland creation increasing forest cover from 6% to 19% 20% across the forest area by planting 8 million trees to date.	Minor change to update Policy	SDDC
	148	Table 6	<i>Amend table title heading and Table Title to National Forest Planting Requirements</i>	Minor Amendment for Accuracy	SDDC
	148	Table 6	Commuted Sums: In exceptional circumstances where the planting guidelines cannot be met, a commuted sum should be paid instead. This is at a guideline rate of £10,000 £20,000 per hectare of the gross development developable area.	Typo	SDDC
1	'Second 148'	N/A	<i>Page number correction: 148 149</i>	Typo	SDDC
	151	INF10	A Tourism development, including overnight accommodation and visitor attractions , will be permitted: i) Within or adjoining the urban area	Modifications to conform with NPPF	SDDC National Forest Company (055/5244) Chave Planning Ltd on behalf of Mr and Mrs

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			<p>or the Key Service Villages or;</p> <p>ii) In the remainder of the District where an appropriate level of accessibility on foot, by cycle and public transport can be provided In other appropriate locations where identified needs are not met by existing facilities.</p> <p>B The District Council will seek to maximise opportunities to deliver new, or improve existing sustainable access arrangements including public transport provision, walking and cycling provision where appropriate.</p> <p>C In all cases the District Council will expect new tourism development to be</p> <p>i) provided through the conversion or re-use of existing buildings or;</p> <p>ii) is accommodation of a reversible and temporary nature and there is a meaningful and demonstrable link with the proposed location, or</p> <p>iii) both sustainable and well designed and there is a demonstrable need with the proposed location.</p> <p>D New tourism development that is likely to give rise to undue impacts on the local</p>		<p>Woodward (120/5564)</p> <p>National Forest Charitable Trust (119/5562)</p> <p>National Trust (028/5121)</p>

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			landscape, natural environment or cultural heritage assets will be refused.		
Glossary	Term for definition				
	Community Facilities		<p>Facilities used by local communities for leisure and social purposes including community centres and meeting places, local shops, sports venues, leisure centres, cultural buildings, public houses, places of worship and play areas.</p> <p>Facilities used by local communities for leisure and social purposes where the primary purpose of the facility is for the public benefit. Examples of community facilities would include, but not exclusively, village halls, community centres and meeting places, places of worship, cultural buildings, non-profit sporting facilities and play areas.</p>	Minor change for clarity and to ensure conformity with paragraph 28 of the NPPF.	SDDC
Policies Maps					
	41	H2 Map of William Nadin Way, Swadlincote	<i>Amendment to the site boundary for housing allocation H2 to ensure that the golf course land is not included within the boundary of the housing site.</i>	Minor change reflecting updated maps received.	SDDC 105/5422 and 105/5433 (DPD on behalf of Grasscroft Homes and Properties Ltd.)
	44	Map of Land at Church Street/Bridge Street/Moat	<i>Add District Boundary to site plan.</i>	For clarity	SDDC

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		Street, Church Gresley			
	90	Map E1	<p><i>Show Tetron Point sites as "E1D"</i></p> <p><i>Amend boundary of "E1A" site to exclude field adjacent to Swadlincote Lane and include area of land adjacent to A444.</i></p> <p><i>Identify field adjacent to Swadlincote Lane as "E1G"</i></p>	To reflect the most up to date evidence	SDDC
	92	Map of Woodville Regeneration Area	<i>Amend the site boundary so that land within North West Leicestershire is not included.</i>	Drafting error	SDDC
	94	Map of E1F Former Drakelow Power Station	<i>Amend the site boundary to correspond with the boundary of the contiguous housing allocation</i>	Drafting error	SDDC
Proposal Maps					
	Proposals Map		<p><i>The following changes made to all the Proposals maps:</i></p> <ul style="list-style-type: none"> • <i>An ordnance survey base added</i> • <i>The exact boundaries of conservations area will be added</i> • <i>Flood zone boundaries added</i> • <i>The adopted 1998 Settlement boundaries will be added , with the proviso that settlement boundaries will be updated within the Local Plan Part 2</i> • <i>Reference to Derby City's Preferred</i> 	Minor change for clarity	SDDC Pegasus Planning on behalf of Christ Church, Oxford (0134/5165)

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			<i>Growth Strategy Housing Sites amended to Derby City's Draft Core Strategy housing sites</i>		
	Aston Area Proposals Map		<i>Map to show the area added to the Green Belt</i>	Minor change for clarity	National Trust (28/5122) and English Heritage (32/5607)
	Aston Area Proposals Map		<i>Map to show the area to be deleted from Green Belt</i>	Minor change for clarity	SDDC
	Southern Parishes Proposals Map		<i>Show location of potential new passenger railway station at Drakelow.</i>	Drafting error	SDDC
	Stenson Area Proposals Map		<i>Show location of potential new passenger railway station at Stenson.</i>	Drafting error	SDDC
	Swadlincote Proposals Map		<i>Show alignment of Woodville – Swadlincote Regeneration Route</i>	Drafting error	SDDC
	Swadlincote Proposals Map		<i>Amendment to the site boundary for housing application H2, to ensure that the golf course land is not included within the boundary of the housing site.</i>	Drafting error	DPD on behalf of Grasscroft Homes and properties Ltd (105/5422 and 5433)
	Swadlincote Proposals Map		<i>Inclusion of a symbol to denote the proposed protected station site at Drakelow.</i>	Drafting error	National Forest Company (55/5591)
	Woodville Proposals		<i>Show alignment of Woodville – Swadlincote Regeneration Route</i>	Drafting error	SDDC

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	Map				

Amber Valley Local Plan Part 1 Core Strategy – Examination

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Dear Mr Thorley

Examination of the Amber Valley Local Plan part 1 – the Core Strategy

As indicated at the hearing session on 1 May, I consider it necessary to suspend the examination of the plan to enable the Council to carry out certain pieces of further work. These are set out beneath under points 1-3. I cover the procedural aspects of the suspension at point 4.

1 Objectively assessed housing need

My letter to the Council dated 7 April 2014 concluded that Fig 14 of the sensitivity testing carried out by GL Hearn on behalf of the three Housing Market Area (HMA) authorities is likely to provide a sound assessment of housing needs for the period 2011-28.

As was accepted at the hearing on 1 May, the adjusted need figures set out in Fig 14 will require the HMA authorities to revisit the Duty-to-Cooperate (DtC) to review the way in which the City of Derby's increased unmet needs should be distributed between Amber Valley and South Derbyshire, bearing in mind agreement that Derby's ability to meet its own needs is capped by its fixed physical capacity.

Encouragingly, the 3 authorities expressed a continuing positive approach to this re-visiting of the DtC. However, in doing so the HMA authorities will also need to consider very carefully the extent to which re-consultation with other neighbouring authorities may be necessary in order to satisfy the legal duty or the soundness test of 'positive preparation'.

Employing the figures from Fig 14, the Amber Valley requirement for the period 2011-28 is as follows:

Borough's assessed needs: 17yrs x 435pa	7395
Borough's contribution to Derby's needs, as in submitted plan (* this element requires joint HMA reconsideration under the DtC)	1074*
Total requirement 2011-28 (subject to DtC review as above)	8469* (498pa)

Borough's 5-year housing land requirement:

5-yr basic annual average 498 x 5 (subject to DtC review)	2490
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plus

(1) deficit accrued 2011-14, ie 1494 (498 x 3) minus 694 completions in those years, to be made up within the first 5 years where possible [national Planning Policy Guidance (PPG) on Housing and Economic Land Availability Assessment, Methodology Stage 5, para 035]	800
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(2) 20% buffer brought forward into first 5 years for persistent under-delivery [National Planning Policy Framework (NPPF) para 47]	498
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Total (*subject to DtC review as above)	3788*
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I have considered the views expressed about requiring further additions to the supply to make up for the deficit in house-building which occurred in 2008-11. However, in my view the Strategic Market Assessment (SHMA), subject to the sensitivity testing undertaken in March 2014, can be considered an adequate base point for capturing and then projecting forward the overall needs existing at around the time of the 2011 Census. Although the census may have reflected an element of suppressed household formation resulting from the economic downturn, the sensitivity tests allow for a phased return to less suppressed levels.

The land requirement summarised above includes an allowance to enable the shortfall in 2011-14 to be made up by 2018/19, in accordance with national PPG as well as a 20% buffer for persistent under-delivery in accordance with the NPPF. Provision on that scale should ensure that land supply in Amber Valley would not be a constraining factor preventing either the significant boost to house-building sought by the NPPF or the potential for increased household formation.

I conclude that no further addition to the above supply is necessary to compensate for deficits in 2008-11 against the former Regional Spatial Strategy. Although those years were nominally the first 3 of the plan I am not convinced that any other aspects of the strategy, such as its retail and employment land policies, would be undermined or made unsound in any identifiably material way by rebasing the housing provision from 2011. In any case, alongside the content of the core strategy major retail proposals often require the preparation of impact studies based on data current at the time, while the detailed review of employment land allocations has been delegated to the forthcoming part 2 plan so any necessary

revisiting of the broad-brush data behind the Employment Land Review could be undertaken in that context.

By the time of its adoption the plan's forward view would be less than the 'preferably 15-year time horizon' indicated in the NPPF. However, I do not consider it essential to lengthen the plan's time horizon at this point in the process since monitoring of the plan is bound to point to the need for its review well within its period to take account of housing outputs and future household projections and to provide a firm basis for rolling forward the 5-year supply.

2 5-year housing land supply

As explained beneath, I have serious concern that the plan does not provide a secure 5-year housing land supply and is not consistent with national policy in that respect.

The National Planning Policy Framework (NPPF) requires (para 47) that in order to bring about a significant boost to the supply of housing, local planning authorities should identify specific 'deliverable sites' sufficient to provide a 5-year supply of housing land against their housing requirements. 'Deliverable sites' are defined as ones which are '*available now, offer a suitable location for development now, and are achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development is viable*'. Sites with planning permission are to be considered deliverable until permission expires '*unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units, or sites have long term phasing plans.*'

The national PPG states at para 008 ref ID12-008 that a Council's policies will not be considered up-to-date if the existence of a 5-year supply of deliverable housing sites cannot be demonstrated. It therefore follows that a plan would be unlikely to be sound (and therefore appropriate to proceed to adoption) in such circumstances.

Until the revised distribution of Derby's unsatisfied needs has been determined (see point 1 above) the precise target for Amber Valley's 5-year supply remains unknown. However, in the meantime, I have considered the views expressed by the Council and others about the likely deliverability of the sites in Amber Valley's 5-year supply update of the position as at 31.3.14, as against a provisional need of 3,788. I also visited a certain number of sites in the schedules, although by no means all. I deal below with the categories of sites identified by the Council.

Allocated sites with planning permission

The Council estimates that these sites will deliver 1022 completions by 2018/19. Most are under construction or have full planning permission and may be able to perform as indicated. However, the Middlebrook Transport site is still in active use and only has outline planning permission so it may be optimistic to assume that 50 completions are likely to occur within the period. Coppice Farm only has outline permission and still has to be sold to a house builder, so may not be able to deliver as many as 220 by 2018/19, while a contribution of the same size at Outseats Farm may also be slightly optimistic by the timescales discussed at the examination. Reliable completions from this category of sites may in the order of 900-950.

Larger brownfield sites with planning permission

The Council estimates that such sites would yield some 614 dwellings by 2018/19. However, there appear to be significant uncertainties associated with some of these. Many have not progressed beyond outline permissions granted some time ago. Some examples of sites whose actual availability was questioned without any convincing reply are QES Ripley, the former Evans Concrete, Ripley (now in another commercial use), Heanor Haulage (a location of limited attractiveness and unknown availability), and a number of other sites (eg Leabrooks Club; Station Road and other sites in Langley Mill; Parkside Close, Ironville). I also saw that the site at Newlands Drive, Riddings, if actually available, would require considerable clearance. This is not a comprehensive picture of the sites in this category, but overall it appears on present evidence that the actual yield could be considerably less than estimated, possibly in the region of 400.

Larger unallocated greenfield sites with planning permission

These sites are mainly either under construction or being progressed towards commencement by local house-builders. From the available evidence there is nothing to suggest that the indicated total of 335 completions could not occur by 2018/19 even if there were to be some internal slippage within the 5 years.

Small brownfield windfall sites

The Council's estimate of 250 (50pa) from this source by 2018/19 seems reasonable.

Small greenfield sites with planning permission

The Council's estimate of 80 (16pa) within the period from this source also appears reasonable.

Sites with resolution to grant planning permission subject to S106 agreement

The Council's update paper estimates some 519 completions from these 7 sites. A number of them have been progressing only slowly, even towards outline planning permission, and some questions were raised about the viability and attractiveness of certain sites. In my view it would be prudent to assume some slippage in delivery by these sites, relying upon no more than 400 from these sources within 5 years.

Local Plan allocations without planning permission or resolution to grant planning permission subject to S106 agreement

The Council suggests 207 completions on these 5 sites by 2018/19. However, two (at Duffield and Langley Mill) have been allocated since 2006 but have not yet reached the stage of a planning application. Another of the larger sites (Milford Mills, at a pivotal position in the World Heritage Site) is the subject of an application submitted in 2006 which has not yet been determined, although a decision is described as 'pending'. From what was said about the waste disposal site at Pye Bridge this is a smaller site which may be of little attraction. All in all, on present

evidence the 5-year contributions from this group of sites appear significantly optimistic, with delivery perhaps only in the region of 100.

Strategic sites without planning permission

The Council estimates some 890 5-year completions from the strategic allocations.

Land north of Denby (SG3) – from all the evidence presented, this is capable in principle of being a sound and realisable large-scale allocation, subject to some modification covering the matters covered at the hearing about which I will shortly write to the Council separately. However, the estimated completion of 486 dwellings by 2018/19 appears over-optimistic in view of the likely lead times necessary for obtaining outline planning permission, signing appropriate agreements/undertakings, approving the necessary remediation programme for the tar pits, resolving the issues associated with 17 different ownerships (possibly requiring a compulsory purchase order), disposing of land to house-builders who would then need to obtain their own reserved matters approvals, and installing the necessary early stages of infrastructure. It may be realistic to assume the delivery of up to 120 homes by 2018/19 on the frontage land owned by an individual owner willing and able to make early progress. However, that is likely to be the maximum contribution from this site which can be relied upon with a sufficient degree of certainty within 5 years.

Alfreton Road, Codnor (SG2) and Nottingham Road, Ripley (SG7) – under point 3 below I conclude that there is a need for the production of more clearly reasoned and focused evidence concerning the ‘exceptional circumstances’ for removing this land from the Green Belt. The soundness of allocating these sites remains dependent upon that. Subject to that, there would be tight timetables and challenges to meet on approvals, securing the County Council’s participation as a landowner, guaranteeing assured and affordable forward capital-funding of the road, completing disposals to house-builders and their securing of reserved matters approvals.

In view of the above factors I consider it appropriate to be cautious about the deliverability of more than a combined total of about 450 completions in the 5-year period at sites SG2, SG3, SG4 and SG7.

Sites in the Strategic Housing Land Availability Assessment (SHLAA)

In its recent housing land supply update statement (April 2014) the Council pointed to a number of SHLAA sites which it sought to include within the 5-year land supply, suggesting that they could produce as many as 1,651 completions within the period. There could be some circumstances in which such sites may be considered to meet the NPPF definition of deliverability. However, the SHLAA itself identifies the great importance of noting that this is a piece of evidence, not an allocations document, that inclusion of a site does not imply that planning permission should be granted for any specific use, and that allocations are to be made through the Development Plan.

Most of the sites identified by the Council are greenfield sites for which planning applications have not yet been submitted but were said to be being ‘pursued’. In many cases planning permission on such sites would be outside present planning

policy for the Borough; moreover, it can reasonably be supposed that many such applications would raise the kinds of site-specific issues to which the SHLAA itself refers and arouse at least some public opposition, in some cases possibly a great deal. It would therefore tend to be premature, without further firm evidence, to count such greenfield sites as part of an assured supply with a reasonable prospect of delivery within the period.

A smaller number of the SHLAA sites are brownfield, although not necessarily within the defined urban areas. The majority of the larger ones are again at pre-application stage. If firm convincing evidence can be brought forward to justify a conclusion that a SHLAA site would have a reasonable prospect of contributing within the period it could be possible to take account of them, but there is a danger of the plan-preparation process being perceived as being bypassed if such sites were to be relied upon to a significant degree.

If any sites in the SHLAA are able to make truly deliverable contributions within 5 years it would be more in keeping with a plan-led system to introduce the larger ones into the core strategy as strategic allocations or, in the case of the smaller sites, to consider including them as part of the provision to be made through the forthcoming Site Allocations Plan.

Overall conclusion

From the nature of the evidence which was available it is difficult to assess precisely how far the stock of truly deliverable housing land falls short of the interim 5-year requirement referred to above. However, I am in no doubt that the Council is currently unable to demonstrate the existence of a secure deliverable 5-year supply: on present evidence that supply appears to be somewhere in the region of 3,000. The submitted plan is incapable of progressing to adoption until this is remedied. The Council therefore needs to identify and bring forward further strategic allocations to deal with this shortfall. If necessary this may require exercising flexibility about the minimum size for such allocations. While not departing too far from the strategy of concentrating on the main towns it may also be helpful to select sites from a slightly wider range of locations as this would provide more market choice and probably speed take-up and delivery.

The successful identification of a secure 5-year supply would safeguard Amber Valley against unwelcome applications on sites not allocated in accordance with the adopted plan. However, the evidence base for the 5-year supply needs to be realistic, transparent and unambiguous. Reliance should not be placed upon sites which (in all the circumstances) are unlikely to meet the requirement of the NPPF for a 'realistic prospect' of delivery. Other advice on availability is included in Planning Practice Guidance paras 3-020/023. The Council will therefore need to adopt a carefully informed and critical approach to the inclusion of individual sites within the supply, avoiding insufficiently founded assumptions or undue optimism. It would also be prudent not to adopt too minimalist an approach to the new allocations since the significant boost to supply sought by the NPPF (and a secure 5-year supply) is probably more achievable by allocating a larger number of suitable sites at a greater variety of locations rather than placing too much reliance on a smaller number of sites at fewer locations.

3 Policy SS11 (amendments to the Green Belt), policy IN4 (the proposed new A610 relief road) and policies SG2 and SG7 (the strategic allocations at Alfreton Road, Codnor and Nottingham Road, Ripley)

As discussed at the hearings, NPPF (paragraph 83) requires the identification of 'exceptional circumstances' to justify the alteration of Green Belt boundaries through a review of the Local Plan. The recent High Court case of Gallagher Homes Ltd & Solihull MBC reinforces that this is a stringent test and reiterates the importance of ensuring that reasons for any decision concerning exceptional circumstances are clearly and unambiguously identified and explained.

The Core Strategy identifies exceptional circumstances for deleting land from the Green Belt at Ripley and Codnor in the first paragraph of section 6.15. This states that the provision of the new link road will relieve congestion on the A610 and improve the east-west link between the A6/A38 and the M1, thereby '*enabling* (my emphasis) the provision of new housing development and the development of high quality employment land, which will help to improve the local economy.'

This chain of reasoning appears to be the wrong way round. The Council accepted at the hearing that there are sufficient candidate sites to meet Amber Valley's housing and employment land needs without the requirement to consider removing land from the Green Belt. Consequently, the main 'exceptional circumstance' identified by the Council appears to be that the long-planned new road (otherwise unlikely to be funded within any foreseeable timescale) could be enabled by funding generated if sites SG2 and SG7 were to be released from the Green Belt for development. The new housing and employment land would contribute towards the Borough's needs, but those needs are not in themselves presented as the 'exceptional circumstance' justifying the proposed alteration to the Green Belt.

I therefore conclude that the plan needs to be supported by a new, stand-alone statement of evidence about the current perceived need for this piece of highway infrastructure. Since that need is the fundamental factor behind the existence or otherwise of 'exceptional circumstances', such evidence should place less emphasis on the length of time during which the road has been 'on the stocks' as a planned proposal and more upon the current perceived need for it. This would include (a) the specific evidenced reasons why the existing Ripley – Woodlinkin section of the A610 is unable to fulfil the particular role and purpose it is intended to serve as compared with the already improved sections of the route which, as I have seen, represent the greater part of its overall length, and b) the material improvements which the diverted route would bring in those respects.

It is not my role as part of the examination to consider the new road's design in great detail, as shown in the current planning applications. However, the new evidence should provide sufficient information about (c) whether or not the current intended design/width/specification of the new link (including the number and position of its junctions with roads serving the new areas of development) would allow the route to fulfil its intended purpose as an improved section of the A610, as identified under (a). It should also (d) demonstrate clearly that the associated developments will be able to generate the level of funding required to complete the new link, thereby providing assurance that the outcome expected by the identified 'exceptional circumstances' is capable of being delivered.

If such evidence can be clearly formulated, the Council would need to use it as a foundation for proposing changes to appropriate sections of the Core Strategy, identifying the 'exceptional circumstances' for altering the Green Belt boundaries for the housing/employment development and the bypass which it would enable.

4 Procedural matters

The Council will now need to take action to bring forward proposals for changes to the plan covering points 1-3 above. Such changes will of course require a revised sustainability appraisal and consultations including a period of advertisement for 6 weeks during which representations may be made for consideration at resumed hearings. It is not appropriate for me to set a precise date for those hearings now, although it was suggested at the hearing on 1 May that this should be no later than November, since 6 months is usually regarded as the maximum period for suspension.

I would be grateful if the Council can now draw up a draft timetable for the work to be undertaken. This will need to include sufficient time at the end for the Council to sort representations about the proposed changes into groups related to particular sites or policies, which will greatly facilitate my absorption of their contents. Sufficient time will also need to be included for me to prepare and circulate agendas before the hearings sessions. Please be in contact with the Programme Officer as soon as possible about this draft programme.

If they contribute to a sound plan the above changes will clearly have to be advertised after the hearings as Main Modifications. The Council has, of course, already prepared a schedule of Main Modifications concerning certain other matters raised in my initial soundness concerns and questions. Most of these would remain appropriate to be taken forward and advertised at the formal Main Modifications stage subject to the comments in brackets beneath*.

*[MM1 will need further change in the light of point 1 of this letter. However, the Council should also check whether any of the changes proposed as a result of this letter require other consequential amendments to the MMs.

MM12: It has been agreed that the words '...in the countryside unless...' should be replaced by '..if..'

MM13-MM14: I have agreed with the Council that these are unnecessary.

MM17 may not be consistent with the resolution to grant planning permission for part of the SG7 site fronting Nottingham Road. This will require checking.]

Two further matters arose from discussion of the Main Modifications on 2 May. Concerning MM24-25, it was agreed that the suspension provides an opportunity to review their current content in order to secure conformity of policy R1 with the Government's recent announcement of its conclusions on its review of housing standards. Similarly, concerning policy E6, the suspension gives time to put forward suitable new material on ecological networks. As these matters will cover totally new material the Council should include their proposals on both of the above matters in its revised sustainability appraisal and in their consultations so that they can, if necessary, be considered after the suspension.

Roy Foster

Inspector