

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 rises 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.
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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 local 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 topics 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 Field off Watwood Rd/Chestnut 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 of 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 Field off Watwood Rd/Chestnut 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 of 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 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 Barrow upon Trent Bretby Burnaston Cauldwell Church Broughton Coton Park Dalbury Drakelow Village Egginton Elvaston Foremark Foston Ingleby Kings Newton Lees Long Lane Lullington Marston on Dove 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	Mr and Mrs Brown (002/5007/5008/5009) Mrs P M Smith (006/5027/5028/5029) A Jenner (037/5187/5188) J Lawrence (039/5198/5199/5200) J Bonardt (047/5215) Etwall Parish Council (054/5237/5238/5239) Mr P Price (056/5248/5249/5250) P Price (057/5251/5252/5253) S Hollingworth (058/5254/5255/5265) A Hollingworth (059/5257/5258/5259) L Hollingworth (060/5260/5261/5262)

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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	<p>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.</p>			To reflect the most up to date evidence	SDDC																														
	95	6.5	<p>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</p>			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 ² The 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 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	<p>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.</p>	Minor change for clarity	SDDC
	146	INF8 (A)	<p>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:</p>	Minor Modification for Clarity	SDDC
	146	INF8 (Ai-v)	<p>i) Work with Partners to help deliver the National Forest Strategy 2014-2024 and any subsequent Strategy</p>	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; 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; ii) is accommodation of a reversible and temporary nature and there is a meaningful and demonstrable link with the proposed location, or 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>		Woodward (120/5564) National Forest Charitable Trust (119/5562) National Trust (028/5121)

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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:

Inspector: Roy Foster MA MRTPI
Programme Officer: Carmel Edwards B Lib (Hons) MCLIP

Amber Valley Local Plan Part 1 Core Strategy – Examination

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

Inspector: Roy Foster MA MRTPI

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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