

19th September 2018

Dear Councillor,

Environmental and Development Services Committee

A Meeting of the **Environmental and Development Services Committee** will be held in the **Council Chamber**, on **Thursday, 27 September 2018 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor MacPherson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Mrs Hall and Mrs Patten

Labour Group

Councillors Chahal, Dunn, Taylor and Tilley

Independent / Non Grouped Member

Councillor Coe

AGENDA

Open to Public and Press

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To receive the Open Minutes of the following Meetings:

Environmental and Development Services Committee 16th August 2018 Open Minutes **4 - 7**
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 5** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 6** Reports of Overview and Scrutiny Committee
- 7** GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY **8 - 42**
- 8** ADOPTION OF THE STATEMENT OF COMMUNITY INVOLVEMENT **43 - 85**
- 9** LOCAL GREEN SPACES – DRAFT DEVELOPMENT PLAN DOCUMENT **86 - 263**
- 10** CONTAMINATED LAND INSPECTION STRATEGY **264 - 301**
- 11** DERBY CITY CLEAN AIR CONSULTATION **302 - 311**
- 12** DONINGTON PARK NOISE MANAGEMENT **312 - 314**

Exclusion of the Public and Press:

- 14** The Chairman may therefore move:-

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

- 15** To receive the Exempt Minutes of the following Meetings:

Environmental and Development Services Committee 16th August
2018 Exempt Minutes

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

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

16th August 2018

PRESENT:-

Conservative Group

Councillor MacPherson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Mrs Brown, Mrs Coe, Ford (substituting for Councillor Wheeler) Harrison (substituting for Councillor Billings), Hewlett (substituting for Councillor Mrs Hall) and Mrs Patten

Labour Group

Councillors Chahal, Dunn, Taylor and Tilley

EDS/24 **COUNCILLOR WHEELER**

At the behest of the Chairman all present stood for a minute's silence in memory of Councillor Wheeler.

EDS/25 **APOLOGIES**

Apologies for absence from the meeting were received from Councillors Billings, Mrs Hall (Conservative Group) and Coe (Independent / Non-Grouped Member)

EDS/26 **MINUTES**

The Open Minutes of the Meeting held on 31st May 2018 were noted, approved as a true record and signed by the Chairman.

EDS/27 **DECLARATIONS OF INTEREST**

Councillors Ford and Mrs Patten declared personal interests in Item 8 on the Agenda, by virtue of being County Councillors.

EDS/28 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public had been received.

EDS/29 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

EDS/30 REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEE**EDS/31 CORPORATE PLAN 2016-21: PERFORMANCE REPORT (1 APRIL – 30 JUNE 2018)**

The Planning Services Manager presented the report to Committee.

Councillor Tilley made reference to the IT issues detailed in the report, querying the impact on planning processes. The Planning Services Manager outlined the on-going procurement process, seeking to attain a quality, fit-for-purpose system in the near future.

Councillor Taylor commented that despite the continuing growth of the district, the number of Neighbourhood Wardens had remained the same in spite of increased demand on their services. The Senior Neighbourhood Warden confirmed that both staffing and succession planning were currently under discussion in the department.

RESOLVED:

The Committee noted progress against the performance targets.

EDS/32 ELVASTON CASTLE MASTERPLAN

The Planning Services Manager presented the report to Committee.

RESOLVED:

The Committee noted the contents of the Elvaston Castle Masterplan and the key considerations within the report.

EDS/33 EAST MIDLANDS AIRPORT DRAFT NOISE ACTION PLAN

The Planning Policy Officer presented the report to Committee.

Councillor Taylor, whilst broadly welcoming the report and its recommendations, raised comment in relation to Chapter 14 compliant aircraft, feeling it would perhaps take longer for such aircraft to filter through to cargo operations than the airport was assuming.

Councillor Harrison noted the omission of the previously agreed ban on night time aircraft departures. The Planning Policy Officer confirmed that East Midlands Airport had acknowledged this omission and had undertaken to re-instate the ban and relevant surcharges in the final report.

RESOLVED:

The Committee noted the response made to the East Midlands Airport Draft Noise Action Plan consultation, as determined by the cross-party Member Working Panel on behalf of the Committee.

EDS/34 HIGHWAYS ENGLAND A38 DERBY JUNCTIONS SCHEME – STATEMENT OF COMMUNITY CONSULTATION

The Planning Policy Officer presented the report to Committee.

Councillor Mrs Brown made reference to the public consultation documents, as held in various public buildings. As the Councillor was aware of issues relating to one such venue, a request was made to check the current situation. The Councillor also queried the businesses included in the consultation process. The Planning Policy Officer undertook to investigate both matters further, the latter with Highways England.

RESOLVED:

The Committee noted the response to the Highways England consultation on the A38 Derby Junctions Scheme - Statement of Community Consultation, as determined by the Chairman and Vice-Chairman on behalf of the Committee.

EDS/35 LOCAL VALIDATION REQUIREMENTS

The Planning Services Manager presented the report to Committee.

RESOLVED:

The Committee endorsed the draft Local Validation Requirements document ('the LVR') and granted delegated authority to the Planning Services Manager to:

- a) Undertake public consultation on the LVR for a period of no less than six weeks;*
- b) In consultation with the Chairman of the Committee, to consider the responses received and make appropriate adjustments where necessary and justified; and*
- c) In consultation with the Chairman of the Committee, to formally adopt the LVR before publishing it on the Council's website.*

EDS/36 FINDERN PUBLIC SPACES PROTECTION ORDER

The Senior Neighbourhood Warden presented the report to Committee.

Councillor Dunn queried the nature of the locks to be used on the gate. The Senior Neighbourhood Warden confirmed that the security would be suitably robust, in addition to the camera being re-angled to include this area.

RESOLVED:

The Committee approved the proposed declaration of a Public Spaces Protection Order at Staker Lane, Findern.

EDS/37 ENVIRONMENTAL SUSTAINABILITY GROUP

The Planning Services Manager presented the report to Committee.

Councillor Taylor had considered whether it would be appropriate to have Members included in the Group, but felt not on reflection, suggesting instead that feedback on the Group's activities be relayed to the Committee at a future date. The Planning Services Manager confirmed that the matter would return to Committee to determine the appropriate reporting mechanism.

Councillor Ford queried whether the Council would be engaging suppliers with the same aims. The Planning Services Manager confirmed that this initiative provided an opportunity to do so, where appropriate.

RESOLVED:

The Committee endorsed the establishment of a Corporate Environmental Sustainability Group to co-ordinate and improve the Council's environmental performance.

EDS/38 COMMITTEE WORK PROGRAMME**RESOLVED:**

The Committee considered and approved the updated work programme.

EDS/39 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**RESOLVED:-**

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

MINUTES

The Exempt Minutes of the Meeting held on 31st May 2018 were received.

EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no exempt questions from Members of the Council had been received.

The meeting terminated at 6.45pm.

COUNCILLOR A MACPHERSON

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	27th SEPTEMBER 2018	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN/EXEMPT PARAGRAPH NO:
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595 716 emma.mchugh@south-derbys.gov.uk	DOC:
SUBJECT:	GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That Members approve the Council's Gambling Act 2005 Statement of Licensing Policy ("the Policy") and Local Area Profile Plan.

2. Purpose of Report

- 2.1 To provide Members with the outcome of a consultation with interested parties.
- 2.2 To provide Members with the necessary information to be able to give full consideration to the recommendation contained in paragraph 1.1 of this report.

3. Detail

- 3.1 Section 349 of the Gambling Act 2005 ("the Act") requires the Licensing Authority to prepare and publish a statement of the principles every 3 years. The Licensing Authority's current Policy was published in January 2016.
- 3.2 As part of the Social Responsibility Code, from April 2016, operators were required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each premises. To assist in the production of the local risk assessments, the Licensing Authority produced a local area profile plan in April 2016 to assist operators in producing their local risk assessments.

Consultation

- 3.3 The Act requires the Licensing Authority to consult with interested parties on any revision of the Policy and local area profile plan. The consultation took place between 21st May 2018 and 10th August 2018. Copies of the Policy and local area profile plan were sent to all Responsible Authorities, existing licensees and other major stakeholders. The Policy was also placed on the Council's website. A full list of the people consulted can be found at Appendix B of the draft Policy.

- 3.4 Three responses were received in relation to the Policy from Councilor Harrison, Gamble Aware and GamCare. The responses received from Gamble Aware and GamCare were generic responses with no specific comments in relation to the draft Policy or local area profile plan. No other responses were received. The draft Policy and Plan are attached as **Appendix 1 and 2.**

4. Financial Implications

- 4.1 There are no financial implications to the Council.
- 4.2 Recommendation 1.1 will have no financial implications on existing licence holders.

5. Corporate Implications

- 5.1 These proposals will provide a clear framework for anyone wishing to start their own business which will contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity.
- 5.2 These proposals will continue to demonstrate to members of the public that the Council takes the protection of local residents, children, and vulnerable adults from the potential harms of gambling activities seriously, which contributes to the theme of safety and security.



SOUTH DERBYSHIRE DISTRICT COUNCIL

Gambling Act 2005

**STATEMENT OF LICENSING
POLICY**

**Version 54: ~~31st January 2016~~
~~2016–2019~~ 2019-2022**

Contents

Item	Page
Part A	
1. Licensing Objectives	3
2. Introduction	3
3. Declaration	4
4. Local Area Profile	4
5. Responsible Authorities	4
6. Interested Parties	5
7. Exchange of Information	6
8. Compliance and Enforcement	7
9. Licensing Authority's Functions	8
Part B - Premises licences	
1. General Principles	9
2. Conditions	10
3. Operators' Local Risk Assessments	10
4. Licensing Objectives	11
5. Adult Gaming Centres	13
6. (Licensed) Family Entertainment Centres	13
7. Casinos	14
8. Bingo Premises	14
9. Betting Premises	15
10. Tracks	15
11. Travelling Fairs	16
12. Provisional Statements	16
13. Reviews	17
Part C - Permits / Registrations, Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre Gaming Machine Permits	18
2. (Alcohol) Licensed Premises Gaming Machine Permits	18
3. Prize Gaming Permits	19
4. Club Gaming and Club Machines Permits	19
5. Temporary Use Notices	20
6. Occasional Use Notices	21
7. Small Society Lotteries	22
Appendix A - Map of South Derbyshire District Council	25
Appendix B - Persons/ Bodies Consulted on Statement	26
Appendix C – Responsible Authorities Contact List	27

PART A

1. The Licensing Objectives

In exercising their functions under the Gambling Act 2005 ("the Act"), Licensing Authorities must have regard to the licensing objectives as set out in the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority is aware that, as per Section 153, in making decisions it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's statement.

2. Introduction

South Derbyshire is situated in the County of Derbyshire which includes 8 other local authorities. South Derbyshire is a mixed urban and rural district covering approximately 338 square kilometres with a population of ~~94,900 (2011 estimate)~~ 100,300 (2016 estimate). The town of Swadlincote is the main focus for employment, shopping and services in South Derbyshire. Hilton and Melbourne are the District's next largest centres of population. The District includes a number of villages and settlements, such as the historically significant Repton and Shardlow and larger villages like Hatton and Willington. A large part of the District has been included within the designated area of the National Forest. This major environmental initiative is creating a new and attractive landscape for work, recreation and wildlife.

These areas are shown in the map at Appendix A.

Licensing authorities are required by the Act to publish a statement of principles which they propose to apply when exercising their functions. This Statement of Licensing Policy ("Statement") must be published at least every three years. The Statement must also be reviewed from "time-to-time" and any amended parts re-consulted upon. The Statement must be then re-published.

The Licensing Authority consulted widely upon this Statement before finalising. The Act requires that the following parties be consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority's

- area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Act.

A list of those persons consulted is provided at Appendix B.

It should be noted that this Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each case will be considered on its own merits and according to the statutory requirements of the Act.

This Statement details how the Licensing Authority will apply the principles detailed within the Act, how applications will be determined, the local area profile to assist applicants and existing licence holders in the completion of their own local risk assessments, and the documentation required for each different type of licence, permit or notification.

3. Declaration

In producing the final Statement, the Licensing Authority declares that it has had regard to the licensing objectives in the Act, the guidance issued by the Gambling Commission and any responses from those consulted on the Statement.

4. Local Area Profile

As part of the Social Responsibility Code, from April 2016, licensees ~~will be~~ required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures in place to mitigate those risks.

~~To assist in the production of the local risk assessments, the Licensing Authority has commenced an assessment of the local area in order to identify any risks that exist that would undermine the licensing objectives.~~

~~The local area profile will be available on the Council's website from March 2016 to assist applicants and licensees with their own local risk assessments.~~

The Licensing Authority initially produced a local area profile plan in 2016 to assist applicants and licensees with their own local risk assessments. The plan has been updated in 2018 following a review of the local risks that exist that could undermine the licensing objectives. This plan is available as a separate document on the Council's website.

5. Responsible Authorities

Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences.

Responsible authorities under the Act are:

- Licensing Authority;
- Gambling Commission;
- Chief Officer of Police;
- Fire and Rescue Authority;
- Local Planning Authority;
- Environmental Pollution Department;
- Anybody designated in writing by the Licensing Authority as competent to advise about the protection of children from harm;
- HM Revenue and Customs.

In exercising its powers to designate a body which is competent to advise about the protection of children from harm, the Licensing Authority has applied the following principles:

- the need for the body to be responsible for the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The Licensing Authority designates the Derbyshire Safeguarding Children Board for this purpose.

6. Interested parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as persons who, in the opinion of the Licensing Authority:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) have business interests that might be affected by the authorised activities, or
- c) represent persons who satisfy paragraph (a) or (b).

In determining whether a person is an interested party, the overriding principle is that each case will be decided upon its own merits and the Licensing Authority will not apply a rigid rule to its decision making. The factors that the Licensing Authority will take into account when determining what 'sufficiently close to the premises' means might include:

- The size of the premises;
- The nature of the premises;
- The nature of the activities at the premises;
- The distance of the premises from the location of the person making the

- representation;
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complainant.

The factors that the Licensing Authority will take into account in determining whether a person with business interests might be affected by the premises might include:

- The size of the premises;
- The 'catchment' area of the premises;
- Whether the person making the representation has business interests in that catchment area that might be affected.

The Licensing Authority considers that interested parties could include bodies such as trade associations, trade unions, residents' and tenants' associations. The Licensing Authority will interpret the types of organisations that may be considered to have business interests broadly to include for example partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these persons, however, the Licensing Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

Any representation made in relation to a licence application must be relevant. The Licensing Authority will determine whether a representation is relevant or not. Representations are likely to be deemed relevant if they relate to one or more of the licensing objectives, this Statement or the Gambling Commission's Guidance or Codes of Practice.

| The following examples are unlikely to be deemed to be a relevant representation ~~that~~:

- there are already too many gambling premises in the locality (although it may be relevant if it points, as a result, to rising problems in crime, disorder, underage gambling or problem gambling);
- the proposed premises are likely to be a fire risk;
- the location of the premises is likely to lead to traffic congestion;
- the premises will cause crowds of people to congregate in one location leading to noise thereby causing a nuisance.

The Licensing Authority will not deem representations to be relevant if they are frivolous or vexatious. In deciding whether a representation is frivolous or vexatious, the Licensing Authority will consider:

- who is making the representation and whether there is a history of making

- irrelevant representations;
- whether it raises issues specifically to do with the premises that are subject of the application.

The above lists are by no means exhaustive and each representation will be decided on the facts-its own merits.

The Licensing Authority will notify the person making the representation of the decision that a representation is not relevant as soon as practicably possible in order to provide that person with the opportunity to make a relevant representation before the end of the 28 days representation period. This will depend when the initial representation was received as there may not be the chance to provide an opportunity to make a relevant representation if the representation was received towards the end of the representation period.

Formatted: Font: Arial

The Licensing Authority is required to provide the applicant with copies of any relevant representations that have been made. This will include the name and address of the person making representations. The Licensing Authority will only consider withholding some or all of the person's personal details if the circumstances justify the action i.e. a genuine and well-founded fear of intimidation. The personal details of any person making a representation will then be redacted in the report that is prepared for the Licensing and Appeals Sub-Committee held to determine the application.

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: Arial

7. Exchange of Information

The Licensing Authority will exchange information with the Gambling Commission under Section 29 and Section 30 of the Act providing that it:

- forms part of the register maintained under the Act;
- is in the Licensing Authority's possession in connection with a provision of the Act.

The Licensing Authority will exchange information with other persons or bodies under Section 350 of the Act for use in the exercise of functions under the Act.

The Licensing Authority will have regard to the Council's Data Protection Act Guidance in the exchange of information. Information can be assessed by data subjects by contacting the Council's FOI Officer.

The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State.

With regards to representations received, the representation including the name and address will be forwarded to the applicant for consideration prior to a hearing to determine the application. The disclosure of the name and address is for the applicant to be satisfied that the person/body making the representation falls within the definition of an interested person. The report produced for the hearing will have the personal details of the person making a representation redacted as the report is a public

document.

8. Compliance and Enforcement

The main enforcement and compliance role for the Licensing Authority in terms of the Act will be to ensure compliance with licences and permits issued by the Licensing Authority and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and small lottery registrations.

In ensuring compliance with the Act and undertaking enforcement action, the Licensing Authority will be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed and costs identified and minimised;
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem and minimise side effects.

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

The Licensing Authority will carry out regular inspections of premises to enable the Licensing Authority to have the knowledge and reassurance that all gambling premises in the locality are fulfilling their duty and protecting the public, in particular those that are young and/or vulnerable. Regular inspections will also assist in the identification of unlicensed operators and illegal gambling activity. ~~The Licensing Authority will have regard to the Regulators' Code and will adopt a risk-rated approach to regulatory inspection to ensure compliance with the Act. The Licensing Authority will risk a premises based on previous compliance records and intelligence received from other responsible authorities and members of the public.~~

The Licensing Authority will have regard to the Regulators' Code when carrying out regulatory inspection. The Licensing Authority will promote efficient and effective regulatory approaches which improve outcomes without imposing unnecessary burdens on the business.

The Licensing Authority requires that the operators' local risk assessment is available during any inspection of the premises. As part of an inspection, the Licensing Authority would expect the operator to provide details of the number of self-exclusions and underage attempts to gamble.

The Licensing Authority will take appropriate action against any unlicensed operator or illegal gambling taking place within any premises within the District. The Licensing Authority would expect any operator to share data in relation to the source of any illegal gaming machines found on premises' and any data regarding potential illegal betting on any unlicensed premises i.e. betting intermediaries within an alcohol licensed premises.

The Licensing Authority shall comply with the Codes of Practices developed by the Crown Prosecution Service in the management of criminal cases.

Bearing in mind the principle of transparency, the Licensing Authority's [Corporate Enforcement Policy](#) is available on the Council's website.

9. Licensing Authority's Functions

The Licensing Authority will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission;
- Maintain registers of the permits, licences and registrations that are issued under these functions.

It should be noted that the Licensing Authority will not be involved in licensing remote gambling which is regulated by the Gambling Commission via operating licences.

PART B PREMISES LICENCES

1. General Principles

In determining an application for a premises licence, the Licensing Authority will only take into consideration relevant matters and will not take into consideration any irrelevant matters. The Licensing Authority will not consider if a premises is likely to obtain planning permission or building regulations approval for their proposal.

The Licensing Authority accepts the principle that moral objections to gambling are not a valid reason to reject applications for premises licences and also that an unmet demand is not a criterion for a licensing authority.

The Licensing Authority will request as much information as it requires to satisfy itself that all requirements set out in the Act are met. If an applicant can demonstrate how ~~any~~the licensing objectives concerns can be overcome, the Licensing Authority will take that into account when reaching a decision. Where concerns remain, the Licensing Authority may choose to attach appropriate conditions to the premises licence.

Each application will be decided on its own merits.

The Licensing Authority will take particular care in considering applications:

- For multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes; and
- Where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

In considering the above types of applications, the Licensing Authority will be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, the premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context, it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Licensing Authority will ask the following questions in making their decision when considering whether two or more proposed premises are truly separate:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

The Licensing Authority will also consider the relevant access provisions for each type of premises licence.

2. Conditions

Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the

Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

In respect of premises which still have to be constructed or altered, an operator can apply for a premises licence rather than a provisional statement. In these circumstances, the Licensing Authority will first decide whether, as a matter of substance after applying the principles in Section 153 of the Act, the premises ought to be permitted to be used for gambling and secondly, in deciding whether or not to grant the application, the Licensing Authority will consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Any conditions attached to a premises licence will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises (including the locality and any identified risks) and the type of licence applied for;
- Fairly and reasonably relate to the scale and type of premises;
- Reasonable in all other aspects.

Decision on conditions will be made on a case-by-case basis. However, there will be a number of measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc.

3. Operators' Local Risk Assessments

Any applicant applying for the grant or variation of a premises licence must include a local risk assessment in addition to their application. In undertaking the local risk assessment, the applicant must take into account relevant matters identified in this Statement. The local risk assessment must assess the local risks to the licensing objectives posed by the provision of the applicant's proposed gambling facilities at the premises. The applicant must have policies, procedures and control measures to mitigate the risks identified in the assessment. These policies and procedures must be submitted with the application.

The Licensing Authority would expect the local risk assessment to cover the following areas:

- The premises' building;
- Location of the premises;
- Protecting children;
- Demographics of the area in relation to vulnerable groups;
- Protecting vulnerable people;
- Crime and disorder prevention-whether the premises is in an area subject to high levels of crime and disorder;
- Vicinity of schools, playgrounds, leisure and community centres and other areas where children will gather;

- Vicinity of gambling or addiction support or treatment centres, residential care homes, medical facilities or Council housing offices where vulnerable groups will gather;
- Gaming trends that may reflect benefit payments or pay days;
- Information held by the licensee regarding self-exclusion and incidences of underage gambling.

This list is not exhaustive.

The Licensing Authority expects that the local risk assessment is kept on the individual premises and is available for inspection. The Licensing Authority expects that all members of staff are aware of the local risk assessment and are encouraged to assist in the production and review of the local risk assessment. Staff should also be aware of and implement any control measures identified in the local risk assessment.

The Licensing Authority will require the operator to provide their local risk assessment where there are concerns in relation to the premises in order for the Licensing Authority to assess the measures in place to address the specific concerns.

The Licensing Authority would expect the local risk assessment to be reviewed following any significant changes in local circumstances, significant changes at the premises i.e. new schools or hostels and any substantiated complaint in relation to the premises. The local risk assessment must be submitted to the Licensing Authority following any such review.

Examples of significant changes in local circumstances include:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area;
- An increase in educational facilities in the area;
- Any vulnerable groups identified by the Licensing Authority or venues relating to those vulnerable groups opened in proximity to the premises.

Formatted: Bulleted + Level: 1 +
Aligned at: 0.74 cm + Indent at: 1.38 cm

The Licensing Authority would expect the operator to work with the Licensing Authority to improve any areas of the local risk assessment that do not adequately mitigate the risks identified, have inadequate measures to reduce risks or fail to identify all of the local risks.

4. Licensing Objectives

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

Where an area is noted for particular problems with disorder or organised criminal activity, the Licensing Authority will consider carefully whether gambling premises should be located in this area and whether conditions may be appropriate to prevent those premises being associated with or used to support crime. Appropriate conditions may be a requirement for door supervisors.

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

The Licensing Authority does not expect to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences which are dealt with by the Gambling Commission.

If the Licensing Authority suspects that gambling is not being conducted in a fair and open way, the Licensing Authority will bring this to the attention of the Gambling Commission.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include:

- supervision of entrances / machines;
- segregation of areas;
- location of machines including cash terminals;
- age verification policies including 'Think 21' and 'Think 25'.

The Licensing Authority will consider if there are adequate staff levels in place to adequately supervise the premises in addition to the staffs' other duties.

The Licensing Authority will work with the operator to consider how any impediments to the supervision of premises might be most appropriately remedied. Remedies may include the positioning of staff or CCTV, the use of floor walkers and the relocation of the staff counter to enable a direct line of sight of the door. The Licensing Authority will consider the proportionality of changes to the physical layout in relation to other measures that could be put in place. However, if the operator fails to satisfy the Licensing Authority that the risks are sufficiently mitigated, it may be appropriate to place conditions on the premises licence or conduct a review of the premises licence.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it does, for regulatory purposes, assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." The Licensing Authority will consider this licensing objective on a case-by-case basis.

The Licensing Authority will also ensure that where Category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to

- prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The Licensing Authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will consider the impact upon this licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

With regards to test purchasing, the Licensing Authority will require the larger operators, who are required to carry out independent test purchasing, to share their results with the Licensing Authority at inspection and on request. With regards to smaller operators, who are not required to carry out their own test purchasing, the Licensing Authority may require the operator to carry out independent test purchasing if it is appropriate to do so i.e. if the operator fails a test purchase.

5. Adult Gaming Centres

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entrances;
- Notices / signage;
- Specific opening hours;
- Self- exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority would expect an operator's local risk assessment to cover the measures listed above.

In addition to the above, the applicant must provide the Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by the Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. The Licensing Authority will inform the Gambling

Commission if there are any concerns over potential unlicensed suppliers.

6. (Licensed) Family Entertainment Centres

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Licensing Authority may consider measures to meet the licensing objectives such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entrances;
- Notices / signage;
- Specific opening hours;
- Self- exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority would expect an operator's local risk assessment to cover the measures listed above.

The Licensing Authority will expect any applicant to provide details of how they will supervise the family entertainment centre. The Licensing Authority will expect the supervising staff to be fully trained in order to ensure that none of the licensing objectives are undermined i.e. the staff member should be able to adequately deal with any young or vulnerable person within the premises.

In addition to the above, the applicant must provide the Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by the Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. The Licensing Authority will inform the Gambling Commission if there are any concerns over potential unlicensed suppliers.

7. Casinos

The Licensing Authority has not passed a 'no casino' resolution under the Act but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this [eStatement](#) with details of that resolution. Any such decision will be made by the Full Council.

8. Bingo premises

When considering any application for a bingo premises, the Licensing Authority will satisfy themselves that bingo can be played in the premises to which the application relates. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises licence from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Gaming machines may be available for use in licensed bingo premises only on those days when sufficient facilities for playing bingo are also available for use.

Children and young people are allowed into bingo premises: however they are not permitted to participate in the bingo and if Category B or C machines are made available for use these must be separated from areas where children and young people are allowed. To ensure that children and young people do not have access to gaming machines, the Licensing Authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

9. Betting premises

It is not permissible to offer gaming machines on premises which are licensed for betting but not to offer sufficient facilities for betting.

In considering whether to restrict the number of betting machines, the Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people.

10. Tracks

Tracks are defined in the Act as 'a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.' Examples of a track are football, cricket and rugby grounds, a motor racing event and venues hosting darts, bowls or snooker tournaments. This list is by no means exhaustive as betting could take place at any venue where a sporting or competitive event is occurring.

The Licensing Authority will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than

Category D machines) are provided.

Factors which the Licensing Authority may consider include:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entrance;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority would expect an operator's local risk assessment to cover the measures listed above.

Where the applicant holds a pool betting licence and is going to use the entitlement to four gaming machines, applicants should demonstrate that machines (other than category D machines) will be located in areas from which children are excluded.

In considering whether to restrict the number of betting machines, the Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people.

The Act requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. The proposed gambling facilities must be clearly indicated on the plan. A precise location will not be required; however the plan should indicate the main areas that betting might take place. The plans should also make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

11. Travelling Fairs

Where Category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair must be met.

The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair.

A site must not be used for fairs on more than 27 days per calendar year. The 27 day statutory maximum applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing

Authority will monitor the use of land and maintain a record of the dates on which the land is used. In addition, the Licensing Authority will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

12. Provisional Statements

Applicants for premises licence must fulfil certain criteria. They must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they must have the right to occupy the premises in respect of which their premises licence application is made. However, these restrictions do not apply in relation to an application for a provisional statement.

Developers may wish to apply to the Licensing Authority for a provisional statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she expects to:

- Be constructed;
- Be altered; or
- Acquire a right to occupy.

The process for considering an application for a provisional statement is the same as for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and interested parties may make representations and there is a right of appeal.

Once the premises are constructed, altered or acquired, the holder of a provisional statement can return to the Licensing Authority and submit an application for the necessary premises licence.

13. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be allowed.

The request for the review will be subject to the consideration by the Licensing Authority as to whether the request:

- is relevant to the principles that must be applied by the Licensing Authority in accordance with the Act;
- is frivolous;
- is vexatious;
- 'will certainly not' cause the Licensing Authority to wish to alter, revoke, or suspend the licence

- is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence.

In relation to a class of premises licences, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with the licence conditions.

In relation to a particular premises, the Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed or for any other reason (such as a complaint from a third party) which gives the Licensing Authority cause to believe that a review may be appropriate. A formal review would normally be at the end of the process of ensuring compliance by the licence holder. If the licence holder does not meet the requirements then, after a formal review, the Licensing Authority may impose additional conditions or revoke the licence.

PART C

Permits, Registrations, Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

The application will be in the form and manner as specified by the Licensing Authority. The application form must be accompanied by the relevant fee and a plan of the premises indicating the location of the gaming machines. The application must be served on the Licensing Authority only.

The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. Applications for a permit cannot be made if a premises licence is in effect for the same premises.

The Licensing Authority considers that the applicant should have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The policies and procedures may include:

- staff training to ensure that staff have a full understanding of the maximum stakes and prizes permitted under the permit;
- appropriate measures and training for staff as regards suspected truant school children on the premises;
- measures and training covering how staff would deal with unsupervised very young children being on the premises; ~~or~~
- children causing perceived problems on or around the premises; or
- social responsibility policies.

The above policies and procedures must be submitted with the application and be

available on request at inspection.

The Licensing Authority will expect any applicant to provide details of how they will supervise the family entertainment centre. The Licensing Authority will expect the supervising staff to be fully trained in order to ensure that none of the licensing objectives are undermined i.e. the staff members should be able to adequately deal with any young person or vulnerable person within the premises. Staff should be easily identifiable.

In addition to the above, the applicant must provide the Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by the Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. The Licensing Authority will inform the Gambling Commission if there are any concerns over potential unlicensed suppliers.

2. (Alcohol) Licensed Premises Gaming Machine Permits

The application will be in the form and manner specified by the Licensing Authority. The application form must be accompanied by the relevant fee. The application must be served on the Licensing Authority only.

The Licensing Authority will consider each application on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling, and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

The permit holder must be capable of demonstrating compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and the Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice. The Licensing Authority will ensure adherence to the Code of Practice through ~~ad hoc risk rated~~ inspections at the premises. The Licensing Authority may carry out test purchase exercises to ensure that the Code of Practice is being complied with.

3. Prize Gaming Permits

The application will be in the form and manner as specified by the Licensing Authority. The application form must be accompanied by the relevant fee. The application must be served on the Licensing Authority only.

The permit can only be applied for by a person who occupies or plans to occupy the premises and any individual applicant must be over 18 years of age.

The Licensing Authority will require the applicant to set out the types of gaming that they intend to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in regulations;
- that gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm.

The above policies and procedures must be submitted with the application and be available on request at inspection.

In making its decision on an application for this permit, the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

4. Club Gaming and Club Machine Permits

The application form must be accompanied by the relevant fee and the existing permit if the application is a renewal application. The application must be served on the Gambling Commission and the Police, in addition to ~~the~~ the Licensing Authority, unless the applicant is applying under the fast track procedure. The application must be served on the Gambling Commission and Police within 7 days of submitting the application to the Licensing Authority.

If the applicant is not applying under the fast track procedure, the applicant must submit the following documents in addition to the application form to assist the Licensing Authority in determining whether the club meets the requirements of the Act:

- club rules and constitution;
- copy of the membership list;
- annual accounts for the past two years; and
- details of the committee members and proof of their election.

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A (no more than one), B4, C or D), equal chance gaming and games of chance.

Members Clubs, Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine Permit will only enable the premises to provide gaming machines (3 machines of categories B3A (no more than one), B4, C or D). Commercial clubs are not allowed to provide category B3A gaming machines.

The Licensing Authority may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a Members' or Commercial Club or Miners' Welfare Institute and, therefore, is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the Police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure,

there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which the Licensing Authority can refuse a permit are that:

- (a) the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The permit holder must be capable of demonstrating compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and the Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice. The Licensing Authority will ensure adherence to the Code of Practice through ~~ad-hoc risk-rated~~ inspections at the premises. The Licensing Authority may carry out test purchase exercises to ensure that the Code of Practice is being complied with.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner.

With regards to Temporary Use Notices, the Act refers to a 'set of premises' and provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises. In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will consider the ownership and/or occupation and control of the premises.

The holder of a relevant operating licence must give notice to the Licensing Authority on the prescribed form with the relevant fee. The notice must be submitted to the Licensing Authority not less than 3 months and one day before the proposed event. The notice must be submitted with the relevant fee. The notice must also be served on:

- The Police;
- The Gambling Commission; and
- HMRC

The above responsible authorities must receive the notice within 7 days of the date of the notice.

On receipt of the notice, the Licensing Authority will acknowledge the notice as long as no objection notice is received within the 14 day representation period. If a relevant representation is received, the Licensing Authority will hold a hearing to consider the notice and representation(s). An applicant will be provided with more information of the hearing procedure at the time.

The Licensing Authority shall consider objecting to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

6. Occasional Use Notices

Initially, the applicant is advised to contact the Licensing Authority who will advise whether they can authorise their planned provision of gambling facilities by way of an occasional use notice.

The notice must be served on the Licensing Authority and the Police by the person responsible for the administration of events on the track i.e. the event organiser or the occupier of the track. The notice must state the address and location details of the track, the proposed event, the date and time of the event and the details of the licensed operator.

Provided that the event will not exceed the statutory eight days in a calendar year and there are no issues with the proposed licensed operator, the Licensing Authority will acknowledge the notice on receipt.

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.

7. Small Society Lotteries

The Licensing Authority is responsible for the registration of small society lotteries. These are non-commercial societies as defined in the Act as being established and conducted:

- For charitable purposes;
- For the purpose of enabling participation in, or supporting, sport, athletics, or a cultural activity; or
- For any other non-commercial purposes other than that of private gain.

To apply for registration, the application form and relevant fee must be served on the Licensing Authority only. The promoter must apply to the Licensing Authority in whose area their principal office is located. In addition to the application form and fee, the Licensing Authority ~~will~~ may require the applicant to submit their terms and conditions and their constitution to assist the Licensing Authority in establishing that they are a non-commercial society.

As the purpose of the small society lottery is to raise money for the small society, it is a requirement that a minimum proportion of the money raised by the lottery is used by the

small society to achieve their goals. If a small society lottery does not comply with the following limits it will be in breach of the Act's provisions:

- At least 20% of the lottery proceeds must be applied to the purposes of the small society;
- No single prize may be worth more than £25,000;
- Rollovers are only permitted where the lottery is promoted by the same small society and the maximum single prize is £25,000;
- Every ticket must cost the same and payment must be taken before entry in the draw is permitted.

To check the limits, the promoter must submit a return after each lottery held; no more than 3 months after the date of the lottery draw. The return must be signed by two members of the society who are over 18 years of age, are appointed for that purpose by the society and be accompanied by a copy of their letter of appointment.

The Licensing Authority requires that tickets must not be sold in a street where a street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls). Tickets may be sold in a street from a kiosk, in a shop or door-to-door.

The small society must keep written records of all unsold and returned tickets for a period of one year from the date of the lottery draw.

The Licensing Authority will adopt a risk based approach towards its processing and enforcement responsibilities for small society lotteries in accordance with the principles contained in the Gambling Commission's Guidance. The Licensing Authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- a) submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- b) submission of incomplete or incorrect returns;
- c) breaches of the limits for small society lotteries.

FURTHER INFORMATION

Anybody wishing to contact the Licensing Authority with regard to this Statement, the Act or the application process can do so as follows:

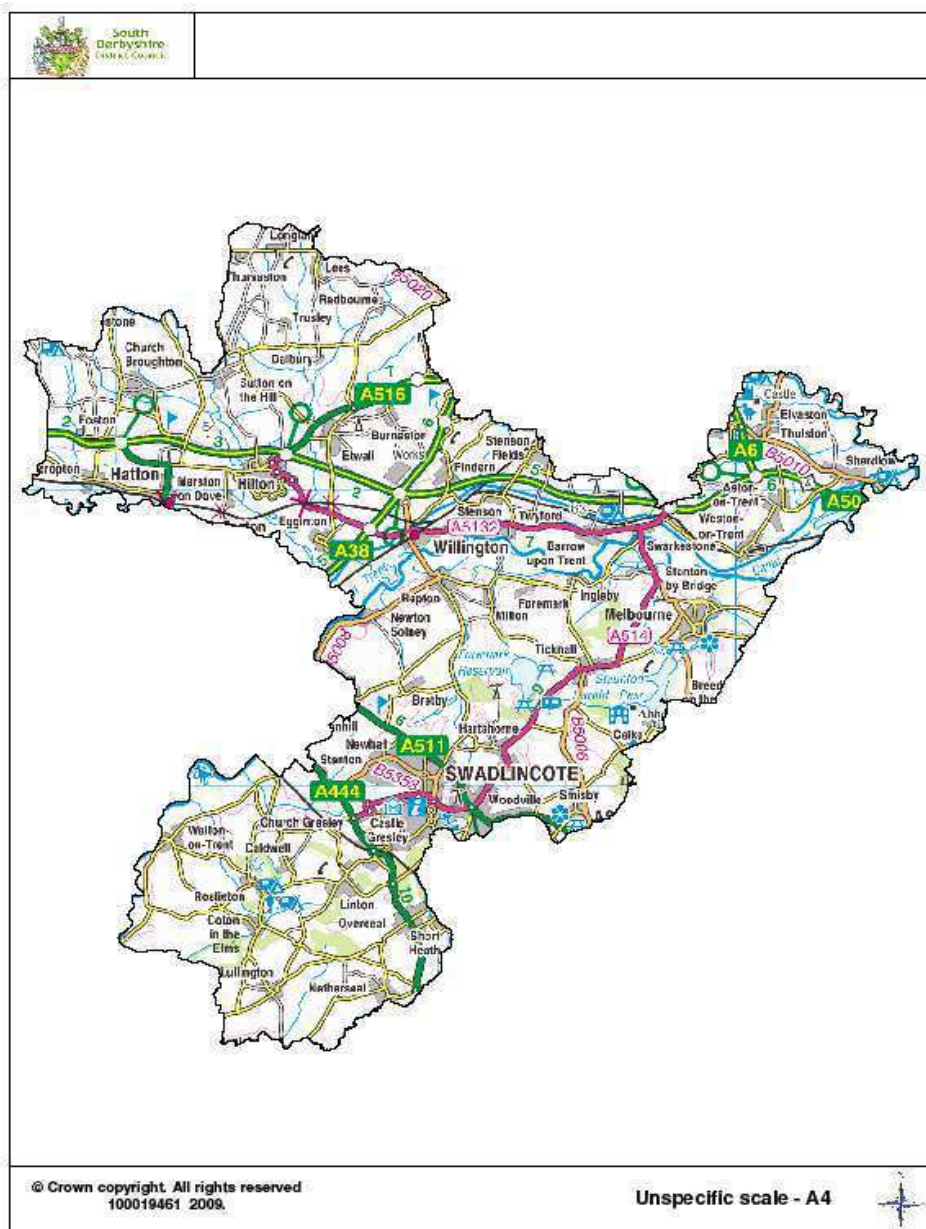
In writing South Derbyshire District Council
 Licensing Department
 Civic Way
 Swadlincote
 Derbyshire
 DE11 0AH

By email licensing@south-derbys.gov.uk

By telephone 01283 595 716/890

DRAFT

Appendix A - Map of Area South Derbyshire District Council



Appendix B - Persons / Bodies Consulted on Statement

Elected Members, South Derbyshire District Council
Town and Parish Councils in South Derbyshire

Responsible Authorities

Derbyshire Constabulary

Derbyshire Fire and Rescue Service

Derbyshire ~~Area Children Protection Committee (ACPC)~~ / Safeguarding Children Board
(~~SB~~)

South Derbyshire District Council Pollution Control Team

Gambling Commission

HM Revenue and Customs

South Derbyshire District Council Planning

South Derbyshire District Council Licensing Authority

Others

~~Development and Building Control Manager, South Derbyshire District Council~~
~~Southern Staffordshire Building Control Partnership~~

~~Legal and Democratic Services of~~ South Derbyshire District Council Legal and Democratic Services

~~South Derbyshire District Council~~ Environmental Health ~~Manager~~

Gam Care

British Amusement Catering Trade Association (BACTA)

~~Gamblers~~ Anonymous

~~Responsible Gambling Trust~~ Gamble Aware

Salvation Army

Racecourse Association

British Holiday and Home Parks Association

Bingo Association

British Beer and Pub Association

Working Men's Club & Institute Union

Greyhound Board of Great Britain

Association of British Bookmakers

Lotteries Council

Hospice Lotteries Association

National Casino Forum

Representatives of the holders of the various licences for premises in the District who will be affected by this policy

Appendix C - Responsible Authorities Contact List

<p><u>Licensing Authority</u></p> <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>licensing@south-derbys.gov.uk</p>	<p><u>Police</u></p> <p>Derbyshire Constabulary Licensing Section Derby Divisional HQ St. Mary's Wharf Prime Park Way Chester Green Derby DE1 3AB</p> <p>derby.licensing@derbyshire.pnn.police.uk</p>
<p><u>Fire And Rescue</u></p> <p>Derbyshire Fire & Rescue Service South Area Office Ascot Drive Community Fire Station Ascot Drive Derby DE24 8GZ</p> <p>SouthAreaAdmin@derbys-fire.gov.uk</p>	<p><u>Gambling Commission</u></p> <p>Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>info@gamblingcommission.gov.uk</p>
<p><u>Planning</u></p> <p>Head of Planning Services Planning Service South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>planning@south-derbys.gov.uk</p>	<p><u>Environmental Health - Pollution</u></p> <p>Environmental Health Division South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>environmental.health@south-derbys.gov.uk</p>

<u>Customs & Excise</u>	<u>Derbyshire Safeguarding Children Board</u>
HM Revenue & Customs National Registration Unit Port Cullis House 21 India Street Glasgow G2 4PZ nrubetting&gaming@hmrc.gsi.gov.uk	Chatsworth Hall Chesterfield Road Matlock Derbyshire DE4 3FW trading.standards@derbyshire.gov.uk

DRAFT



**South
Derbyshire**
District Council

Gambling Act 2005

Statement of Licensing Policy

Local Area Profile Plan

Introduction

As part of the Social Responsibility Code, from April 2016, licence holders are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures in place to mitigate those risks.

The Council as Licensing Authority would expect an operator's local risk assessment to cover the following areas:

- The premises' building;
- Location of the premises;
- Protecting children;
- Demographics of the area in relation to vulnerable groups;

- Protecting vulnerable people;
- whether the premises is in an area subject to high levels of crime and disorder;
- Vicinity of schools, playgrounds, leisure and community centres and other areas where children will gather;
- Vicinity of gambling or addiction support or treatment centres, residential care homes, medical facilities or Council housing offices where vulnerable groups will gather;
- Gaming trends that may reflect benefit payments or pay days;
- Information held by the licensee regarding self-exclusion and incidences of underage gambling.

This list is not exhaustive.

The Licensing Authority expects that the local risk assessment is kept on the individual premises and is available for inspection. The Licensing Authority expects that all members of staff are aware of the local risk assessment and are encouraged to assist in the production and review of the local risk assessment. Staff should also be aware of and implement any control measures identified in the local risk assessment.

The Licensing Authority will require the operator to provide their local risk assessment where there are concerns in relation to the premises in order for the Licensing Authority to assess the measures in place to address the specific concerns.

Any applicant applying for the grant or variation of a premises licence must include a local risk assessment in addition to their application. The local risk assessment must assess the

local risks to the licensing objectives posed by the provision of the applicant's proposed gambling facilities at the premises. The applicant must have policies, procedures and control measures to mitigate the risks identified in the assessment. These policies and procedures must be submitted with the application.

The Licensing Authority would expect the local risk assessment to be reviewed following any significant changes in local circumstances, significant changes at the premises and any substantiated complaint in relation to the premises. The local risk assessment must be submitted to this Licensing Authority following any such review.

Examples of significant changes in local circumstances include:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area;
- An increase in educational facilities in the area;
- Any vulnerable groups identified by this Licensing Authority or venues relating to those vulnerable groups opened in proximity to the premises.

The Licensing Authority would expect the operator to work with the Licensing Authority to improve any areas of the local risk assessment that do not adequately mitigate the risks identified, have inadequate measures to reduce risks or fail to identify all of the local risks.

Local Area Profile Plan

The Licensing Authority recognises that it is not a mandatory requirement to have a local area profile however the Licensing Authority believes that a local area profile will assist licence holders in producing their risk assessments. A local area profile plan was initially introduced in 2016.

The local area plan is intended to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licence holders and a more coordinated response to local risks.

In order to review the local area profile, the Licensing Authority requested data from a number of bodies including the Responsible Authorities in order to assess any potential and actual risks relating to gambling within the District. The Licensing Authority has considered the Joint Strategic Needs Assessment in producing this local area profile.

Enquiries with relevant organisations have not revealed any data to suggest that there are any areas within the District that could be identified as a risk.

However, the local area profile plan is required to identify any potential risks that might arise, therefore in light of current research into gambling, the Licensing Authority has identified the following potential risk areas and provided additional information to assist licence holders.

Children, Adolescents and Young Adults

Children, adolescents and young adults have been explicitly identified as being vulnerable to the experience of gambling problems or at risk of experiencing gambling problems.

The licensee needs to be aware of the proximity to their premises of schools and vulnerable adult centres and residential areas with a high concentration of families with children and the Licensing Authority would expect to see additional measures in place to mitigate any existing or potential risks in such areas.

The Licensing Authority will carefully consider an application located near to these types of premises and decide whether there is a need for any conditions to mitigate the risks in light of the third licensing objective. Each case will be decided on its own merits and will depend on the type of gambling that is proposed for the premises. However, the Licensing Authority will consider additional controls if the licence holder does not have sufficient measures in place.

Licence holders need to be aware of the location of the following 'sensitive' buildings within in the District:

- Schools and Colleges (a list is available on Derbyshire County Council's website);
- Village halls that offer services for children.

The Licensing Authority expects licence holders to ensure that advertising relating to the premises, or relating to events at the premises, is not displayed when children are likely to be near the premises.

The licensee needs to be aware that there is an on-going issue with anti-social behaviour in Swadlincote Town Centre caused by local adolescents. This Licensing Authority would expect control measures to be in place in a licensee's local risk assessment to address this issue.

Mental Health

There is a consistent body of evidence demonstrating a strong association between gambling and mental health problems. This suggests that people with common mental disorders, substance use/abuse problems and psychoses have higher rates of problem or at-risk gambling than those without these conditions. With this in mind, the licensee needs to be aware of the following premises within the District which if in close proximity to the gambling premises then extra measures must be in place to mitigate the risks:

- Supported housing for people with drug and alcohol issues at Midland Road, Swadlincote
- Supported housing dispersed properties in Newhall, Swadlincote, Midway and Church Gresley.

The licensee needs also to be aware that there are street drinkers in the Swadlincote Town Centre. There is no evidence that these street drinkers gamble however these individuals are vulnerable due to their substance use/abuse problems so the Licensing Authority would expect control measures to be in place in a licensee's local risk assessment to address this issue.

People with learning difficulties have been identified as being at risk of experiencing harm as they are identified as not being able to make an informed choice about whether to gamble.

Unemployment

There is a consistent body of evidence showing that those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.

Evidence has shown that those living in deprived areas are more likely to experience problems with gambling. According to the Index of Multiple Deprivation 2015 (IMD 2015),

Midway, Newhall and Stanton and Woodville are the three most deprived wards in South Derbyshire.

This local area profile will be reviewed as required when further information and/or data becomes available.

DRAFT

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	27th SEPTEMBER 2018	CATEGORY: DELEGATED
REPORT FROM:	ALLISON THOMAS: STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	KAREN BEAVIN (01283 595749) karen.beavin@south-derbys.gov.uk	DOC:
SUBJECT:	ADOPTION OF THE STATEMENT OF COMMUNITY INVOLVEMENT	REF:
WARD(S) AFFECTED:	ALL WARDS	TERMS OF REFERENCE: EDS03

1.0 Recommendations

- 1.1 That the Statement of Community Involvement (SCI) attached at Appendix 1 be adopted by the Council, replacing the SCI adopted in March 2006.

2.0 Purpose of Report

- 2.1 To inform the Committee on the outcome of the draft SCI consultation and to present the final SCI for adoption.

3.0 Detail

- 3.1 At the meeting of this Committee on 31 May 2018, the draft SCI was approved for consultation. The consultation on the SCI ran for just over seven weeks, closing on 3 September 2018.
- 3.2 Details of the consultation itself, together with a summary of the representations received, and officer comments in response to those representations, are set out in the Consultation Statement at Appendix 2.
- 3.3 A total of nine responses were received to the draft SCI consultation, seven of which were expressing either no specific comment or support for the SCI as drafted. The remaining two consultation responses were from parish councils and their summarised comments are set out in the Consultation Statement.
- 3.4 One change has been made to the SCI in direct response to a consultation response. Further changes have been made to the SCI to improve its clarity and intent, however for the most part the SCI remains as presented to this Committee in May.

4.0 Financial Implications

- 4.1 There are no financial implications directly arising from this report.

5.0 Corporate Implications

- 5.1 To facilitate and deliver a range of integrated and sustainable housing and community infrastructure is a key aim within the Place theme of the Corporate Plan. A Statement of Community Involvement is a key tool in delivering this aim.

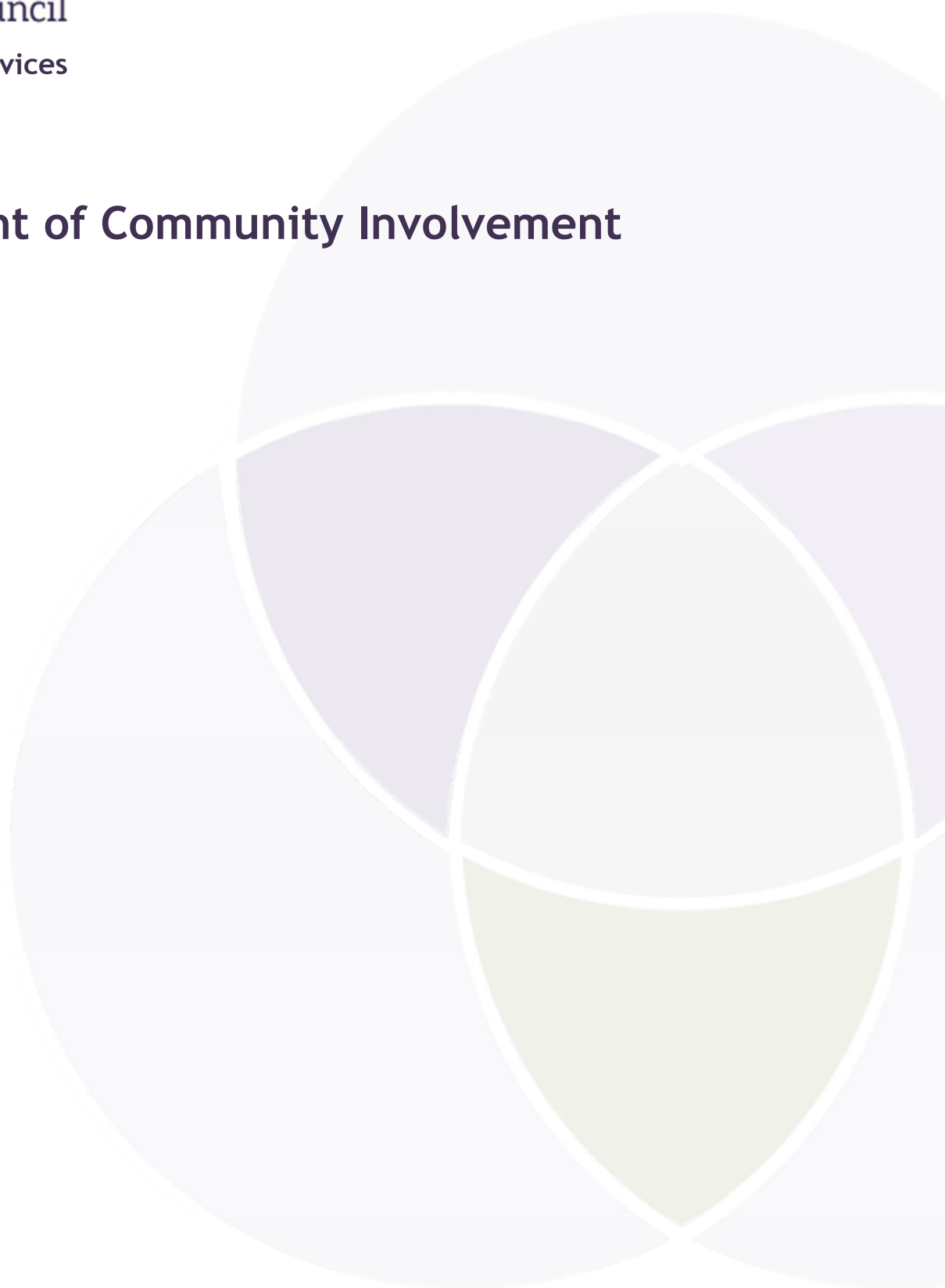
6.0 Community Implications

- 6.1 The Statement of Community Involvement is, by its very nature, a mechanism for the community to understand what it can expect from the planning process, be that through policy production or planning applications.

7.0 Background Papers

- 7.1 Appendix 1 – Statement of Community Involvement, September 2018
Appendix 2 - Consultation Statement

Statement of Community Involvement



This is a blank page

Contents

What is the Statement of Community Involvement	Page 1
Documents subject to public consultation	Page 3
Who will be involved	Page 7
Possible methods of community involvement	Page 9
When consultation takes place in the production of Local Plans	Page 13
When consultation takes place in the production of Supplementary Planning Documents	Page 17
Involvement in planning applications	Page 19
Managing the process	Page 21
For more information	Page 25
Appendix A: Neighbour Notification Policy	
Appendix B: Glossary	

This is a blank page

1. What is the Statement of Community Involvement?

- 1.1 The main purpose of the Statement of Community Involvement (SCI) is to set out how the community, businesses and other organisations with an interest in the development of the District can engage with the planning system.
- 1.2 South Derbyshire District Council is the Local Planning Authority (LPA) for the South Derbyshire area, and as such is responsible for producing planning policy documents and determining planning applications. This document sets out the procedures and methods that will be used to consult when preparing new Local Plan related documents, Supplementary Planning Documents (SPDs) and when processing planning applications. How the Council will support the production of Neighbourhood Development Plans is set out under section 2 below.
- 1.3 This document will replace the SCI that was adopted by the Council in March 2006. There have been several changes to planning legislation since, and experience of producing a Local Plan under this new legislation, as well as the rise of the internet's role in community consultation and publicity, have informed the revised version of the SCI.
- 1.4 The requirement for the Council to produce an SCI is set out in Section 18 of the Planning and Compulsory Purchase Act 2004.

South Derbyshire Local Plan: Current Context

- 1.5 At the time of the adoption of the 2006 SCI, the approach to the production of local planning documents was the Local Development Framework (LDF) system. This was to comprise a Local Development Scheme (LDS), an SCI, an Annual Monitoring Report (AMR) and a portfolio of Development Plan Documents (DPDs) (including a Core Strategy) and Supplementary Planning Documents (SPDs) which would provide local planning policies and advice against which planning proposals would be considered.
- 1.6 The National Planning Policy Framework (NPPF) subsequently indicated that LPAs should produce a Local Plan for their areas which could be reviewed in whole or in part to allow for a flexible response to changing circumstances. Revised Local Plan Regulations reflected this change, such as The Town and Country Planning (Local Planning) (England) Regulations 2012, which made new provisions and amendments to take account of the changes made by the Localism Act 2011, and The Neighbourhood Planning (General) (Amendment) Regulations 2015 which made further provision in relation to the designation of neighbourhood areas and the submission of Neighbourhood Development Plans to LPAs.
- 1.7 The South Derbyshire Local Plan Part 1 was adopted in June 2016. The Plan sets out a plan for growth for the District to 2028 including strategic housing and employment allocations and environmental and infrastructure policies. The Local Plan Part 2 was adopted in November 2017; this Plan includes non-strategic housing allocations, development management policies and redefined settlement boundaries.

- 1.8 Two SPDs have been adopted following the adoption of the Local Plans Part 1 and 2. These are the South Derbyshire Design Guide SPD and the Affordable Housing SPD.

The Local Development Scheme

- 1.9 The LPA is required to produce and regularly update an LDS setting out how the Council will progress the Local Plan and its associated documents over a 3 year period. An LDS is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.10 The LDS assists those interested in the development of the area by informing them of the anticipated timescale for the production of each document. The LDS sets out the programme for the management of the Local Plan. It is a public statement identifying the timetable for the production of local development documents and is reviewed annually. It is the starting point for the community and stakeholders to find out more about which future planning policies will apply to a particular place or issue and their status.
- 1.11 It is not intended to go into the details of the current LDS for South Derbyshire in this document as the LDS will change over time following annual updates. The current LDS is available to view on the Council's website at www.south-derbys.gov.uk.

Duty to Co-operate

- 1.12 Section 110 of the Localism Act 2011 sets out a 'Duty to Co-operate' for LPAs, County Councils and other bodies with statutory functions to co-operate with each other. Co-operation includes constructive and active engagement as part of an ongoing process to maximise effective working on the preparation of local planning documents.
- 1.13 The Council has, for a number of years, worked in partnership with other local planning authorities and partnership organisations when producing local planning documents. The Derby Housing Market Area (HMA), comprising Amber Valley, Derby City and South Derbyshire Councils, has a particularly close relationship, established through the production of their respective Local Plans. It is intended that this approach will continue, both within the Derby HMA and beyond, and that the Council will meet fully its obligations under the Duty to Co-operate.
- 1.14 The list of Duty to Co-operate prescribed bodies are specified in The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

2. Documents subject to public consultation

Local Plans

- 2.1 Local plans set out the planning strategy, policies and proposals for an LPA area. These documents are prepared with involvement from the community, stakeholders and bodies specified by regulation. They must be examined by an Independent Inspector and found 'sound' before they can be adopted by the Council.
- 2.2 The current context for local plan consultations is outlined in section 5 below.

Supplementary Planning Documents

- 2.3 Supplementary Planning Documents (SPDs) are non-statutory documents intended to expand upon the policies and proposals in local plans. SPDs can be area or issue based. Whilst SPDs are not the subject of an independent examination, they undergo public consultation at draft stage(s) and are adopted by receiving the endorsement of the elected members of the Council.

Neighbourhood Plans

- 2.4 There is now an opportunity for communities to become involved in the planning process and shape development within their own local area. The [Localism Act 2011](#) introduced new rights and powers; by using these rights and powers, communities are able to produce Neighbourhood Development Plans (NDPs) and under certain circumstances are able to grant Neighbourhood Development Orders (NDOs) or progress development under Community Right to Build Orders. The Act identifies that community participation has to be through an appropriate qualifying body – either parish councils or a neighbourhood forum.
- 2.5 The key theme is using local knowledge and research to develop policies and orders to support development of the built environment within local communities. Through detailed consultation undertaken by local qualifying bodies, communities can become involved in the production of NDPs. These plans provide an opportunity for local communities to develop a vision and specific planning policies for their neighbourhood area. Local knowledge and understanding provides much greater detail of the neighbourhood area than that included within the [Local Plan](#).
- 2.6 Local community involvement allows neighbourhood development plans to be shaped to include policies and aspirations around:
 - where new homes, shops and offices should go;
 - which green spaces should be protected;
 - what new development should look like; and
 - new infrastructure requirements.
- 2.7 NDPs provide the chance to be positive about the changes you would like to see happen in a particular area. It is important to note that these are part of the Development Plan and will need to:

- have regard to national planning policy;
- be in general conformity with strategic policies within the Local Plan; and
- be compatible with EU obligations and human rights requirements.

2.8 Guidance on Neighbourhood Plans is set out in the Planning Practice Guidance (PPG) which is available at www.gov.uk/government/collections/planning-practice-guidance. Further guidance for communities is available from the Planning Advisory Service at www.local.gov.uk/pas and the Planning Portal at www.planningportal.co.uk. Below is an extract from the Planning Portal's website¹:

"Neighbourhood planning can be taken forward by two types of body - town and parish councils or 'neighbourhood forums'. Neighbourhood forums are community groups that are designated to take forward neighbourhood planning in areas without parishes. It is the role of the local planning authority to agree who should be the neighbourhood forum for the neighbourhood area.

The criteria for establishing neighbourhood forums are being kept as simple as possible to encourage new and existing residents' organisations, voluntary and community groups to put themselves forward.

Neighbourhood forums and parish councils can use new neighbourhood planning powers to establish general planning policies for the development and use of land in a neighbourhood. These are described legally as 'neighbourhood development plans.'

In an important change to the planning system communities can use neighbourhood planning to permit the development they want to see - in full or in outline - without the need for planning applications. These are called 'neighbourhood development orders.'

Local councils will continue to produce development plans that will set the strategic context within which neighbourhood development plans will sit.

Neighbourhood development plans or orders do not take effect unless there is a majority of support in a referendum of the neighbourhood.

They also have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy).

An independent qualified person then checks that a neighbourhood development plan or order appropriately meets the conditions before it can be voted on in a local referendum. This is to make sure that referendums only take place when proposals are workable and of a decent quality.

Proposed neighbourhood development plans or orders need to gain the approval of a majority of voters of the neighbourhood to come into force. If proposals pass

¹ www.planningportal.co.uk/info/200130/common_projects/437/320 Neighbourhood planning

the referendum, the local planning authority is under a legal duty to bring them into force.”

- 2.9 Under the Town and Country Planning Act 1990 (as amended) the Council has a statutory duty to assist communities in the preparation of NDPs and NDOs and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority’s responsibilities as:
- designating a forum;
 - designating the area of the NDP;
 - advising or assisting communities in the preparation of a NDP;
 - checking a submitted plan meets the legal requirements;
 - arranging for the independent examination of the NDP;
 - determining whether the NDP meets the basic conditions and other legal requirements; and
 - subject to the results of the referendum/s, bringing the NDP into force.
- 2.10 The basic conditions to be met by a draft NDP are set out in Schedule 4B of the Town and Country Planning Act 1990 (inserted by the Localism Act 2011) and are as follows:
1. [The NDP] has regard to national policy and guidance from the Secretary of State;
 2. contributes to sustainable development;
 3. is in general conformity with the strategic policy of the Development Plan for the area or any part of that area; and
 4. doesn’t breach or is otherwise compatible with EU obligations – this includes Strategic Environmental Assessment (SEA) Directive of 2001/42/EC.

How you and your community can become involved in creating a Neighbourhood Development Plan

- 2.11 If you live in a parished area you will need to approach your parish council as the qualifying Neighbourhood Planning Body (NPB) and ask them to consider producing an NDP.
- 2.12 If you live in an area that is not parished it will be necessary to set up a NPB. This will take time and commitment from the community.
- 2.13 While it may seem daunting, there is help and funding available. Whilst the plan’s creation will take time and effort, South Derbyshire District Council can support the process. If your parish or local community wishes to consider creating an NDP, the first point of contact at the District Council is the Community Partnership Officer (see page 25 for contact details).

Sustainability Appraisal and Strategic Environmental Assessment

- 2.14 Sustainability Appraisal (SA) is a method designed to help planning authorities contribute to the aim of achieving sustainable development in preparing plans and policies. It is a mandatory requirement under the Planning and Compulsory Purchase Act 2004 for local authorities to undertake an SA of documents that comprise their Local Plan.
- 2.15 An SA report will be produced and consulted upon alongside each local development document that the Council publishes. The process of SA fully incorporates the requirements of Strategic Environmental Assessment (SEA) in relation to plans and programmes, as required under the European SEA Directive (2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004.

3 Who will be involved

- 3.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations')² set out the legal requirements for consultation and public participation in respect of local planning documents. It is our intention to meet, and where possible exceed, the requirements of the regulations.

Specific Consultation Bodies

- 3.2 The Regulations specify that we must consult the 'specific consultation bodies' if it is considered that the body will be affected by what is proposed to be covered in a Local Plan. The specific consultation bodies are specified in the Regulations and include organisations such as the Environment Agency, Highways England and Historic England.

General Consultation Bodies

- 3.3 In addition to the Specific Consultation Bodies we will also consult with General Consultation Bodies to seek their views. The Regulations indicate General Consultation Bodies should include:
- voluntary bodies some or all of whose activities benefit any part of South Derbyshire, such as parish councils;
 - bodies which represent the interests of different racial, ethnic, or national groups in South Derbyshire;
 - bodies which represent the interests of different religious groups in South Derbyshire;
 - bodies which represent the interests of disabled persons in South Derbyshire; and
 - bodies which represent the interests of persons carrying on business in South Derbyshire.

Individual Members of the Community and Businesses

- 3.4 Since 2009 the District Council has compiled a local plan consultation database, actively promoting the database as the best way to be kept informed of progress on the Local Plan. This database is being refreshed following the natural break that the adoption of the Local Plans Part 1 and 2 has facilitated, which has timed well with the change in data protection rules. Those wishing to remain on the database will continue to be notified of all Local Plan related consultations and significant events.
- 3.5 General Consultation Bodies and Specific Consultation Bodies are consulted at the same time as those on the local plan consultation database. However, certain groups and organisations may have specialist knowledge or technical expertise with regard to particular subject areas. Where it is pragmatic and possible to do so, the District Council will use its knowledge of these local groups and organisations to identify which to engage with at an earlier stage.

² www.legislation.gov.uk/ukxi/2012/767/contents Page 55 of 320

Seldom-Heard Groups

- 3.6 It is recognised that some sectors of the community may be more difficult to engage in the participation process. Examples of these seldom-heard groups include disabled people, elderly people, young people and those who have recently moved into the District. The Council will actively seek to engage with these groups in order to ensure they can make a contribution to planning the future of South Derbyshire.
- 3.7 The local plan consultation database includes the contact details of many organisations and individuals representing or in contact with, seldom-heard groups. The District Council will be proactive in taking the opportunity to invite new contacts onto the database.

4 Possible methods of community involvement

- 4.1 There are several potential methods of community involvement. These will vary in how they reach people and in terms of resource requirements. A range of involvement methods is set out in the table below. The table is not intended to be exhaustive and additional methods may be used where appropriate. Alternative methods suggested by the community or stakeholders will also be considered.
- 4.2 The type of methods employed will be tailored to suit the subject area of each document or type of planning application, and the resources available. It is recognised that some groups in the community are in a better position to participate than others, and that to be successful community involvement should be inclusive.
- 4.3 This SCI recognises the limits of the District Council's resources and attempts to make the most effective use of the resources available. Where the need arises for more focused, intensive methods then the District Council will, subject to the availability of resources, seek to utilise these methods in conjunction with local groups and stakeholders. However the inclusion of these potential methods in the SCI should not be considered as an undertaking that all methods will be available on demand during the production of each document produced.
- 4.4 Potential methods of community consultation and involvement include:

Method	Detail	Requirement Level
Local Plan Consultation Database	To contact all of those on the local plan consultation database, either by email or letter, informing them of the consultation	Compulsory
Correspondence with Statutory Bodies	To contact the Statutory Body, usually via email, to inform them of the consultation.	Compulsory
Hard copies of documents	Documents available at the District Council Offices and libraries within the District	Compulsory
Website	All live consultation documents will be made available on the District Council's website and a direct link to the relevant webpage will be included in consultation material.	Compulsory
Press Releases/Articles	Details of local plan consultations and drop-in events may be issued in a press release or in articles for local publications.	Used where practicable

Method	Detail	Requirement Level
Local Media	The District Council's communications team will advise on relevant local media contacts, including local community websites, and where appropriate, notify of any press releases.	Used where practicable
Social Media	Facebook and Twitter may be used to publicise consultations and public drop-in events. This is particularly useful for some seldom-heard groups in the District, such as young people.	Used where practicable
Area Forums	These are quarterly community-based meetings held in six area-based locations across the District. Can be particularly useful when discussing topics which fall wholly within a local area.	Used where practicable
Drop-in events, workshops and focus groups	Usually held in various locations across the District, drop-in events allow the public to discuss consultation proposals in detail and face to face with Officers. Where necessary, particularly relevant groups, stakeholders or individuals may be invited to take part in a focus group discussion or workshop.	Arranged where appropriate
Questionnaire	It is usual for a questionnaire to accompany a consultation, available both electronically and in hard copy format.	Produced where appropriate
Leaflets	Summary leaflets are usually produced to accompany a consultation. The leaflet is available online, at locations where hard copies of the documents are available for inspection and at drop-in events. It is, however, too expensive to produce a hard copy for each household within the District.	Produced where appropriate

Method	Detail	Requirement Level
Steering Group	From time to time, specific steering groups are established, often with elected Members, to engage with and address specific issues.	Arranged where appropriate
Sustainable Development Group	A sub-group of the Local Strategic Partnership meeting quarterly, incorporating a variety of local agencies.	Used where practicable

This is a blank page

5 When consultation takes place in the production of local plans

5.1 There are three stages of local plan production where the Regulations require some form of consultation:

1. Preparation of a Local Plan - Regulation 18: Requires that certain specific and general consultation bodies (see section 3 above) are invited to make representations about what a Local Plan ought to contain.

2. Publication of a Local Plan - Regulation 19: Copies of a proposed Local Plan and associated documents are made available for inspection for 6 weeks. The Council invites interested parties (in addition to the specific and general consultation bodies) to make formal representations at this stage. This stage of consultation involves communities, businesses, parish councils, developers and other interested parties. This is effectively the final stage when formal representations can be made to the Council.

3. Submission of a Local Plan to the Secretary of State - Regulation 22: The proposed Local Plan and associated documents are submitted to the Secretary of State for examination. An independent Inspector is subsequently appointed to examine the soundness of the plan. The Council provides the independent Inspector with the formal representations made at the previous stages. At this stage, the Council cannot consider new formal representations, although opportunities exist for additional statements to be made to the Inspector to elaborate on representations previously made.

5.2 The regulatory stages outlined above may not always allow sufficient participation in the production of planning policy documents to fully examine the issues and potential options available. Therefore the Council would wish to retain the option of inserting an additional stage into the process after Regulation 18. This would allow for a period of public consultation to get feedback on the issues identified and likely preferred options for addressing these issues.

5.3 The following table gives an indication of the main stages in the production of a Local Plan and outlines where involvement opportunities are available.

Main Local Plan Production Stages		
Regulatory Stage	What is involved	Who is involved
No regulation	Evidence Gathering	Selected stakeholders, groups, or organisations

Main Local Plan Production Stages		
Regulatory Stage	What is involved	Who is involved
Regulation 18	Notification of appropriate bodies and persons that a local plan is being prepared and seek their views on what the document should contain.	Specific Consultation Bodies. Appropriate General Consultation Bodies. Local plan consultation database
No regulation	Consultation on draft document examining issues and potential options.	Specific Consultation Bodies Appropriate General Consultation Bodies Local plan consultation database
Regulation 19	Consultation on the local plan that the Council intends to submit to the Secretary of State. Regulations require a minimum consultation period of 6 weeks.	Specific Consultation Bodies General Consultation Bodies Local plan consultation database
Regulation 22	Submission of the proposed local plan to the Secretary of State along with the Sustainability Appraisal, supporting evidence documents and copies of all representations to the Local Plan.	This is not a consultation stage. Notification of the submission of the Local Plan to the Secretary of State is given to Specific and General Consultation Bodies previously consulted in the Local Plan's production, those on the local plan consultation database and others who request to be notified.

Main Local Plan Production Stages		
Regulatory Stage	What is involved	Who is involved
Regulation 24	<p>Public examination of the local plan by an independently appointed Inspector. The Inspector will consider the issues raised through the representations and determine whether the plan is legally compliant and meets the tests of soundness, namely:</p> <ul style="list-style-type: none"> ▪ positively prepared; ▪ justified; ▪ effective; and ▪ consistent with national policy. 	<p>All those who made representations</p> <p>Others who may wish to attend the examination sessions</p>
Regulation 26	Adoption of the local plan by the Council.	All those who made representations or who requested to be notified of the adoption.

This is a blank page

6 When consultation takes place in the production of Supplementary Planning Documents

- 6.1 Supplementary Planning Documents (SPDs) are intended to expand upon policies in local plans, providing further detail. They are not subject to an independent examination but are produced with community involvement and are subject to a period of formal public participation.
- 6.2 Regulations do not stipulate specific requirements on who should be involved with and informed of the production of an SPD. The opportunity will be taken for targeted consultation and engagement with relevant bodies in the production of an SPD, dependent on the subject matter. A consultation will also take place that invites representations from all general and specific consultees, as well as those on the local plan consultation database.

This is a blank page

7 Involvement in planning applications

- 7.1 This Statement of Community Involvement also outlines how the community will be involved in the process of submitting and deciding individual planning applications. The definition of a planning application is set out in Appendix B.

Minimum requirements

- 7.2 We are already required to notify the local community on most planning applications submitted, and statutory requirements to place site or press notices will be followed. We are also required to consult certain organisations if it is considered that their interests would be affected by the planning application. The specific organisations are specified in the Procedure Order³ and include organisations such as the Environment Agency, Highways England and Historic England.

Towards good practice

- 7.3 It is recognised that, in some cases, it will be beneficial and appropriate to involve more people and/or include them earlier in the process. Set out below are the additional actions we may take prior to and during the application stage. Also set out below are the actions to be taken following a decision.

Pre-application

- Actively encourage pre-application discussions with developers.
- Actively encourage developers of larger schemes to inform and involve the community in shaping their proposals.
- For smaller applications, actively encourage applicants to discuss their plans with neighbours prior to submitting their application.

Application Stage (minimum)

- Circulate details to the relevant parish council;
- Circulate details to the relevant Neighbourhood Planning Body;
- Circulate details to the relevant amenity groups, where it has been previously agreed those groups will be notified;
- Notify neighbours in accordance with our neighbour notification policy (Appendix A).

Application Stage (additional)

- Publish a list of applications received on the website⁴;
- Publish amendments to the application received before a decision is made;
- Accept comments after the minimum period where the decision has not yet been made under delegated powers or the planning officer's report not been published on a planning committee agenda.

³ www.legislation.gov.uk/ukxi/2015/595/contents/made

⁴ www.planning.south-derbys.gov.uk

Decision

- Place decision notices (and any associated legal agreements, Non-material Amendments and Approval of Conditions, where relevant) on the website along with the officer's report.
- Concerns about applications that may not have been implemented as approved can be raised with our enforcement team for investigation by completing the relevant form⁵.

Consultation on procedures for handling applications

- 7.4 It is for the LPA to decide how it handles planning applications. However, certain procedural documents must be consulted upon prior to their adoption by the Council (for instance, Local Validation Requirements). There are no prescribed regulations which set out who must be consulted on such documents, or the manner in which the consultation must be carried out, and it will be for the LPA to decide the best method of doing so having regard to the likely users of the document concerned, its purpose and its significance. The chosen method will be first endorsed by elected Members of the Council before the consultation period commences, with the consideration and adoption of the document dependent on the resolution of those elected Members.

⁵ www.south-derbys.gov.uk/our-services/planning-and-building-control/planning/report-works-or-activity

8 Managing the process

Feeding information into plan and decision making

- 8.1 The information obtained through community involvement will be collated and used to inform our decisions (as with the determination of planning applications, see section 7 above) and/or shape any documents the District Council produces.

Feeding back to those involved

- 8.2 Each local development document will require a Consultation Statement to be produced alongside it. This must outline how the Statement of Community Involvement has been followed and how doing so has benefited document production. This will provide some indication of the benefits of the community's involvement. We aim to make the link between responses and the Council's decision or action clear.

Our feedback commitment

- 8.3 We aim to provide feedback on any participatory activities or consultation processes associated with local development documents within 10 weeks of the event or the completion of the consultation. Comments received by email will receive an acknowledgement email by return. The local plan consultation database will be used to keep interested parties informed of the progress on local development documents.

How will the processes be resourced?

- 8.4 It is clear that community involvement requires resources and time, particularly for activities such as the drop-in events. The LPA receives funds through the Planning Services budget from the Council and funds such as the New Homes Bonus from the Government.
- 8.5 The District Council will seek to optimise resource efficiency. This will be done by:
- clearly defining the roles of the different individuals and groups involved;
 - learning from and, where possible, utilising the skills of other organisations (e.g. Local Strategic Partnership, Clinical Commissioning Groups and Planning Aid); and
 - wherever appropriate, combining and integrating involvement activities to ensure we do not over-consult people, thereby making more efficient use of time and resources.

Staff - Officers will be responsible for the delivery of the majority of the activities set out in this SCI. Where needed, support will be sought from other Council departments. Furthermore, we will review staff capabilities and work to fill any gaps as appropriate, for example through training.

Consultants - Where it is felt that a process would benefit from additional support or expertise, for example in facilitating more interactive sessions, we will consider employing consultants. The decision to do so will be informed by a full review of the potential costs and benefits.

Equipment and material - We already have in place much of the equipment and material needed to undertake the activities outlined. Resources held by other Council departments can be utilised where needed.

Venues and other costs - Council facilities which are available free of charge will be utilised wherever possible. Where appropriate we will hire accessible, local venues that offer value for money. Where possible, activities will be combined with those of other Council departments to ensure that processes are efficient and costs are minimised.

Roles and responsibilities

8.6 There are a number of different individuals and groups who have a role to play in achieving effective community involvement in planning:

- **Role of developers** – to promote specific sites for development and, if appropriate for the development, fulfil community involvement requirements to the highest standard.
- **Role of the community** – to raise observations, concerns and/or state support for proposals in order to ensure that development takes place in an acceptable manner. We actively encourage all members of the community, including the business community, to get involved in policy development as it directly affects the area in which they live and/or work.
- **Role of parish councils and other community networks** – to provide comment on individual planning applications and development proposals that have implications for their area. These organisations are also likely to be invited to represent community interests in involvement activities.
- **Role of Statutory consultees/specialist bodies** – provide information and comment on specialist matters.
- **Role of officers** – to provide professional advice on planning matters and formulate draft policies and plans for Council approval. Officers will also be responsible for delivering community involvement activities.
- **Role of members** – to make formal decisions regarding planning matters in accordance with the Council's rules and procedures, having taken full account of consultation responses.

Planning Aid

8.7 Recognising that Council officers are not always best placed to work with community groups and that some people prefer to seek independent advice, the Council will seek to ensure that people within the District are made aware of the role of the Planning Aid Service. It provides a free and independent advice service on all planning-related matters for individuals and community groups who cannot afford consultant's fees. Further information on Planning Aid is available at www.rtpi.org.uk/planning-aid/.

Making improvements

- 8.8 To make sure the SCI is effective the District Council will monitor its value both in informing and shaping local development documents and providing people in South Derbyshire with the opportunity to be more meaningfully involved in the planning process. The SCI will be modified as lessons are learnt.
- 8.9 Progress on the local plan will be reviewed annually, and the District Council will continue to produce an AMR.
- 8.10 This SCI will be reviewed every two years to provide an opportunity to build on the commitments made and learn from our ongoing experience. If appropriate the document will be updated to reflect changing priorities. It will also be important to review each individual involvement activity or process. We aim to evaluate community involvement activities according to:
- the usefulness of the information produced in informing the document or decision;
 - the usefulness of the process of involvement, for example in raising awareness, overcoming conflict or building ownership; and
 - how worthwhile the participants felt the process or activity to be.

This is a blank page

For more information

Our website

The South Derbyshire District Council planning pages contain information on the planning policy and development management processes and documents. You can view this at www.south-derbys.gov.uk.

Government Policy and Guidance

The Government has published a National Planning Policy Framework and associated Planning Practice Guidance. These are available at www.gov.uk.

Planning Portal

The Planning Portal aims to make information and services simpler and more accessible for those involved in the process, be they applicants, agents or local authorities. See www.planningportal.co.uk.

Planning Aid

A free and independent advice service on all planning-related matters for individuals and community groups who cannot afford consultant's fees. See www.rtpi.org.uk/planning-aid/.

Contact us

Planning Policy Team

For more information about the preparation of the local plan and this Statement of Community Involvement, please contact the Planning Policy Team:

Email: planning.policy@south-derbys.gov.uk

Write to: South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Development Management Team (planning applications)

For more information about Development Control and decisions made on planning applications, please contact the Development Management Team at the same address as above or:

Email: planning@south-derbys.gov.uk

Neighbourhood Planning

If your parish or local community wishes to consider creating a Neighbourhood Development Plan, the first point of contact at the District Council is the Community Partnership Officer:

Email: ian.hey@south-derbys.gov.uk

Write to: South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Appendix A - Neighbour Notification Policy

(1) The Council is committed to appropriate publicity, and will notify neighbours of planning applications as defined in the glossary (Appendix B).

(2) In all cases the principal means of notifying neighbours will be by letter to neighbours whose property lies closer than 4 metres from the application site boundary (defined by the red line on a site location plan, where available) and upon whom the proposal(s) can reasonably be said to impinge in a detrimental fashion. This can include (but is not limited to)⁶:

- discrepancy with the Council's adopted planning policies;
- loss of privacy, light or sunlight;
- overbearing effects;
- visual intrusion;
- loss of character of the building, street scene or area;
- noise disturbance or other pollution;
- traffic generation;
- adequacy of access;
- adequacy of public services;
- loss of important site features.

The above rule will be applied as follows:

Any road less than 20 metres in width will be discounted as if it were not there and the neighbour opposite consulted. Where a road is greater than 20 metres wide then the neighbour on the opposite side of the road is unlikely to be consulted unless the planning officer considers it appropriate to do so based on the nature of the proposed development. The distance of 4 metres (other than where there is a road) is sufficient to identify all neighbours immediately adjoining the site. At the discretion of the planning officer, neighbours further away may be consulted if it appears that they might be impinged upon in a detrimental fashion. In all cases:

- measurement will be approximate by desk based or visual assessment;
- notification will not be undertaken in the case of agricultural, unoccupied, or open land;
- notification on proposals for erection of telecommunication masts will include schools and colleges within 400 metres of the site;
- notification will not be undertaken in the case of other non-residential premises unless the planning officer considers it appropriate to do so.

(3) In addition to (2) above, site notices will be posted in exceptional cases at the discretion of the planning officer having regard to the widespread effect of the proposal on affected residential or commercial properties beyond the 4 metre threshold in the light of the above criteria. Appropriate cases might include:

1. hot food takeaways;
2. airfield developments;
3. marinas;

⁶ These are known as material planning considerations. More information can be viewed at www.planningportal.co.uk/faqs/faq/4/what_are_material_planning_considerations

4. golf courses and golf driving ranges;
5. haulage yards and plant depots;
6. livestock units;
7. proposals for roads, railway and bus stations;
8. motorway/trunk road service stations;
9. private hire/taxi businesses;
10. mobile phone masts.

Site notices will be posted on or near the site. In the case of telecommunication masts, this will extend to each public highway within a 50 metre radius of the site.

(4) Neighbours will normally be given a minimum of 21 days (excluding bank holidays) within which to respond in writing, but responses received after the minimum period will be taken into account provided a decision has not been made under delegated powers or the officer's report has not been published on a planning committee agenda.

(5) Amendments to applications before a decision is made may be publicised further at the discretion of the planning officer responsible where, in their professional opinion, neighbours are likely to experience an increased or new adverse effect from the amended proposal. Normally 10 days will be allowed for further written comments.

(6) Decision notices and the planning officer's report will be posted on the website.

(7) Non-material Amendments to a planning permission after a decision has been made will be considered by the planning officer having regard to the significance of the amendment and its effect on those matters listed under (2) above. Notification of such applications will not be carried out as a matter of course. The amendments and any decision made will be published on the website.

(8) Applications for Approval of Conditions will be considered by the planning officer having regard to the purpose of the condition and its effect on those matters relevant to its imposition. Notification of such applications will not be carried out as a matter of course. The details and any decision made will be published on the website.

Appendix B - Glossary

Adopted Local Plan	The South Derbyshire Local Plan, currently comprised of two parts. Part 1 was adopted in June 2016 and Part 2 adopted in November 2017
AMR (Annual Monitoring Report)	This charts progress of producing and implementing the policies and proposals making up the local plan (sometimes referred to as the Local Development Framework).
Approval of Conditions	Applications which seek approval of pre-commencement or pre-occupation conditions attached to a planning permission.
Community Right to Build Orders	An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.
Consultation Statement	A document summarising the responses received to a local development document consultation, and setting out how those responses have been used.
Core Strategy	A Development Plan Document setting out the spatial vision and strategic objectives of the planning framework for an area, having regard to the Community Strategy.
DP (Development Plan)	The statutory policy framework for considering planning applications, comprising strategic plans, local development documents and neighbourhood development plans.
DPD (Development Plan Document)	A local policy document produced by the Council which makes up part or all of the Development Plan
HMA (Housing Market Area)	The area comprising South Derbyshire, Derby City and Amber Valley.
Larger Schemes	Planning applications which meet the definition of a major application as set out in the Procedure Order
Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004.
Local Development Document	These include Development Plan Documents (which form part of the statutory development plan) and Supplementary Planning Documents (which do not form part of the statutory development plan).
Local Development Framework (LDF)	A portfolio of documents and maps which set out the Council's planning policy framework
LDS (Local Development Scheme)	The local planning authority's scheduled plan for the preparation of Local Development Documents.

NDP (Neighbourhood Development Plan)	A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).
Neighbourhood Area	The defined area to which a Neighbourhood Development Plan will apply.
Neighbourhood Forum	A group established to create a Neighbourhood Development Plan in the absence or instead of, a parish council.
NDO (Neighbourhood Development Orders)	A Neighbourhood Development Order is a means for parish councils or neighbourhood forums to grant planning permission for certain kinds of development within a specific area.
NPB (Neighbourhood Planning Body)	A parish or town council or a neighbourhood forum (where there is no town or parish council) who is empowered to lead the neighbourhood planning process in a designated neighbourhood area.
Non-material Amendment	An application made under section 96A of the Town and Country Planning Act 1990 to amend an existing planning permission in a manner which, in the opinion of the Council, would not have material impacts on planning matters (as set out at paragraph 2 of Appendix A)
NPPF (National Planning Policy Framework)	The Government's policy on planning matters
Permitted Development	Development which already benefits for a general permission under the Town and Country Planning (General Permitted Development) (England) Order 2015
Planning applications	Full, outline and reserved matters applications; applications for removal or variation of conditions made under section 73 of the Town and Country Planning Act 1990; applications for Prior Approval made under Permitted Development allowances; applications for advertisement, listed building and relevant demolition consent; and notifications to carry out work to trees in Conservation Areas or protected by Tree Preservation Orders.
Policies Map	A map which identifies those areas to which specific policies apply
PPG (Planning Practice Guidance)	The Government's guidance on planning matters and the NPPF
Prior Approval	An application where the principle of development is already established through legislation and the Council is asked to consider the impact of certain matters, such as highway safety or flood risk. These are distinct from applications for Prior Notification where there is no duty for the Council to consult

Prior Notification	A notification to the Council where it is intended to use Permitted Development for certain developments
Procedure Order	The Town and Country Planning (Development Management Procedure) (England) Order 2015
Regulations	The Town and Country Planning (Local Development) (England) Regulations 2012
SA (Sustainability Appraisal)	A tool to ensure that policies in all local development documents reflect sustainable development principles
SCI (Statement of Community Involvement)	A statement which sets out how the Council will consult the community and stakeholders on the preparation of planning documents and the determination of planning applications
SEA (Strategic Environmental Assessment)	An EU requirement which applies to plans and policies where impacts will be of a strategic nature
SPD (Supplementary Planning Document)	A document which provides additional detailed guidance to support policies in Development Plan Documents
The Act	The Planning & Compulsory Purchase Act 2004

Consultation Statement:

Statement of Community Involvement

September 2018

1. Introduction

- 1.1 The main purpose of a Statement of Community Involvement (SCI) is to set out how the community, businesses and other organisations with an interest in the development of the District can engage with the planning system.
- 1.2 The current SCI was adopted in March 2006. Subsequent changes in legislation, together with the rapid rise of electronic communication and social media meant that an update to the SCI was necessary. As such, a draft SCI was approved for consultation by the Council's Environmental and Development Services Committee on 31 May 2018.
- 1.3 Following the introduction of the General Data Protection Regulation (GDPR) on 25 May 2018, the Council's local plan consultation database (the database) was updated to include only those consultees from whom the Council had received express consent to remain on the database. The GDPR does not require express consent from those who remain statutory consultees. Those consultees included on the updated database on 12 July 2018 were notified of the consultation on the draft SCI; the consultation ran for over 7 weeks, closing on 3 September 2018.
- 1.4 A consultation questionnaire was created to sit alongside the draft SCI itself. The questionnaire was emailed out to all those on the database and posted out to postal consultees on request. The questionnaire was also available on the Council's website at www.south-derbys.gov.uk/sci

2. Consultation Responses

- 2.1 A total of nine responses were received to the draft SCI consultation. Of those nine responses, seven were to provide either no comment or solely to express support for the SCI.
- 2.2 The two responses providing more detailed comments were both from parish councils. Below are the questions included in the draft SCI consultation questionnaire, a summary of the comments from those parish councils to the questions and then a response setting out how these comments have been addressed.

Q1. Do you have any comments on the Council's role in the Neighbourhood Plans process (outlined in Section 2)?

One parish council felt that the District Council could work more with parish councils and local groups that develop neighbourhood plans as they have the required expertise to help and advise them on putting them together and involving the community. The second parish council felt that the draft SCI describes what had happened in the production of their neighbourhood plan and stated that it appeared to be an appropriate way to approach future neighbourhood plans.

Response

Comments on the neighbourhood planning process are noted, however the comments received indicate that the SCI sufficiently sets out the neighbourhood planning process; no change required.

Q2. Do you have any comments on who will be involved (outlined in Section 3)?

One parish council felt that the District Council should work harder to consult with more groups and people within communities; a good first step would be to add parish councils to the Specific Consultation Bodies. The concern was raised that the consultation database is largely unknown to most members of the public.

The second parish council felt that the list was appropriate and suggested parish councils be listed as a General Consultation Body.

Response

The Specific Consultation Bodies are specified in planning regulations. Parish councils are General Consultation Bodies and this has now been highlighted in the final version of the SCI.

Q3. Do you have any comments on the possible methods of community involvement (outlined in Section 4)?

The first parish council stated that it is essential that the community, groups and associations are involved in the consultations more and the consultation process needs to be longer to give them a bigger voice. Comment made that there is no doubt that the most effective way of reaching the community is through Local Media and Social Media. The second parish council's comment was that the proposed SCI appeared appropriate.

Response

No change required to the SCI itself; the concerns of the parish council can be taken on board using the SCI as written.

Q4. Do you have any comments on the consultation of Supplementary Planning Documents (outlined in Section 6)?

The first parish council felt that very often the supplementary planning documents are just as important as the Local Plan, so in the interests of transparency there should be a consultation on them as there is with the Local Plan. The second parish council felt that the proposed SCI appeared appropriate.

Response

No change required to the SCI itself; the concerns of the parish council can be taken on board using the SCI as written.

Q5. Do you have any comments on the involvement in planning applications (outlined in Section 7)?

Concern raised included that very often parish councils feel totally removed from the planning process; there needs to be more of a two-way process with feedback to the Parish Council especially when it has made comments on applications or the applications are contentious. Felt that for larger applications a parish council should be informed at the stage of a developer engaging with SDDC. Otherwise when/if the developer informs the local community, there is already a good understanding between SDDC and the developer as to what will be acceptable. This not only misses the opportunity of getting some local knowledge into the process early, but it would avoid the current situation where public distrust is generated by the apparent secrecy.

Response

Parish Councils are notees and not consultees under the application process. The Council has to balance the publicity exercise with Council resources, and do not presently enter into dialogue on any representations received. The more contentious applications often end up at committee where the public may attend and the meeting is minuted. However, the SCI now includes a commitment to publishing of the officer's report alongside each decision, which provides more discussion and reasoning for the decision made.

Many development proposals are developed in dialogue with Council officers at an early stage and may be commercially sensitive. The Local Plan provides a clear guide on the strategic issues affecting the Parishes and the District as a whole, and

the Council expects developers to have regard to this to inform their proposals. Notwithstanding this, officers across the Council are also regularly in touch with the Parishes and Members, so that there is a continuous exchange of local knowledge. In addition, developers are encouraged to speak with the Parish Council and whilst the Council cannot insist on prior consultation for major developments (except in the case of larger wind turbines), the emerging Local Validation Requirements expect a Statement of Community Involvement to be supplied where the proposal is not in accordance with the Development Plan. As such, it is considered that no changes are required to the proposed SCI.

Q6. Do you have any comments on managing the process (outlined in section 8)?

Comment made from a parish council that because they feel removed from the process as it is now, they consider the process is not always followed properly or consistently. This should be made more transparent and clearer so the Council and other groups feel that the process is robust and followed consistently. The second parish council considered that the proposed SCI appeared appropriate.

Response

No change required to the SCI itself; the concerns of the parish council can be taken on board using the SCI as written.

Q7. Do you have any comments on the Neighbour Notification Policy (outlined in Appendix A)?

One parish council felt that the District Council could go much further with the Neighbourhood Notification Policy. The comment was made that it felt as though the Council did the legal minimum at present, when for an outstanding Council it should be going above and beyond that to make communities feel included in the decision making process.

Concerns raised by this parish council over when developers attempt to 'game the system' by submitting applications just before a major holiday period. "In such circumstances SDDC should, as a matter of course, extend the minimum 21 days to something more like 35 days to ensure that those residents on a two-week holiday are not disadvantaged." The second parish council considered that the proposed SCI appeared appropriate.

Response

The period for receiving comments must be carefully balanced with the statutory periods for making a decision on applications, which can vary between 4 and 16 weeks, depending on the nature of the application made. Legislation has been

recently amended to 'discount' public holidays, such as Christmas Day, within the 21 day period. However, the Council requires certainty of when it is entitled to proceed to make a decision on an application, as does the applicant, and it is not reasonable to expect notification periods to accommodate the wide range of holidays taken by residents across the year when the standard period is normally sufficient to sit around those holidays. It must be remembered that the period allowed for comments is usually a minimum, and it often takes longer to make a decision. All comments received before a recommendation is made are taken into account. Parish councils are also welcome to liaise directly with officers should they require further time to make comments, to establish if this is possible and when these need to be supplied by; and this already happens on a regular basis. On this basis it is considered that no changes are required to the proposed SCI.

Q.8 Do you have any other comments?

One parish council commented that in general, the draft statement of community involvement appeared a well written and comprehensive document.

Response

No change required in response to this comment.

3. Conclusion

3.1 Following consideration of the consultation responses received, a change to the draft SCI has been made to make clear that parish councils are considered to be General Consultation Bodies. Other changes have been made to the SCI, not in response to specific comments but rather to improve the clarity and intent of the document.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	27th SEPTEMBER 2018	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	ALLISON THOMAS STRATEGIC DIRECTOR, SERVICE DELIVERY	OPEN/EXEMPT PARAGRAPH NO:
MEMBERS' CONTACT POINT:	KEVIN EXLEY (EXT .8717) kevin.exley@south-derbys.gov.uk	DOC:
SUBJECT:	LOCAL GREEN SPACES – DRAFT DEVELOPMENT PLAN DOCUMENT	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS03

1.0 Recommendations

- 1.1 That the Committee approve the Local Green Spaces Draft Development Plan Document (see Appendix A) for consultation.

2.0 Purpose of Report

- 2.1 To inform the Committee of the scope and content of the Draft Local Green Spaces Development Plan (“the Draft Plan”) and provide a timetable for the remaining stages of plan preparation.

3.0 Detail

- 3.1 Local Green Spaces were introduced with the National Planning Policy Framework (NPPF) in March 2012. The recent update to the NPPF has left the policy in respect of Local Green Spaces largely unchanged and the updated NPPF allows the Council to designate Local Green Spaces where sites are:
- in reasonable close proximity to the community it serves;
 - demonstrably special to the local community and holds a particular local significance; and
 - local in character and not an extensive tract of land.
- 3.2 The Council has undertaken a number of previous consultations with a view to establishing potentially suitable sites for designation. Officers have reviewed all previously identified sites and identified those suitable for designation using the methodology the Committee agreed at this committee on 19 April 2018. In total 85 Local Green Spaces are proposed across 21 settlements.
- 3.3 In addition to designating sites, the Draft Plan also includes a number of thematic policies to help guide future development, or the enhanced management of sites. These policies cover issues such as built sport and leisure facilities, infrastructure, wildlife and biodiversity, accessibility and improving community value.

- 3.4 It is expected that the Draft Plan will be subject to consultation for not less than six weeks, with any consultation likely to start on Monday 8 October 2018. Consultation materials will be presented on the Council's website and in local libraries and responses will need to be made in writing by email, letter or questionnaire. Proposals for additional sites are not being sought.
- 3.5 Following the consultation on the Draft Plan, any necessary changes to the sites and policies proposed will be made and a further pre-submission consultation undertaken in early spring 2019 in line with regulatory requirements. The Plan will then be submitted to the Planning Inspectorate with examination likely in early summer 2019. Adoption of the Local Green Spaces Development Plan Document is then likely in the autumn 2019.
- 3.6 Finally, as the Draft Plan is a development plan document, there is a statutory requirement to prepare and consult on a Sustainability Appraisal Environmental Report which outlines the likely significant effects of implementing the Plan. There is also a statutory requirement to undertake a Habitat Regulations Assessment considering whether the proposed Plan will have a likely significant effect on sites designated for protection under European law. All necessary environmental assessment work will be published alongside the Plan and will form part of the consultation materials for the Plan.

4.0 Financial Implications

- 4.1 None arising directly from this report.

5.0 Corporate Implications

- 5.1 The adoption of a complete South Derbyshire Local Plan is a key priority of the District Council and is included as an action within the Corporate Plan.

6.0 Community Implications

- 6.1 Local communities are often keen to safeguard areas of green space that they feel are intrinsically important to the settlement in which they live. Local Green Spaces are the mechanism with which to do this through the planning system.

7.0 Background Papers

- 7.1 Appendix A: Local Green Spaces Draft Development Plan Document
7.2 Appendix B: Local Green Spaces Interim Sustainability Appraisal Environmental Report
7.3 Appendix C: Local Green Spaces Habitat Regulations Screening Assessment

Contents

About this consultation	1
Introduction	3
The process for designation	
Stage 1 Assessment	5
Stage 2 Assessments	7
Local Green Spaces proposed sites	
Table of Proposed Sites	8
Maps of Proposed Sites	12
Local Green Spaces policies	
LGS1 Development on a Local Green Space	38
LGS2 Enhancement of a Local Green Space	40
Appendix 1— Full List of spaces considered	44

THIS PAGE IS INTENTIONALLY BLANK

About this consultation

This is the Draft Local Green Spaces Development Plan Document (DPD). This is the first consultation to be undertaken on the Local Green Spaces DPD. Following this consultation, comments received will be considered and changes made to the DPD where appropriate. A further consultation will take place which is known as the 'Regulation 19' consultation which will be the DPD that the Council intends to submit to the Planning Inspectorate for them to examine and determine if the DPD is considered sound.

Consultation Period

The consultation period is for 6 weeks, commencing on Monday 8th October and closing on Monday 19th November.

The Draft Local Green Space Plan is available to view:

- online at www.south-derbys.gov.uk/localgreenspaces
- at the District Council offices, see address below
- at all South Derbyshire libraries.

Comments made in response to this consultation need to be made in writing and consultation forms to complete are available in the above locations.

Representation forms can be completed by hand or electronically and sent to:

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

E-mail: planning.policy@south-derbys.gov.uk

If you have any questions, please contact the Planning Policy Team on 01283 595749.

Please submit your comments by 5pm on Monday the 19th November 2018.

THIS PAGE IS INTENTIONALLY BLANK

Introduction

The planning policies for South Derbyshire are set out in a two-part Local Plan. The Local Plan Part 1 was adopted in June 2016 and the Part 2 was adopted in November 2017.

Local Green Spaces were introduced with the National Planning Policy Framework (NPPF) in March 2012. Whilst Local Green Spaces are not strictly defined in the NPPF, paragraph 100 sets out that the designation of local green spaces should only be made:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

Local green spaces are areas of land that are of value to the local community. Such spaces should be identified and designated through either a local plan or neighbourhood plan. Local green spaces are not exclusively for rural areas, areas of green space in towns and cities that are demonstrably special to the surrounding community are as equally important as those in more rural areas.

The process of identifying potential local green spaces within South Derbyshire began through the Local Plan Part 2, with sites put forward in both the initial options consultation in December 2015 and the Draft Local Plan Part 2 in June 2016.

By the conclusion of the Draft Local Plan Part 2 consultation, around 150 sites within the District had been suggested in total. Whilst the level of interest and general support demonstrated the value of pursuing local green space designations through the local plan process, what was lacking with the vast majority of suggested sites was the evidence to support how each space was demonstrably special to the local community, as required by the NPPF.

The NPPF stipulates that local policy for managing development within Local Green Spaces should be consistent with policy for Green Belts, and that the presumption in favour of sustainable development would not normally apply in these areas.

National Planning Practice Guidance (NPPG) states a Local Green Space designation “is a way to provide special protection against development for green areas of particular importance to local communities”. Such green areas include sports pavilions, structures such

as war memorials, or urban amenity spaces.

The South Derbyshire Local Plan Part 2 includes a policy on Local Green Space, **Policy BNE8**, which sets out the requirement for allocations to be made through a separate document.

Policy **BNE8** states:

Local Green Space

Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the Local Green Space and do not harm the purpose for its designation:

- i) The construction of a new building providing essential facilities for outdoor sport. Outdoor recreation, cemeteries, allotments or other uses of the open land;**
- ii) The carrying out of an engineering or other operation.**

Designations of Local Green Spaces will be made through a separate Development Plan Document or Neighbourhood Development Plan. The Council will work to enhance the biodiversity, heritage, recreation and tranquillity value and where possible the public accessibility of Local Green Spaces through appropriate site management.

The NPPG encourages anyone who wishes to see an area of land designated as local green space to either contact their local planning authority regarding the Local Plan or to get involved in neighbourhood planning. Local green spaces are not a tool to prevent development and the NPPG makes clear that local plans must identify sufficient land in suitable locations for development. In South Derbyshire this has been undertaken through the adopted Local Plan Part 1 and Local Plan Part 2.

The NPPG states that local green space designation will rarely be appropriate where the land has planning permission for development. Should the planning permission no longer be capable of being implemented then the designation of a local green space may be considered, or where the development proposed would be compatible with the designation.

The process for designation

The Council has identified a total of 175 sites as potential Local Green Spaces (a full list of all proposed sites can be seen at appendix 1 of this document). Most of sites have been identified through consultations held by the Council in December 2015, June 2016 and June 2017, although a small number have been identified by officers of the Council. The Council approved its methodology for assessing Local Green Space proposals in a report to the Environmental and Development Services Committee on the 19th April 2018. This report set out a two-stage approach that would be used to identify appropriate sites. The first stage has screened out sites, which the Council does not consider to comply with the requirements of the NPPF (and supporting guidance in the NPPG), with the exception of how the sites are demonstrably special to local communities. This issue was considered during a second stage of work.

The two assessment stages are set out below:

Stage 1 Assessment

In undertaking the first stage assessment the Council has considered the following:-

1. Is the space is in reasonably close proximity to the community it serves?

The Institute for Highways and Transportation recommends walking distances for non-commuting or school journeys is 800m (or equivalent to a 10 minute walk). However where a green space is proposed which provides playing pitches or outdoor sports provision within 1,200m (a 15 minute walk) then it will be considered acceptable in line with guidance provided by Fields in Trust (independent charity who work in partnership with local planning authorities to seek legal agreement for protection of playing fields) and included in the Council's Design Supplementary Planning Document (SPD). Any sites located a greater distance from the edge of the settlement boundary or edge of the settlement they serve were excluded from further consideration.

2. Is the site is an extensive tract of land?

The NPPG states the blanket designation¹ of open countryside adjacent to settlements will not be appropriate. It is considered that any site in excess of 5 hectares could constitute an extensive tract of land. In identifying this threshold regard has been had to a number of examiner's reports on local green spaces made through neighbourhood plans as well as a Counsel Opinion drafted in response to Castlethorpe Neighbourhood Plan (published February 2016). However exceptionally there may be a need to set any agreed threshold aside and allow for smaller sites to be considered extensive within the context they sit. Similarly there may be exceptional circumstances where larger sites could be considered appropriate for designation.

¹ Paragraph 15 (ref ID 37-015-20140306)

However any exceptions would need to be made as part of any nomination and supported by a strong and rational case explaining why the identified threshold should be set aside.

3. Is the site is capable of enduring beyond the Plan period?

Sites allocated for development in the Adopted Local Plan (Part 1 and Part 2), or have planning consent or a resolution to grant planning consent should be excluded from consideration. Similarly sites included in the Council's Strategic Housing Land Availability Assessment (SHLAA) will ordinarily be excluded unless the SHLAA identifies that the site is unsuitable for development.

4. Other factors that would exclude sites being designated as Local Green Spaces

In addition to the above criteria the Council has previously established a number of criteria to guide site selection, and consulted upon these in previous Local Green Space consultations. These criteria would rule out the designation of sites where there is duplication of existing protections afforded through national or local planning policy or where sites are deemed inappropriate for other reasons – for example because spaces are private gardens and are not public spaces. In detail the further criteria previously established are as follows:

4A. Does the site already benefit from protection through existing Local or National Policy

Where the site is already protected by designations such as Green Belt, wildlife designations, or protected by established open space policies there is little merit in a further designation. Whilst it is acknowledged that such protections are often made in the interest of protecting one aspect of the site (such as important heritage features), in most cases the policy protections provided would offer a level of protection that would safeguard the site generally for the benefit of local communities. However, there are instances where there may be justification for already protected sites to be designated. This will only be considered where it can be demonstrated that additional and substantive local benefits can be secured as a result of the local green spaces designation which is not otherwise conferred by national or local plan policy. One such example of such an occurrence could be where local sports provision is protected through local policy INF9. This is because this policy does allow for loss subject to replacement facilities being provided but in some instances there may be a locational imperative to maintain provision in its current location and relocated facilities may fail to have the same community benefits.

4B. Is the space privately owned land?

Private residential land, gardens, paddocks or stables are not considered appropriate for designation as a local green space as they are not valued community spaces.

4C. Is the space considered a public memorial site?

Previous consultations indicated that the Council's view was not to include war memorial as Local Green Spaces. Part of the rationale for this was such memorials did not require further protection against development, particularly as many are listed or located in otherwise protected areas. However this is not universally the case and more detailed consideration of this issue indicates many spaces used as war or other memorials are informal spaces that are valued by local communities and are not necessarily protected through any other mechanism. Further information on potential listing of a memorial can be found at: <http://www.warmemorials.org/>. War and other memorial sites will therefore be assessed on their merits against the other criteria previously listed above.

By reviewing all of the submitted sites against all the above criteria the Council has been able to identify those sites, which in its view would conform with the requirements of the NPPF and are therefore appropriate for designation.

Stage 2 Assessments

For those sites that pass the stage 1 assessment they were considered through a second stage of assessment before a decision on possible designation was made. These assessments address the outstanding requirement of the NPPF and consider how sites are:

- 1. demonstrably special to a local community and**
- 2. hold a particular local significance**

For example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife. These detailed site appraisals are included in the Sustainability Appraisal report. In undertaking the site appraisals, where it is clear that sites are not demonstrably special to the local community these have been discounted at stage 2.

Local Green Spaces Proposed Sites

A list of the proposed sites for designation by settlement is set out over the page in Figure 1. Following on from this the maps by settlement identify the location of the Local Green Spaces.

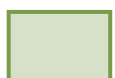
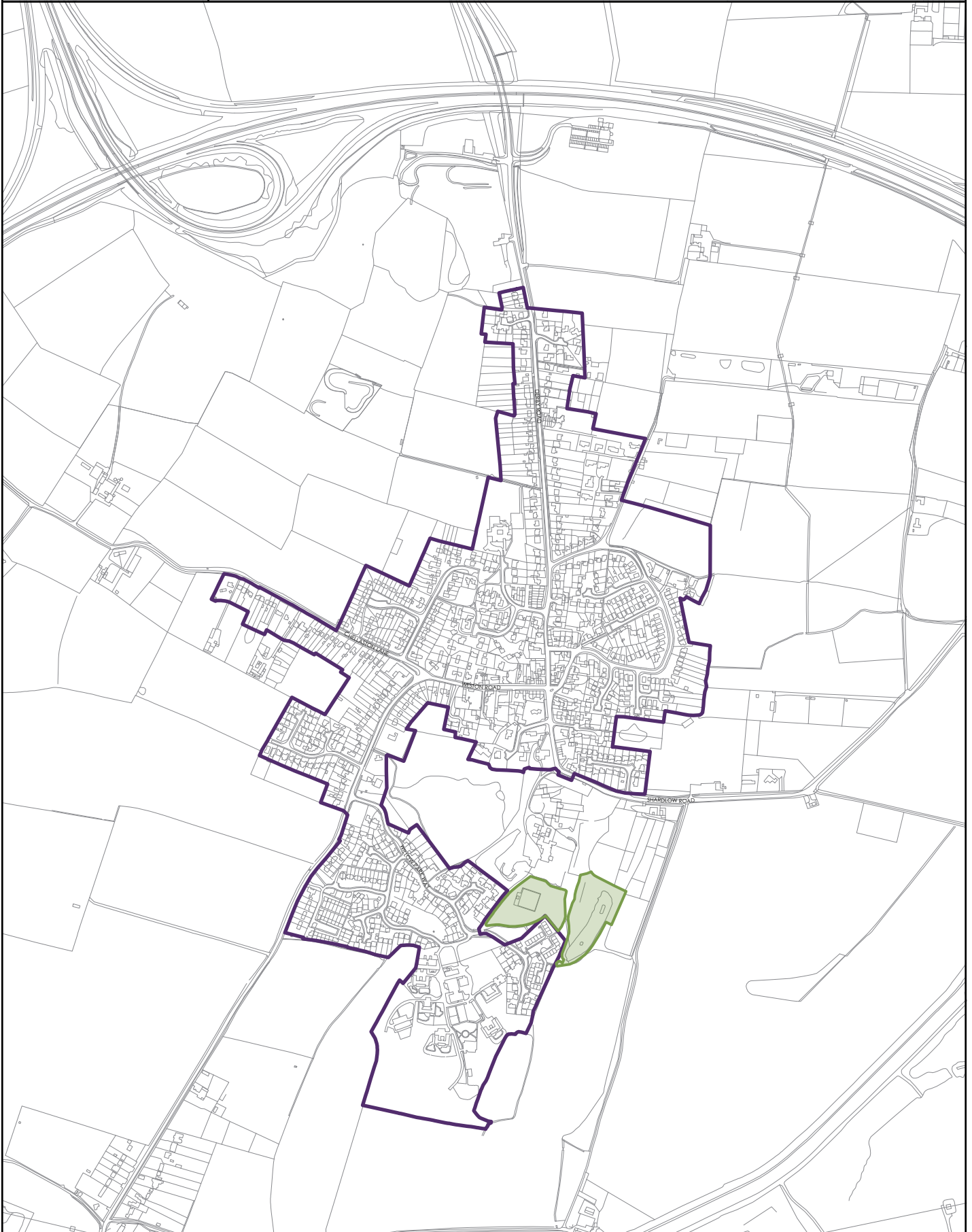
Village	Site Ref	Site Name
Aston on Trent (Map 1)	30 36	Ponds to the rear of Aston Hall The Bowling Green
Egginton (Map 2)	149 150	Catherine Jonathan Playing Field Off Elmshurst (still to delete on designation)
Etwall (Map 3)	37 38 39 40 43 44	Egginton Road Applegate Meadow South of Sutton Lane, Etwall West of Main Street, Etwall Sandy Pits Lane Playing Field, Etwall Chestnut Grove Play Area, Etwall
Findern (Map 4)	114 115 116	West of Hillside The Green Esat of The Hayes
Hartshorne (Map 5)	122 124	Land adjoining Mill Wheel Car Par Land at the junction of Brook Street and Repton Road
Hatton (Map 6)	45 46	Field Avenue, Hatton Hassall Road, Hatton
Hilton (Map 7)	50 51 53 55 170 171 172 173 174 175 177 178	South of Egginton Road Humber Street, Welland Road South of Main Street Wellavon Playground, Welland Road Mease Meadow Amenity area to the South of Cycle Route, Wash- ford Road Amenity area to the South of Cycle Route, Avon Way Amenity area to the North of Cycle Route at The Mease Land between A5132 and New Road Bren Way Off Pegasus Way Woodland, South of The Mease
Lees (Map 8)	152	Village Green, Lees
Linton (Map 9)	168	Linton Orchard, Linton
Melbourne and Kings Newton (Map 10)	58 59 60 61 70 77 84 87	West of Packhorse Road North of Station Road Washpit, Station Road Off Acacia Drive Holy Well, Wards Lane, Kings Newton Church Close The Bowling Green Page 97 of 820 Close Recreation Ground

Village	Site Ref	Site Name
	89 179	Old Tennis Courts, Lothian Garden Bowling Green, Kings Newton
Repton and Milton (Map 11 A and B)) Note: These sites are proposed in Repton NPD and will be shortly designated anyway	93 94 95 96 98 155 162 163 164	East of High Street and South of Askew Grove North of Milton Road Land at The Crescent Mitre Drive Pinfold Lane Verge opposite Milton Village Hall and adjacent orchard Land opposite the Arboretum on Pinfold Lane Arboretum on Pinfold Lane Triangle at the bottom of Mount Pleasant Road, Milton, known as the Village Green
Rosliston (Map 12)	127 129	North of Yew Treet Road Land East of Strawberry Lane
Shardlow (Map 13 A and B)	99 100 101	South of London Road Shardlow Glenn Way, Shardlow The Wharf, Shardlow
Swadlincote (Maps 14 - 19)	02 03 04 05 06 09 15 17 18 19 20 21 22 23 24 25 169	Aston Drive, Midway South of Edgecote Drive, Midway Off Lawns Drive, Midway Spring Farm Road, Midway Sandholes Open Space, Eastfield Road, Midway Fairfield Crescent, Newhall War Memorial (1), Castle Gresley Off Gresley Wood Road, Church Gresley Gresley Wood, Gresley Wood Road, Church Gresley Lathkill Dale, Church Gresley Wye Dale, Church Gresley Fabis Close, Church Gresley Sorrel Drive, Woodville Falcon Way, Woodville Kingfisher Avenue, Woodville Tern Avenue, Woodville Diana Memorial Garden
Ticknall (Map 20)	130 132 135 136 138 139 140	North of Rose Lane, Ticknall North of A514, opposite Calke Abby entrance Ingleby Lane (East), Ticknall Ingleby Lane (West), Ticknall Ashby Road, Grass Triangle The Vine Yard, Main Street Main Street entrances and verges to Calke Abbey
Walton on Trent	159 144	Walton Playing Field King's Mills Lane, adjoining School

Village	Site Ref	Site Name
(Map 21) Weston on Trent		
(Map 22)	105	South of Trent and Mersey Canal, Willington
	107	North of Twyford Road, Willington
Willington (Map 23)	110	Hall Lane Playing Field, Willington
	111	Trent Avenue Playing Field, Willington
	112	South of Twyford Road, Willington



Aston on Trent : Local Green Spaces



Local Green Space



Parish boundary

© Crown copyright. All rights reserved.
100019461 2014.

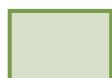
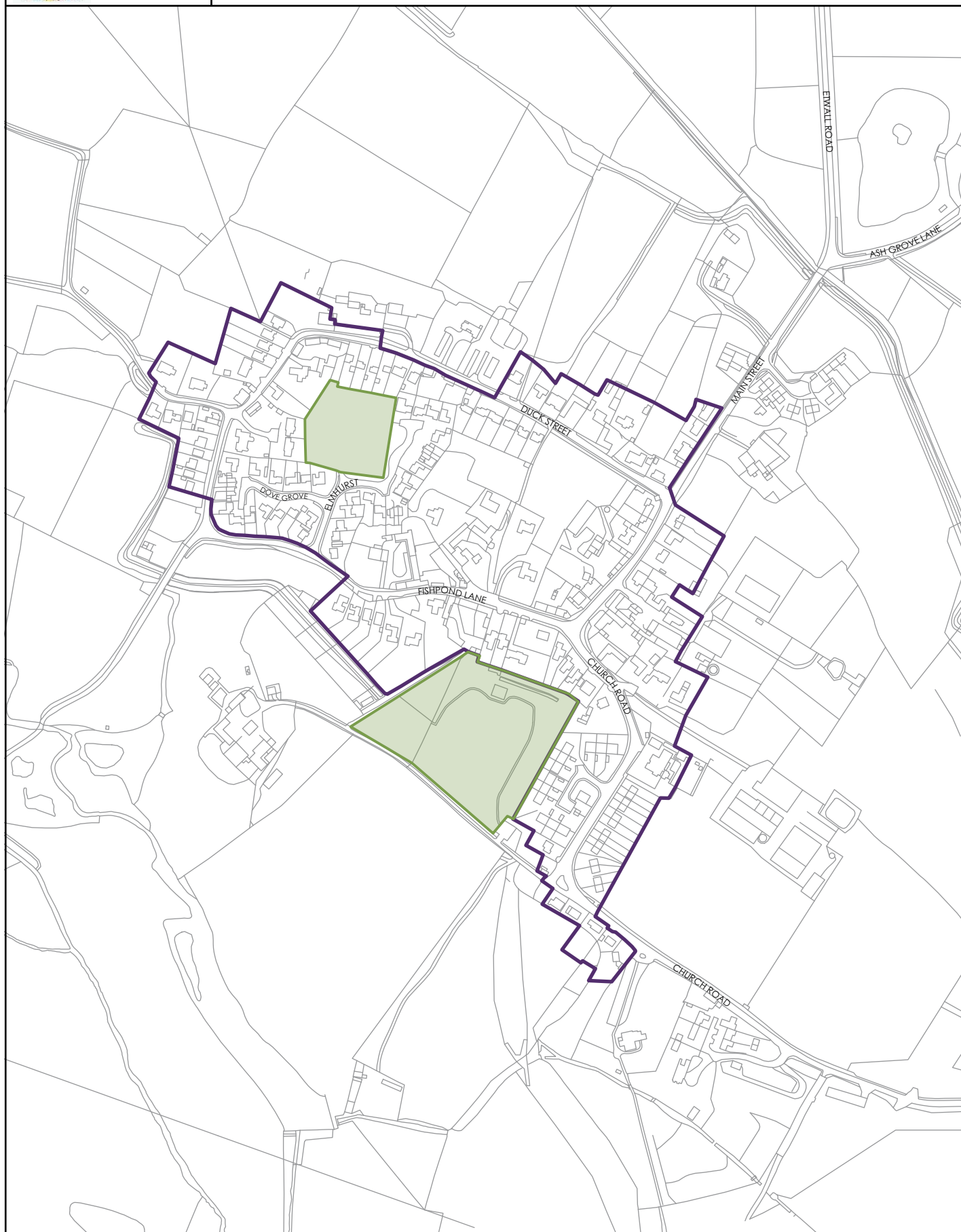
Scale: 1:10000 at A4

Date: July 2018





Egginton: Local Green Spaces



Local Green Space



Page 101 of 320
Settlement Boundary

© Crown copyright. All rights reserved.
100019461 2014.

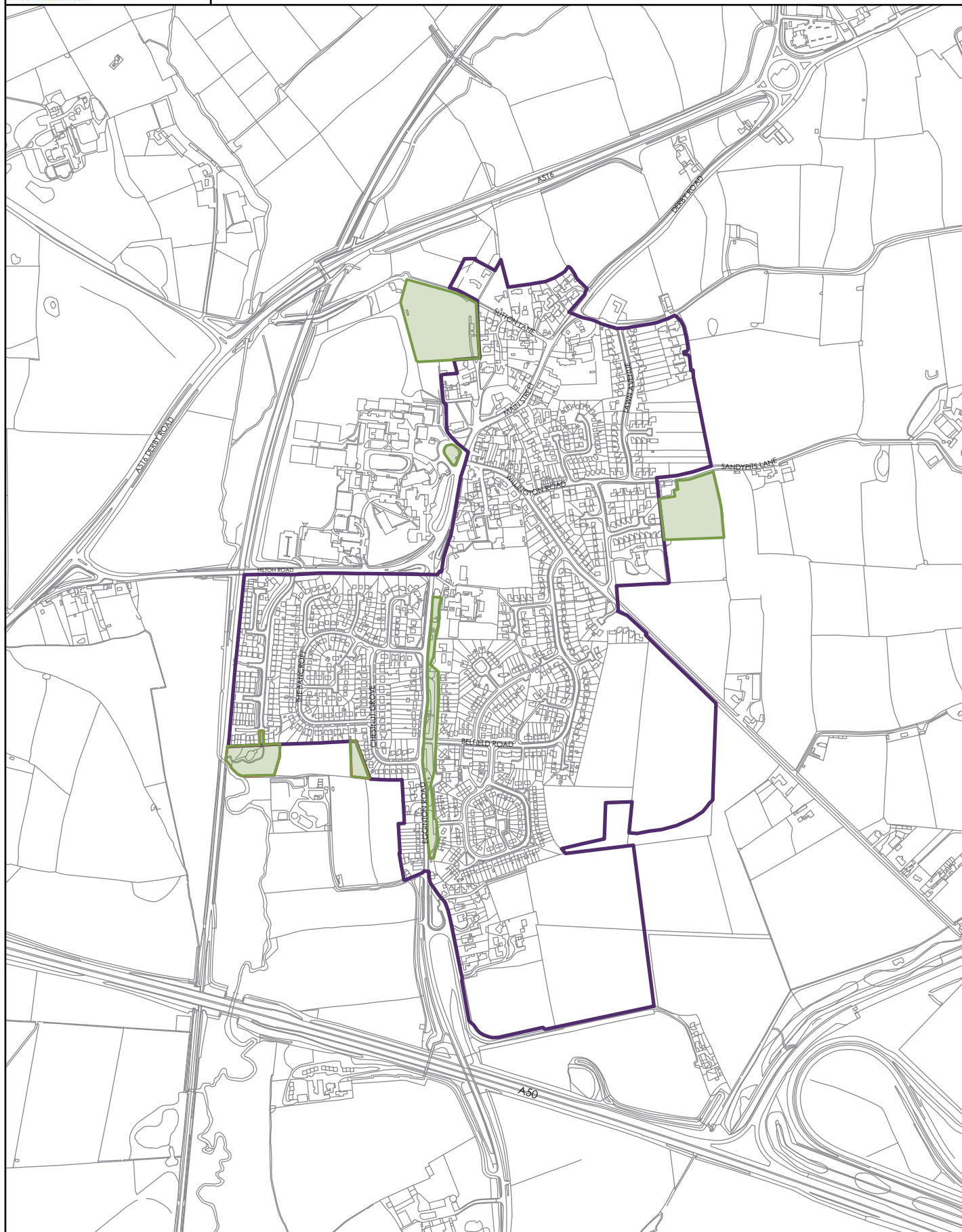
Scale: 1:5000 at A4

Date: July 2018





Etwall: Local Green Spaces



Local Green Space

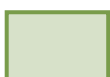
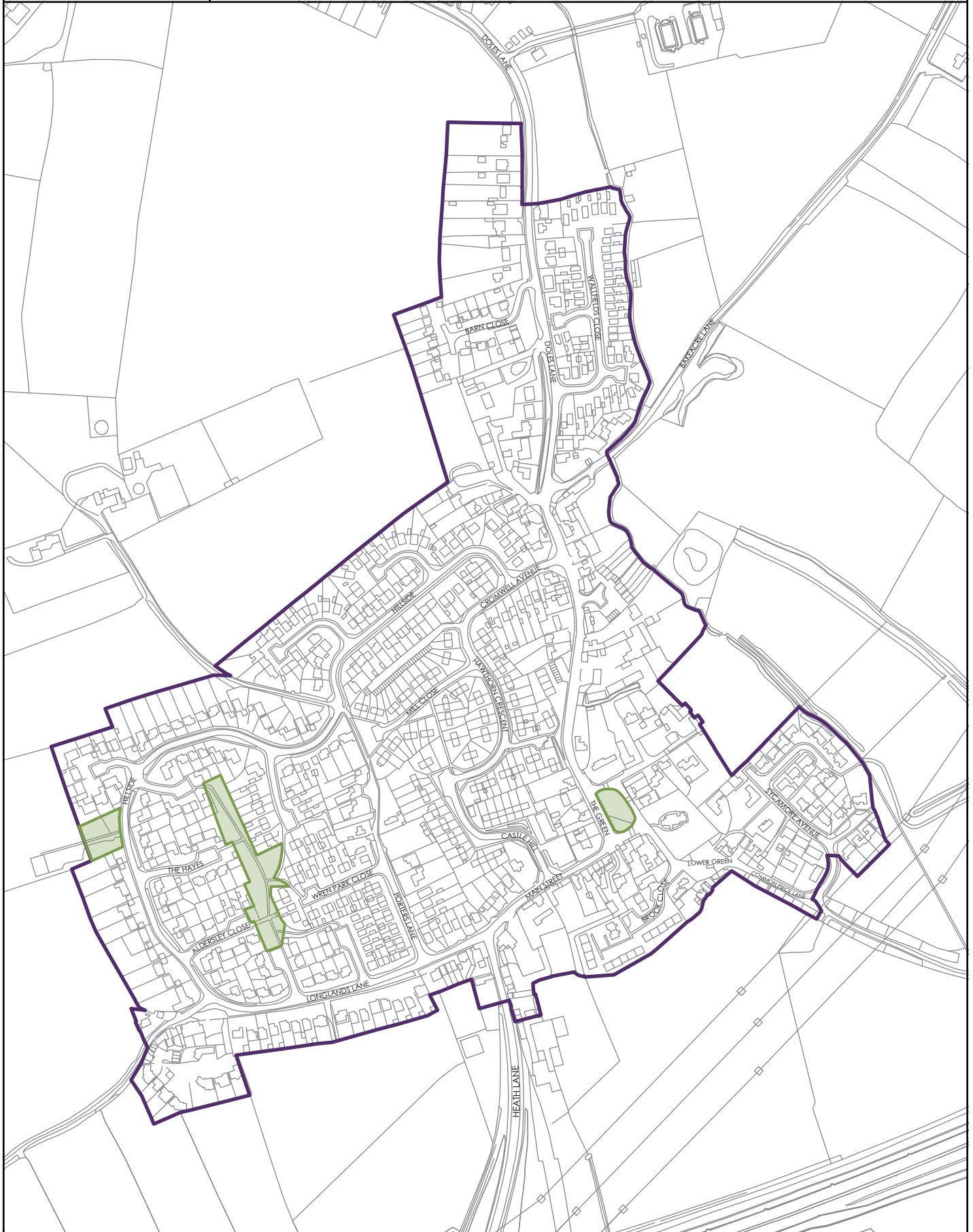


Settlement Boundary





Findern: Local Green Spaces



Local Green Space



Settlement Boundary

© Crown copyright. All rights reserved.
100019461 2014.

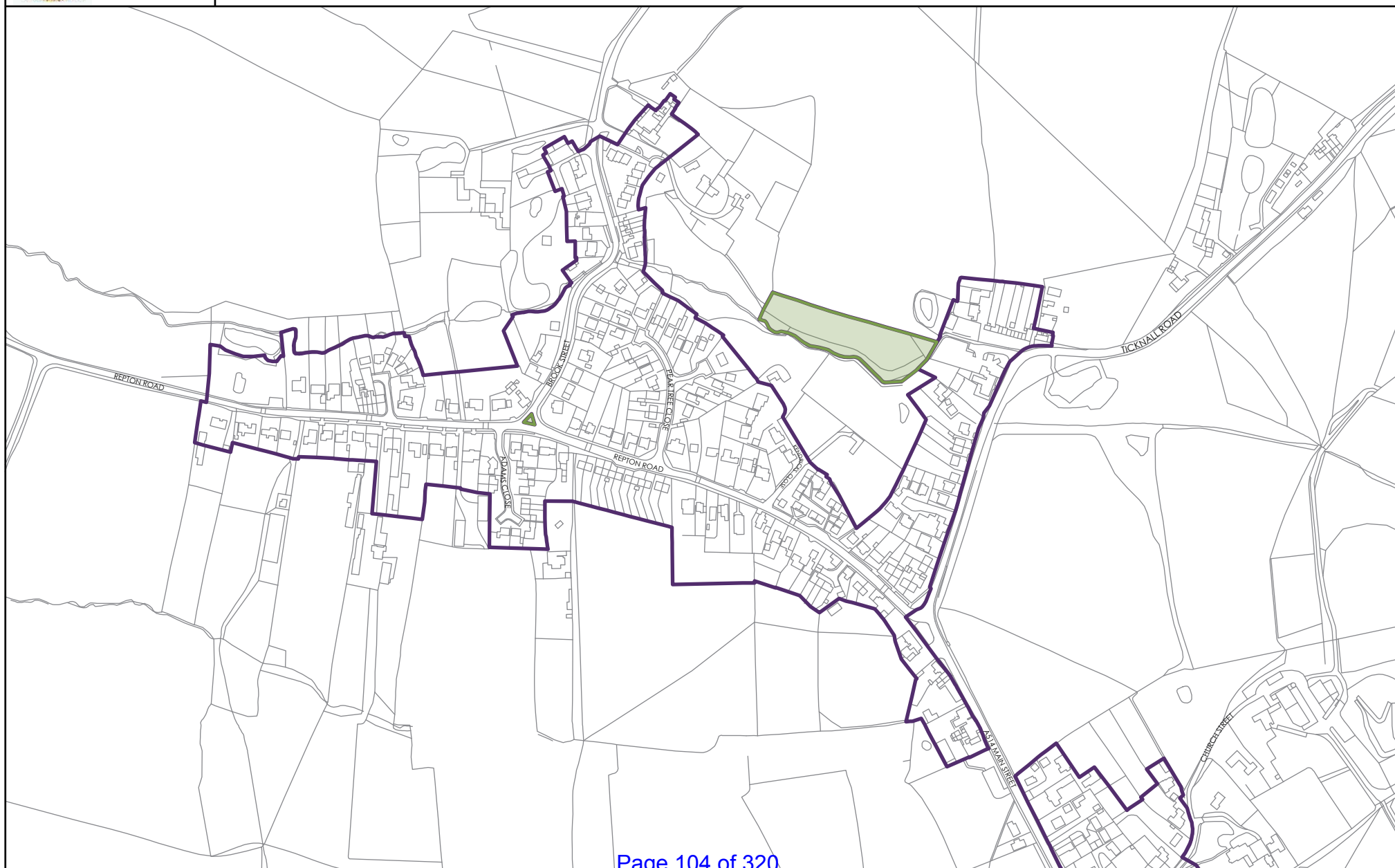
Scale: 1:5000 at A4

Date: Aug 2018

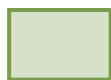




Hartshorne: Local Green Spaces



Page 104 of 320



Local Green Space



Settlement Boundary

© Crown copyright. All rights reserved.
100019461 2014.

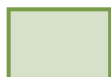
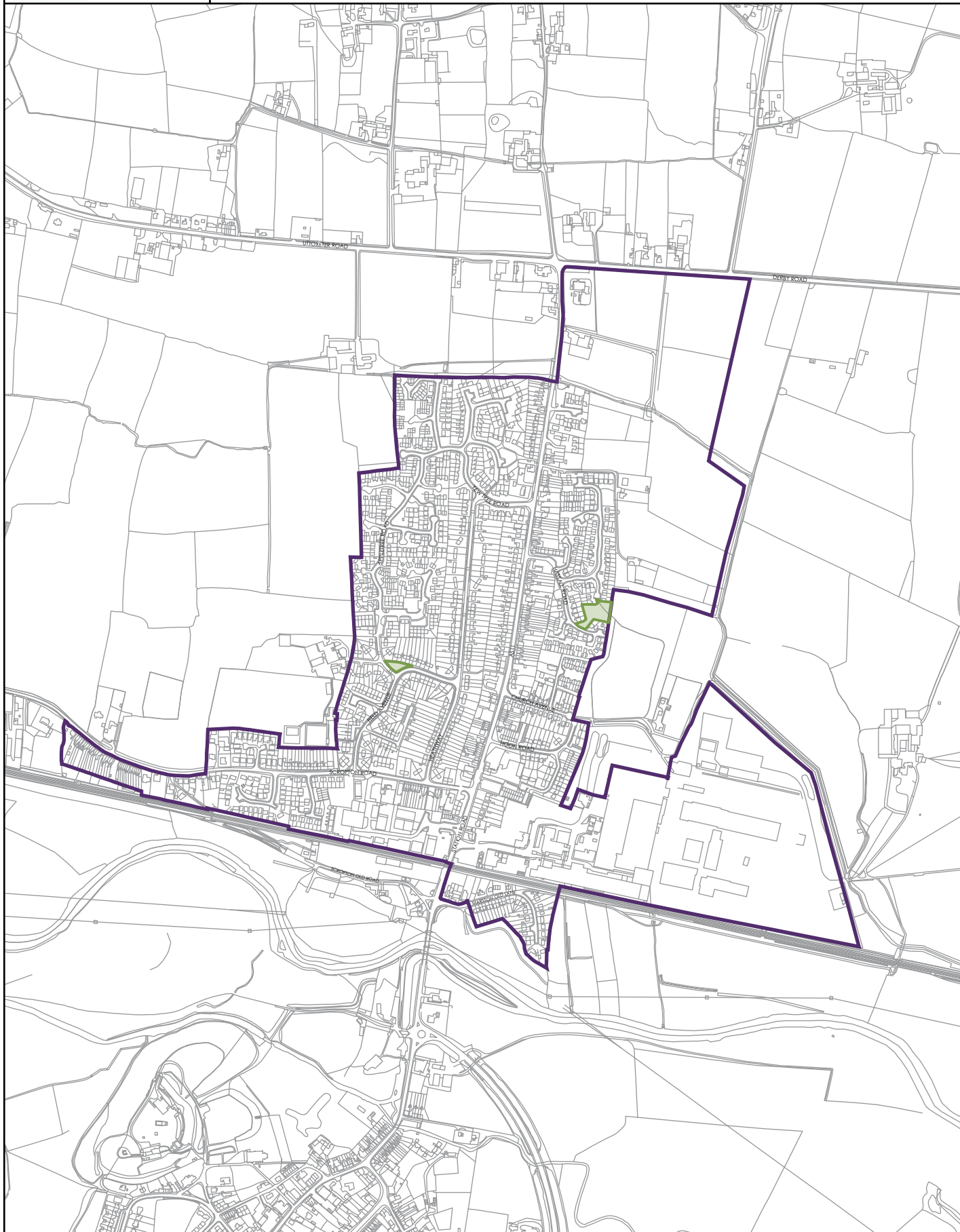
Scale: 1:5000 at A4

Date: Aug 2018





Hatton: Local Green Spaces



Local Green Space



Settlement boundary

© Crown copyright. All rights reserved.
100019461 2014.

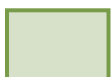
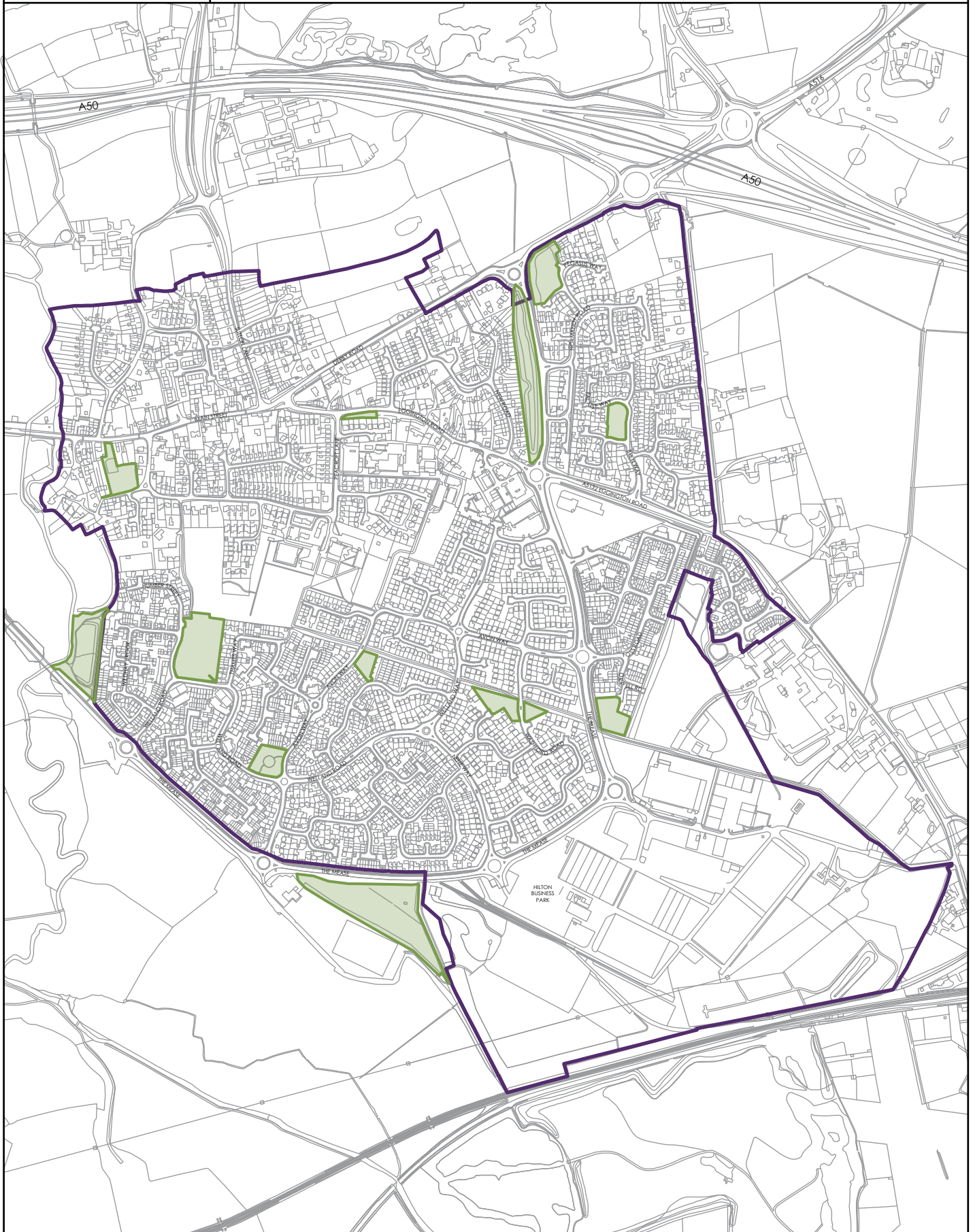
Scale: 1:10000 at A4

Date: July 2018





Hilton: Local Green Spaces



Local Green Space



Page 106 of 320
Settlement Boundary

© Crown copyright. All rights reserved.
100019461 2014.

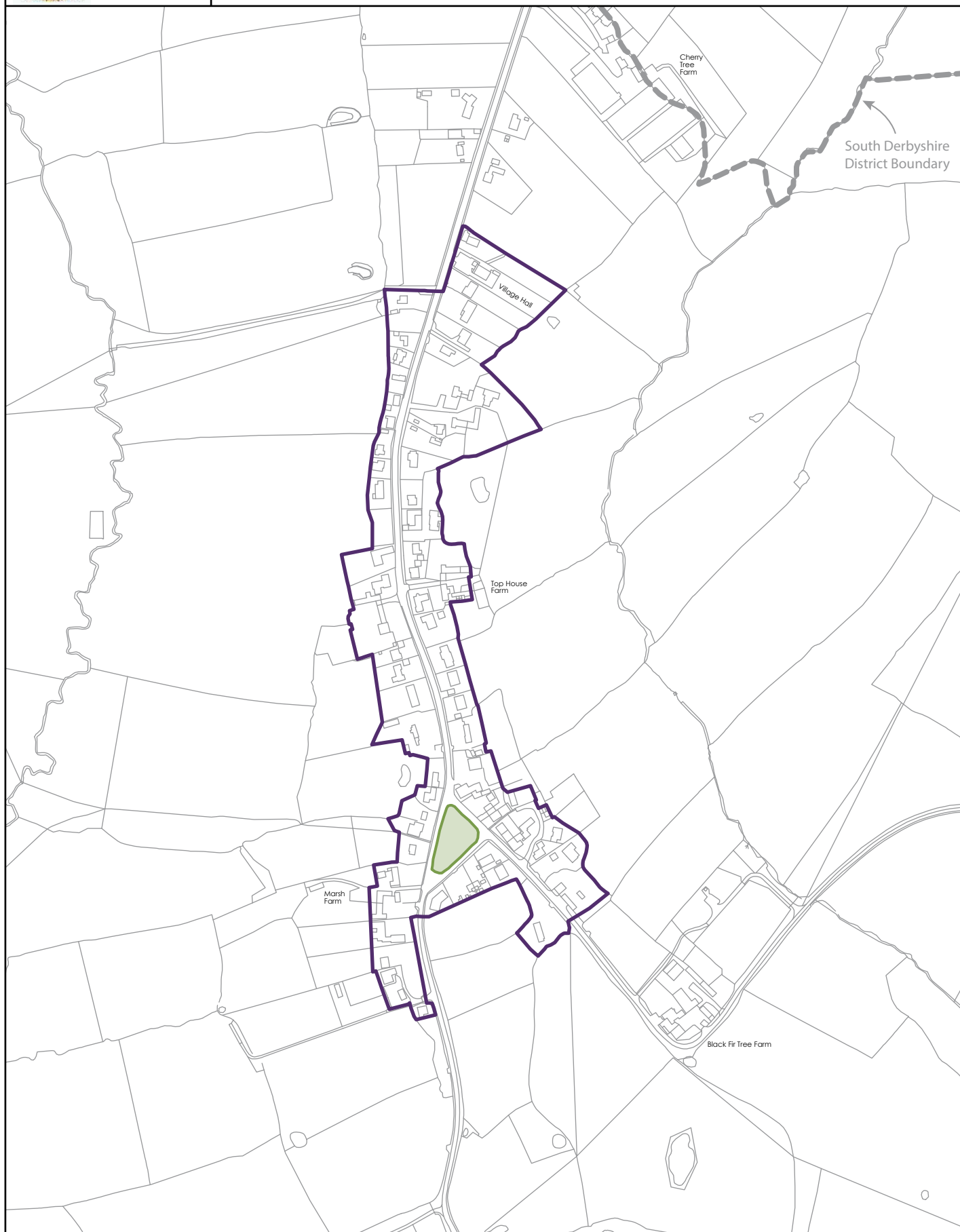
Scale: 1:10000 at A4

Date: July 2018





MAP 8: Lees: Local Green Spaces



Local Green Space



Page 107 of 320
Settlement Boundary

© Crown copyright. All rights reserved.
100019461 2014.

Scale: 1: 5000 at A4

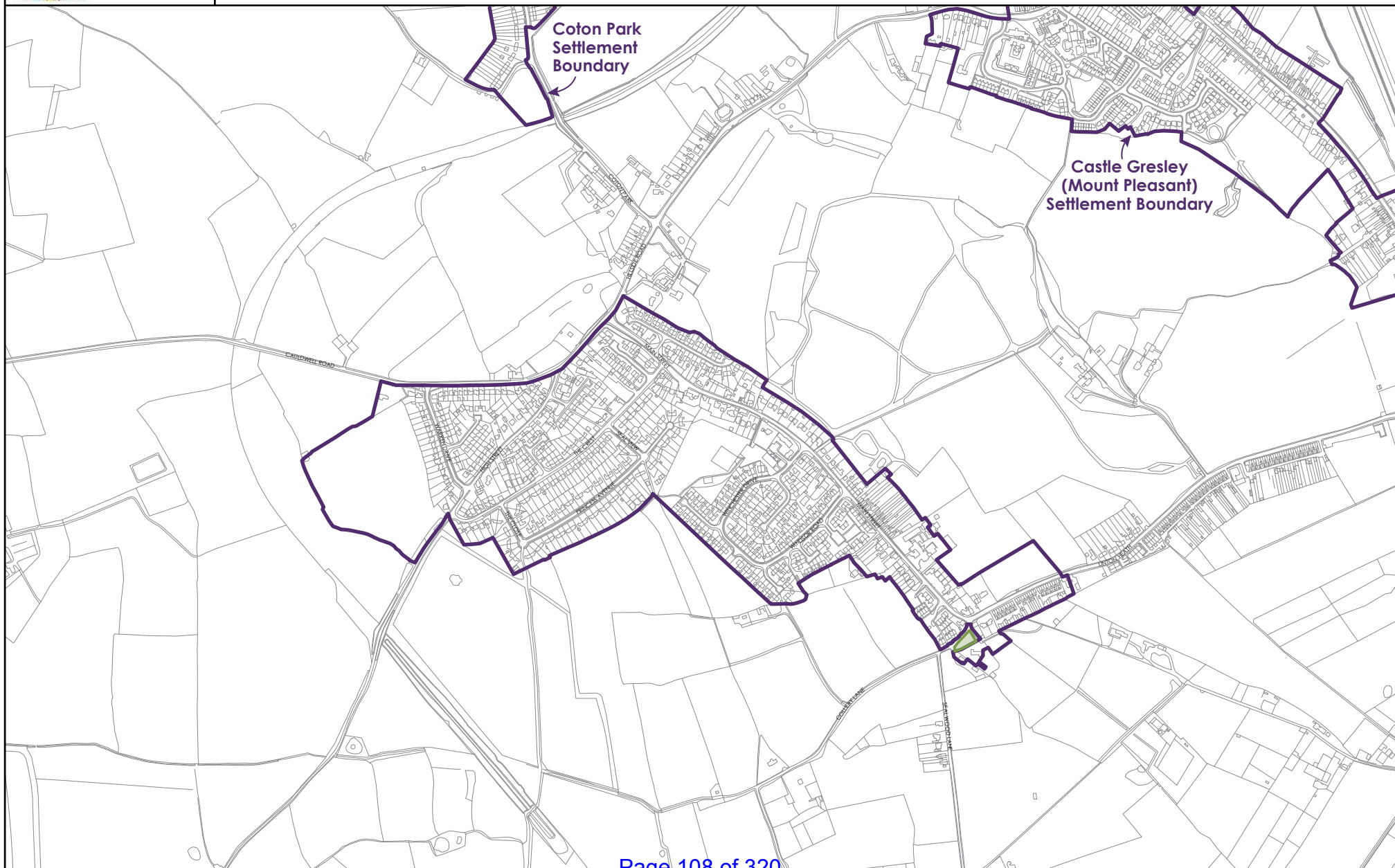
Date: Aug 2018



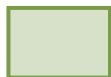
NORTH



MAP 9: Linton: Local Green Spaces



Page 108 of 320



Local Green Space



Settlement Boundary

© Crown copyright. All rights reserved.
100019461 2014.

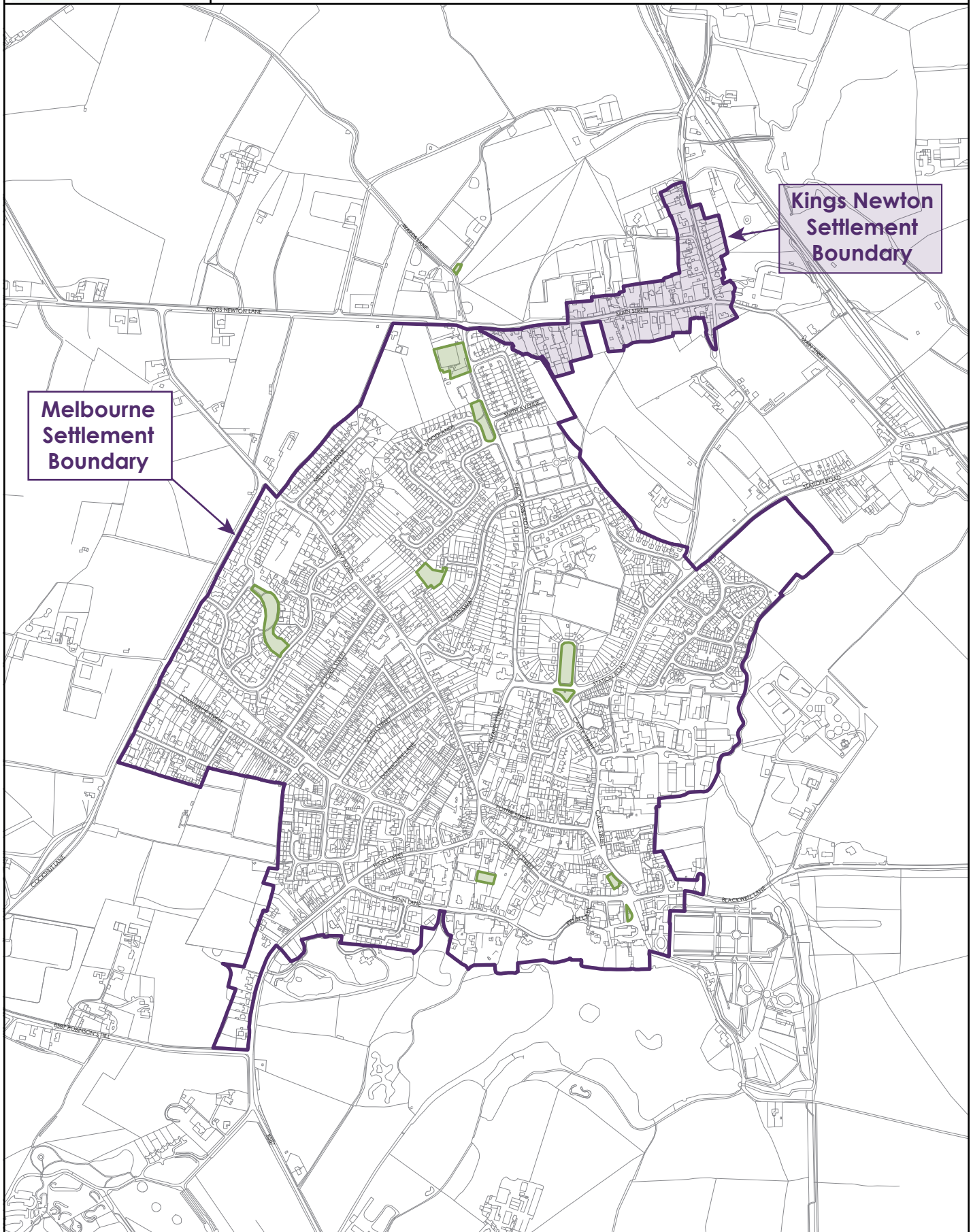
Scale: 1:10000 at A4

Date: Aug 2018





MAP 10: Melbourne: Local Green Spaces



Local Green Space



Settlement Boundary

Page 109 of 320

© Crown copyright. All rights reserved.
100019461 2014.

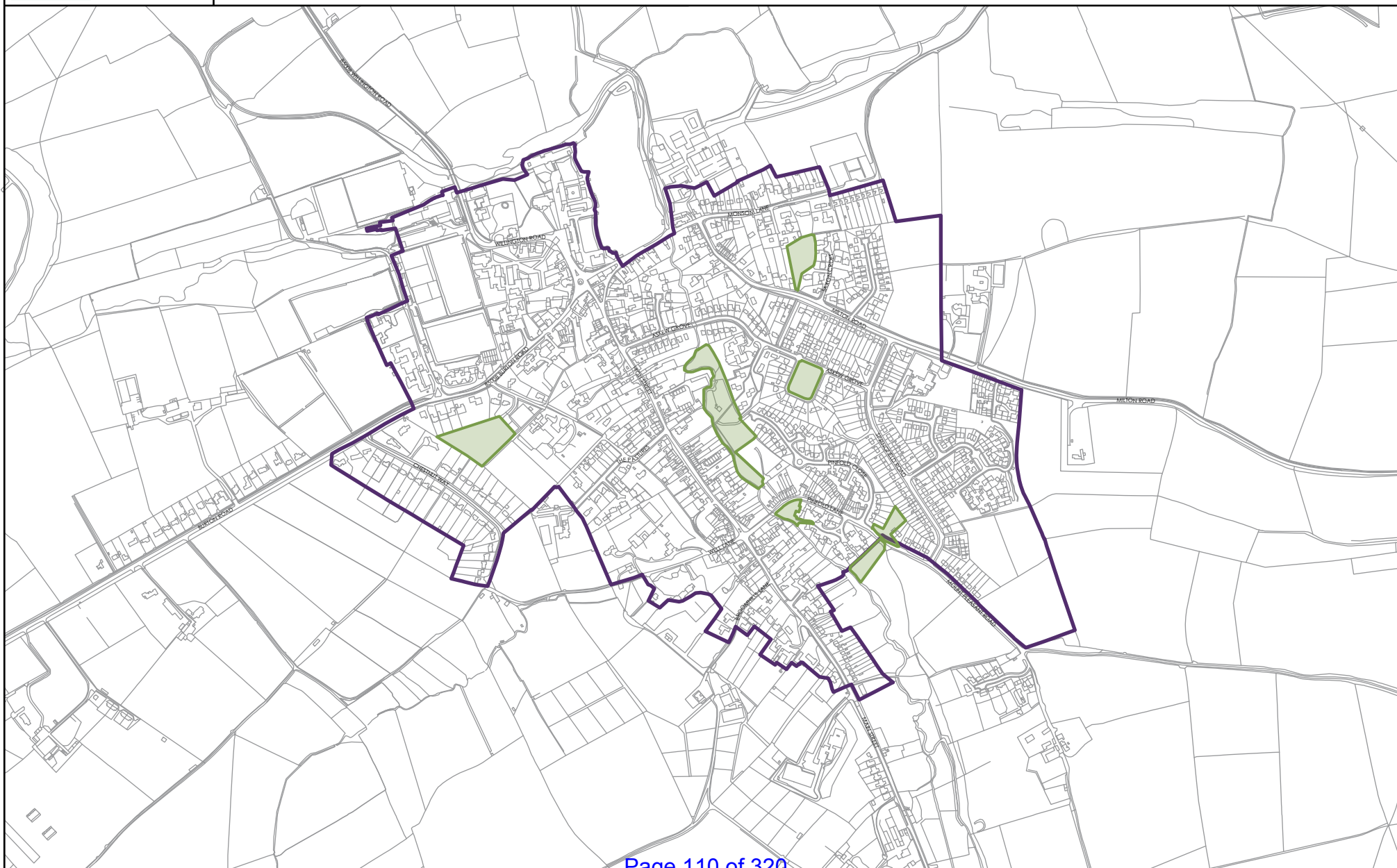
Scale: 1:10000 at A4

Date: July 2018





MAP 11a: Repton: Local Green Spaces



Page 110 of 320



Local Green Space



Settlement Boundary

© Crown copyright. All rights reserved.
100019461 2014.

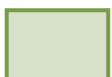
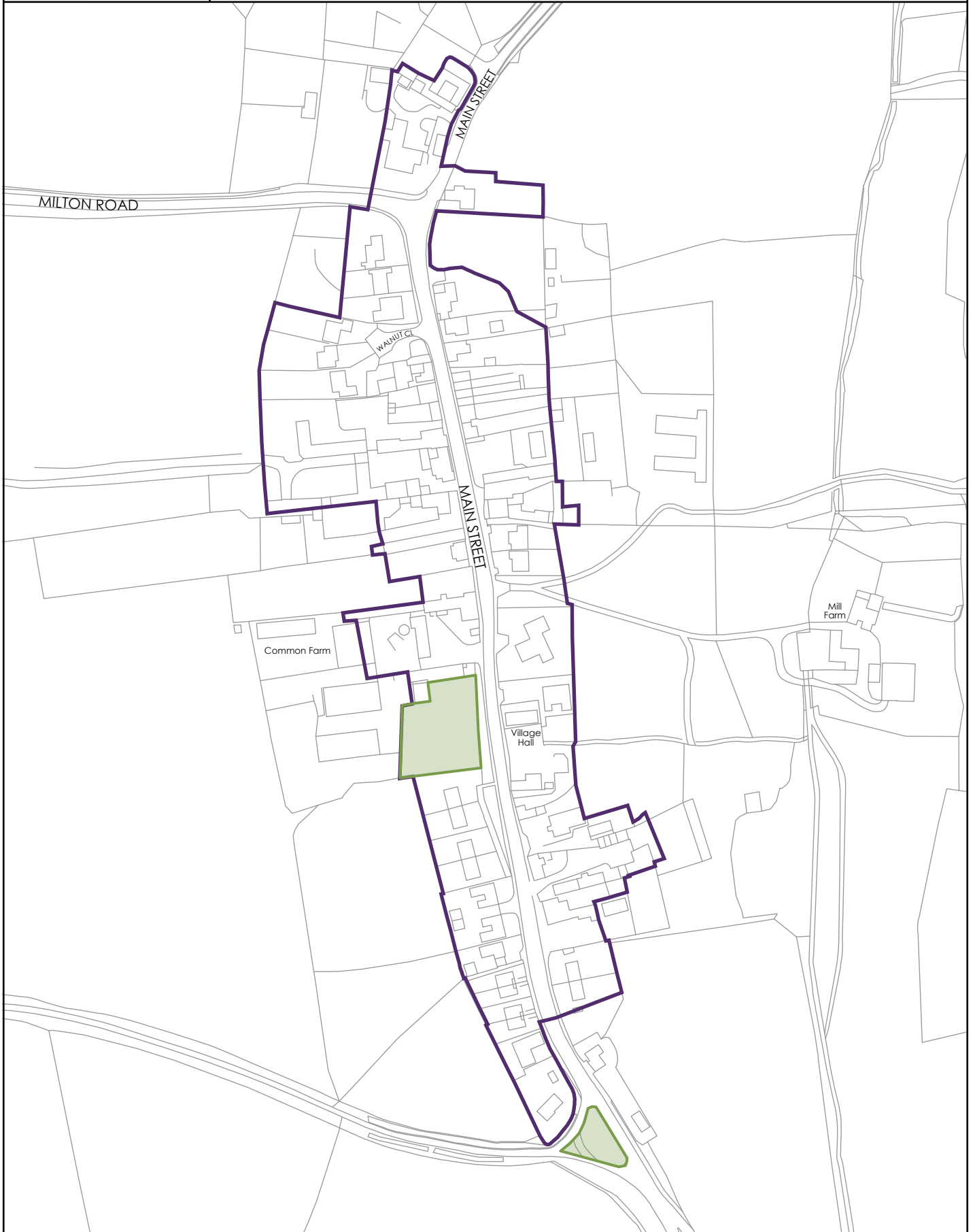
Scale: 1:10000 at A4

Date: July 2018





MAP 11b: Milton: Local Green Spaces



Local Green Space

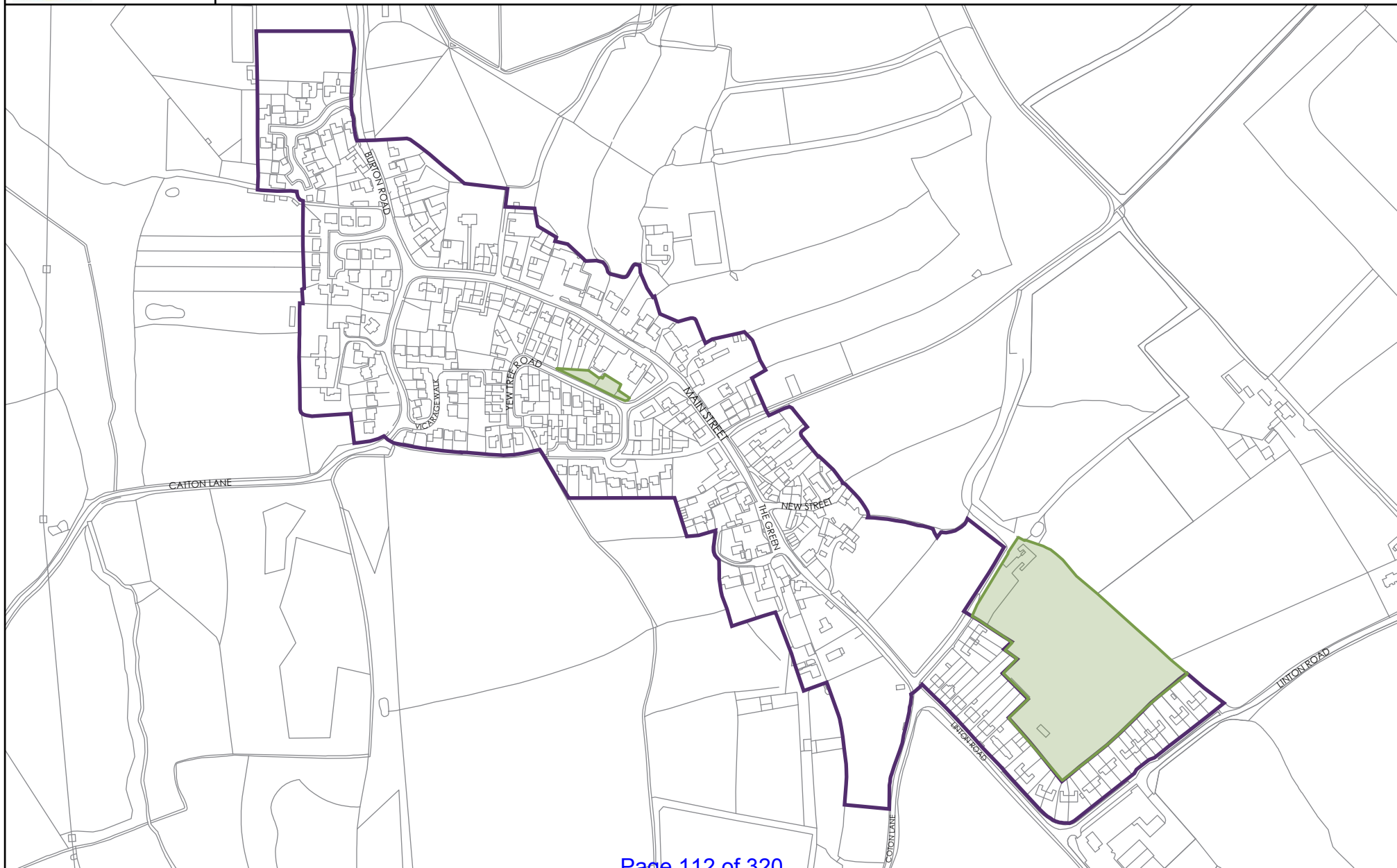


Settlement Boundary





MAP 12: Rosliston: Local Green Spaces



Page 112 of 320



Local Green Space



Settlement Boundary

© Crown copyright. All rights reserved.
100019461 2014.

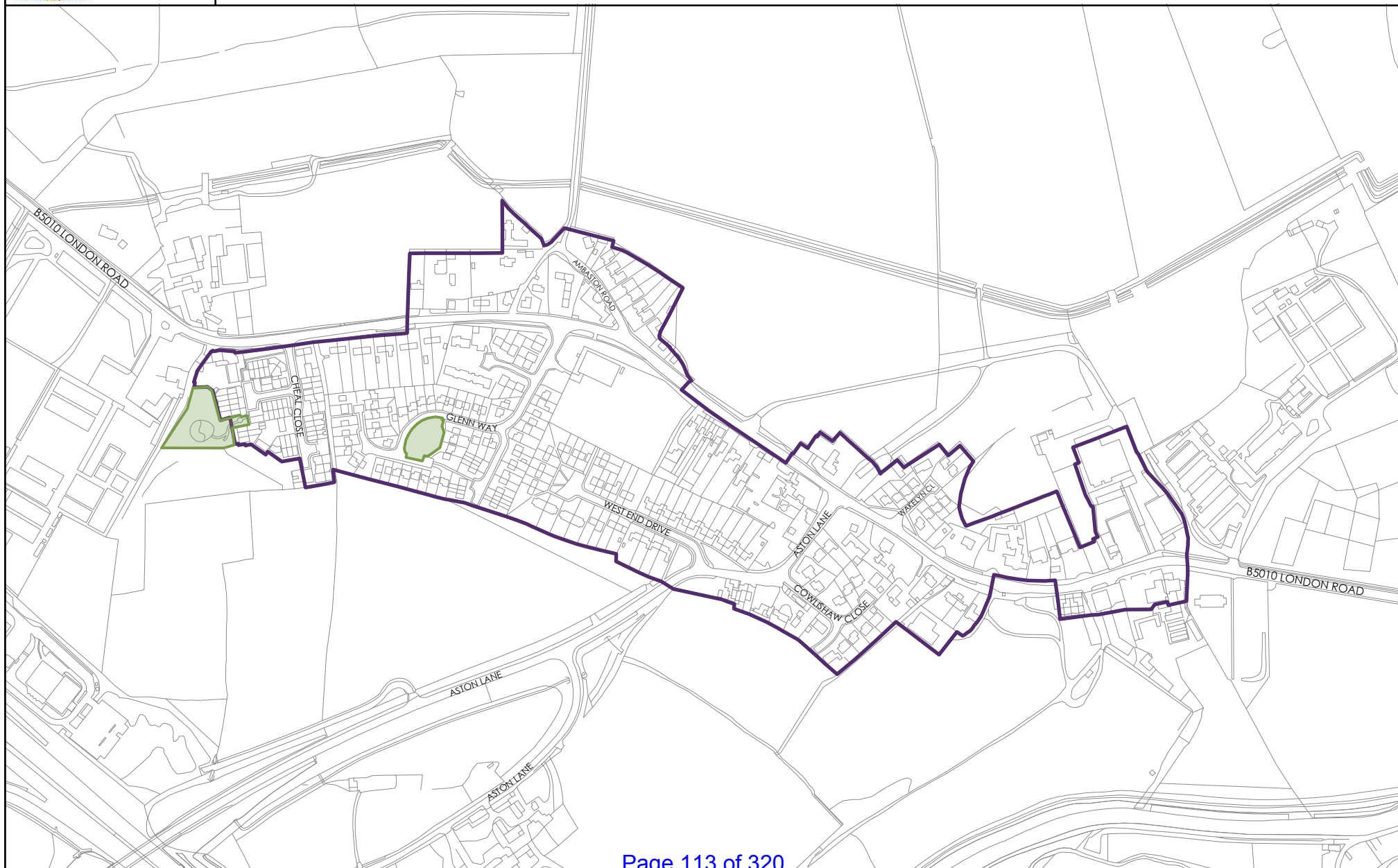
Scale: 1:5000 at A4

Date: Aug 2018



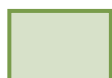
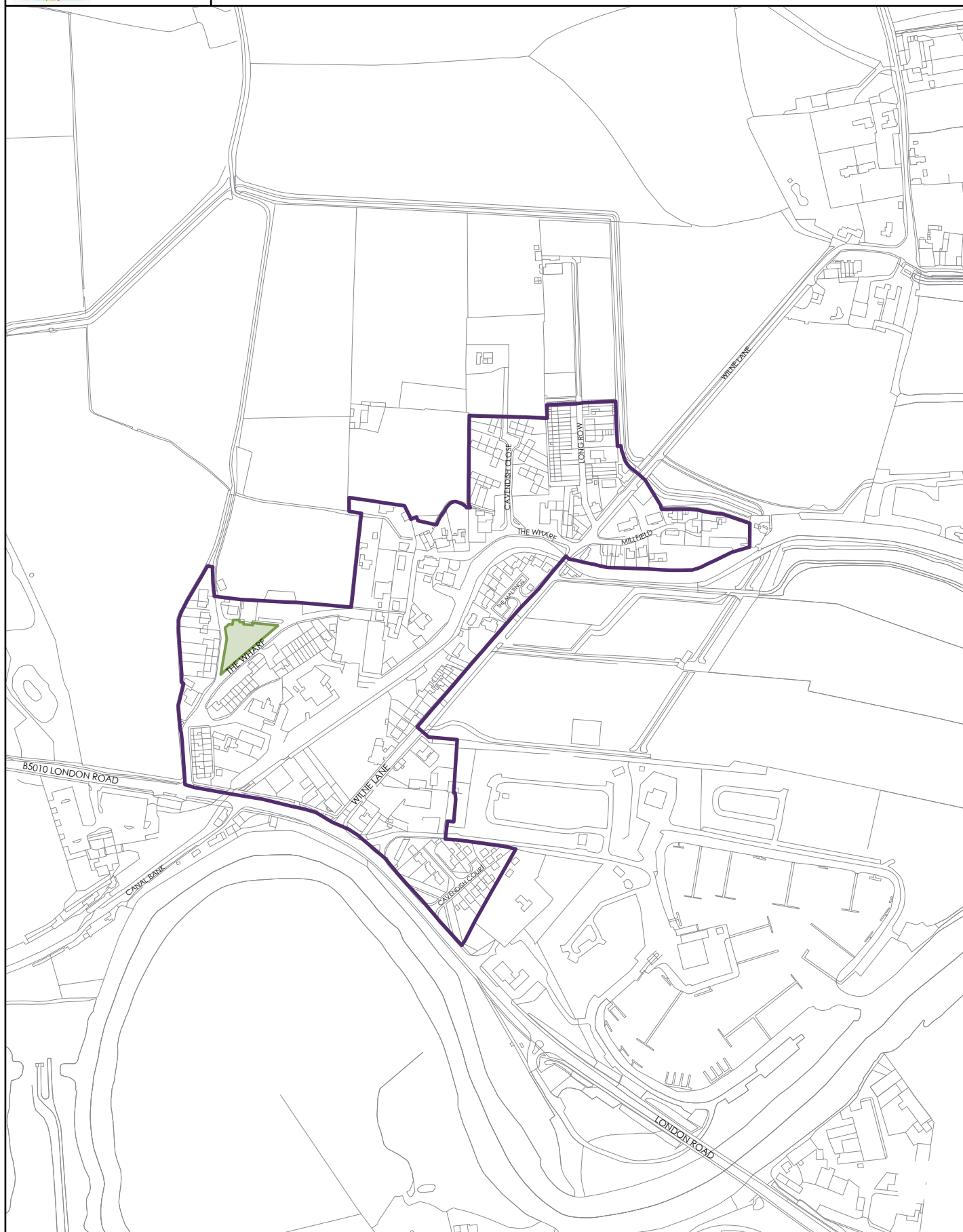


MAP13a: Shardlow (West): Local Green Spaces





MAP13b: Shardlow (East): Local Green Spaces



Local Green Space




Settlement Boundary





Page 115 of 320



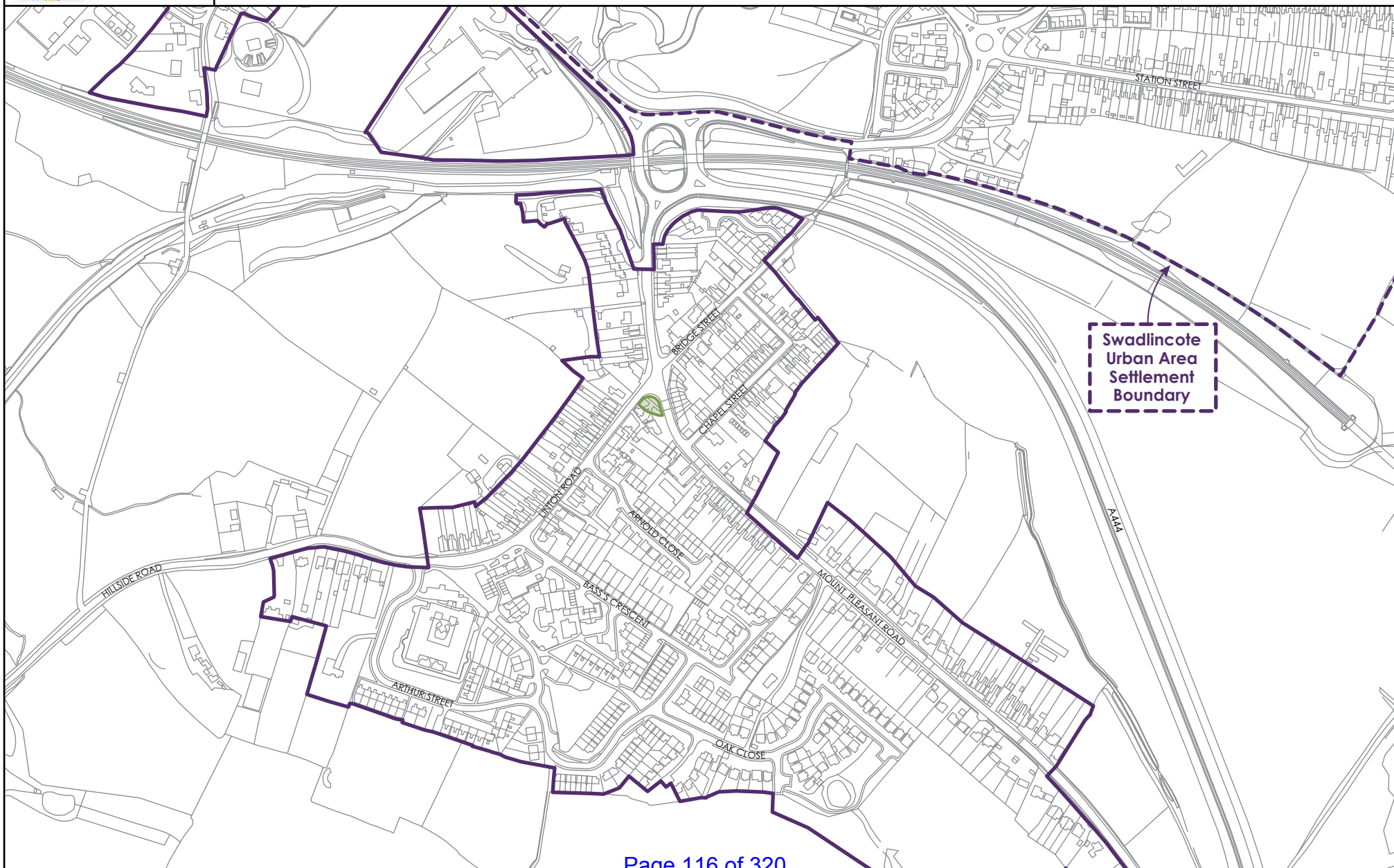
(the whole of the map area is within Swadlincote Urban Area Settlement Boundary)

Date: Aug 2018

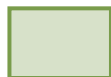




MAP15: Castle Gresley (Mount Pleasant): Local Green Spaces



Swadlincote
Urban Area
Settlement
Boundary



Local Green Space

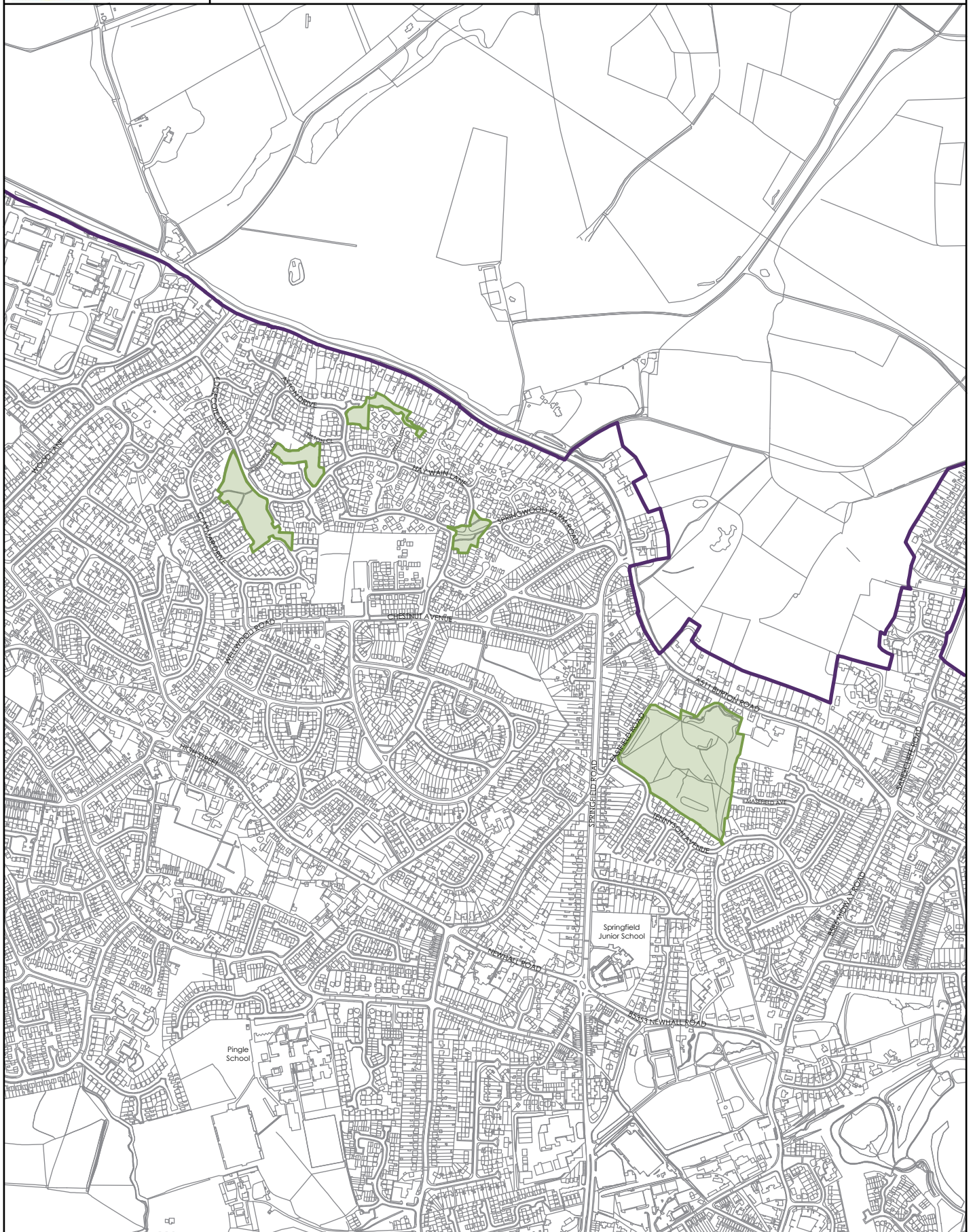


Settlement Boundary





MAP 16: Midway, Swadlincote: Local Green Spaces



Local Green Space



Settlement Boundary

Page 117 of 320

© Crown copyright. All rights reserved.
100019461 2014.

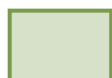
Scale: 1: 10000 at A4

Date: Aug 2018





MAP 17: Swadlincote Town Centre : Local Green Spaces



Local Green Space

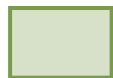
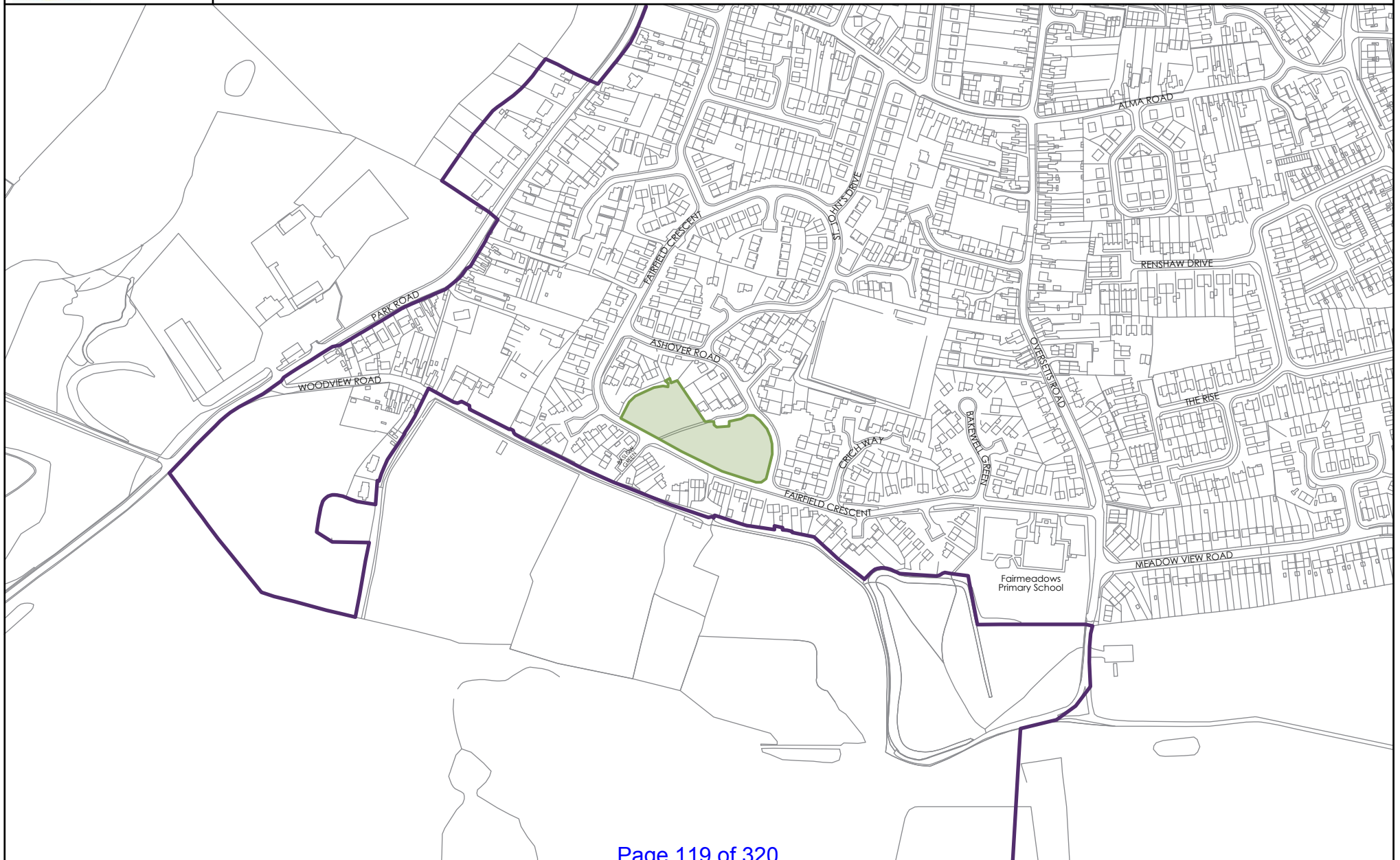


Settlement Boundary



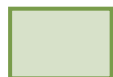
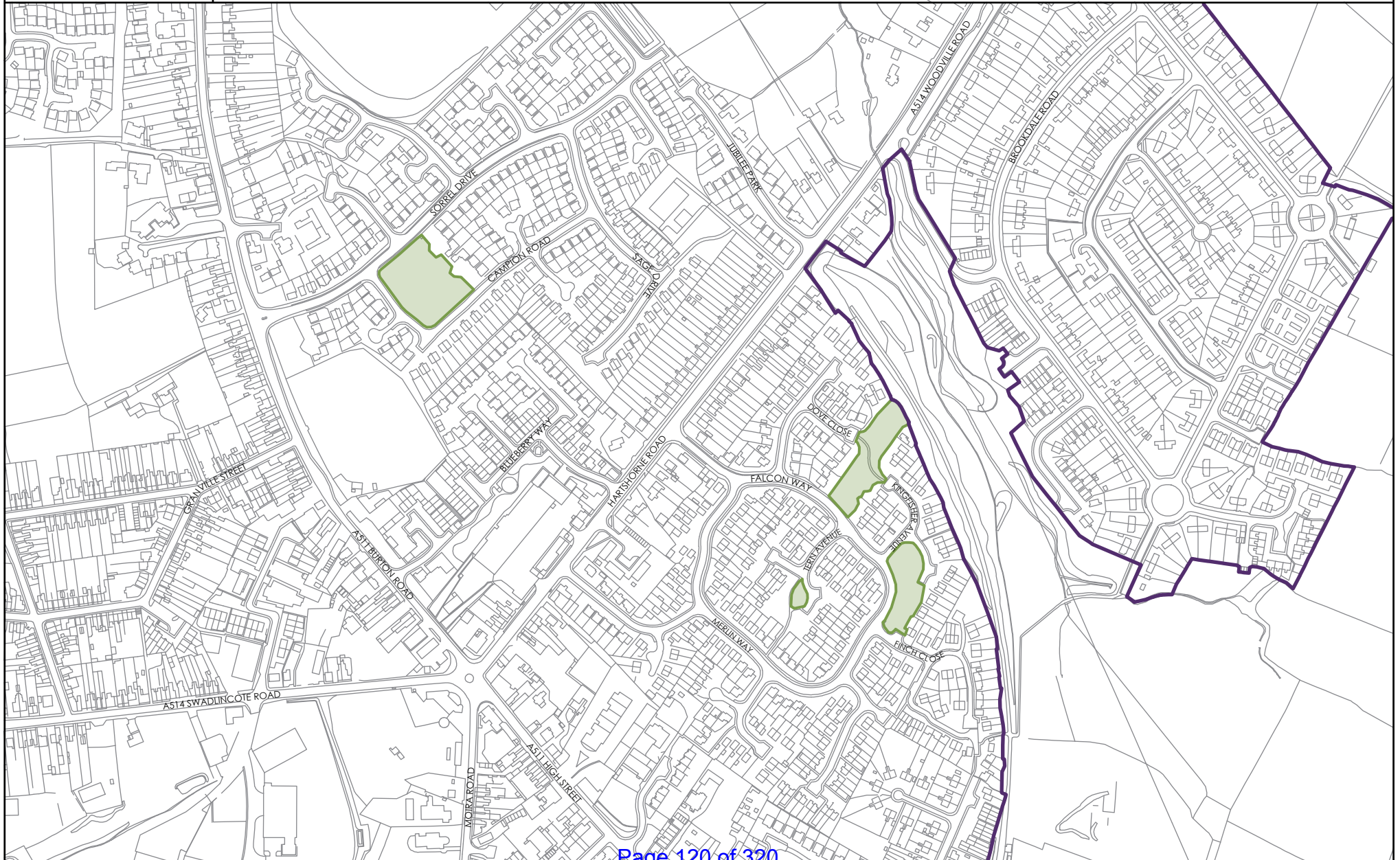


MAP 18: Newhall, Swadlincote: Local Green Spaces





MAP 19: Woodville: Local Green Spaces



Local Green Space

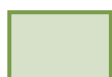
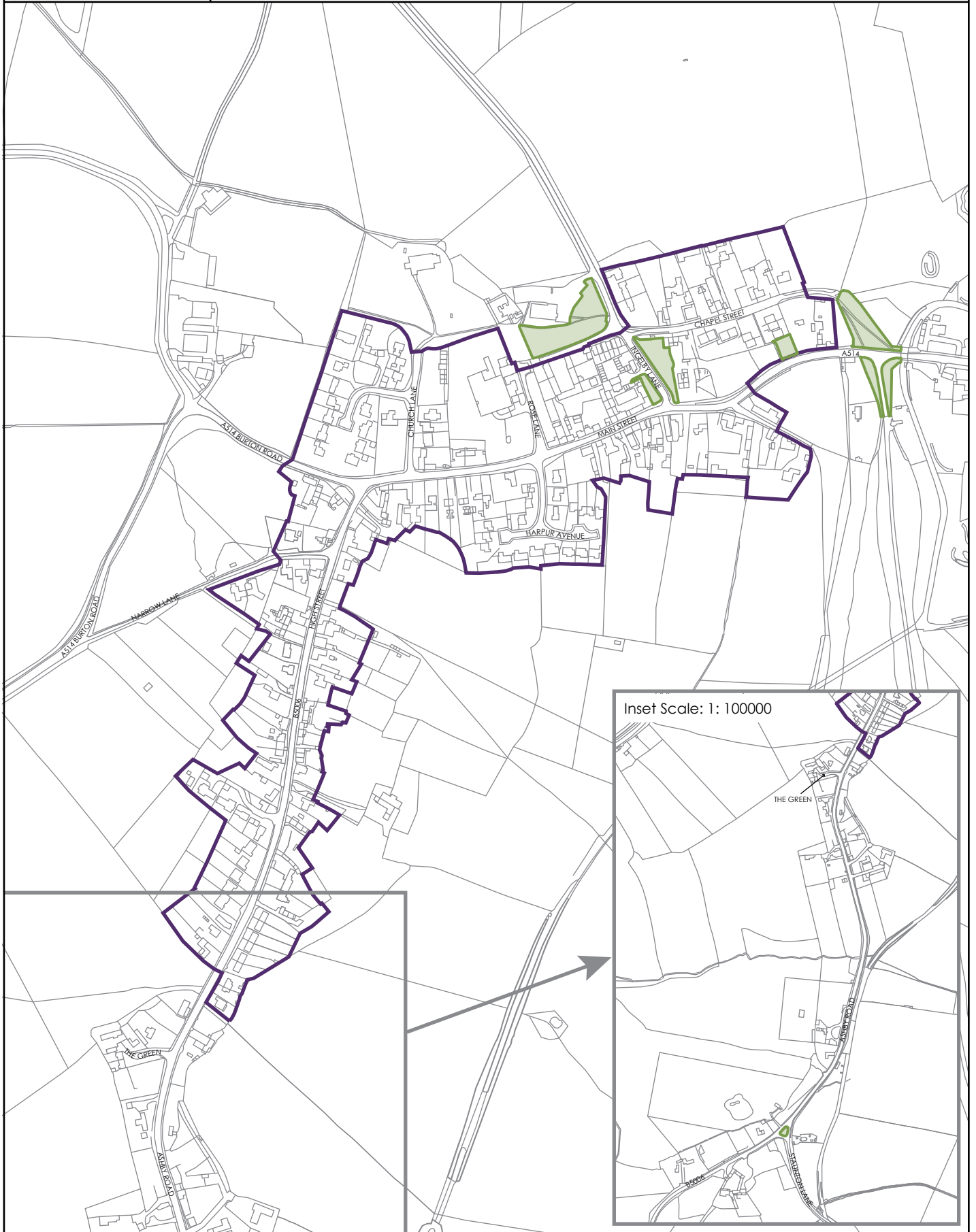


Settlement Boundary





MAP 20: Ticknall: Local Green Spaces



Local Green Space

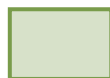
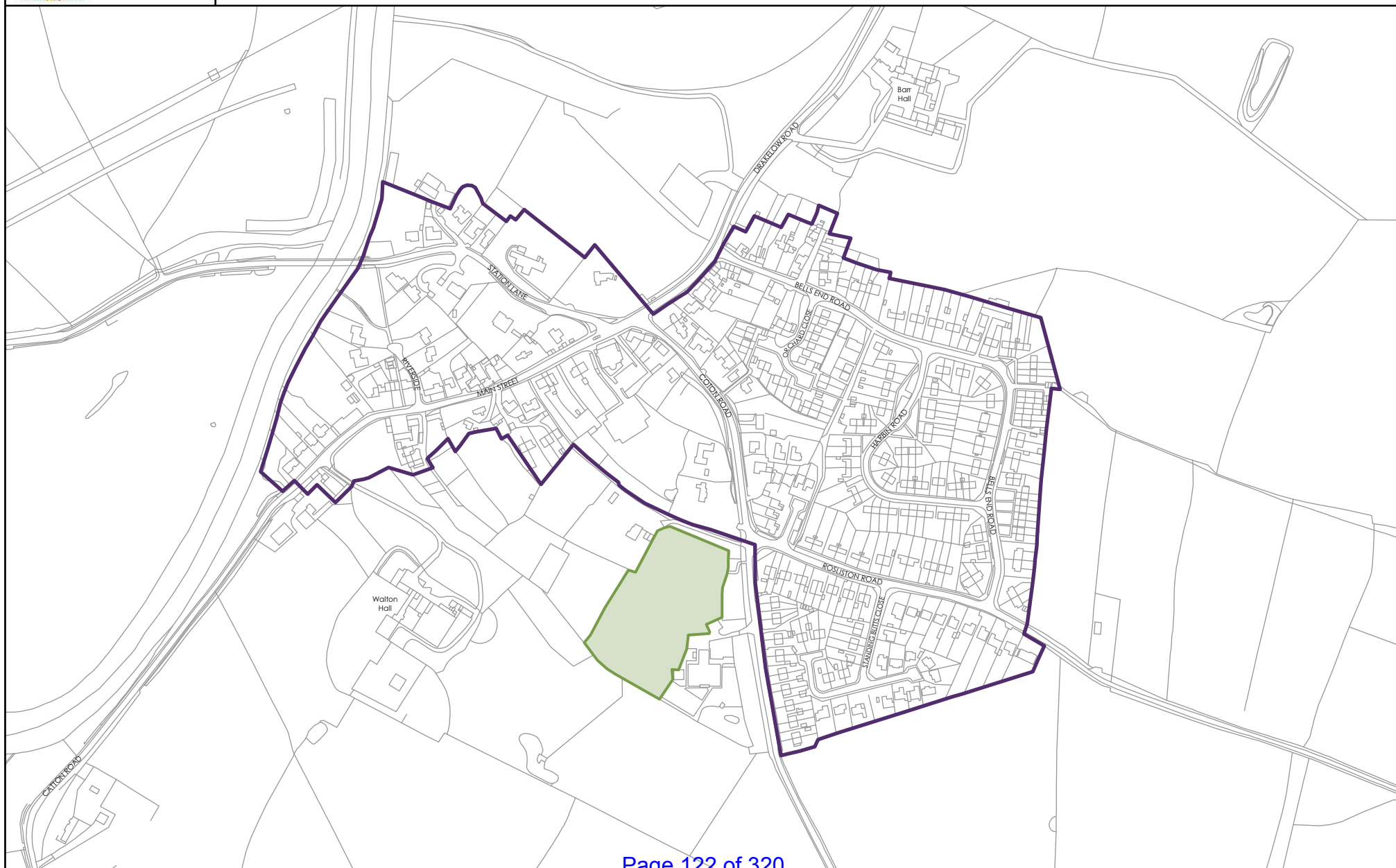


Settlement Boundary



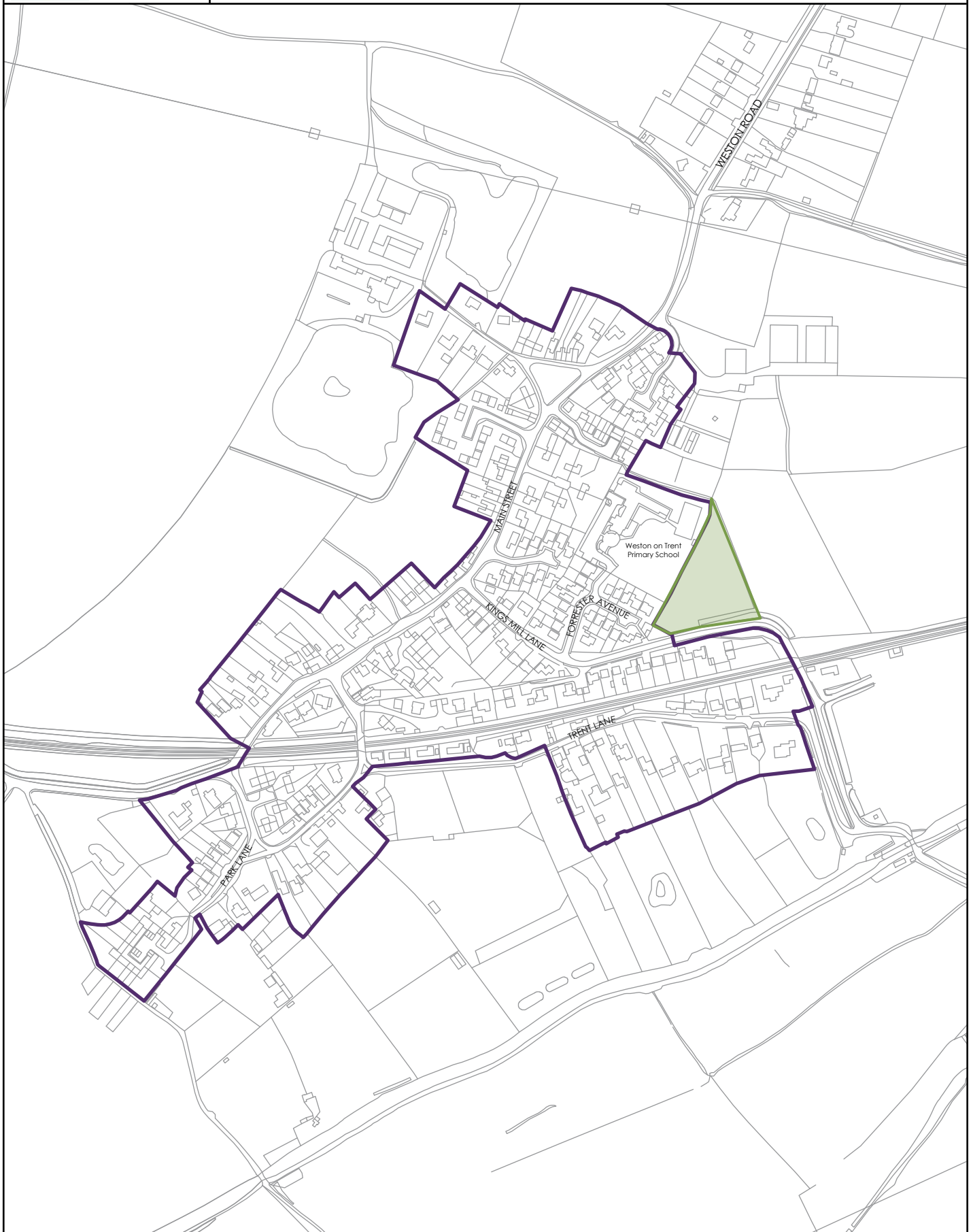


MAP 21: Walton on Trent: Local Green Spaces





MAP 22: Weston on Trent: Local Green Spaces



Local Green Space

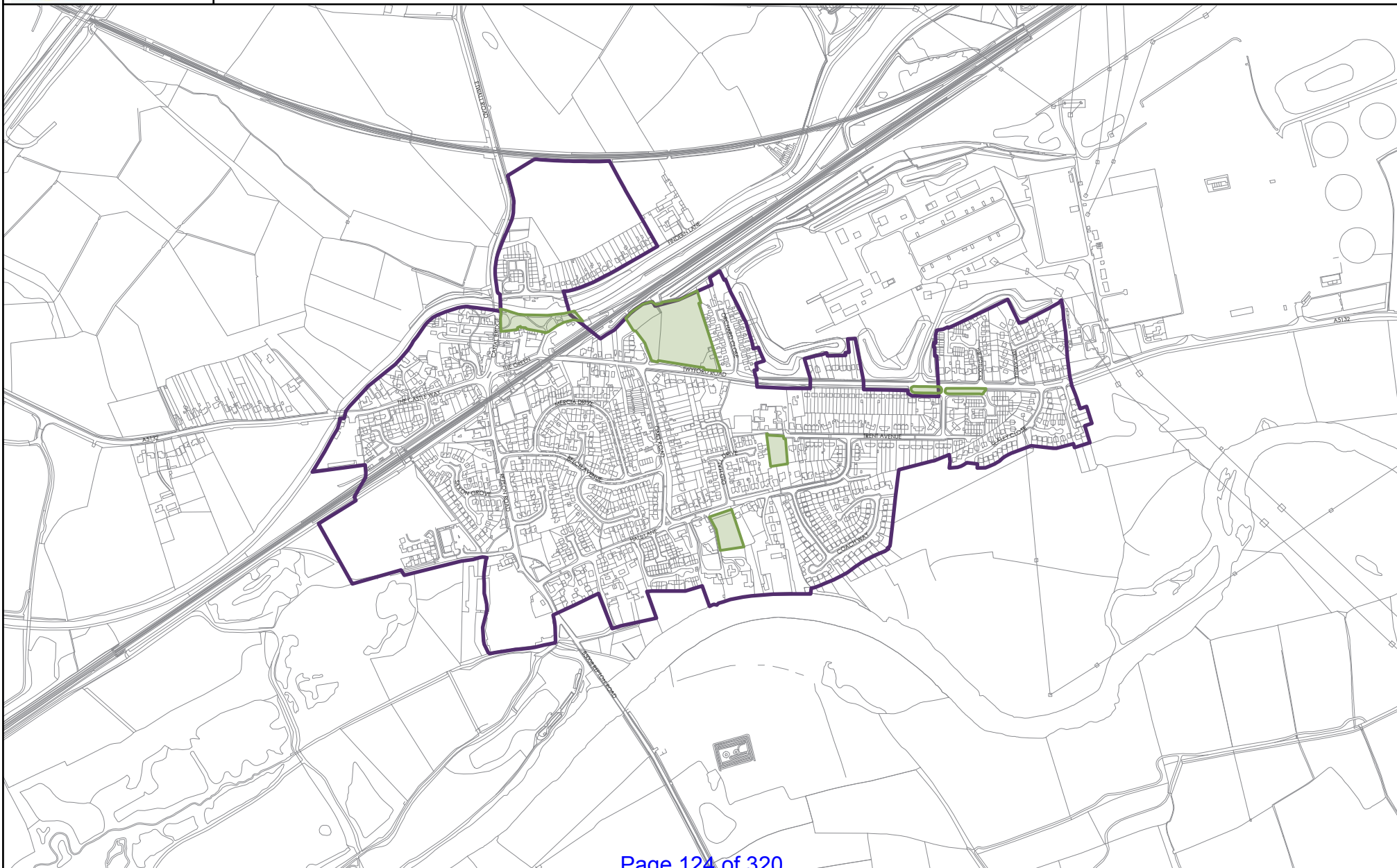


Settlement Boundary

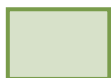




MAP23: Willington: Local Green Spaces



Page 124 of 320



Local Green Space



Settlement Boundary

© Crown copyright. All rights reserved.
100019461 2014.

Scale: 1:10000 at A4

Date: July 2018



THIS PAGE IS INTENTIONALLY BLANK

Local Green Spaces policies

Introduction

Many of the site being proposed as Local Green Spaces already play an important role in the local community. However many of these spaces could be further enhanced by improved management or further investment into local facilities. For this reason the Council is keen to work with landowners, or site managers to ensure that Local Green Spaces continue to play an important role to the communities that value them.

The Council is therefore proposing to supplement sites designations and Policy BNE8 - Local Green Spaces in the Local Plan Part 2 with two further policies. One policy provides certainty to landowners and others about the type and nature of development that may be appropriate on designated sites and the other policy is the commitment to enhance spaces where opportunities arise.

Policy LGS1: Development on a Local Green Space

Development would not normally be supported on local green spaces. The Council will support development where it:

- A Does not give rise to undue effects on the openness and essential qualities of the space through consideration of the scale, design and location of proposals.**
- B Protects, restores and enhances biodiversity or access to biodiversity.**
- C Improves community cohesion through considerations such as increased social activity.**
- D Comprises signage or advertisements for tourism, community or leisure purposes.**
- E Consists of replacement or extended built facilities that are not disproportionately larger than the existing building.**

Explanation

Built Sport and Leisure Facilities

The District Council has, in most instances, sought not to designate sports pitches and other formalised recreation spaces as Local Green Spaces. The justification for this rests on the fact that:

- 1) These sites already receive a level of protection from

development from policies included in the Local Plan including Policy INF6 (Community Facilities) and Policy INF9 (Open Space Sport and Recreation).

- 2) The Designation of Local Green Spaces could undermine the delivery of some qualitative improvements to some types of sports provision, for example the creation of flood lit sports pitches or installation of high mesh fencing associated with sports pitches or some play equipment.

However, a small number of recreation grounds and sports grounds have been included where it is considered appropriate to protect the current location of a space, for example where it is adjacent to and used by existing schools or other community groups such as brownies, scouts, or air cadets etc., the space makes a demonstrable contribution to local character, or where the replacement of sites could not be easily delivered locally, for example because of the density of surrounding urban development.

Where recreation grounds or play areas have been put forward as a Local Green Space, the Council acknowledges there is a potential conflict between the need to preserve the character and openness of that space and the need to provide qualitative improvements to sites in sports or leisure use. Exceptionally there may be circumstances where floodlighting, fencing or other development that would harm the openness of a Local Green Space will be sought. In these circumstances the applicant would need to demonstrate that very special circumstances exist justifying the need for development, that any harm to the Local Green Space is minimised and residual effects are outweighed by other considerations.

A small number of sites provide gateways to locally or even nationally important tourism and leisure facilities. In designating such sites the Council does not wish to stymie the delivery of necessary signage or advertisements. To this end the Council will work proactively with Derbyshire, parish councils, community groups and other stakeholders to ensure that appropriate signage or advertisements that both respect local context and the needs of site owners and managers can

Infrastructure

The District Council recognises the importance of the timely delivery of infrastructure, at that in some circumstances, new infrastructure could be proposed that could affect designated green spaces.

The NPPF makes provision for the delivery of local transport infrastructure within the Green Belt. On this basis it is considered that the delivery of transport infrastructure within areas subject to a local green spaces designation is appropriate subject to proposals preserving its openness

and not conflicting with the purpose of the designation. To this end, minor improvements to the highway network such as junction improvements, improvements to footways or other works to increase capacity or improve safety are likely to be acceptable where these are so small as not to affect the openness or essential character of the local green space. Where more substantial works are necessary the applicant will need to demonstrate that very special circumstances exist to justify works. Such circumstances could include the need to improve the operational capacity of the road in the interest of reducing congestion, improving access to non-car transport modes or works to improve highway safety.

A number of designated local green spaces are sites either notified for potential future school use by Derbyshire County Council or are sites immediately adjoining existing schools. None are subject to any proposals currently. The NPPF does not identify the development of schools or education buildings as an appropriate exception to Green Belt policy so such development would constitute inappropriate development within a designated local green space. As such, where development proposals come forward for a new school, or an extension of existing schools facilities the applicant will be expected to demonstrate that very special circumstances exist that outweigh any loss of or harm to a Local Green Space. Such exceptional circumstances could include the extent to which local need is being, or can be met in the future by existing facilities, the proximity of any new development site to the community it serves and the availability of suitable alternative sites that can sustainably meet local community needs.

Where new telecommunications, electricity, water or gas infrastructure is proposed within sites designated as local green spaces, the Council will expect the developer to demonstrate that new proposals preserve the openness and essential qualities of the local green space or where this is not possible demonstrate very special circumstances exist to justify the harm associated with new infrastructure development.

LGS2: Enhancement of Local Green Spaces

The Council will work positively with landowners, parish councils, Derbyshire County Council and other stakeholders to ensure the appropriate management of local green spaces.

Opportunities will be sought to enhance local green spaces that could include the following:

Biodiversity

- A Improvements to the long term management of spaces through changes to site management regimes and the development of site management plans**

- B Where appropriate support will be given to the registration of local green spaces as 'receptor sites' with the Environment Bank to allow financial contributions to be used to compensate for impacts on development sites elsewhere through habitat creation or management.**

Accessibility

- C The Council will work with landowners, site managers and local community groups to support proposals that improve public access and connectivity of the spaces to the communities they serve.**
- D Where sites are not publically accessible, there will be no obligation for landowners to make sites so. Should a landowner be amenable to public or permissive access to their site, then the Council will work positively with the landowner and others to achieve this.**

Explanation

Biodiversity

Many of the sites designated as local green spaces are valued by local communities for their wildlife interest. Most of the sites reviewed through the site designation process have the potential to deliver biodiversity gains. Whether this is through small measures such as changing the mowing regime of sites; installing bird or bat boxes, or through large-scale habitat creation including tree planting, the Council will work positively and collaboratively with those land owners or managers seeking to deliver biodiversity gains on site. In addition, the space could be registered as a receptor site with the Environment Bank (www.environmentbank.com/) which would allow for the biodiversity gains on that space to be used as compensation against development sites in the District that are not necessarily able to show biodiversity gains.

Where new built facilities or other development is proposed that could harm biodiversity within a designated site proposals will be determined in accordance with the provisions of Policy BNE3 (Biodiversity) and Policy BNE7 (Trees, Woodland and Hedgerows) of the Adopted Local Plan.

Accessibility

All of the sites identified by the Council for designation have some degree of public accessibility. However, within some sites there may be opportunities to improve the connectivity of spaces to the local communities they serve or improve ease of access for all users. Where opportunities for improving accessibility arise the Council will work

proactively with landowners, parish council's and other interested parties to improve accessibility within the site and enhance connectivity to existing public rights of way, cycling networks, greenways or other routes.

However the Council acknowledges that local green space designation does not confer any obligations on landowners to make sites accessible or maintain existing access arrangements that may be in place at the time of designation but are of a permissive or informal nature.

The concept of local green spaces was put forward in the Natural Environment White Paper in 2011. It recommended that a new Green Areas designation be introduced through the planning system that would give local people an opportunity to protect green spaces that have significant importance to their local communities. The White Paper further acknowledged the importance of green spaces to the health and happiness of local communities. However, just because a green space is already valued by the local community does not mean that there are not opportunities to deliver further enhancements. The Council considers that many spaces could be improved to deliver wider benefits, and in some cases local green space designation could kick-start improvements to sites by providing long-term certainty regarding the future of valued spaces, support the ongoing management of sites, or even help community groups to access grant funding by virtue of the recognition of the importance of spaces to local communities. The Council will work positively with landowners, Derbyshire County Council, parish councils, community groups and other stakeholders seeking to deliver appropriate and proportionate improvements to local green spaces that deliver wider community benefits.

The Council also recognises that for many spaces management of a site is an important aspect of preserving its unique qualities. Given that most spaces designated in this plan are publically maintained there could be significant opportunities to improve the long-term management and condition of many green spaces. Even where sites are in private ownership some landowners may be amenable to considering how they manage sites in the interests of biodiversity, floodrisk, landscape or townscape character for local communities. Where opportunities arise the Council will work positively with others towards ensuring the appropriate management and stewardship of sites in order that their value can be conserved and enhanced to ensure that sites are capable of enduring beyond the end of the plan period.

Appendix 1

Site Ref	Site Name	Reason for exclusion
1	Darklands Lane, Swadlincote	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
2	Aston Drive, Midway	Progressed to Stage 2 Assessment.
3	South of Edgecote Drive, Midway	Progressed to Stage 2 Assessment.
4	Off Lawns Drive, Midway	Progressed to Stage 2 Assessment.
5	Springwood Farm Road, Midway	Progressed to Stage 2 Assessment.
6	Eastfield Road, Midway	Progressed to Stage 2 Assessment.
7	Upper Midway Allotments, Chestnut Avenue	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
8	East of Thorn Tree Lane, Newhall	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
9	Fairfield Crescent, Newhall	Progressed to Stage 2 Assessment.
10	Off The Rise (East of Oversetts Road), Newhall	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
11	Arthur Street Recreation Ground, Mount Pleasant	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
12	Mount Pleasant Recreation Ground, Mount Pleasant	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
13	Castle Knob, Castle Gresley	Ruled out at Stage 1: No map provided defining extent. Most likely protected as a heritage asset.
14	White Lady Springs, Castle Gresley	Ruled out at Stage 1: No map provided defining extent. Most likely protected as a Wildlife Site known as White Lady Springs (SD360).
15	War Memorial (1), Castle Gresley	Progressed to Stage 2 Assessment.
16	War Memorial (2), Castle Gresley	No map provided. Possibly Linton Church but uncertain.
17	Off Gresley Wood Road, Church Gresley	Progressed to Stage 2 Assessment.
18	Gresley Wood, Gresley Wood Road, Church Gresley	Progressed to Stage 2 Assessment.

Site Ref	Site Name	Reason for exclusion
19	Lathkill Dale, Church Gresley	Progressed to Stage 2 Assessment.
20	Wye Dale, Church Gresley	Progressed to Stage 2 Assessment.
21	Fabis Close, Church Gresley	Progressed to Stage 2 Assessment.
22	Sorrel Drive, Woodville	Progressed to Stage 2 Assessment.
23	Falcon Way, Woodville	Progressed to Stage 2 Assessment.
24	Kingfisher Avenue, Woodville	Progressed to Stage 2 Assessment.
25	Tern Avenue, Woodville	Progressed to Stage 2 Assessment.
26	North of Ashby Road (A511), Woodville	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
27	Aston Allotments, Weston Road	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
28	Long Walk Wood, Aston on Trent	Ruled out at Stage 1: Site designated as a housing site in the Part 1 Local Plan although required to be protected. Site is larger than 5ha and is a Local Wildlife Site (SD163).
29	Middle Wood, Aston on Trent	Ruled out at Stage 1: Site is an allocated housing site in the Adopted Local Plan and current policy provision protect this part of the site.
30	Ponds to the rear of Aston Hall, Aston on Trent	Progressed to Stage 2 Assessment.
31	Shardlow Road Recreation Ground, Aston on Trent	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
32	Adjoining Moor Lane, opposite the cemetery	Ruled out at Stage 1: The site is in private ownership. Used for keeping of horses. Possibly included as housing allocation and included in the SHLAA.
33	Nature Reserve Area at Clover Leaf Farm	Ruled out at Stage 1: No map included in the nomination and it has not been possible to identify the potential area proposed for designation.
34	Willow Park Way, known as The Bull Field	Ruled out at Stage 1: No map included in the nomination of this site. Although likely to be located at SK 4132 2924. Based on the best available evidence the site is around 5.32ha and an extensive tract of land and not publically accessible.

Site Ref	Site Name	Reason for exclusion
35	Brickyard Plantation and Claypit	Ruled out at Stage 1: Site designated as a Local Wildlife Site (SD167 Brickyard Plantation and Clay Pit).
36	The Bowling Green, Aston on Trent	Progressed to Stage 2 Assessment.
37	Egginton Road, Etwall	Progressed to Stage 2 Assessment.
38	Appletree Meadow, Etwall	Progressed to Stage 2 Assessment.
39	South of Sutton Lane, Etwall	Progressed to Stage 2 Assessment.
40	West of Main Street, Etwall	Progressed to Stage 2 Assessment.
41	East of Common End, Etwall	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
42	King George V Playing Field, Etwall	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan. Protected by Fields in Trust.
43	Sandypits Lane Playing Field, Etwall	Progressed to Stage 2 Assessment.
44	Chestnut Grove Play Area, Etwall	Progressed to Stage 2 Assessment.
45	Field Avenue, Hatton	Progressed to Stage 2 Assessment.
46	Hassall Road, Hatton	Progressed to Stage 2 Assessment.
47	QE2 Field, East of Hassall Road, Hatton	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan. Protected by Fields in Trust.
48	QE2 South of Heathfields Primary School, Hatton	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan. Protected by Fields in Trust.
49	East of Dove Side, Hatton	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
50	South of Egginton Road	Progressed to Stage 2 Assessment.
51	Humber Street/Welland Road, Hilton	Progressed to Stage 2 Assessment.
52	Off Mill Lane, Hilton	Ruled out at Stage 1: The site is a private garden and not publically accessible.

Site Ref	Site Name	Reason for exclusion
53	South of Main Street, Hilton	Progressed to Stage 2 Assessment.
54	Sutton Lane, Hilton	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
55	Wellavon Playground, Welland Road/Avon Way, Hilton	Progressed to Stage 2 Assessment.
56	South of Linton Heath, Linton	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
57	SHLAA Site S/0050, Off Windsor Road, Linton	Ruled out at Stage 1: Site in the SHLAA and identified as potentially suitable for development.
58	West of Packhorse Road, Melbourne	Progressed to Stage 2 Assessment.
59	North of Station Road, Melbourne	Progressed to Stage 2 Assessment.
60	Washpit, Station Road, Melbourne	Progressed to Stage 2 Assessment.
61	Off Acacia Drive, Melbourne	Progressed to Stage 2 Assessment.
62	Lothian Gradens, South of High Street, Melbourne	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
63	Off The Pingle, Melbourne	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
64	Poolside, South of Penn Lane, Melbourne	Ruled out at Stage 1: The site is a private garden and not publically accessible.
65	Jawbone Lane, Melbourne	Ruled out at Stage 1: The site is an extensive tract of land extending some 16ha. Part of the site has planning consent for residential development. A further 5ha is included in the Council's SHLAA (Ref S/0009 and S/0226).
66	Robinson's Hill North, Melbourne	Ruled out at Stage 1: Extensive tract of land. Land is in private ownership and there is no public access to the site.
67	Robinson's Hill South, Melbourne	Ruled out at Stage 1: Extensive tract of land.
68	Blackwell Lane, Melbourne	Ruled out at Stage 1: Site is in the SHLAA (S108) and in private ownership.

Site Ref	Site Name	Reason for exclusion
69	Kings Newton Hall Park, Melbourne	Ruled out at Stage 1: Extensive tract of land.
70	Holy Well, Wards Lane	Progressed to Stage 2 Assessment.
71	Crow Park, Melbourne	Ruled out at Stage 1: Extensive tract of land.
72	Chestnut Park, Melbourne	Ruled out at Stage 1: Extensive tract of land.
73	Brown Fields and Bare Hills, Melbourne	Ruled out at Stage 1: Extensive tract of land.
74	The Severn Trent Visitor Centre, Grassland and Washland, Melbourne	Ruled out at Stage 1: Extensive tract of land.
75	Land adjacent to Manor Oak (Kings Newton)	Ruled out at Stage 1: This is a partially domesticated area in private ownership with no public access.
76	Fields South of Elms Farm, Melbourne	Ruled out at Stage 1: No map has been provided in respect of the location or extent of the nominated site. Possible duplication of site 75 (above).
77	Church Close, Melbourne	Progressed to Stage 2 Assessment.
78	The Pool, Melbourne	Ruled out at Stage 1: Extensive tract of land.
79	Intake, Melbourne	Ruled out at Stage 1: Extensive tract of land.
80	Kings Field, Melbourne	Ruled out at Stage 1: No map provided.
81	Baptist Cemetery, Chapel Street, Melbourne	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
82	Castle Street Cemetery, Melbourne	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
83	Packhorse Road Cemetery, Melbourne	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
84	The Bowling Green, Melbourne	Progressed to Stage 2 Assessment.
85	Queensway, Melbourne	Progressed to Stage 2 Assessment.
86	Rear of 78 Ashby Road, Melbourne	Ruled out at Stage 1: Site is in private ownership and is not publically accessible.
87	Grange Close Recreation Ground, Melbourne	Progressed to Stage 2 Assessment.

Site Ref	Site Name	Reason for exclusion
88	Jubilee Close, Melbourne	Ruled out at Stage 1: No map has been provided in respect of the location or extent of the nominated site.
89	Old Tennis Courts, Lothian Garden, Melbourne	Progressed to Stage 2 Assessment.
90	Smith Avenue, Melbourne	Ruled out at Stage 1: No map has been provided in respect of the location or extent of the nominated site.
91	Edward Street, Overseal	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
92	Daisy Lane, Overseal	Ruled out at Stage 1: Protected by Policy BNE3 of the Adopted Local Plan.
93	East of High Street and South of Askew Grove, Repton	Progressed to Stage 2 Assessment.
94	North of Milton Road, Repton	Progressed to Stage 2 Assessment.
95	Land at The Crescent, Repton	Progressed to Stage 2 Assessment.
96	Mitre Drive, Repton	Progressed to Stage 2 Assessment.
97	Broomhills Palying Field, Repton	Progressed to Stage 2 Assessment.
98	Pinfold Lane, Repton	Progressed to Stage 2 Assessment.
99	South of London Road, Shardlow	Progressed to Stage 2 Assessment.
100	Glen Way, Shardlow	Progressed to Stage 2 Assessment.
101	The Wharf, Shardlow	Progressed to Stage 2 Assessment.
102	Wilne Lane, Shardlow	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
103	Long Row, Allotment, Shardlow	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
104	Millfield, Shardlow	Ruled out at Stage 1: The site is a private garden and not publically accessible.
105	South of the Trent and Mersey Canal, Willington	Progressed to Stage 2 Assessment.

Site Ref	Site Name	Reason for exclusion
106	East of Etwall Road (B5008), Willington	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
107	North of Twyford Road, Willington	Progressed to Stage 2 Assessment.
108	Village Hall, South of Twyford Road, Willington	Ruled out at Stage 1: Area is planned for a rebuild of the village hall located on the site.
109	North of River Trent, Willington	Ruled out at Stage 1: The site is mainly private gardens and not publically accessible.
110	Hall Lane Playing Field, Willington	Progressed to Stage 2 Assessment.
111	Trent Avenue Playing Field, Willington	Progressed to Stage 2 Assessment.
112	South of Twyford Road, Willington	Progressed to Stage 2 Assessment.
113	Coach Road to Sealey Close Playing Fields, Willington	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
114	West of Hillside, Findern	Progressed to Stage 2 Assessment.
115	The Green, Findern	Progressed to Stage 2 Assessment.
116	East of The Hayes, Findern	Progressed to Stage 2 Assessment.
117	East of Porters Lane Farm, Findern	Ruled out at Stage 1: Site is in private ownership and not publically accessible.
118	West of Repton Road/Main Street, Hartshorne	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
119	Tower Road, Hartshorne	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
120	East of Main Street/Ticknall Road, Hartshorne	Ruled out at Stage 1: Site is an extensive tract of land.
121	Land North of Kendricks Close, Hartshorne	Ruled out at Stage 1: Site is in private ownership and is used for grazing/keeping horses.
122	Land adjoining Mill Wheel Car Park	Progressed to Stage 2 Assessment.

Site Ref	Site Name	Reason for exclusion
123	North of Repton, east of Brook Street, Hartshorne	Ruled out at Stage 1: The site is included in the Council's SHLAA (S/215) and is identified as potentially suitable. There is a PROW crossing the site which is used for grazing horses but beyond this right of access the land is in private ownership and not accessible.
124	Land at junction of Brook Street, Repton Road, Hartshorne	Progressed to Stage 2 Assessment.
125	Land at junction of Manchester Lane and Heath Lane, Hartshorne	Progressed to Stage 2 Assessment. Not considered as demonstrably special to local community and rejected at this point.
126	Main Street/Church Street, Netherseal	Ruled out at Stage 1: This site is private property forming the grounds of a residential care home.
127	North of Yew Tree Road, Rosliston	Progressed to Stage 2 Assessment.
128	The Rec, off Main Street, Rosliston	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
129	Land East of Strawberry Lane, Rosliston	Progressed to Stage 2 Assessment.
130	North of Rose Lane, Ticknall	Progressed to Stage 2 Assessment.
131	North of Main Street, Ticknall	Ruled out at Stage 1. Could be allotments, although not officially so. Site is in private ownership and not publically accessible.
132	North of A514, opposite Calke Abbey entrance, Ticknall	Progressed to Stage 2 Assessment.
133	Area opposite the Vineyard, Main Street (A514), Ticknall	Ruled out of Stage 1: Site is Local Wildlife Site Protected by Policy BNE3 of the Adopted Local Plan
134	Blank entry in database.	Blank entry in database.
135	Ingleby Lane - East, Ticknall	Progressed to Stage 2 Assessment.
136	Ingleby Lane - West, Ticknall	Progressed to Stage 2 Assessment.
137	The Green, Ashby Road, Ticknall	Ruled out at Stage 1: Private land which is not publically accessible with limited views into the site from surrounding public spaces.

Site Ref	Site Name	Reason for exclusion
138	Ashby Road Grass Triangle, Ticknall	Progressed to Stage 2 Assessment.
139	The Vineyard, Main Street, Ticknall	Ruled out at Stage 1: Site is mainly in private ownership and not publically accessible.
140	Main Street, entrance and verges to Calke Park, Ticknall	Progressed to Stage 2 Assessment.
141	Blank entry in database.	Blank entry in database.
142	Slade House, Rose Lane, Ticknall	Ruled out at Stage 1: Site in private ownership and not publically accessible.
143	King's Mill Lane, Weston on Trent	Ruled out at Stage 1: Site in private ownership and not publically accessible.
144	King's Mill Lane, adjoining school, Weston on Trent	Progressed to Stage 2 Assessment.
145	Sports Field of Twyford Road, Barrow on Trent	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
146	Chapel Lane, Barrow on Trent	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
147	South of Littlefield Road, Church Broughton	Ruled out at Stage 1: Site is in private ownership and is used as private residential garden.
148	Blacksmith's Lane, Egginton	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
149	Catherine Jonathon Playing Field, Egginton	Progressed to Stage 2 Assessment.
150	Off Elmhurst, Egginton	Progressed to Stage 2 Assessment.
151	Land South of Stoke-Derby Railway Line, Egginton	Ruled out at Stage 1: Site is subject to development proposals through the NSIP process. It would therefore be inappropriate to seek LGS designation at this point.
152	Village Green, Lees	Progressed to Stage 2 Assessment.
153	Allotments, unnamed road between Long Lane and Dalbury Hollow	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
154	Blank entry in database.	Blank entry in database.
155	Orchard to Common	Progressed to Stage 2 Assessment.

Site Ref	Site Name	Reason for exclusion
156	Mill Lane, Scropton	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
157	Piddocks Road, Stanton	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
158	South of Oak Road, Thulston	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
159	Walton Playing Field, Walton on Trent	Progressed to Stage 2 Assessment.
160	Blank entry in database.	Blank entry in database.
161	98 Derby Road, Aston on Trent	Ruled out at Stage 1: Protected by Policy INF9 of the Adopted Local Plan.
162	Land opposite the Arboretum on Pinfold Lane, Repton	Progressed to Stage 2 Assessment.
163	Arboretum on Pinfold Lane, Repton	Progressed to Stage 2 Assessment.
164	Triangle at the bottom of Mount Pleasant Road, Milton known as Village Green	Progressed to Stage 2 Assessment.
165	The Sandlands, near Woodville	Ruled out at Stage 1: No map has been provided in respect of site.
166	Woodland West of Leawood Road	Ruled out at Stage 1: No map has been provided in respect of site.
167	Land between Goseley Estate and Woodville	Ruled out at Stage 1: No map has been provided in respect of site.
168	Linton Orchard	Community Orchard. Appears to meet the criteria for local green space designation. Progress to Phase 2 assessment.
169	Diane Garden, Swadlincote	Progressed to Stage 2 Assessment.
170	Mease Meadow, Hilton	Progressed to Stage 2 Assessment.
171	Amenity area to the South of Cycle Route, Washford Road, Hilton	Progressed to Stage 2 Assessment.
172	Amenity area to the South of Cycle Route at Avon Way, Hilton	Progressed to Stage 2 Assessment.

Site Ref	Site Name	Reason for exclusion
173	Amenity area to the North of Cycle Route at The Mease, Hilton	Progressed to Stage 2 Assessment.
174	Land between A5132 and New Road, Hilton	Progressed to Stage 2 Assessment.
175	Bren Way, Hilton	Progressed to Stage 2 Assessment.
176	Blank entry in database.	Blank entry in database.
177	Off Pegasus Way, Hilton	Progressed to Stage 2 Assessment.
178	Woodland, South of The Mease, Hilton	Progressed to Stage 2 Assessment.
<p>Page 143 of 320</p>		

1.1 SECTION 1: BACKGROUND

The parts of the SEA Directive Requirements considered in the section:

The Environmental (Sustainability) Report should provide information on:
“an outline of the contents, main objectives of the plan and programme”;
“A description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know how) in compiling the report”

1.1.1 This document is called a Sustainability Appraisal Report (sometimes called an Environmental Report). It is a key output of the sustainability appraisal and strategic environmental assessment (SEA) processes. It presents information on the social, environmental and economic effects of implementing the South Derbyshire Local Green Spaces Plan (LGSP) and the appraisal methodology adopted to identify these effects.

1.1.2 This report has been produced to meet the reporting requirements of both the strategic environmental assessment and the sustainability appraisal processes and will be updated to reflect any changes to the Plan and the green spaces it seeks to adopt as it moves towards adoption.

1.2 THE DEVELOPMENT PLAN PROCESS

1.2.1 The planning system provides a framework for managing the development and use of land. A key element of this system is the preparation of development plans, which establish where and what type of development might take place, and provides the basis for the consideration of planning applications.

1.2.2 Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by Section 111 of the Localism Act requires that the District Council prepare a Development Plan to manage growth across the District. This document together with the the Local Plan Part 1 and Local Plan Part 2 (LP1 and LP2) will seek to manage development within South Derbyshire between now and 2028.

1.3 THE LOCAL PLAN PART 1 AND PART 2

1.3.1 LP1 establishes a long-term strategy to manage development, provide services, deliver infrastructure and create sustainable communities. It comprises the spatial vision and objectives, a spatial strategy (setting out how much growth is required and where strategic growth will be located), strategic policies to inform the detailed design of new development and a section setting out how we will implement and monitor the strategy. This Plan also makes an allowance for 600 homes to be met on non-strategic sites to be defined through a later LP2.

1.3.2 LP2 sets out additional non strategic policies and guidance. It supplements and provides additional detail concerning how development will be managed in South Derbyshire up to 2028 including through the allocation of 14 non-strategic sites. This Plan also identified those locations within settlement boundaries where development is in principle accepted subject to conforming with the wider policies set out in LP1 and LP2.

1.4 THE LOCAL GREENSPACES DEVELOPMENT PLAN DOCUMENT

1.4.1 The LGSP seeks to identify the location of areas subject to a local green space designation in South Derbyshire.

1.4.2 Previously it was anticipated that local green spaces would be identified as part of the LP2 process, although during the preparation of LP2 it became obvious that there was significant interest in protecting valued spaces within existing communities and the work required to identify appropriate green spaces could significantly delay the

preparation of the LP2. Given the pressing need to identify housing to meet the Council's housing requirement, the decision was taken following the June 2016 (regulation 18) consultation on LP2 to identify the location of local green spaces through a separate development plan document. This would allow the preparation of LP2 to be expedited and ensure that local green spaces could be appropriately considered through the preparation of a specific local plan document, which would be subject to the same regulatory requirements as the LP2.

- 1.4.3 However, whilst the decision was taken to not bring forward local green space designations through LP2, a policy was included in that Plan regarding local green spaces. This policy is set out for information below:

Policy BNE8: Local Green Space

Local Green Spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the local green space and do not harm the purpose for its designation:

- i) the construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;**
- ii) the carrying out of an engineering or other operation.**

Designations of local green spaces will be made through a separate development plan document or neighbourhood development plan. The Council will work to enhance the biodiversity, heritage, recreation and tranquillity value and where possible the public accessibility of local green spaces through appropriate site management.

- 1.4.4 The Draft Plan, published for consultation in October 2018 (to which this interim sustainability appraisal report relates) does not represent the Council's final plan. As the Council moves towards adoption the sites included in the LGSP and the specific policies identified to address future development or management of those sites could change. Where such changes occur these will be documented and will be subject to further sustainability appraisal where these could have likely significant effects on the environment and on local communities or businesses.
- 1.4.5 The content of the emerging Plan, to which this report relates is summarised below in Table 1.1.

Table 1.1 Contents of the Plan

Section Number	Section Title	Included in this section
1	Introduction and Policy Context	Summary of national and local policy related to green spaces and the process towards identifying local green spaces to date.
2	Review Process and Next Steps	Identifies the issues that will be considered in deciding which sites to designate as local green spaces and the process to be followed ahead of adopting the LGSP.
3	Local Green Spaces Sites	The sites identified as potential local green spaces including maps which are currently before the Council for consideration and the attributes that make these spaces demonstrably special to the local community.
4	Local Green Space Policies	Thematic policies to control future development and the management of designated local green spaces

1.5 LOCAL PLAN VISION

1.5.1 The vision for South Derbyshire is set out in LP1. As a daughter document of LP1 the LGSP will assist in the delivery of this vision. For the sake of completeness this is set out below.

The vision for South Derbyshire is one of sustainable growth, renewal and opportunity. By 2028, the economy will have grown with a more diverse business environment supported by a more skilled workforce. Local communities will be healthy and inclusive and will have access to a range of jobs, housing, education, health, shops, services, facilities and green space by a choice of travel options including public transport and other non-car modes. Climate change and adaption will lie at the heart of our strategy and residents and businesses will be supported to make efficient use of resources and cope with the effects of climate change which are already anticipated- such as reduced water availability and increased flooding.

The strategy for growth will have delivered at least an additional 12,618 homes over the plan period and ensured the District's housing stock is better aligned to the needs of – and available to - everyone, irrespective of their stage of life, income or circumstances. The countryside, rivers, green spaces and networks which connect them, together with the districts cultural and heritage assets will have been protected and enhanced and the quality and diversity of the District's wildlife habitats will have been improved. New development will reflect and reinforce the District's many distinct landscapes and will protect the integrity of our most sensitive wildlife sites, landscapes and heritage assets. South Derbyshire will have continued to be a major ingredient in the success of the National Forest and the District will have become an increasingly important tourist destination in the region.

To accommodate growth, brownfield land and disused buildings will be bought back into beneficial use and major sustainable urban extensions to Derby will have been developed 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.

Similarly, as South Derbyshire's principal settlement, Swadlincote will have expanded to the south, east and west, to cater for the needs of South Derbyshire's growing population and cementing the economic and commercial role of the town. The design of all major residential urban extensions will have been shaped by local people and comprehensively designed to provide the highest possible quality living environments being sustainable, prosperous, safe, clean and energy efficient. A culture of good design will also have become established for all developments in the District.

Swadlincote will have become firmly established as a vibrant town in a high quality retail, residential, commercial, leisure and shopping environment. This will have been achieved through new development within and around the town and improved connections to the wider road network. In particular, substantial investment in leisure and civic facilities will have been developed to support the town's enhanced role as a major shopping and recreation destination. These developments will have complemented successful actions for encouraging investment into, and better management of, Swadlincote Town Centre – guided by a dedicated Vision and Strategy. Such measures will have included the completion of public realm improvements, supporting business development, developing the outdoor market and hosting major events.

Major urban renewal will also have taken place in the wider Swadlincote urban area with the reclamation and re-development of underused and derelict brownfield land south of Woodville. The environment and job opportunities in the area will have been

significantly enhanced through the construction of the Woodville Regeneration Route bypassing - and providing relief from traffic congestion at - the Clock Roundabout, opening up land for development and providing better links between Swadlincote and the A42 to the east.

Substantial housing and/or economic growth, facilities and infrastructure will also have been delivered in the key villages of Hatton and Hilton to meet the particular needs of those communities. This will have supported and balanced the significant expansion of employment in Hatton whilst providing some HGV traffic relief and potentially providing the first phase of a Hatton Bypass in the much longer term if needed. Similarly, substantial new provision of local infrastructure will have taken place at Hilton which may have been enabled through a measure of house-building and/or other development.

The vitality and viability of Melbourne town centre will also have been sustained through a combination of careful control over land uses in the core shopping area and more widely through enhanced leisure and cultural facilities.

Meanwhile, sustainable living and working environments throughout the remainder of the villages and other rural parts of the district will have been maintained and through local scale development in keeping with their size, role and character. In tandem, the rich heritage, historic assets and distinctive character of our towns, villages and hamlets will continue to have been respected and enhanced.

1.6 LOCAL PLAN OBJECTIVES

1.6.1 LP1 sets out the Council's Local Plan Objectives. As above the LGSP will assist in the delivery of these objectives which are as follows:

1. To ensure future development is locally distinctive and environmentally, socially and economically sustainable through the achievement of design excellence, addressing the causes and effects of climate change and reducing waste and pollution.
2. To ensure the needs of an ageing population, and a higher than average proportion of younger people, are recognised in shaping all aspects of our communities
3. To enable, support and promote a robust and diverse economy, resistant to downturns and providing a strong base for sustainable growth which respects environmental limits and safeguards natural resources
4. To ensure the District's housing stock is decent, suitable and affordable, meets community need and balanced with access to employment opportunities
5. To ensure our communities can be safe, clean, vibrant, active and healthy
6. To ensure sustainable, living and working urban and rural communities
7. To reduce the need to travel and to encourage travel by sustainable modes of transport, providing access to jobs, shopping, leisure, services and facilities from all parts of the District.
8. To ensure the social, physical and green infrastructure needed to support strong growth levels is provided at an appropriate time and accessible to our communities

9. To respect and enhance the varied character, landscape, cultural, heritage and natural environment of our fast growing District
10. To make the most of the economic, social and environmental opportunities presented by the District's central location within the National Forest and promote the continued growth of local tourism and leisure offer across the whole of the District.
11. To make optimum use of previously developed and under-used land and bring empty and derelict buildings into reuse subject to wider sustainability considerations
12. To enhance and develop the role of Swadlincote town centre and its wider urban area as a focus for living, working, shopping and leisure
13. To ensure growth in South Derbyshire is co-ordinated with development in adjoining areas both within and outside the Derby HMA

1.7 RELATIONSHIP WITH OTHER PLANS AND PROGRAMMES

- 1.7.1 The LGSP will form part of the overall development plan which will guide many aspects of development up to 2028. It will outline the location of sites considered to be of local community value and protected as local green spaces.

1.8 DELIVERING SUSTAINABLE DEVELOPMENT

- 1.7.1 In producing a Local Plan for South Derbyshire we are committed to the promotion of sustainable development. The Brundtland Report released by the World Commission on the Environment and Development defined sustainable development as:
- 1.7.2 *"Development that meets the needs of the present without compromising the ability of future generations to meet their own needs".*
- 1.7.3 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:
 - Sustainable Consumption and Production
 - Sustainable Communities
 - Natural Resource Protection and Environmental Enhancement
 - Climate Change and Energy.
- 1.7.4 The concept of sustainability lies at the heart of the planning process. To this end the Council is required to carry out a sustainability appraisal of all development plan documents proposed as part of its Local Plan.
- 1.75 However in respect of strategic environmental assessment (SEA), this process is only required where the Plan could give rise to likely significant effects. Given the nature of the Plan (which will not result in further development, but will confer added protection to sites already unlikely to be developed within the plan period) there may not be a requirement to undertake SEA as it is unlikely to have any notable effects let alone significant ones. Nonetheless inline with paragraph 32 of the National Planning Policy Framework which states *"local plans and spatial development strategies should be informed throughout their preparation by a sustainability*

appraisal that meets the relevant legal requirements” the Council considers it appropriate to undertake sustainability appraisal.

1.8 STRATEGIC ENVIRONMENTAL ASSESSEMENT

1.8.1 The European Directive 2001/42/EC enacted in England under the Environmental Assessment of Plans and Programmes Regulations (2004) requires a strategic environmental assessment (SEA) be completed on all development plan documents that could have a significant effect on the environment.

1.8.2 The purpose SEA is to “*provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.*” (2001/42/EC Article 1). Put simply the SEA process requires that in preparing the Local Plan we consider its likely effects a broad range of issues such as *biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archeological heritage and landscape* (2001/42/EC annex 1) and determine whether negative effects of implementing the Plan can be improved and positive effects enhanced.

1.8.3 By ensuring that local planning authorities consider these issues the SEA Directive seeks to ensure that environmental considerations are fully integrated in the preparation and adoption of plans and programmes which are likely to have a significant effect on the environment.

1.9 SUSTAINABILITY APPRAISAL

1.9.1 Whilst SEA focuses upon environmental issues, sustainability appraisal (SA) widens the approach to include social and economic issues. The purpose of SA is to ensure that the principles of sustainable development are taken fully into account when preparing the Local Plan. In preparing all development plan documents that will be included within the Local Development Framework Section 19 (5) of the *Planning and Compulsory Purchase Act* (2004) as updated requires that we:

- (a) *Carry out an appraisal of the sustainability of the proposals in each document;*
- (b) *Prepare a report of the findings of the appraisal*

1.10 THE COMBINED PROCESS

1.10.1 The combined SA and SEA processes will ensure that all relevant parts of the Plan are subject to appraisal before they are adopted in order that the environmental, social and economic effects policies and proposals can be adequately tested and modified prior to adoption.

1.11 HABITAT REGULATIONS ASSESSMENT

1.11.1 In addition to the SEA and SA we are also required to undertake a separate form of assessment under the Conservation of Habitats and Species Regulations (2010). This assessment known as Habitat Regulations Assessment is required to ensure that:

- A strategy or plan either alone or in combination with other plans or projects, would not have a significant effect on a European site, and where the plan being produced is not directly connected with the management of the site for nature conservation.

1.11.2 Where the Plan could affect a European site the Council is required to undertake and ‘appropriate assessment’. European sites referred to include special areas of conservation (SAC) and special protection areas (SPA). Within South Derbyshire

there is one special area of conservation; the River Mease SAC. There are a number of other SACs and SPA located in surrounding districts and boroughs.

1.11.3 This Plan has been subject to a screening assessment to help identify which European sites could be affected by the proposals included within it. The results of the screening report have been published on the Districts Council's website. **Add weblink when known.**

1.11.4 Put simply, however, the conclusions from the Habitats Regulation Screening Assessment are:

- There is no likely significant impact on any SPAs or SACs located outside of the District as a result of implementing the LGSP.
- There is one local green space located in the catchment of the River Mease. The remainder are located outside of the catchment.
- The site located in the catchment is site 168 (Linton Orchard) and consists of a community orchard located in the southern part of Linton. It lies on the watershed for the catchment and 4km from the SAC. Given that this LGSP seeks to ensure that this site is retained as a community orchard its designation is unlikely to have any effect on the SAC.
- The designation of local green spaces will not increase surface water or foul water and would be unlikely to have any effect on water quality within the SAC.
- As the South Derbyshire Local Plan (LP1 and LP2) have already been identified as having no effect on the SAC, it is unlikely that the adoption of this Plan will act in combination with these, or indeed the plans of neighbouring authorities adopted or under preparation.

1.12 PURPOSE OF THIS REPORT

1.12.1 This report sets out the findings of the SA of the LGSP. It presents information on the social, environmental and economic effects of implementing the Plan and the appraisal methodology adopted to identify these effects.

1.13 REPORT STRUCTURE

1.13.1 This report contains the following sections:

- Section 1** Background (this section)
- Section 2:** Appraisal Methodology
- Section 3:** Sustainability Objectives, Baseline and Context
- Section 4:** Sustainability Appraisal Framework
- Section 5:** Broad Options Appraisal
- Section 6** Policies Identified to Mitigate Effects and Policy Appraisals
- Section 7:** Preferred and Non Preferred Local Green Space Designations
- Section 8** Summary of Plan Effects (by Settlement)
- Section 9** Implementation and Monitoring
- Section 10** What Happens Next

1.13.2 Further detail on the content of this 'Sustainability Report' is set out in tables 1.2 and 1.3.

1.14 COMPLIANCE WITH THE SEA DIRECTIVE AND ENACTING REGULATIONS

- 1.14.1 The Strategic Environmental Assessment Directive sets out a prescriptive list of the information, which must be included within an 'Environmental Report' published for the purposes of satisfying the requirements of the Directive. The following table sets what these specific requirements are and where they have been addressed in this report.

TABLE 1.2: COMPLIANCE OF THE SUSTAINABILITY (ENVIRONMENTAL) REPORT WITH THE SEA DIRECTIVE[†]	
Requirement of the SEA Directive	
An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans and programmes.	<i>Will be completed at the submission stage of the LGSP</i>
The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme ² ;	
The environmental characteristics of areas likely to be significantly affected;	
Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;	
The environmental protection objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;	
The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. (Footnote: These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects)	
The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;	
An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how ³) encountered in compiling the required information;	
a description of measures envisaged concerning monitoring ¹	
a non-technical summary of the information provided under the above headings. ¹	

[†]Based on SEA checklist set out in *A Practical Guide to the Strategic Environmental Assessment Directive*, ODPM 2005

1.15 COMPATIBILITY WITH THE DCLG REQUIREMENTS FOR SUSTAINABILITY REPORT

- 1.15.1 Government guidance also provides a checklist to outline the content of the 'Sustainability Report'. This guidance largely mirrors the requirements of the SEA Directive in order to ensure that the information to be set out in a combined Sustainability Appraisal and Strategic Environmental Assessment 'Sustainability Report' contains the necessary information to satisfy the requirements of the SEA Directive and Regulations.

TABLE 1.3: COMPATABILITY OF 'SUSTAINABILITY (ENVIRONMENTAL) REPORT' WITH DCLG REQUIREMENTS^{††}

Structure of the Report	Components of the SA Report which make up the Environmental Report for the purposes of the SEA Directive	Section in the Sustainability Appraisal Report
Summary and outcomes	<ul style="list-style-type: none"> Non-technical summary; Statement of the likely significant effects of the plan statement on the difference the process has made to date. How to comment on the report 	
Appraisal Methodology	<ul style="list-style-type: none"> Approach adapted to the SA When the SA was carried out and by whom. Who was consulted, when and how? The difficulties encountered in compiling information or carrying out the assessment. 	
Background	<ul style="list-style-type: none"> Purpose of the SA and the SA Report Plan objectives and outline of contents. Compliance with the SEA Directive/ Regulations 	
Sustainability objectives, baseline and context	<ul style="list-style-type: none"> Links to other policies, plans and programmes and sustainability objectives and how these have been taken into account in appraisal. A description of the social, environmental and economic baseline characteristics and the predicted future baseline. The main social, environmental and economic issues and problems identified and the limitations of the information, assumptions made etc. The SA framework, including objectives, targets and indicators 	
Plan issues and Options	<ul style="list-style-type: none"> The main strategic options considered and how they were identified. A comparison of the social, environmental and economic effects of the options. How social, environmental and economic issues were considered in choosing the Preferred Options. Other options considered, and why these were rejected Any proposed mitigation measures 	
Plan policies	<ul style="list-style-type: none"> Significant social, environmental and economic effects of the preferred policies How social, environmental and economic problems were considered in developing the policies and proposals Proposed mitigation measures Uncertainties and risks 	
Implementation	<ul style="list-style-type: none"> Links to other tiers of plans and programmes and the project level (EIA, design guidance etc.) Proposals for monitoring 	

^{††} Based on *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents*, ODPM 2005 (Appendix 15)

SECTION 2: APPRAISAL METHODOLOGY

2.1 OVERVIEW OF THE SUSTAINABILITY APPRAISAL PROCESS

- 2.1.1 We have undertaken the SAI (incorporating the requirements of the SEA Directive) of the LGSP in accordance with guidance published by the Office of the Deputy Prime Minister (ODPM) in November 2005¹. However whilst we recognise that this guidance sets out information to assist local planning authorities to comply with the SEA Directive, it is not intended as a legal interpretation of the Directive. As such, in undertaking the SA the ODPM guidance has been considered in conjunction with the Directive², the Regulations³ which transpose the Directive into English law, The Planning Act⁴, The Localism Act⁵, and the Town and Country Planning Regulations 2004⁶, the National Planning Policy Framework and related guidance together with other relevant case law.

2.2 SUSTAINABILITY APPRAISAL STAGES

- 2.2.1 The SA process is broadly split into 5 key stages:

Stage A: Setting the context and sustainability objectives, establishing the baseline and deciding on the Scope
Stage B: Developing and refining options and assessing effects
Stage C: Preparing the Sustainability Appraisal Report
Stage D: Consulting on the draft LGSP and the SA Report
Stage E: Monitoring the implementation of the Plan

- 2.2.2 **Stage A** of the SA process requires that the Council collect detailed information on the character of the District. This information is gathered by reviewing general data and statistics on the environmental, economic and social characteristics of the plan area and by reviewing other relevant plans and programmes (and their objectives and targets) that are related to the Plan. This information is then used to identify key issues affecting the plan area, and to establish a sustainability appraisal framework (a set of sustainability objectives and indicators, against which plan options can be appraised). The information collected during this stage of the appraisal process is set out in the SA **Scoping Report** that was published for consultation in May 2018.

- 2.2.2 The Council has based its appraisal of the LGSP (and the sites included in that Plan) on the methodology outlined in the updated Scoping Report to reflect any comments received back from the Consultation Bodies and other interested stakeholders. The approach to SA is considered in further detail in section 4 of this report.

- 2.2.3 Having identified its approach to undertaking the assessment a second stage of work (**Stage B**) has now been undertaken. During this stage of work the Council has identified sites which it considers are suitable for designation and reviewed whether these meet the requirements of national and local policy.

- 2.2.4 The likely impacts of designating different sites are set out in this interim report (**Stage C**) published alongside the Draft LGSP. In particular this report seeks to identify the key impacts that could arise if each site was designated. Impacts are considered in terms of their magnitude, geographical scale, the period of time over

¹ ODPM (November 2005) *Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks: Guidance for Regional Planning Bodies and Local Planning Authorities*, ODPM, London.

² DIRECTIVE 2001/42/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 June 2001 on the assessment of the effects of certain plans and programmes on the Environment

³ The Environmental Assessment of Plans and Programmes Regulations (Statutory Instrument 2004 No. 1633), The Stationery Office Limited

⁴ The Planning and Compulsory Purchase Act (2004), the Stationery Office

⁵ The Localism Act (2011), the Stationery Office

⁶ The Town and Country Planning (Local Development) (England) Regulations 2004 (Statutory Instrument 2004 No. 2204) The Stationery Office Limited

which they will occur, whether they are permanent or temporary, positive or negative, frequent or rare, and whether or not there are likely to have cumulative and/or synergistic effects. Where potential effects on the environment or on the local communities or the economy are identified, mitigation measures (including avoidance, offsetting and enhancement measures) are suggested.

2.2.5 Following this stage of work, a Submission LGSP will be drawn up and this SA Report will be amended prior to a Pre-Submission Consultation. The Plan and the SA will then be submitted to the Secretary of State for independent examination. A Planning Inspector appointed by the Secretary of State will consider the Soundness of the Plan (and its designations), using the submitted SA Report to inform his or her opinion.

2.2.6 Once the LGSP is adopted the final part of the appraisal process will be to monitor the implementation of the Plan against the sustainability appraisal framework **(STAGE E)**. This will allow the Council to identify and respond to any unforeseen adverse effects that arise from the implementation of the Plan.

2.3 WHO HAS CARRIED OUT THE SUSTAINABILITY APPRAISAL?

2.3.1 South Derbyshire District Council's Planning Policy Team has undertaken the SA. We have sought to undertake the appraisal 'in-house' in order to ensure that the results are fully integrated with the preparation of the Plan.

2.3.2 The appraisal has also been informed through liaison with other Council departments Parish Councils, local communities, site owners and developers.

2.3.3 Further detail on the SA process and how it links in with the local plan preparation process, including relevant dates that the specific stages of work will be undertaken, is set out at Figure I.

2.4 WHEN WAS THE SUSTAINABILITY APPRAISAL CARRIED OUT?

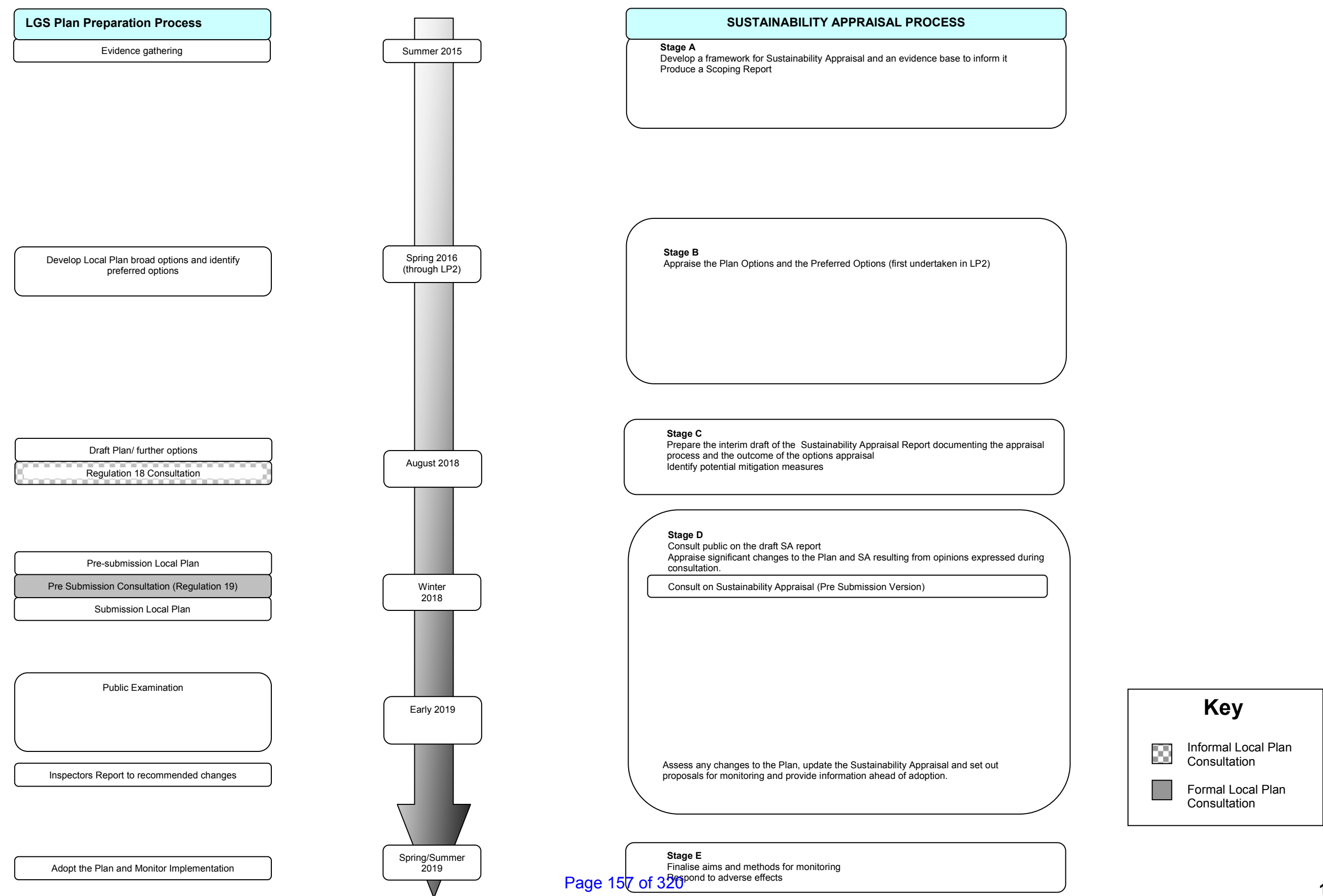
2.4.1 The SA for the LGSP commenced in February 2018. Work on the appraisal is on-going (and this consultation is the first time an interim draft of the appraisal has been published for consultation). It will be updated and submitted for consultation alongside the pre-submission draft of the Plan in late 2018.

2.5 DIFFICULTIES ENCOUNTERED IN UNDERTAKING THE SUSTAINABILITY APPRAISAL

2.5.1 Difficulties

- The high number of sites put forward for designation has provided a challenge to the Council. In order to allow appropriate time to review sites a decision was taken in Summer 2016 to bring forward local green space designations outside of the LP2. This has allowed LP2 to be brought forward without unnecessary delay, but also presented the Council with additional time and officer resources to undertake appropriate additional consultation and further review of potential sites submitted as potential local green spaces.
- Potential local green spaces have, for the most part, been put forward by Parish Councils. As a result the distribution of potential sites was initially skewed towards rural villages rather than the urban area of Swadlincote which is unparished. In order to address this the Council has sought to work with members and other officers of the Council to identify sites which may be valued by local communities and meet the necessary criteria for designation within the Swadlincote urban area.
- A number of Parish Councils are well advanced in bringing forward neighbourhood development Plans. In particular Repton NDP is likely to be made before this Plan is adopted. To this end the Council's Plan has not sought to assess sites in Repton and Milton as this exercise has recently been undertaken in preparing the NDP. In respect of sites in Repton and Milton therefore the LGS Plan simply records the location and extent of designated green spaces reflecting the fact that these will already be designated in their neighbourhood plan. In respect of Neighbourhood Plan for Melbourne and Hilton which are slightly less advanced the District Council has reviewed all identified sites and is seeking to designate those which it considers meet the national and local policy requirements.

Figure i: Local Green Spaces Plan and Sustainability Appraisal Processes.



SECTION 3: SUSTAINABILITY BASELINE AND CONTEXT

3.1 LINKS TO OTHER POLICIES, PLANS AND PROGRAMMES AND SUSTAINABILITY OBJECTIVES

The parts of the SEA Directive Requirements considered in this section

The need for the Environmental (Sustainability) Report to provide information on:
 “The relationship of the Plan with other relevant plans and programmes” (Annex I(a))
 “the environmental protection objectives established at international [European] community or [national] level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation”.
 (Annex I(e))

- 3.1.1 A fundamental part of undertaking a SA of the LGSP is the identification and assessment of the relationships between the Plan and other relevant plans and strategies established at international, European Community, national, and local levels.
- 3.1.2 The purpose of identifying and reviewing other plans and strategies is to allow us to identify potential synergies, or inconsistencies between the objectives set out in the proposed Plan and other policies, plans and programmes.
- 3.1.3 A list of plans, policies and programmes, relevant to the LGSP has been compiled and analysed by the District Council’s Planning Policy Team and is listed below:

TABLE 3.1: OTHER POLICIES PLANS AND PROGRAMMES

BIODIVERSITY, GEODIVERSITY, FLORA AND FAUNA	
1	Lowland Derbyshire Biodiversity Action Plan
2	National Forest Biodiversity Action Plan
3	Derbyshire Wildlife Trust Strategic Plan 2015-20
POPULATION AND HUMAN HEALTH	
4	National Planning Policy Framework
5	South Derbyshire Part 1 Local Plan
6	South Derbyshire Part 2 Local Plan
7	South Derbyshire Corporate Plan
8	South Derbyshire Design Supplementary Planning Document
9	South Derbyshire Economic Development Strategy 2016-20
10	National Forest Strategy 2014-24
11	6Cs Green Infrastructure Strategy 2010
12	The South Derbyshire Open Spaces, Sport and Community Facilities Strategy
13	Healthy Derbyshire 2015/17
14	South Derbyshire Community Safety Partnership Plan 2017-20
15	Repton Neighbourhood Plan
16	Melbourne Neighbourhood Plan
MATERIAL ASSETS	
17	Derbyshire Highways Asset Management Strategy
18	Derbyshire Rights of Way Improvement Plan. Statement of Action for 2013 to 2017
19	Derbyshire Greenways Strategy
SOIL, WATER AND AIR	
20	Local Air Quality Management Annual Status Report (2017)
21	Dove Catchment Abstraction Management Plan
22	Lower Trent and Erewash Catchment Abstraction Management Plan
23	Tame, Anker and Mease Catchment Abstraction Management Plan
24	Humber River Basin Management Plan
25	Humber Flood Risk Management Plan (2016)
CLIMATIC FACTORS	
26	Derbyshire Climate Change Charter 2014 – 2019
27	Derbyshire’s Local Flood Risk Management Strategy (LFRMS) 2015

CULTURAL	
28	South Derbyshire Conservation Area Appraisals (22)
LANDSCAPE	
29	Landscape Character Area of Derbyshire

- 3.1.4 The plans, policies, programmes and studies reviewed provide different types of information and fulfil several roles, for example:
- The provision of baseline data
 - The inclusion of objectives which the LGSP should have regard to
 - A strategic or overarching policy steer that guides the 'nature' or format of policies to be included in the Plan
 - An indication of the likely effects of implementing the Plan 'in combination' with other plans and strategies.

3.2 BASELINE CHARACTERISTICS

The parts of the SEA Directive Requirements considered in the section:

The need for the Environmental (Sustainability) Report to provide information on:
 “relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme” and “the environmental characteristics of the areas likely to be significantly effected” (annex I(b) and (c))
 “any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of particular environmental importance, such as designated pursuant to Directives 79/409/EEC and 92/43/EEC” (annex I(d))

- 3.2.1 Baseline information provides the basis for predicting and monitoring the effects of implementing the proposed Local Plan and helps identify sustainability problems (or key environmental, social and economic issues) and the possible options for dealing with them.
- 3.2.2 The baseline data collected by the Council was drawn largely from existing sources. Key sources included nationally or regionally produced data sets including:
- The Office of National Statistics website (including Census Data and NOMIS Statistics)
 - the East Midlands Observatory
 - Nature on the Map and other geographic information systems (GIS) data
- 3.2.3 This data has been supported by the collection of extensive locally produced data and studies as follows:

TABLE 2: EVIDENCE BASE TO BE USED TO INFORM THE LOCAL GREEN SPACES PLAN

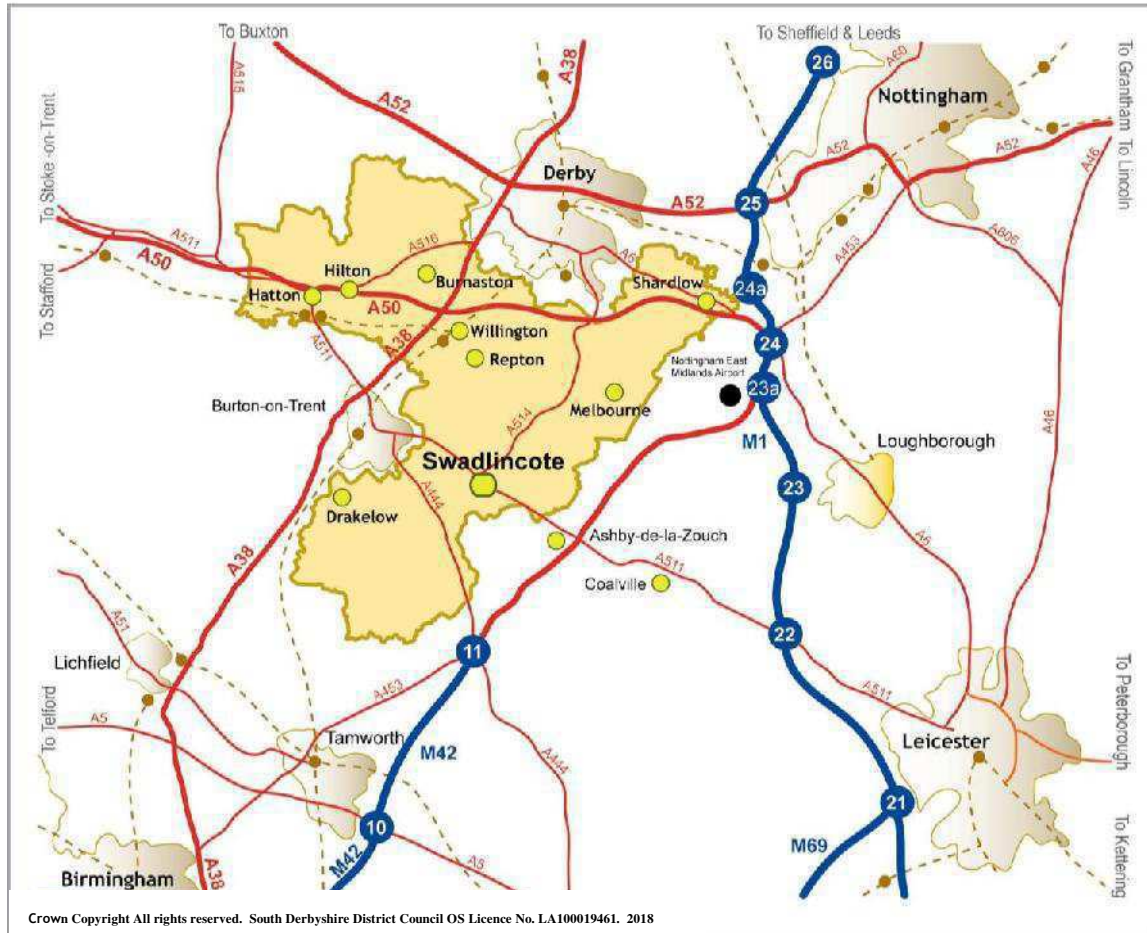
Type of Evidence	Date Collected (Or To Be Collected)
Derby Housing Market Area Wide Strategic Housing Land Availability Assessment (SHLAA)	Ongoing
Strategic Site Summaries (for housing and employment sites)	Through Part 1 and Part 2 Sustainability Sustainability Appraisals
Assessment of the principal physical and environmental characteristics and needs of the local area	Local Green Space Topic Paper published June 2016
Identification of the principal economic and social characteristics and needs of the local area at the local level	Through Part 1 Sustainability Appraisal, and Authority Monitoring Report
District Wide Biodiversity and Geodiversity resources	Through Part 1 Sustainability Appraisal, and Authority Monitoring Report.
Open Space Audit (PPG17 Assessment) update	South Derbyshire Open Spaces, Sport and community facilities Strategy published 2016
6Cs Green Infrastructure Study	Published 2010
Review of conservation areas and additional conservation areas assessments/character appraisals	Ongoing as required
Derbyshire Landscape Character Assessment (including Areas of Multiple Environmental Sensitivity)	Published 2004 (updated in 2014)
Landscape Assessment of Key Villages	Published 2018
Level 1 Strategic Flood Risk Assessment	Published 2008
Level 2 Strategic Flood Risk Assessment	Only required for Strategic Site in Hatton: Completed November 2014

Borough Characteristics

- 3.3 The District of South Derbyshire covers an area of approximately 33,800 hectares and is bounded by the City of Derby to the north, Burton on Trent to the West and Ashby-de-la-Zouch to the East. The urban area making up Swadlincote has a population of around 35,000 and is the largest settlement and commercial centre for the District.

Figure 1: Location Map of South Derbyshire District:

South Derbyshire Regional Setting



BIODIVERSITY, GEODIVERSITY, FLORA & FAUNA

- 3.3.1 The District has a wide range of environmental assets. The National Forest covers around 12,870 ha (50 square miles) of the southern part of the District and is helping to create diverse landscape and wildlife habitats as well as contributing to the economic and social well-being of the district through the delivery of new tourism and leisure opportunities. In addition to the National Forest there are 6 sites of Special Scientific interest, one of which, (the River Mease) is a Special Area of Conservation, (combined area 164 ha). 90% of SSSIs by land area were recorded as being in either favourable condition or unfavourable but recovering condition in recent assessments published by Natural England⁷.
- 3.3.2 There are 160 wildlife sites (covering approximately 5% of the land area for the District) and 7 regionally important geological sites (combined area 248 ha). There are two local nature reserves within the District (Elvaston Castle and Coton Park). There are proposals to establish an additional local nature reserve at Swadlincote Woodlands within the southern part of the District. There is one National Nature Reserve located within the District at Calke Park.

⁷ Natural England assesses the condition of SSSIs using standard methods that have been developed together with the Joint Nature Conservation Committee

- 3.3.3 Green infrastructure provision, including along the Trent Valley, and within the National Forest provide significant potential to improve and reconnect the district's biodiversity resource in the coming decades.

POPULATION AND HUMAN HEALTH

- 3.3.4 The District had a total population of 100,325 at 2016, this is forecast to increase to 111,326 by 2028 according to the 2014 based ONS Sub National Population Projections for the District but based on growth outlined in LP1 could be closer to 120,000 people reflecting the fact that the District will accommodate around 3,000 homes which are required to meet Derby City's housing need but cannot be accommodated in the City. South Derbyshire was identified in the 2011 census as the 13th fastest growing District in England and Wales by population growth in percentage terms and 3rd fastest in respect of household growth⁸. This reflects the fact that the area offers a high quality of life and is a place people want to live.
- 3.3.5 By 2028 ONS sub-national population projections indicate that around 22% of south Derbyshire residents will be 65 or older. In comparison around 26% of the County's residents will be aged 65 and over. However this will still represent an increase on the present where currently around 18% of people resident in South Derbyshire are aged 65 and over.
- 3.3.6 In terms of social profile the District is considered to be fairly affluent being ranked 220 out of 354 local authorities nationally (where the rank of one is most deprived). Life expectancy within the District (79.1 for men and 82.7 for women) is slightly lower than the national average for men and women (79.5 and 83.1 respectively)⁹. Just over 1/6 of the population of South Derbyshire have a limiting long term illness (17.5%). This is lower than the Derbyshire average and surrounding districts.
- 3.3.7 Access to natural green space is known to influence the health of people and effect health inequalities. Within South Derbyshire access to natural greenspace has been mapped within an updated open space assessment. This indicates that access to open space is best around the National Forest area including Swadlincote and along the Trent Valley (where a number of larger villages are located close to historic minerals working which have been restored with public access. However a number of locations do not meet Natural England's Natural Green Space Standards and could therefore lead to health inequalities resulting from a lack of access to such areas.
- 3.3.8 Crime rates within the District are lower than the national average and have fallen in recent years. Similarly recent surveys undertaken by Derbyshire County Council indicate that the number of residents very worried or fairly worried about crime have generally fallen since 2011, although the number of people very worried or fairly worried about crime increased slightly between 2015 and 2016¹⁰
- 3.3.9 With regard to educational attainment 2011 Census data indicates that 26.0% of residents aged 16-74 have higher-level qualifications (degree, HNC, HND or equivalent), 48.3% have lower level qualifications (GCSEs, A levels (NVQ level three or lower). A further 25.7% of the District's residents have no qualification or their educational attainment is unknown. The data indicates a significant dichotomy between educational attainment between the north and south of the District, with residents living in the northern part of South Derbyshire typically being educated to a higher level.

⁸ 2011 Census - Population and Household Estimates for England and Wales, March 2011. Available [here](#)

⁹ South Derbyshire Health Profile 2017. Available [here](#)

¹⁰ Derbyshire Citizens' Panel February 2016 – Feedback. Available [here](#)

- 3.3.10 At 2011 Census data indicates that 13.5% of households had no access to a car, whilst 40.9% and 45.6% respectively had access to either one car, or two or more cars. As such car ownership is considerably higher within the District than at the national level, no doubt reflecting the largely rural nature of the District. Superfast broadband coverage remains patchy although significant improvements to some rural communities and further improvements remain ongoing under the Digital Derbyshire scheme. More information on this can be found at: <http://www.digitalderbyshire.org.uk/>
- 3.3.11 Within the District, 78.5% of the working age population is economically active, which compares favourably to the national average of 77.4%. Unemployment rates within the District stood at 0.7% in January 2018¹¹, although unemployment rates are slightly higher within the Swadlincote area than in the settlements located in the northern part of the District.
- 3.3.12 In order to meet the District's housing need the LP1 has made provision for around 11,000 new homes up to 2028. In respect of housing affordability homes in South Derbyshire were typically 7.08x average salary¹². Affordability has declined in each of the last three years. House prices are comparatively expensive compared to surrounding districts such as Derby City, Amber Valley and East Staffordshire. However housing requirements for the period to 2028 will be fully met through existing commitments and the designation of green spaces will not affect housing delivery.
- 3.3.13 In respect of affordable housing there is a significant stock of affordable housing in the District. Affordable housing delivery in the 2016-17 monitoring period accounted to 23% of all completions (this equates to 185 affordable homes). The Local Plan seeks to ensure that overall around 25% of new homes up to 2028 will be affordable. Again this Plan will not affect affordable housing delivery.

MATERIAL ASSETS

- 3.3.14 The 2001 Census (there is no more recent information) shows that, of South Derbyshire's 41,500 working residents, just 16,500 (40%) work in the District and 25,000 (60%) commute out to jobs elsewhere. Only 12,500 residents of other areas commute into the District. On balance, South Derbyshire is a net exporter of labour; its resident workers exceed the jobs located in the District by 12,500.
- 3.3.15 In 2015 there were 3,545 businesses located within the District, of which around 90% employ 9 people or less. Only 15 companies employ in excess of 250 people. Business births in the District each year currently stands at around 480 per annum.
- 3.3.16 Fifteen shops were recorded as vacant in Swadlincote Town Centre during the twice yearly town centre survey in February 2017. The vacancy rate for the town is 10% by number of shops, or 7.7% if measured as a proportion of floor space. Park.
- 3.3.17 Away from Swadlincote there has been some loss of local retail facilities including public houses. In contrast recent years have seen an increase in the number of small retail outlets serving smaller communities such as Hilton and some parts of the Swadlincote urban areas. Small retail facilities provide important facilities which meet top up needs locally. The LP1 includes commitments to provide new local centres on allocated strategic housing sites at Highfields Farm, New House Farm, Boulton Moor, Chellaston Fields, Wragley Way and Drakelow.
- 3.3.18 Significant new infrastructure provision (including green infrastructure such as open spaces) or enhancements to existing infrastructure will need to be delivered in the

¹¹ Derbyshire Observatory data. Available [here](#)

¹² South Derbyshire AMR data

period to 2011- 2028 to support an increase in the number of homes in the District of around a third.

SOIL WATER AND AIR

- 3.3.19 Soil quality varies across the District. There is no grade 1 agricultural land in South Derbyshire, although significant areas of grade 2 agricultural land lie within the Trent Valley (mainly to the south of the river between Melbourne and Burton) and around Drakelow, Walton on Trent and Cauldwell), as well around the southern villages of Overseal, Netherseal and Lullington). Around swadlincote land is generally classified as being unsuitable for agriculture or is mainly Grade 4 of the agricultural land classification. Away from these areas most land is of average quality being grade 3a or 3b (Grade 3a falling within the Government's definition of best and most versatile land). During the Plan period greenfield land losses associated with new development will be in the region of 500ha, these will mainly be on agricultural land on the edge of existing settlements.
- 3.3.20 The amount of household waste generated per person in South Derbyshire has increased slightly since 2000/01 rising from 440kg per head to 497kg per head in 2015/16. However the amount of waste composted or recycled has increased significantly in recent years. 13.19% of the District's household waste was composted or recycled in 2005/06 – by 2015/16 this had increased to 49%. In 2015/16 no waste from South Derbyshire was landfilled.
- 3.3.21 Additional minerals and waste capacity is likely to be needed within the plan period This is likely to lead to further greenfield land losses to accommodate these facilities, some of which may be in locations which have not historically seen such developments. Further information on Minerals and Waste Policy can be found on Derbyshire County Council's [website](#).
- 3.3.22 The District has a significant amount of previously developed (brownfield) land equating to around 373 hectares or just under 1% of the land area of the District, although this is likely to fall significantly in future years as housing sites at Drakelow, Hilton Depot and Aston Hall Hospital are built out. Brownfield Land is likely to reduce further if gas fired power stations at Willington and Drakelow are built out and as other brownfield housing and employment allocations are developed. In 2016/17 only 14% of new homes were built on brownfield sites.
- 3.3.23 Water quality within the District's main rivers is generally classified as being of poor or moderate quality. In particular water quality in the River Mease catchment is of particular concern given the sites designation as a Special Area of Conservation. Joint working between local planning authorities, Severn Trent Water, the Environment Agency and Natural England has contributed to significant improvements in water quality in this river catchment although current water quality still poses a threat to the integrity of this site.
- 3.3.24 There are presently no air quality management areas within South Derbyshire. The air quality in South Derbyshire is relatively good compared with many cities and major built up areas across the country. This does not mean, however, there are no areas concern within the District. Emissions from traffic are a notable issue in some parts of the District and monitoring in respect of Nitrogen Dioxide is ongoing in a number of locations. Generally air quality remains within national target levels, although further monitoring is being undertaken along High Street, Repton - this road is a main road through the village and due to the volume of traffic using this road (around 6,200 movements per day) and the enclosed nature of the street which prevents dispersion of gases air quality is known to be variable in this area. Further information on localised quality monitoring in South Derbyshire is available to view [here](#).

CLIMATIC FACTORS

- 3.3.25 There are around 3,800 buildings located within areas identified as being at medium flood risk (in Flood Zone 2), and 2,700 buildings located within areas identified as being at high floodrisk (Flood Zone 3a) from fluvial sources (rivers and brooks), although it should be noted that areas located in high flood risk will also be included in figures for areas at medium flood risk and may be defended by flood measures to a standard of protection equivalent to medium flood risk). Whilst these figure can change as modelled flood outlines on key watercourses are changed or updated what is clear is that recently completed works around the River Dove have improved flood protection to 1,619 homes in the District according to Environment Agency data. Further proposed works along the Derwent could also improve flood protection and deliver local biodiversity and green infrastructure benefits around the communities of Shardlow and Ambaston. Increasingly however flood risk is also arising from other sources such as surface water flooding including around Scropton, Ticknall and Woodville. Ground water flooding and sewer flooding are also issue around much of the District.
- 3.3.26 Water usage in Severn Trent Water resource area (which serves the majority of South Derbyshire is notably lower than the England average being 130 litres per person per day (England 147 litres). Gas and electricity consumption are similar to national averages, although carbon dioxide emissions per person remain significantly higher than the England. Annual rainfall within the District is slightly lower than the regional and national averages being 870mm in 2012.
- 3.3.27 There is 24.7Mw of installed renewable energy capacity in South Derbyshire. Of the six operational schemes all but 1 scheme are solar photovoltaic schemes. The remaining scheme is a 1.6Mw landfill gas scheme located in Newhall.
- 3.3.28 New development planned in South Derbyshire to 2028, together with landscape scale green infrastructure provision planned along the Trent Valley could provide opportunities to manage the effects of climate change, through ensuring that flood risk is managed effectively (for example through the provision of sustainable drainage systems, reconnecting rivers to the floodplains and improved land management), by helping to offset carbon emissions (tree planting in new development and within the National Forest and elsewhere) and through the provision of green spaces to influence local (micro) climates.

CULTURAL HERITAGE

- 3.3.29 There are 710 listed building within South Derbyshire, of which 48 are grade 1 listed, 48 are grade 2* and 614 are grade 2. The number of Heritage at Risk entries in the District totals 16, of which 8 are to buildings or structure, 5 are to places of worship, 2 to archaeological sites, 1 to a registered park and garden. Further detail of these is set out at appendix 2. In total there are 22 scheduled ancient monuments, 5 historic parks and gardens and 22 conservation areas within the District¹³. The location of cultural assets can be seen in Appendix 2.
- 3.3.30 The County Council has, as part of its landscape characterisation work for the District identified Areas of Multiple Environmental Sensitivity in South Derbyshire. This work includes consideration of areas of historic significance and identifies areas of historic sensitivity at a landscape scale. The areas identified as having the greatest value are concentrated around the Trent and Dove Valleys and the southern and central parts of the District. More information on Derbyshire County Council's Landscape Character of Derbyshire and Areas of Multiple Environment Sensitivity (AMES) is available to view [here](#). In respect of heritage environment records there are concentrations of records

¹³ Historic England Local Profile accessed 26 Feb 2018, available [here](#)

located in along the River Valleys (Trent, Dove and Derwent) and around Swadlincote and to the South of the District, although sites are spread through South Derbyshire.

LANDSCAPE

- 3.3.31 There are 5 National Character Areas (NCAs) which fall within South Derbyshire; Melbourne Parklands, Mease and Sense Lowlands; the South Derbyshire Coalfield; the Trent Valley Washlands and the Needwood and South Derbyshire Claylands. The broad locations of these are set out at Appendix 2. The various landscape types within South Derbyshire were subject to a systemic assessment of how they are changed. The last assessment was undertaken in 2003, but whilst dated, this information provides some context regarding the quality of landscapes within the District. The broad effects of this study are as follows:

Character Area	Condition
68 Needwood and South Derbyshire Claylands	Maintained
69 Trent Valley Washlands	Diverging
70 Melbourne Parklands	Enhancing
71 Leicestershire and South Derbyshire Coalfield	Enhancing
72 Mease and Sense Lowlands	Maintained

- 3.3.32 With the exceptions of the Trent Valley Washlands this assessment work identified that landscape character areas in South Derbyshire were stable (maintained) or showed changes that were generally consistent with existing character area descriptions or improving the overall quality of landscape (enhancing). The Trent Valley Washlands, has and continues to be affected by ongoing pressure from development and agricultural change. Further information on the assessments undertaken by Countryside Quality Counts can be found at:

<http://webarchive.nationalarchives.gov.uk/20101219012433/http://countryside-quality-counts.org.uk/index.html>

- 3.3.33 The National Character Areas are further subdivided by the County landscape character assessment into more twelve detailed landscape character types, all of which are diverse landscapes with distinct characteristics. A list of the landscape character types is available to view below, whilst a map illustrating the area covered by these distinct landscapes set out in appendix 2.

National Character Area	Landscape Character Type
Needwood & South Derbyshire Claylands	Settled Farmlands
	Riverside Meadows
Trent Valley Washlands	Lowland Village Farmlands
	Wet Pasture Meadows
	Riverside Meadows
Melbourne Parklands	Estate Farmlands
	Wooded Estate Lands
	Sandstone Slopes and Heaths
	Riverside Meadows
Leicestershire & South Derbyshire Coalfield	Coalfield Village Farmlands
Mease/Sence Lowlands	Village Estate Farmlands
	Riverside Meadows

- 3.3.34 The main land use within the District is agriculture this occupies 24,095ha or 71% of the District and reflects the District's predominantly rural nature. However, as previously stated there will be significant new development in the period to 2028, particularly on the fringes of Derby City, Burton on Trent and Swadlincote reflecting South Derbyshire's status as the fastest growing District in Derbyshire.

INTERACTIONS BETWEEN THE ABOVE ISSUES

- 3.3.35 The natural environment provides many services that are valued by people. Sometimes referred to as ecosystem services these are often divided into four broad categories: provisioning, such as the production of food and water; regulating, such as the control of climate and disease; supporting, such as the recycling of nutrient and crop pollination; and cultural, such as the delivery of recreational benefits. In reality natural environment is complex and in seeking to deliver one objective wider impacts, either positive or negative, could occur in respect of other plan objectives. For example, the delivery of floodplain improvements through re connecting a watercourse with floodplain could reduce flood risk to local communities, improve biodiversity, create new recreation opportunities and improve local soil resources.
- 3.3.36 Further information on the current state of the environment and the likely effects of the plan are considered at sections 5 and 6 of this report and at Appendix 3 (Key Issues presented in the Scoping Report which can be found on the Council's [website](#)). The following section explains the key issues identified by the Council and sets out the SA objectives to address these.

3.4 KEY SUSTAINABILITY ISSUES AND SUSTAINABILITY OBJECTIVES TO TACKLE THESE

- 3.4.1 Following a review of the baseline data collected to inform the preparation of LP1 and LP2 the key environmental, social and economic issues currently affecting the District are summarised in table 3.1. Additional information explaining the nature of potential impacts and the likely evolution of key sustainability issues affecting the Plan area without the implementation of the LGSP are summarised at Appendix 3 of the updated scoping report.
- 3.4.2 The following table indicates the key issues identified and the SA objectives identified by the Council to address those issues.

Table 3 Key Issues and SA Objectives	
Biodiversity, Geodiversity, Fauna and Flora	
1	A relatively small area of the District is designated for ecology and geodiversity value.
2	There are two local nature reserves in South Derbyshire. These extend 24.7ha. This is below the suggested requirement of 100.3ha for the District based on 1ha of provision per 1000 people and the deficit will widen as the population continues to grow.
A single SA objective has been identified to tackle the above key issues	
- To enhance biodiversity and geodiversity across the District	
Population and Human Health	
3	Crime rates within the District are low but fear of crime remains a significant issue
4	41% of adults do not meet the physical activity guidelines to achieve optimum health benefits.
5	The District has an ageing population
6	Education Levels in the District are lower than average and many of the District's Schools currently lack the capacity to accommodate the large scale growth committed in some parts of the District up to 2028.
7	Levels of deprivation vary through the District with particular pockets of deprivation within the Swadlincote urban area.
8	The quality and range of retail, leisure recreation provision offered in the Districts Rural areas and villages needs conserving and enhancing to ensure communities continue to have access to locally accessible services and facilities.
Four SA objectives have been identified to tackle the above key issues	
- To provide high quality places to live where residents feel safe.	
- To improve the health and well-being of residents	
- To improve educational achievement and access to locally valued educational resources	
- To promote social inclusion, reduce inequalities and improve local accessibility to recreational resources (including open spaces and sports facilities).	
Material Assets	
9	Urban areas are relatively well served by public transport, although provision in many rural communities is more limited.
10	The Council's Open Space, Sports and Community Facilities Strategy indicates there is a deficit in informal and formal open space and play space provision
11	Much of this District's open space and sports and leisure provision could be enhanced through qualitative improvements to facilities
12	New development will generate the need for additional open space, sports and informal leisure provision, although much of this will be centred around growth areas on the edge of Derby City, Burton on Trent, Swadlincote or a small number of Key Service Villages.
13	Tourism is an increasingly important sector in the District and the National Forest and other local attractions offer further opportunity to further strengthen urban and rural economies.
14	New development could lead to the loss of existing open space which has recreational value or benefits the character of the area.
Four SA objectives have been identified to tackle the above key issues	
- To make best use of existing infrastructure and reduce the need to travel and increase opportunities for non-car travel (public transport walking and cycling)	
- To deliver economic growth and diversify and strengthen local urban and rural economies.	
- To enhance the vibrancy and viability of the District's urban areas and villages	
- To improve the quality of the existing built environment.	

Soil, Water and Air	
15	There remains a significant amount of previously developed (brownfield) land within the District
16	New development committed to 2028 could give rise to increased air, water or light pollution or could reduce local tranquillity.
Two SA objectives have been identified to tackle the above key issues	
<ul style="list-style-type: none"> - To reuse brownfield land and promote sustainable use of natural resources including soil. - To reduce water, light, air and noise pollution 	
Climatic Factors	
17	Much of the District lies within areas known to be at significant flood risk and this could be exacerbated by climate change or further development in existing settlements.
A single SA objective has been identified to tackle the above key issue	
<ul style="list-style-type: none"> - To reduce and manage the impacts of climate change including flood risk and the District's contribution towards the causes of climate change 	
Cultural Heritage	
18	The archaeological or cultural heritage of the District (including the setting of heritage assets) could be affected by the scale and design of new development which can erode the quality of heritage features or sterilise or lead to the loss of existing resources.
A single SA objective has been identified to tackle the above key issues	
<ul style="list-style-type: none"> - To conserve, enhance and improve access to the historic environment, heritage assets and their settings 	
Landscape	
19	Uncontrolled or unsympathetic development could harm local landscape or townscape character
A single SA objective has been identified to tackle the above key issue	
<ul style="list-style-type: none"> - To conserve and enhance the District's landscape and townscape character 	

SECTION 4: THE SUSTAINABILITY APPRAISAL FRAMEWORK

- 4.0.1 Following on from the review of other plans, policies and programmes, the review of baseline data and the identification of key sustainability issues considered earlier in this Report the Council developed a Sustainability Appraisal Framework against which the likely effects of designating individual sites can be reviewed. The 'framework' sets out a number of SA objectives, key questions and assessment criteria that the Council has used to identify and predict the effects of implementing the LGSP.

4.1 SUSTAINABILITY OBJECTIVES

- 4.1.1 The sustainability objectives were identified during the scoping work. A copy of the updated scoping report is available to view on the Council's website.
www.south-derbys.gov.uk

4.2 DETAILED DECISION MAKING CRITERIA (SUB-OBJECTIVES)

- 4.2.1 Detailed decision-making criteria or sub-objectives are also included within the SA Framework. The purpose of these sub-objectives is to provide prompts which allows the council to identify whether detailed objectives are being met. In total 24 detailed decision making criteria are included within the SA Framework.

4.3 INDICATORS

- 4.3.1 The role of the SA Framework is to provide a mechanism against which the likely impacts of implementing the Plan can be predicted prior to implementation. In addition the framework also provides a way for the council to monitor the actual impacts of implementing the Plan following adoption. The performance indicators set out in the SA Framework are largely drawn from existing information sources and have in many cases formed part of the baseline collected to inform key issues considered previously.

Table 4: The Sustainability Appraisal Framework

Sustainability Topic	Sustainability Objective	Detailed decision making criteria	Detailed indicator	Specific Targets (where relevant)
Biodiversity, Geodiversity, Flora and Fauna*	To enhance biodiversity and geodiversity across the District	Will it conserve and enhance internationally nationally and locally designated wildlife sites, or create new wildlife habitats?	Number of County Wildlife Sites and Local Nature Reserves in South Derbyshire <i>Annual Monitoring Report updated annually.</i>	By 2020, the rate of loss of all natural habitats, including forests, is at least halved and where feasible brought close to zero, and degradation and fragmentation is significantly reduced
		Will it conserve protected species and habitats, UK and local BAP Priority Species and Habitats and enhance diversity?	Performance against Lowland Derbyshire Biodiversity Action Plan Targets <i>LDBAP Partnership</i>	Full list of targets available to view at: http://derbyshirebiodiversity.org.uk/
		Will it protect sites of geological importance?	Number and area of RIGS within District <i>(South Derbyshire District Council)</i>	--
		Will it ensure current ecological networks are not compromised, and future improvements in habitat connectivity are not prejudiced?	Number of Local Green Spaces where biodiversity improvements are secured through development. <i>Annual Monitoring Report updated annually.</i>	--
Population and Human Health	To provide high quality places to live where residents feel safe.	Will it reduce crime, fear of crime and provide safe areas to play or exercise in locations with crime or safety issues?	Community Safety: Crime rates within South Derbyshire <i>Police Crime Map</i>	--
	To improve the health and well-being of residents	Will it promote healthy lifestyles?	Life expectancy at birth (male and female) <i>(NHS South Derbyshire Health Profile-updated annually)</i>	By 2016 achieve a 1% point increase in adult participation of 3 x 30 minutes, (from 2005 baseline of 20.9%).
	To improve educational achievement and access to locally valued educational resources	Will it contribute to the delivery or protection of existing educational resources or facilities utilised by local schools or other education facilities?	Key stage 4: Percentage of school leavers achieving 5 or more grades A*-C at GCSE including maths and English <i>APHO Health Profile South Derbyshire updated annually</i>	--
	To promote social inclusion, reduce inequalities and improve local accessibility to recreational resources (including open spaces and sports facilities).	Will it protect or enhance existing local green spaces valued by local communities?	Index of Multiple Deprivation SOA and District level data (IMD) <i>(DCLG updated periodically at irregular intervals) Next update 2015?</i>	--
Material Assets	To make best use of existing infrastructure and reduce the need to travel and increase opportunities for non-car travel (public transport walking and cycling)	Will it make best use of new infrastructure by providing opportunity to protect and enhance existing valued community spaces.	--	--

Sustainability Topic	Sustainability Objective	Detailed decision making criteria	Detailed indicator	Specific Targets (where relevant)
Material Assets	To deliver economic growth and diversify and strengthen local urban and rural economies.	Will it support economic growth locally?	Average income within the District by place of work (ONS Annual Survey of Hours and Earnings (ASHE – updated annually)	--
	To enhance the vibrancy and viability of the District's urban areas and villages	Will it improve existing, tourism, leisure or recreation facilities within Swadlincote, the Burton and Derby urban areas and the villages?	New recreation, tourism or leisure development within villages and urban areas South Derbyshire District Council to be collected as part of Annual Monitoring	--
	To improve the quality of the existing built environment.	Will it help protect an existing open space or gap in development that is important to the character of the local area?	--	--
Soil, Water and Air	To reuse brownfield land and promote sustainable use of natural resources including soil.	Will it contribute to the reuse or regeneration of brownfield land	Number of entries and area of previously developed land recorded on the Council's Brownfield land register (South Derbyshire District Council to be collected as part of Annual Monitoring)	
		Will it protect Best and Most Versatile Agricultural Land?	Area in Ha of Best and Most Versatile Agricultural Land lost within sites designated as Local Green Spaces South Derbyshire District Council to be collected as part of Annual Monitoring)	
	To reduce water, light, air and noise pollution	Will it reduce water pollution?	Number of planning applications granted contrary to Environment Agency advice on water quality South Derbyshire District Council AMR local Indicator Annual average (mg/l) Orthophosphate in Selected watercourses in District Environment Agency updated annually	Target 0.05mg/l on River Mease 0.12 mg/l on other watercourses
		Will it reduce light pollution?	Number of light pollution complaints received per 1000 residents (South Derbyshire District Council to be collected as part of Annual Monitoring)	--
		Will it improve air quality?	Population living within Air Quality Management Areas within the District South Derbyshire District Council AMR local Indicator	--
		Will it reduce noise pollution?	Number of noise pollution complaints received per 1000 residents (South Derbyshire District Council to be collected as part of Annual Monitoring)	--

Sustainability Topic	Sustainability Objective	Detailed decision making criteria	Detailed indicator	Specific Targets (where relevant)
Climatic Factors	To reduce and manage the impacts of climate change including flood risk and the District's contribution towards the causes	Will it provide opportunity to address flood risk locally?	Carbon dioxide emissions within Authority Area <i>DECC – updated annually</i>	20% of energy from renewable sources by 2020 80% reduction in CO2 emissions by 2050.
		Will it provide opportunity for urban shading or cooling locally?	--	--
Cultural Heritage (including architectural and Archaeological Heritage)	To conserve, enhance and improve access to the historic environment, heritage assets and their settings	Will it protect and enhance historic, cultural, architectural and archaeological features and their settings?	Number of listed buildings or structures in South Derbyshire <i>SDDC AMR Local Indicator – updated annually</i> Proportion of Conservation Areas with an up to date character appraisal and management plan <i>SDDC AMR local indicator – updated annually</i>	Target 100% of Conservation Areas to have an up to date character appraisal and management Plan.
		Will it improve access to the public and the understanding of the District's historic and cultural facilities?	Number and Proportion of major planning proposals which improve access to heritage features as part of the scheme. <i>(SDDC to be collected as part of Annual Monitoring)</i>	--
Landscape	To conserve and enhance the District's landscape and townscape character	Does it respect and protect existing landscape character?	The proportion of housing completions on sites of 10 or more) which have been supported, at the planning application stage by an appropriate and effective landscape character and visual assessment with appropriate landscape proposals. <i>(SDDC to be collected as part of Annual Monitoring)</i>	--
		Will it protect and create open spaces, landscape features, woodlands, hedges and ponds?	Number of planning application leading to a loss of open spaces <i>(SDDC to be collected as part of Annual Monitoring)</i>	--

SECTION 5: LOCAL GREEN SPACES BROAD OPTIONS

The parts of the SEA Directive Requirements considered in the section:

The need for the Environmental (Sustainability) Report to provide information on:

Relevant aspects of the current state of the Environment and the likely evolution thereof, without implementation of the Plan.

The environmental characteristics likely to be significantly affected

Any existing environmental problems which are relevant to the Plan or Programme including, in particular relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC

The environmental [Sustainability Appraisal] report... shall be prepared in which the likely significant effects on the environment¹⁴ of implementing the plan or programme and reasonable alternatives taking into account the objectives and geographical scope of the plan or programme are identified, described and evaluated (Article 5)

An outline of the reasons for selecting the alternatives dealt with, a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know how) encountered in compiling the required information

5 COMPATIBILITY OF THE LOCAL PLAN OBJECTIVES AGAINST THE SUSTAINABILITY OBJECTIVES.

- 5.1 Government guidance on SA emphasises the importance of compatibility analysis as part of the appraisal process. By comparing the plan objectives with the SA Objectives the Council can ensure that wherever possible the Plan will deliver 'sustainable development' and will not have unforeseen negative impacts on the communities or environment of South Derbyshire. This is because where conflicts arise changes to the plan objectives or to the way the Plan is to be implemented can be made help resolve those conflicts.
- 5.2 It should be noted, however, that the plan objectives set out in the LGSP are distinct from the sustainability objectives (set out in the SA Framework) although in some cases there may be significant overlap between them.
- 5.3 Table 5.1 sets out the findings of the appraisal of the Plan objectives against the SA objectives. Information regarding identified conflicts is set out in table 5.2 together with consideration of how any conflicts can be best resolved.

¹⁴ including issues such as biodiversity, population, human health, fauna, flora, water, soil, water, air, climatic factors, material assets, cultural heritage, including architectural and archaeological heritage, landscape and the interaction between the above factors; (these effects should include secondary, cumulative, synergistic, short medium and long-term, permanent and temporary, positive and negative effects. (SEA Directive Annex 1)

Page 175 of 320

Compatibility of the Plan Objectives and the Sustainability Objectives

As indicated above, there are a number of plan objectives which perform relatively poorly in terms of sustainability. In particular, new employment and housing development proposed through the Plan could give rise to a number of negative effects. Full consideration of these issues is set out below:

Table 5.2 Plan Objectives which Conflict with Sustainability Objectives

Sustainability Objective	Plan Objective	Comment
To enhance biodiversity and geodiversity across the District	To make optimum use of previously developed and under-used land and bring empty and derelict buildings into reuse subject to wider sustainability considerations	Many brownfield sites provide important habitats to a range of notable flora and fauna. Similarly disused or underutilised buildings often support important fauna including bats or breeding birds. An objective to reuse such buildings could, depending on the nature of sites, lead to harmful biodiversity effects.
To make best use of existing infrastructure and reduce the need to travel and increase opportunities for non-car travel (public transport walking and cycling)	To ensure sustainable, living and working urban and rural communities	The delivery of new homes in rural locations could help support the delivery of limited rural services and facilities, however the scale of growth, if limited could still require communities to travel higher order goods or services in locations without a range of transport options available.
To deliver economic growth and diversify and strengthen local urban and rural economies.	To reduce the need to travel and to encourage travel by sustainable modes of transport, providing access to jobs, shopping, leisure, services and facilities from all parts of the District.	The delivery of new businesses in rural locations could help support the delivery of limited rural services and facilities, however the scale of growth, if limited could still require communities to travel higher order goods or services in locations without a range of transport options available.
To improve the quality of the existing built environment.	To ensure the District's housing stock is decent, suitable and affordable, meets community need and balanced with access to employment opportunities	The delivery of housing stock to meet local needs (both in respect of quantity and design) could erode local landscape or townscape character. Impacts are likely to be adverse, though can be partially mitigated through the adoption of appropriate policy
To reduce water, light, air and noise pollution	To enable, support and promote a robust and diverse economy, resistant to downturns and providing a strong base for sustainable growth which respects environmental limits and safeguards natural resources	The creation of new businesses is likely to lead to increased resource use and will increase the generation of waste water, resources, light pollution and noise generation. Impacts are likely to be adverse, though can be partially mitigated through the adoption of appropriate policy.
To reduce water, light, air and noise pollution	To ensure the District's housing stock is decent, suitable and affordable, meets community need and balanced with access to employment opportunities	The delivery of new homes is likely to lead to increased resource use and will increase the generation of waste water, resources, light pollution and noise generation. Impacts are likely to be adverse, though can be partially mitigated through the adoption of appropriate policy
To reduce water, light, air and noise pollution	To ensure sustainable, living and working urban and rural communities	Supporting the delivery of development in urban and in particular rural areas is likely to lead to increase nuisance and pollution in the vicinity of new development. Impacts are likely to be adverse, though can be partially mitigated through the adoption of appropriate policy
To reduce water, light, air and noise pollution	To enhance and develop the role of Swadlincote town centre and its wider urban area as a focus for living, working, shopping and leisure	Developing the role of Swadlincote Town centre could potentially increase noise, light and air pollution, particularly where the evening economy is expanded.
To reduce and manage the	To enable, support and promote a	The delivery of new businesses and other economic development is likely to lead to increased resource use and transport usage and will

impacts of climate change including flood risk and the District's contribution towards the causes	robust and diverse economy, resistant to downturns and providing a strong base for sustainable growth which respects environmental limits and safeguards natural resources	increase the generation of air pollution, waste water and surface water generation. Impacts are likely to be adverse, though can be partially mitigated through the adoption of appropriate policy.
To reduce and manage the impacts of climate change including flood risk and the District's contribution towards the causes	To ensure the District's housing stock is decent, suitable and affordable, meets community need and balanced with access to employment opportunities	The delivery of new homes likely to lead to increased resource use and transport usage and will increase the generation of air pollution, waste water and surface water generation. Impacts are likely to be adverse, though can be partially mitigated through the adoption of appropriate policy.
To reduce and manage the impacts of climate change including flood risk and the District's contribution towards the causes	To ensure sustainable, living and working urban and rural communities	Supporting the delivery of development in urban and in particular rural areas is likely to lead to increased transport usage which could contribute significantly to carbon dioxide emissions where transport choice is limited. Development away from Swadlincote and most urban extensions in the Derby Urban Area are affected by elevated levels of flood risk and development could increase flood risk in many of the Districts Communities.
To conserve, enhance and improve access to the historic environment, heritage assets and their settings	To ensure the District's housing stock is decent, suitable and affordable, meets community need and balanced with access to employment opportunities	The delivery of genuinely 'affordable' homes may not be fully compatible with the objective to protect cultural heritage.
To conserve, enhance and improve access to the historic environment, heritage assets and their settings	To ensure sustainable, living and working urban and rural communities	Whilst objectives to deliver new growth in urban and rural areas could potentially harm cultural heritage, it also offer opportunity to potentially support the reuse or repurposing of heritage assets for tourism, education or economic uses.
To conserve, enhance and improve access to the historic environment, heritage assets and their settings	To make optimum use of previously developed and under-used land and bring empty and derelict buildings into reuse subject to wider sustainability considerations	Whilst objectives to optimise underused or derelict buildings and sites could potentially harm cultural heritage, it also offer opportunity to potentially support the reuse or repurposing of heritage assets for tourism, education or economic uses.
To conserve, enhance and improve access to the historic environment, heritage assets and their settings	To enhance and develop the role of Swadlincote town centre and its wider urban area as a focus for living, working, shopping and leisure	Whilst an objectives to develop the role of Swadlincote could potentially harm cultural heritage in the town it also offer opportunity to potentially support the reuse or repurposing of heritage assets for tourism, education or economic uses.
to conserve and enhance the District's landscape and townscape character	To ensure the District's housing stock is decent, suitable and affordable, meets community need and balanced with access to employment opportunities	The delivery of housing stock to meet local needs (both in respect of quantity and design) could erode local landscape or townscape character. Impacts are likely to be adverse, though can be partially mitigated through the adoption of appropriate policy
to conserve and enhance the District's landscape and townscape character	To ensure sustainable, living and working urban and rural communities	Development in the District including that in the rural villages could erode local landscape quality. . Impacts are likely to be adverse, though can be partially mitigated through the adoption of appropriate policy
to conserve and enhance the District's landscape and townscape character	To make optimum use of previously developed and under-used land and bring empty and derelict buildings into reuse subject to wider sustainability considerations	Supporting development on previously used sites could result in the intensification of development including that in the rural villages could erode local landscape or townscape quality. Impacts are likely to be adverse, though can be partially mitigated through the adoption of appropriate policy

5.5 Overall it was concluded that the plan objectives and sustainability objectives were broadly compatible, although a small number of conflicts were recorded. The conflicts were mostly between plan objectives to deliver housing and employment growth and sustainability objectives to safeguard the natural and built environment.

BROAD OPTIONS APPRAISAL

5.6 The Council has previously consulted upon a range of broad options in respect of Local Green Spaces as follows:

Option 1: Do not designate Local Green Spaces

Option 2: Support the designation of appropriate greenspace through the Neighbourhood Planning process

Option 3: Designate appropriate green spaces through the Part 2 Local Plan

5.7 These options have been identified by the planning policy team following a review of potential approaches based on a review of practices being proposed by other local authorities and having regard to the guidance in the NPPF.

5.8 During Plan preparation work on LP2 the Council appraised these three options and decided that its preferred option would be to designate local green spaces through that Plan. A copy of the appraisal work undertaken in support of this Plan is included in Appendix 4 of this Report for reference. The Council's preferred option is Option 3 which is to designate appropriate green spaces. This approach was identified as the preferred option as the Council considers that local green space designations could have a notable positive impact on many of the District's settlements including in respect of biodiversity, townscape, tranquillity, heritage and landscape. Option 2, was also identified as potentially being able to deliver similar positive effects, through designation within neighbourhood plans. However at the time of preparing the LP2 there were only two communities in South Derbyshire preparing a neighbourhood plan, so the positive effects of this option would be limited to the communities of Melbourne and Repton. Option 1, whilst not having any negative effects, was unlikely to offer further opportunities to protect small scale spaces which are valued by local communities.

5.9 However during the preparation of the LP2 it became obvious that the issue of local green spaces was more complex than first identified and that the designation of sites had the potential to slow down the adoption of the Plan. Given that the adoption of LP2 was critical to ensuring that the authority had sufficient housing sites to meet identified housing need including in respect of demonstrating a five year supply it was decided that the allocation of local green spaces would be undertaken through the preparation of a specific LGSP. The inclusion of Policy BNE8 in the Plan (see below) committed the Council to the preparation of the LGSP.

Policy BNE8: Local Green Space

Local green spaces will be protected from development except in very special circumstances or for the following limited types of development where they preserve the openness of the local green space and do not harm the purpose for its designation:

- i) the construction of a new building providing essential facilities for outdoor sport, outdoor recreation, cemeteries, allotments or other uses of the open land;
- ii) the carrying out of an engineering or other operation.

Designations of local green spaces will be made through a separate development plan document or neighbourhood development plan. The Council will work to enhance the biodiversity, heritage, recreation and tranquillity value and where possible the public accessibility of local green spaces through appropriate site management.

- 5.10 Put simply therefore the SA (in respect of broad options) that underpins the preparation of the Local Green Spaces Development Plan Document was considered during the preparation of LP2 . On this basis there is no requirement to reassess broad options at this stage as the Council has already identified and appraised the alternatives available and committed to its preferred approach to addressing local green spaces within Policy BNE8 of that Plan.

6 LOCAL GREEN SPACE POLICIES

- 6.1 There are 2 local green space policies proposed in the Draft LGSP. LGS1 sets out policy in respect of **Development on a Local Green Spaces**, LGS2 includes policy in respect enhancements on local green spaces.
- 6.2 Initial policies were drafted in April 2018 and updated in September 2018 following internal consultation. These were subject to initial sustainability appraisal in September 2018 and limited changes have been made to the policies following this appraisal. A summary of the likely effects of the policies included in the Draft Plan is set out in Figure 6.1 below. Appendix 2 includes the detailed wording of policies included in LGSP and detailed appraisals that should be read alongside this chapter of the SA report.

Figure 6.1: Sustainability Appraisals of Local Green Spaces Policies

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Policy LGS1: Development on a Local Green Space	?	✓	✓✓	✓	:-	✓✓	✓	✓	?	X	X	X	X	?
Policy LGS2: Enhancement of Local Green Spaces	✓✓	✓✓	✓	✓	✓✓	✓✓	-	-	?	X	X	X	X	?

Summary of Effects

- 6.3 Policy LGS1 would have a beneficial effect in respect of the environmental and social objectives. In particular it would have a major beneficial effects in respect of objectives related health and well-being and Infrastructure. However negative effects are likely in respect of objects related to brownfield land, pollution, climate change and the historic environment.
- 6.4 Policy LGS2 would have beneficial effects in respect of objectives to create high quality places, supporting educational achievement and infrastructure delivery. This policy is likely to have negative effects in respect of brownfield land, pollution, climate change and the historic environment. Policy LGS2 would be unlikely to have any adverse effects. This is because this policy does not seek to control development on sites but rather seeks to deliver biodiversity gain and improved management on site.

Amendments to Local Green Spaces Policies at this Stage

- 6.5 A number of recommendations were made on how to improve the likely sustainability of the Local Green Spaces policies during initial appraisals. The recommended changes made in respect of specific policies are highlighted in red and set out below:
- LGS1 (Development on a Local Green Space). A requirement has been added to ensure appropriate signage could be bought forward on leisure and tourism sites to ensure that designation doesn't undermine functioning tourism attractions
 - LGS2 (Enhancement of Local Green Spaces). Support for sites wishing to become an Envirobank receptor sites was added to this policy following initial appraisal work to allow sites to potentially help offset harmful effects of development elsewhere through access to financial contributions from proposed development.

7. LOCAL GREEN SPACES – THE SITE SELECTION PROCESS AND PROPOSED DESIGNATIONS

- 7.1 In total around 175 potential sites have been identified as potential local green spaces. Most of these have been identified through consultations held by the Council in December 2015, June 2016 and 2017, although a small number have been identified by officers of the Council subsequent to these consultations. The Council identified its methodology for assessing local green space proposals in a report to the Environmental and Development Services Committee on the 19th April 2018. This report set out a two stage approach that would be used to identify appropriate sites. The first stage has screened out sites that do not comply with the requirements of paragraph 100 of the NPPF (and supporting guidance in National Planning Policy Guidance), with the exception of the issue of how sites are demonstrably special to local communities. This issue is considered during a second stage of work discussed later in this chapter.

Stage 1 Assessment

- 7.2 In order to pass through the first stage assessment the Council has considered the following:-

The space is in reasonably close proximity to the community it serves.

- 7.3 The Institute for Highways and Transportation recommended walking distances for non-commuting or school journeys is 800m or equivalent to 10 minute walk). However where a green space is proposed which provides playing pitches or outdoor sports provision within 1,200m (a 15 minute walk) will be considered acceptable in line with guidance provided by Fields in Trust (A charity that works to protect playing fields) and included in the Council's Design Supplementary Planning Document (SPD) adopted November 2017. Any sites located a greater distance from the edge of the settlement boundary or edge of the settlement they serve will be excluded from designation.

The site is an extensive tract of Land.

- 7.4 The National Planning Policy Guidance Paragraph 15 (ref ID 37-015-20140306) states the blanket designation of open countryside adjacent to settlements will not be appropriate. It is considered that any site in excess of 5ha could constitute an extensive tract of land. In identifying this threshold regard has been had to a number of examiners reports on local green spaces made through Neighbourhood Plans as well as a Counsel Opinion¹⁵ drafted in response to Castlethorpe Neighbourhood Plan (published February 2016). However exceptionally there may be a need to set any agreed threshold aside and allow for smaller sites to be considered extensive within the context they sit. Similarly there may be exceptional circumstances where larger sites could be considered appropriate for designation. However any exceptions would need to be made as part of any nomination and supported by a strong and rational case explaining why the identified threshold should be set aside.

¹⁵ For Counsel Opinion see [here](#)

The site is capable of enduring beyond the Plan period.

- 7.5 Clearly sites allocated for development in the Adopted Local Plan (LP1 and LP2), or have planning consent or a resolution to grant planning consent should be excluded from consideration. Similarly sites included in the Council's Strategic Housing Land Availability Assessment (SHLAA) will ordinarily be excluded unless the SHLAA identifies that the site is unsuitable for development.

Other factors that would exclude sites being designated as Local Green Spaces

- 7.6 In addition to the above criteria the Council has previously established a number of criteria to guide site selection, and consulted upon these in previous local green space consultations. These criteria would rule out the designation of sites where there is duplication of existing protections afforded through national or local planning policy or where sites are deemed inappropriate for other reasons – for example private gardens and are not public spaces.

- 7.7 In detail the further criteria previously established are as follows:

The site already benefits from protection through existing Local or National Policy

- 7.8 Where the site is already protected by designations such as Green Belt, wildlife designations, or statutory heritage designations, or protected by established open spaces policies there is little merit in a further designation. Whilst it is acknowledged that such protections are often made in the interest of protecting one aspect of the site (such as important heritage features), in most cases the policy protections provided would offer a level of protection that would safeguard the site generally for the benefit of local communities. However, there are instances where there may be justification for already protected sites to be designated. This will only be considered where it can be demonstrated that additional and substantive local benefits can be secured as a result of the local green spaces designation which isn't otherwise conferred by national or local plan policy. One such example of such an occurrence could be where local sports provision is protected through local policy INF9. This is because this policy does allow for loss subject to replacement facilities being provided but in some instances there may be a locational imperative to maintain provision in its current location and relocated facilities may fail to have the same community benefits.

Privately owned land and spaces

- 7.9 Private residential land, gardens, paddocks or stables are not considered appropriate for designation as a local green space as they are not valued community spaces (but rather private spaces).

Public Memorial Sites

- 7.10 Previous consultations indicated that the Council's view was not to include war memorial as local green spaces. Part of the rationale for this was such memorials did not require further protection against development, particularly as many are listed or located in otherwise protected area. However this is not universally the case and more detailed consideration of this issue indicates many spaces used as war or other memorials are informal spaces that are valued by local communities and are not necessarily protected through any other mechanism. War and other memorial sites will therefore be assessed on their merits against the other criteria previously listed above.
- 7.11 By reviewing all of the submitted sites against the above criteria the Council has been able to identify those sites, which in our view would conform with the requirements of the NPPF and are therefore appropriate for designation.

Stage 2 Assessments

- 7.12 For all of those sites that pass the stage 1 assessment a further round of assessment will be undertaken. This will seek to address the outstanding requirement of the NPPF of considering how sites are demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife. These detailed site appraisal are included in this SA report and can be viewed in Appendix 3. However it should be noted that those sites progressing past stage 1 will not automatically be included for designation. In undertaking site appraisals, where it is clear that sites are not demonstrably special to the local community these will be discounted at this stage.

Results of the Stage 1 Assessment.

- 7.13 Table 7.1 overleaf provides an indication of the sites considered by the Council, and sets out which sites have been screened out from designation early on (i.e. are not considered to represent suitable sites when considered against national policy requirements or local criteria outlined above). Sites screened out are shown in **Red Text**. Table 7.1 also shows those sites that do conform with the criteria outlined above and therefore progressed to stage 2 assessment. These are shown in **Green Text**. This table seeks to provide an outline of the reasons for discounting or including sites in line with the requirements of the SEA Directive and Regulations.

Table 7.1 List of sites detailing those screened out during initial sieve, those progressed to stage 2 assessment and the reasons why.

Site Reference	Site Name	Reason for exclusion
1	Darklands Lane, Swadlincote	SDDC owned allotments. Protected by policy INF9 of the adopted Local Plan
2	Aston Drive, Midway, Swadlincote	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
3	South of Edgecote Drive, Midway, Swadlincote	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
4	Off Lawns Drive, Midway, Swadlincote	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
5	Springwood Farm Road, Midway	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
6	Eastfield Road, Midway	The site includes amenity grassland and mature and semi mature trees. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
7	Upper Midway Allotments, Chestnut Avenue	SDDC owned allotments. Protected by policy INF9 of the adopted Local Plan
8	East of Thorn Tree Lane, Newhall	SDDC owned allotments. Protected by policy INF9 of the adopted Local Plan
9	Fairfield Crescent, Newhall	The site includes amenity grassland and mature and semi mature trees. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
10	Off The Rise (east of Oversetts Road), Newhall	SDDC owned allotments. Protected by policy INF9 of the adopted Local Plan
11	Arthur Street Recreation Ground, Mount Pleasant	Site is a recreation ground and is protected by policy INF9 of the adopted Local Plan
12	Mount Pleasant Recreation Ground, Mount Pleasant	Site is a recreation ground and is protected by policy INF9 of the adopted Local Plan
13	Castle Knob, Castle Gresley	No map provided defining extent -although based on assumed location and extent Site is a Scheduled Ancient Monument ref 1011209 and wildlife site (SD306) and as such is protected by existing designations/local plan policy.
14	White Lady Springs, Castle Gresley	No Map has been provided for this site. Although there is a Wildlife Site known as White Lady Springs (SD360) in Castle Gresley. In the absence of a

		map it is considered to discount this site from further assessment on the basis it is protected from development by policy BNE3 (Biodiversity) of the Adopted Local Plan
15	War Memorial (1), Castle Gresley	This site consists of amenity grassland and areas of planting for Local Green Space designation it includes a war memorial and contributes to local character. Progress to phase 2 assessment.
16	War Memorial (2) Castle Gresley	No map has been provided. Possibly Linton Church but uncertain. In absence of submission or nomination outlining site extent it has not been passed to phase 2 assessment.
17	Off Gresley Wood Road, Church Gresley	This site consists of amenity grassland and mature and semi mature trees there is a wooded area to the east of the site. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
18	Gresley Wood, Gresley Wood Road, Church Gresley	This is a wooded site comprising of mature and semi mature trees. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
19	Lathkill Dale, Church Gresley	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
20	Wye Dale, Church Gresley	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
21	Fabis Close, Church Gresley	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
22	Sorrel Drive, Woodville	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
23	Falcon Way , Woodville	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
24	Kingfisher Avenue, Woodville	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
25	Tern Avenue, Woodville	Site consists of publically accessible amenity grassland. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
26	North of Ashby Road (A511) , Woodville	Allotments. Protected by policy INF9 of the adopted Local Plan
27	Aston Allotments, Weston Road	Allotments. Protected by policy INF9 of the adopted Local Plan

28	Long Walk Wood, Aston On Trent	<p>Site is larger than 5ha</p> <p>Site is a Local Wildlife Site SD163) and is subject to protection through Policy BNE3 of the Part 1 Local Plan</p> <p>Site is part designated as a housing site in the Part 1 Local Plan. Policy H8 further protects Long Walk Wood and requires that woodland be retained, enhanced and appropriate public access provided.</p> <p>Given that the site is already allocated in the Local Plan 1, has been granted planning consent, in excess of 5ha and is a Local Wildlife Site protected through BNE3 LGS designation is not considered necessary or appropriate.</p>
29	Middle Wood, Aston on Trent	<p>Site designated as a housing site in the Part 1 Local Plan. Policy H8 requires that the woodland be retained, enhanced and appropriate public access provided within the site.</p> <p>Given that this site is an allocated housing site in the Adopted Local Plan and current policy provisions protect this part of the site. Further designation as a local green space is not considered necessary or appropriate.</p>
30	Ponds to the rear of Aston Hall, Aston	<p>Large natural area which includes woodland and a large pond. It is publically accessible. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.</p>
31	Shardlow Road Recreation Ground, Aston on Trent	<p>Site is a recreation ground and is protected by policy INF9 of the adopted Local Plan</p>
32	Adjoining Moor Lane, opposite the cemetery	<p>The site is in private ownership. Used for keeping of horses. Possibly included as housing allocation and included in the SHLAA</p>
33	Nature Reserve Area at Clover Leaf Farm	<p>No map was included in the nomination and it has not been possible to identify the potential area proposed for designation. However much of the land in this area is included in the Shlaa and/or within the green belt. On this basis it is not currently proposed to take forward this area for designation.</p>
34	Willow Park Way, known as The Bull Field	<p>No Map was included in the nomination of this site however, it is considered that this is the site located at SK 4132 2924. Based on the best available evidence the site is around 5.3ha and is therefore an extensive tract of land. The site is in private ownership and is subject to a blanket Tree Preservation Order in its entirety which is likely to offer some protection from development</p>

		as a result of protections included in Policy BNE7 of the Local Plan. The site is in private ownership and not publically accessible.
35	Brickyard Plantation and Claypit	Site is designated as a local wildlife site (SD167 Brickyard Plantation and Clay Pit) and is therefore protected by policy BNE3 of the Adopted Local Plan. It is an extensive tract of land and is already located in the Green Belt.
36.	The Bowling Green, Aston on Trent	Site is in part a bowling green and so likely to be offered some protection from loss by policy INF9 of the adopted Local Plan in respect of the bowling green element. However a large component of the site comprises amenity grassland and scattered trees. The site includes a small number of protected trees in the South West Corner of the site. On balance it is considered appropriate to progress the site to phase 2 assessment.
37	Egginton Road	Site consists of amenity grassland and mature and semi mature trees together with ornamental hedgerows to the boundary. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
38	Appletree Meadow	Site consists of amenity grassland with occasional mature and trees around the site periphery and areas of younger planting within the site.
39	South of Sutton Lane, Etwall.	Site is a sports field and is protected by policy INF9 of the adopted Local Plan. On this basis site would ordinarily be screened out of inclusion into the stage 2 assessment. However community representations indicate the field is used for other non- sports based uses and therefore whilst policy INF9 could deliver replacement sports facilities there would be some uncertainty whether the wider community facilities would be delivered on a replacement sports facility site. Test further through stage 2 assessment.
40	West of Main Street, Etwall.	Used for a range of community events in the village including well dressings. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
41	East of Common End	Allotments. Protected by policy INF9 of the adopted Local Plan
42	King George V Playing Field	Site is a recreation ground and is protected by policy INF9 of the adopted Local Plan. Protected by Fields in Trust.
43	Sandypits Lane Playing Field, Etwall.	Site is a sports field and is protected by policy INF9 of the adopted Local Plan. On this basis site would ordinarily be screened out of inclusion into the stage 2 assessment. However community representations as well as comments from the Council's Community Partnership officer indicate the field is used for

		other non- sports based uses including by the nearby scout group and on this basis any requirement to deliver a replacement site elsewhere in the village could limit access for the scout group. Progressed to phase 2 assessment.
44	Chestnut Grove Play Area, Etwall	The site consists of amenity grassland with trees on the southern and western boundary. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
45	Field Avenue, Hatton	Maintained open space and mature trees. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
46	Hassall Road, Hatton	Informal recreation ground which may not be protected by Policy INF9 Designation supported by Community Partnership Officer. Lacks Fields in Trust protection of QE2 field.
47	QE2 Field, East of Hassall Road, Hatton	Site is a recreation ground and is protected by policy INF9 of the adopted Local Plan. The site is also protected as a result of its fields in trust designation.
48	QE2 South of Heathfields Primary School.	Site is a recreation ground and is protected by policy INF9 of the adopted Local Plan. The site is also protected as a result of its fields in trust designation.
49	East of Dove Side	Allotments. Protected by policy INF9 of the adopted Local Plan
50	South of Egginton Road	This is a small finger of land within the adopted highway. Derbyshire County Council (the Highways Authority) have advised that future highways requirements would take priority over alternative proposals. However this area is used informally as a memorial to a number of local people, including a Former District Councillor and includes a locally important tree. The site is maintained by the Hilton Garden Club.
51	Humber Street/Welland Road, Hilton	Community representations as well as comments from the Council's Community Partnership Officer indicate the field includes native woodland planting (including memorial planting undertaken by primary school to fallen soldiers). much of the site is currently an informal meadow area There is a war memorial on site.
52	Off Mill Lane, Hilton	The site is a private garden and in the view of the Authority is not demonstrably special to the local community.
53	South of Main Street, Hilton	Site is amenity grassland offering informal leisure opportunities but includes a

		children's play area. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
54	Sutton Lane, Hilton	Allotments. Protected by policy INF9 of the adopted Local Plan
55	Wellavon Playground, Welland Road/Avon Way, Hilton	Site includes a playground surrounded by amenity grassland. However site contributes to local townscape character and is located in a densely developed area. Such provision could be protected through Policy INF9, although the loss of any site is unlikely to be compensated in the immediate vicinity given the dense nature of development in the immediate vicinity.
56	South of Linton Heath, Linton	Allotments. Protected by policy INF9 of the adopted Local Plan
57	Shlaa site S/0050, Off Windsor Road, Linton	Site in the shlaa and identified as potentially suitable for development. One objection to site inclusion made during 2017 consultation.
58	West of Packhorse Road, Melbourne	Maintained open space/amenity grassland. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
59	North of Station Road, Melbourne	Area of maintained grassland with recently planted trees and hedgerow. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
60	Washpit, Station Road, Melbourne	Grade 2 listed wellhead on part of site with mature trees. Supported by the Melbourne and Kings Newton NDP working group for designation during the 2017 consultation. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment..
61	Off Acacia Drive, Melbourne	This is an area of amenity grassland within a residential area. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
62	Lothian Gardens, south of High Street, Melbourne	Site is a recreation ground and is protected by policy INF9 of the adopted Local Plan.
63	Off the Pingle, Melbourne	Allotments. Protected by policy INF9 of the adopted Local Plan
64	Poolside, South of Penn Lane Melbourne	The site is a private garden and in the view of the Authority is not demonstrably special to the local community.
65	Jawbone Lane Melbourne	The site is an extensive tract of land extending some 16ha. Part of the site has planning consent for residential development. A further 5 ha is included in the Council's Shlaa (ref S/0009 and S/0226). Land to the east of Jawbone Lane

		as well as land to the north of Oaklands Way is not included in the shlaa although cumulatively this area would extend 13.5ha even excluding the site with planning consent at Bond Elm (ref 9/2014/1141). Therefore allowing for the scale of the site (even if that part with planning consent were discounted) the size of the site would consist of an extensive tract of land. The site owner (developer) objects to the designation.
66	Robinson's Hill North, Melbourne	Site is contiguous with site 67 and 73 and together would be an extensive tract of land circa 20ha. Land is in private ownership and there is no public access to the site.
67	Robinson's Hill South, Melbourne	Site is contiguous with Site 66 and 73 and together would be an extensive tract of land. Land is in private ownership and there is no public access to the site.
68	Blackwell Lane, Melbourne	Site is in the Shlaa (\$108) and in private ownership so on this basis would qualify for exclusion for consideration as a local green space against the defined criteria.
69	Kings Newton Hall Park	The site is an extensive tract of land extending 7.34ha.
70	Holy Well, Wards Lane	Medieval Holywell largely restored by local community. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
71	Crow Park, Melbourne	The site is an extensive tract of land extending 14.38ha.
72	Chestnut Park, Melbourne	The site is an extensive tract of land extending 8.94ha. It is not well related to the settlement (being around 750m from the nearest part of the settlement boundary for Melbourne, although walking distance on the ground will be in excess of 800m via footpath FT13 or FT21.
73	Brown Fields and Bare Hills	The site is an extensive tract of land extending 15.76ha.
74	The Severn Trent Visitor Centre, Grassland and Washland	The site is in excess of 5ha and is considered an extensive tract of land,
75	Land Adjacent to Manor Oak (Kings Newton)	This is a partially domesticated area in private ownership with no public access.
76	Field south of Elms Farm Melbourne	No map has been provided in respect of the location or extent of the nominated site, although based on best available evidence it is likely this is a duplication of site 75 (above).
77	Church Close Melbourne	Site is a war memorial surrounded by amenity grassland and planting. It is

		well maintained, publically accessible and contributes to the character of the area. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
78	The Pool, Melbourne	The site is an extensive tract of land extending 8.04ha. Much of the site comprises of a large pond which is a designated wildlife site (SD229 Melbourne Pool) and is therefore protected by policy BNE3 of the Adopted Local Plan.
79	Intake, Melbourne	The site is part of a larger site (ref 78, the Pool Melbourne) an extending 8.04ha. However in isolation this area could be appropriate for designation. However the site is already designated as a Local Wildlife Site (SD229) and as such would be protected from inappropriate development by Policy BNE3 of the adopted Local Plan
80	Kings Field, Melbourne	No map has been provided in respect of the location or extent of the nominated site
81	Baptist Cemetery, Chapel Street, Melbourne	The site is protected by policy INF9 of the adopted Local Plan. It is noted that Melbourne NDP working group propose to take forward a LGS designation on this site.
82	Castle Street Cemetery, Melbourne	The site is protected by policy INF9 of the adopted Local Plan. It is noted that Melbourne NDP working group propose to take forward a LGS designation on this site.
83	Packhorse Road Cemetery, Melbourne	The site is protected by policy INF9 of the adopted Local Plan. It is noted that Melbourne NDP working group propose to take forward a LGS designation on this site.
84	The Bowling Green, Melbourne	This is a small site part of which is used as a bowling green and so is partially protected by policy INF9 of the adopted Local Plan. However community representations indicate the field is used for other non- sports based uses including garden clubs and WI summer and Christmas fairs, senior citizens Christmas party, Probus Club meetings, garden club, Melbourne produce show, plant sale and sewing circle. Hall is also used for fund raising activities. Appears to meet the criteria for Local Green Space designation.
85	Queensway Melbourne	The site has historically been subject for a planning application (ref

		9/2013/0222) for the formation of a hard surface for vehicular access. Land is required for access for nearby properties.
86	Rear of 78 Ashby Road, Melbourne	Site is in private ownership and is not publically accessible. The site is subject to a blanket Tree Preservation Order (377) which will confer protection of woodland on site in line with Policy BNE7of the Local Plan.
87	Grange Close Recreation Ground, Melbourne	The site is protected by policy INF9 of the adopted Local Plan, although is surrounded on all sides by built development. Whilst policy INF9 would ensure replacement provision of any facilities lost, given the tight knit nature of the surrounding built development any loss would have wider impacts on local character. Appears to potentially meet the criteria for Local Green Space designation.
88	Jubilee Close Melbourne	No map has been provided in respect of the location or extent of the nominated site.
89	Old Tennis Courts, Lothian Garden, Melbourne	The Courts are currently overgrown and not maintained. The site could in theory be partially protected by policy INF9 of the Local Plan given that it is comprised of tennis courts, although these are not in a usable state and so protection offered would be limited. The site is registered as an asset of community value. In light of the above appears to potentially meet the criteria for Local Green Space designation.
90	Smith Avenue, Melbourne	No map has been provided in respect of the location/extent of nominated sites.
91	Edward Street, Overseal	Allotments. Protected by policy INF9 of the adopted Local Plan
92	Daisy Lane, Overseal	The site is in the ownership of the District Council. There are orchard trees planted to commemorate the fallen soldiers of WW1 and WW2. The site is used in the annual wassail and on this basis there may be merit in considering the site for local green space designation. However the site is designated as a local wildlife site (SD378 Overseal Church Meadow) and is therefore protected by policy BNE3 of the Adopted Local Plan.
93	East of High Street and south of Askew Grove, Repton	Site is already allocated as a in Local Green Space in the Repton NDP made September 2018
94	North of Milton Road, Repton	Site is already allocated as a in Local Green Space in the Repton NDP made

		September 2018
95	Land at the Crescent, Repton	Site is already allocated as a in Local Green Space in the Repton NDP made September 2018
96	Mitre Drive, Repton	Site is already allocated as a in Local Green Space in the Repton NDP made September 2018
97	Broomhills Playing Field	Site is already allocated as a in Local Green Space in the Repton NDP made September 2018
98	Pinfold Lane, Repton	Site is already allocated as a in Local Green Space in the Repton NDP made September 2018
99	South of London Road Shardlow	This is a small maintained play area. Loss of play equipment could be partially protected from inappropriate development by policy INF9 of the adopted Local Plan. Loss of surrounding amenity space could be difficult to compensate for given it purpose to serve surrounding built development. Review through stage 2 assessment.
100	Glenn Way, Shardlow	The site consists of amenity grassland with small trees planted mainly around the edge of the site. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
101	The Wharf, Shardlow	The site consists amenity grassland and mature and semi mature trees and bushes. It appears to meet the criteria for Local Green Space designation. progress to phase 2 assessment
102	Wilne Lane, Shardlow	Allotments. Protected by policy INF9 of the adopted Local Plan
103	Long Row, Allotment	Parish Council/community allotments. Protected by policy INF9 of the adopted Local Plan
104	Millfield, Shardlow	The site is a private garden and in the view of the Authority is not demonstrably special to the local community.
105	South of the Trent and Mersey Canal, Willington	The site consists amenity grassland and mature and semi mature trees adjacent to the Trent & Mersey Canal. It appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment. Supported by 2 representations during the 2017 consultation.
106	East of Etwall Road (B5008), Willington	Allotments. Protected by policy INF9 of the adopted Local Plan
107	North of Twyford Road, Willington	The site is used as a sports ground and extends 1.63ha. It is owned by the

		Parish Council and RWE Generation UK PLC. The site is the subject of a village green application and would be partially protected by Policy INF9 of the Adopted Local Plan given its use for sports. However use of the site extends beyond these uses and the site is also recorded as being used for fireworks displays as well as carnivals. Pass to stage 2 assessment.
108	Village Hall, South of Twyford Road, Willington	Area is planned for a rebuild of the village hall located on the site. The site is currently protected by Policy INF6 of the adopted Local Plan. Site already has planning permission for the erection of an extension, alterations (ref 9/2017/0753).
109	North of River Trent, Willington	Majority of the site comprises of private residential gardens and the site is in multiple land ownership.
110	Hall Lane Playing Field, Willington	Site is recorded as a sports field although it seems to be a more informal open space. It is unclear to what extent policy INF9 could protect this site given its informal nature. Progress to phase 2 assessment.
111	Trent Avenue Playing Field, Willington	The site consists of amenity grassland with trees and hedgerows around the site periphery of the site. Appears to meet the criteria for Local Green Space designation. progress to phase 2 assessment
112	South of Twyford Road, Willington	Amenity space unlikely to be protected by INF9. Appears to meet the criteria for Local Green Space designation. progress to phase 2 assessment.
113	Coach Road to Sealey Close Playing Fields	Site is a playing field and is protected by policy INF9 of the adopted Local Plan. The site is also at flood risk (much of it is in the Functional Floodplain) and therefore national and local policy provisions seeking to restrict development in such locations apply. The site is included in the Shlaa (S/137), and identified as not suitable for development due to flood risk. It is in the ownership of the District Council and Restrictive Covenants apply.
114	West of Hillside, Findern	The site includes amenity grassland and mature trees. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
115	The Green, Findern	Amenity space not likely to be protected by INF9. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
116	East of The Hayes, Findern	The site includes amenity grassland. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.

117	East of Porters Lane Farm Findern.	This site is in private ownership and is used for grazing/keeping horses. It does not meet criteria for designation.
118	West of Repton Road/Main Street, Hartshorne	Site is a cricket pitch and is protected by policy INF9 of the adopted Local Plan.
119	Tower Road, Hartshorne	Allotments. Protected by policy INF9 of the adopted Local Plan
120	East of Main Street /Ticknall Road, Hartshorne	Site is an extensive tract of land extending 5.58ha. It is included in the Shlaa, although this can be discounted as the site has been refused planning consent for housing (ref/9/2014/1140) and dismissed at appeal (APP/F1040/W/15/3119206).
121	Land North of Kendricks Close, Hartshorne	Site is largely used for the keeping of horses and is in private ownership. Public access through the site via a public right of way although access does not extend beyond this. Site has been fenced into parcels which gives the site a domesticated feel. Site not suitable for local space designation.
122	Land Adjoining Mill wheel Car Park	To date the District have been unable to contact landowners. This land parcel consists of scrubland. Land slopes from north to south falling towards the water course which marks the southern boundary of the site. The site is tranquil and lacks the domestication of sites 121 and 123. However it is unclear whether the landowner is amenable to public access or whether wildlife value of the site could warrant potential designation.
123	North of Repton Brook, east of Brook Street, Hartshorne	The site is included in the Council's shlaa (S/215) and is identified as potentially suitable. There is a prow crossing the site which is used for grazing horses but beyond this right of access the land is in private ownership and not accessible.
124	Land at Junction of Brook Street, Repton Road, Hartshorne	This is a small triangle of land within the adopted highway. Derbyshire County Council (the Highways Authority) have advised that future highways requirements would take priority over alternative proposals. However site is amenity area and appears to meet the criteria for Local Green Space designation.
125	Land at Junction of Manchester Lane and Heath Lane, Hartshorne	This is a small triangle of land within the adopted highway. Derbyshire County Council (the Highways Authority) have advised that future highways requirements would take priority over alternative proposals. However site is an amenity area and appears to meet the criteria for Local Green Space

		designation.
126	Main Street/Church Street, Netherseal	This site is private property forming the grounds of a residential care home. Designation of the site as a local green space is not considered appropriate.
127	North of Yew Tree Road, Rosliston	Site is an informal open space used by the local preschool as well as the wider community. On this basis there is considered to be a locational imperative to maintain facilities in this location. Facilities on the site have been granted funded and site represents a local community focal point.
128	The Rec, Off Main Street, Rosliston.	This is a recreation area which includes a tennis court, play equipment and goal posts. This site is protected by policy INF9 of the adopted Local Plan.
129	Land East of Strawberry Lane, Rosliston	This is a Sport England designated recreation area. The site includes a playing field and goal posts and sports pavilion and is used by Pheonix Rangers Juniors FC. The site is protected by policy INF9 of the adopted Local Plan and is an asset of community valued (registered November 2016). The site is included in the Shlaa but was identified as not available for development as demolition of existing dwelling/dwellings is required to gain access to the site. Site is also used by the Scouts locally so has wider than sports value. This aspect of site use may not be protected by INF9. On the basis of the above the site is considered to meet the criteria for local green space designation.
130	North of Rose Lane, Ticknall	Local Green Space immediately adjacent to and supporting the use of the village hall, including use of the Hall as a wedding venue. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
131	North of Main Street, Ticknall	Could be allotments, although not officially so. Site is in private ownership and not publically accessible.
132	North of A514, opposite Calke Abbey entrance, Ticknall	Amenity grassland with trees and benches. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment,
133	Area opposite the Vineyard, Main Street, (A514), Ticknall	The site is a designated wildlife site (SD392) Calke Abbey Parkland and protected through Policy BNE3 of the Adopted Local Plan.
134	Blank entry in database	
135	Ingleby Lane – east, Ticknall	Amenity grassland close to centre of the village. In private ownership but is publically accessible and includes a number of benches. Amenity grassland close to centre of the village. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
136	Ingelby Lane – west, Ticknall	Amenity grassland close to centre of the village. In private ownership but is publically accessible. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
137	The Green, Ashby Road, Ticknall	Private land which is not publically accessible with limited views into the site

		from surrounding public spaces. The site has been subject to a recent planning application for a single dwelling which was refused.
138	Ashby Road Grass Triangle, Ticknall.	This is a small triangle of land within the adopted highway. It is clearly maintained by the local community and includes a bench and amenity planting. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment
139	The Vineyard, Main Street, Ticknall	Site is in mainly in private ownership and not publically accessible.
140	Main Street, entrance and verges to Calke Park, Ticknall	Amenity grassland with mature trees. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
141	Blank entry in database	
142	Slade House, Rose Lane, Ticknall	Site in private ownership and not publically accessible
143	King's Mills Lane, Weston On Trent	Site in private ownership and is not accessible to the public.
144	King's Mills Lane, adjoining school, Weston On Trent	Maintained informal amenity grassland adjacent to school. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
145	Sports Field of Twyford Road, Barrow on Trent	Site is a sports field and is protected by policy INF9 of the adopted Local Plan. The site is also at flood risk (It is in the Functional Floodplain) and therefore national and local policy provisions seeking to restrict development in such locations apply.
146	Chapel Lane, Barrow on Trent	Allotments. Protected by policy INF9 of the adopted Local Plan
147	South of Littlefield Road, Church Broughton	This site is in private ownership and is used as private residential garden.
148	Blacksmith's Lane, Egginton	Allotments. Protected by policy INF9 of the adopted Local Plan
149	Catherine Jonathon Playing Field, Egginton	Site is a sports field and is protected by policy INF9 of the adopted Local Plan. On this basis site would ordinarily be screened out of inclusion into the stage 2 assessment. However community representations indicate the field is used by the nearby Primary school and on this basis any requirement to deliver a replacement site elsewhere in the village could limit access for the school (in short there is a locational imperative to potentially protect site in current location– this is not reflected in INF9 policy). Moreover it is understood that other non- sports based uses are undertaken on this site.
150	Off Elmhurst, Egginton	Appears to meet the criteria for Local Green Space designation. progress to phase 2 assessment. 28 representations have been received supporting site designation in the 2017 consultation. These indicate that the site is locally important in respect of wildlife, heritage, and public access and recreation.
151	Land south of Stoke-Derby Railway Line, Egginton	Site is subject to development proposals through the NSIP process. It would

		therefore be inappropriate to seek LGS designation at this point
152	Village Green, Lees	Amenity grassland with mature trees and benches. Appears to meet the criteria for Local Green Space designation. Progress to phase 2 assessment.
153	Allotments, unnamed road between Long Lane and Dalbury Hollow	Allotments. Protected by policy INF9 of the adopted Local Plan
154	Blank entry in database	
155	Orchard to Common Farm	Site is already allocated as a in Local Green Space in the Repton NDP made September 2018
156	Mill Lane, Scropton	Allotments. Protected by policy INF9 of the adopted Local Plan
157	Piddocks Road, Stanton	Allotments. Protected by policy INF9 of the adopted Local Plan
158	South of Oak Road, Thulston	Allotments. Protected by policy INF9 of the adopted Local Plan
159	Walton Playing Field, Walton on Trent	Site is a sports field and is protected by policy INF9 of the adopted Local Plan. Information provided by the Council's Open Space team has confirmed that the field is used by the adjacent School and on this basis there is considered a locational imperative to retain provision in this location.
160	Blank entry in database	
161	98 Derby Road, Aston on Trent	Allotments. Protected by policy INF9 of the adopted Local Plan
162	Land opposite the arboretum on Pinfold Lane, Repton	Site is already allocated as a in Local Green Space in the Repton NDP made September 2018
163	Arboretum on Pinfold Lane, Repton	Site is already allocated as a in Local Green Space in the Repton NDP made September 2018
164	Triangle at the bottom of Mount Pleasant Road, Milton known as the Village Green.	Site is already allocated as a in Local Green Space in the Repton NDP made September 2018
165	The Sandlands near Woodville	No map has been provided in respect of the location or extent of the nominated site. In the absence of this, and having regard to the fact that a significant area of land in the vicinity of Sandlands (circa 4.75ha) is included in the Councils Shlaa and subject to a blanket tree preservation order (TPO446) designation is not appropriate.
166	Woodland west of Leawood Road	No map has been provided in respect of the location or extent of the nominated site. In the absence of this, and having regard to the fact that a significant area of land in the vicinity of Sandlands is included in the Councils SHLAA and subject to a blanket tree preservation order (TPO446) designation

		is not appropriate.
167	Land between Goseley Estate and Woodville	No map has been provided in respect of the location or extent of the site. In the absence of this, and having regard to the fact that a significant area of land between Goseley Estate and Woodville is included in the SHLAA designation, is subject to a blanket tree preservation order or comprises a Local Wildlife Site (Woodville Disused Railway) designation is not appropriate.
168	Linton Orchard	Community Orchard. Appears to meet the criteria for local green space designation. Progress to phase 2 assessment.
169	Diana Garden, Swadlincote	Amenity space and planting. Appears to meet the criteria for local green space designation. Progress to phase 2 assessment.
170	Mease Meadow Hilton	Wildlife area and amenity grassland. Appears to meet the criteria for local green space designation. Progress to phase 2 assessment.
171	Amenity area to the south of Cycle route, Washford Road Hilton	Amenity space and planting. Appears to meet the criteria for local green space designation. Progress to phase 2 assessment.
172	Amenity area to the south of Cycle route, at Avon Way Hilton	Amenity space and planting. Appears to meet the criteria for local green space designation. Progress to phase 2 assessment.
173	Amenity area to the north of Cycle route at the Mease, Hilton	Amenity space and planting. Appears to meet the criteria for local green space designation. Progress to phase 2 assessment.
174	Land between A5132 and New Road, Hilton	Important tree belt which softens a notable route into and out of the village which contributes to the character of the village. Publically accessible. Appears to meet the criteria for local green space designation.
175	Bren Way, Hilton	Amenity grassland with shrubs. Appears to meet the criteria for local green space designation. Progress to phase 2 assessment.
176	Blank entry in database	
177	Off Pegasus Way, Hilton	Amenity grassland with mature trees. Appears to meet the criteria for local green space designation. Progress to phase 2 assessment.
178	Woodland, South of the Mease, Hilton	This is an area of mature woodland between the Mease and a playing field. It includes footpaths and provides a significant area of woodland that adds to the rural feel of this part of the village.
179	Bowling Green Kings Newton	This is a bowling green with amenity land surrounding used for bowling and other community events. The green itself is partially protected by policy Inf 9

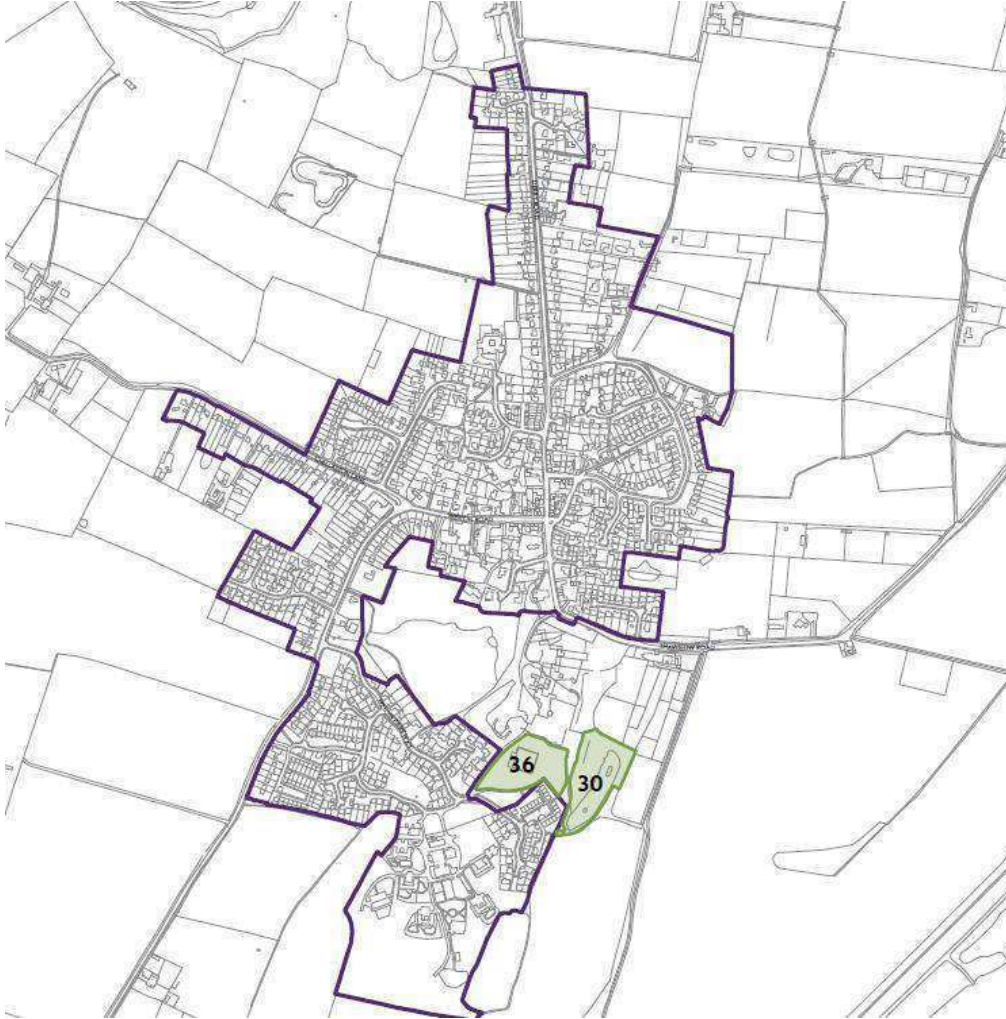
		of the adopted local plan. Appears to meet the criteria for local green space designation. Progress to phase 2 assessment.
--	--	----------------------------------------------------------------------------------------------------------------------------

Stage 2 Assessment of sites

- 7.14 Having passed a total of 85 sites to phase 2 of the assessment the Council has sought to undertake an appraisal of individual sites against the SA Framework. (See section 8 and Appendix 4 of this report). The purpose of this stage of work is to identify the likely environmental, social and economic effects of designating specific local green spaces. The following section of work provides a summary of the sites appraised by settlement and seeks to outline the reasons for taking forward specific designations, or exceptionally discounting sites where these have been identified as not being demonstrably special to the local community.
- 7.15 The remaining part of this chapter comprises of a map to indicate the location and extent of proposed local green spaces by settlement, a summary of the completed appraisal for individual sites located within that settlement, together with a brief narrative explaining the conclusions reached and a table which explains which sites have been taken forward and why and list those sites discounted and the reasons for this. Settlements are listed in alphabetical order.

SECTION 8: SUMMARY OF PLAN EFFECTS (BY SETTLEMENT) AND EXPLANATION OF WHY SITES ARE DEMONSTRABLY SPECIAL TO THE LOCAL COMMUNITY

MAP 1 ASTON ON TRENT



As shown in the above Map, two sites have been considered through the stage two assessment in Aston on Trent as follows:

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 30 Ponds to the rear of Aston Hall, Aston on Trent	✓	--	✓	--	✓	--	--	--	✓✓	✓	--	--	✓✓	✓✓
Site Ref 36: The Bowling Green, Aston on Trent	✓	--	✓	--	✓✓	✓	--	--	✓✓	✓	--	--	✓✓	✓✓

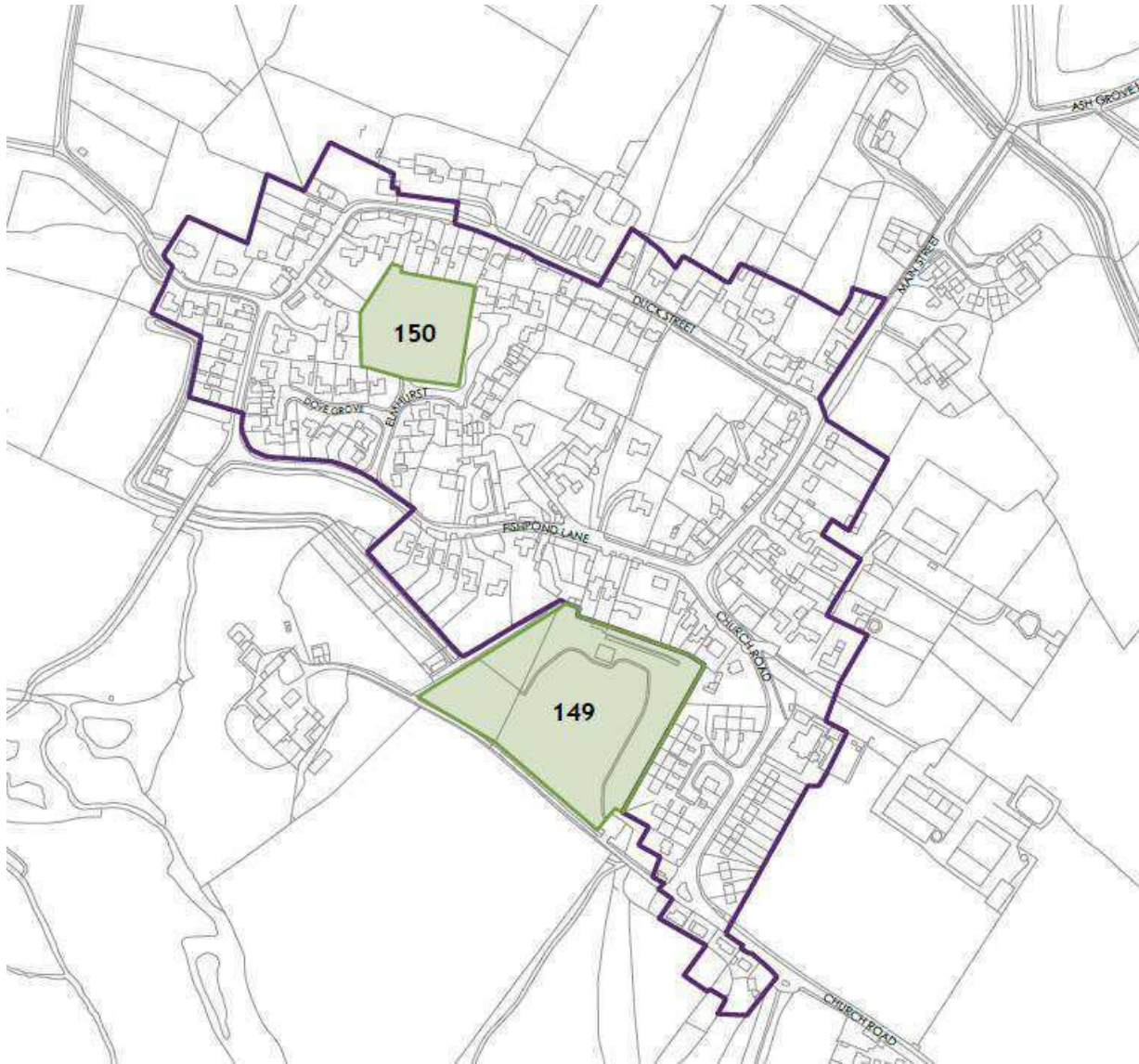
Both sites are likely to have a range of beneficial effects. In particular it is considered that sites would perform strongly in respect of SA objectives to help conserve the historic environment and the wider built environment of the village. This is because both sites contribute to the setting of Aston on Trent Conservation Area and the grade 2* listed Aston Hall. Sites would also have beneficial effects in respect of SA objectives related to biodiversity and geodiversity, health and well-being, the protection of greenfield land, and protecting local landscape/townscape character.

Site designation in respect of these two sites is unlikely to have any adverse or uncertain effects.

Table 8.1: reasons for designating or discounting sites

Site Reference	Site Name	Proposed	Reason
30	Ponds to the rear of Aston Hall	Yes	The site contributes to the rural setting of Aston Hall Hospital and the Conservation Area and forms a wild area widely used by dog walkers and other residents as it provides a tranquil space close to the heart of the village. The site provides access to wildlife, although it is acknowledged that paths around the large central pond are in poor condition and in part it is difficult for mobility impaired people to access the site. Nonetheless the site is considered worthy of designation given its importance to the setting of adjacent Conservation Area and listed hall and its biodiversity value.
36	The Bowling Green	Yes	The site is maintained by the users of the bowling green on an informal basis, whilst surrounding green spaces are maintained by the Parish Councils. The site contributes to the rural qualities of this part of Aston on Trent and in particular contributes to the rural and open setting of Aston on Trent Conservation Area and Aston Hall located to the immediate north of the site. Designation could also help preserve the rural feel of this part of the village which has seen significant recent urban development on the former of the Aston Hall Hospital site. The site is publically accessible.

MAP 2: EGGINTON



As shown in the above Map, two sites have been considered through the stage two assessment in Egginton as follows:

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 149: Catherine Jonathan Playing Field, Egginton	✓	-	✓	✓✓	✓✓	✓✓	✓	-	✓	✓	?	✓✓	✓	✓
Site Ref 150: Off Elmhurst, Egginton	✓	-	✓	--	✓✓	✓✓	--	--	✓	✓	--	?	✓	✓

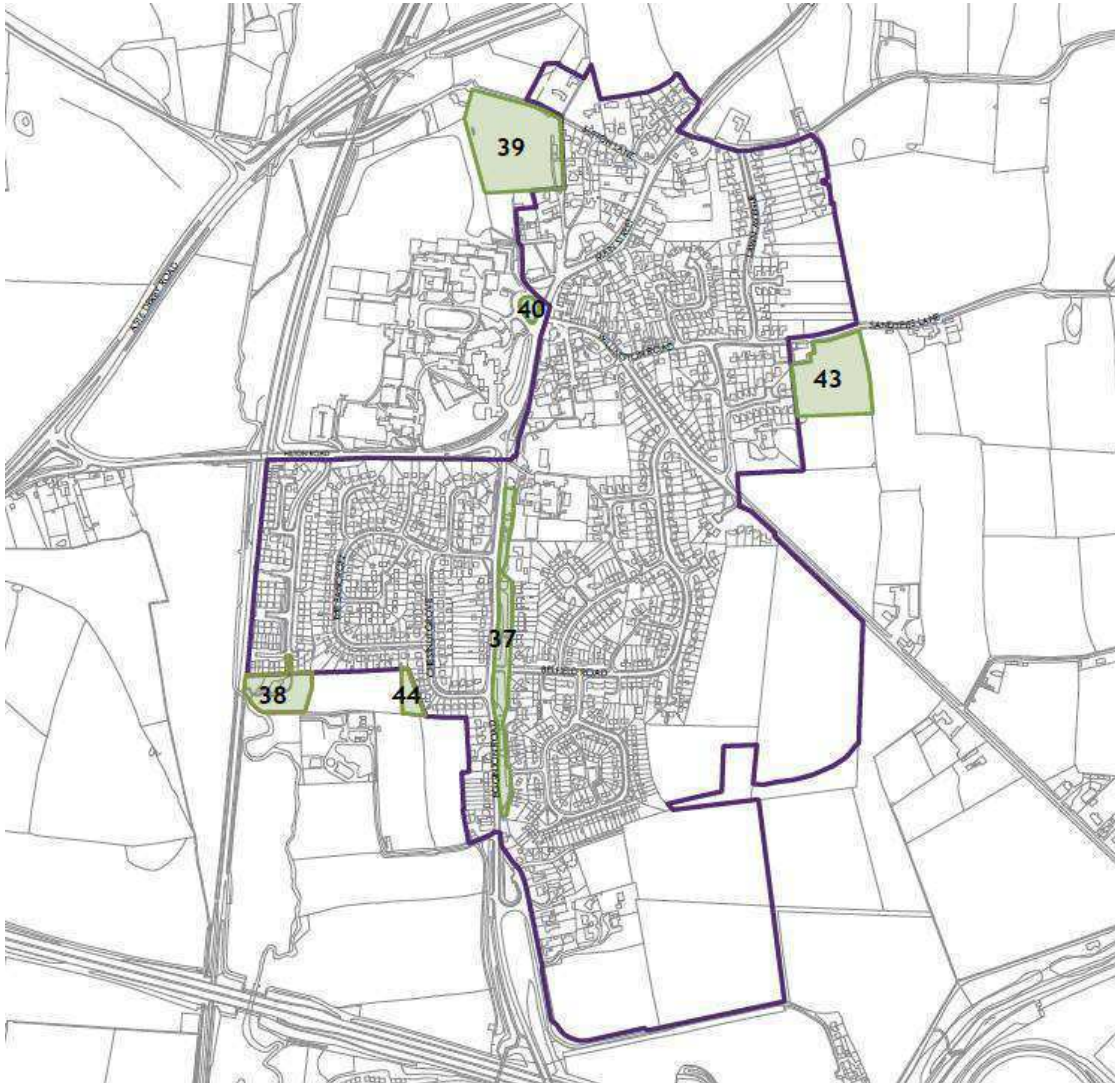
Both sites are likely to have a range of beneficial effects. The Catherine Jonathon playing field performs strongly in respect of objectives related to education, accessibility, infrastructure and climate change. Designation would also perform well in respect of objectives related to biodiversity, health and wellbeing, economic growth, the built environment, protecting greenfield land and heritage protection and landscape character.

The site at Elmhurst would have major beneficial effects in respect of objected related to accessibility and infrastructure. Other beneficial effects are identified in respect of biodiversity, health and wellbeing, the built environment, protecting greenfield land and heritage protection and landscape character. Uncertain effects are identified in respect of climate change and flood risk given that this site is located in an area identified at risk from surface water flooding.

Table 8.2: reasons for designating or discounting sites - Egginton

Site Reference	Site Name	Proposed	Reason
149	Catherine Jonathan Playing Field	Yes	In particular the use of this site by the school for sportsday and other uses weighs particularly in its favour, as whilst an argument could be made that policy in the Local Plan could protect a sports field (or at least secure alternative provision) provision elsewhere may not offer the same opportunity for use should it be located further away or in a more inaccessible location from the primary school. The site is considered to be of particular value in respect of biodiversity, heritage and scores well in respect of SA objectives related to education, social inclusion, infrastructure and climate change (flood risk).
150	Off Elmhurst	Yes	This case for designation rests on the contribution this site makes to the local character of the village and the opportunities the site offers for informal recreation. The site is considered to be of particular value in respect of biodiversity and heritage and scores well in respect of SA objectives related to social inclusion and infrastructure.

MAP 3: ETWALL



As shown in the above Map, six sites have been considered through the stage two assessment in Etwall as follows:

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 37: Egginton Road, Etwall	✓	--	✓	--	--	--	--	--	✓	✓	--	--	--	✓
Site Ref 38: Appletree Meadow, Etwall	✓	--	✓	--	✓✓	✓	--	--	--	✓	--	?	--	✓
Site Ref 39: South of Sutton Lane Etwall	✓	?	✓	✓✓		✓✓	✓	--	✓✓	✓	?	--	✓✓	✓✓
Site Ref 40: West of Main Street Etwall	✓	--	--	--	✓	--	✓	✓	✓✓	✓	--	--	✓✓	✓✓
Site Ref 43: Sandy Pits Lane Playing Field, Etwall	✓	--	✓	✓✓	✓	✓✓	✓	--	✓	✓	--	--	✓	✓
Site Ref 44: Chestnut Grove Play Area, Etwall	✓	--	--	--	✓✓	✓	--	--	--	✓	--	--	--	✓

Site would have generally beneficial effects against most objectives. In particular sites would have the most notable effects in respect of objectives relating to the built environment, heritage assets and ad landscape/townscape protection. Uncertain effects are identified in respect of pollution on the Sutton Lane site and Climate Change at Appletree Meadow.

Table 8.3: reasons for designating or discounting sites - Etwall

Site Reference	Site Name	Proposed	Reason
37	Egginton Road	Partially	The site forms a green finger along Egginton Road and helps provide a rural feel to this busy part of the village. On balance it is considered that there is sufficient justification to designate this site in light of support from the parish council and other local people. However any final designation will need to exclude those parts of the site in use as private homes and gardens.
38	Appletree Meadow	Yes	This site contributes to local landscape/townscape character and is well related to, and contributes to informal leisure provision and connectivity to the National Cycle Route to the west.

39	South of Sutton Lane Etwall	Yes	Ordinarily sports pitches would be screened out for inclusion as a local green space as they receive some protection from Policy INF9 of the LP1. However there is sufficient evidence of the wider use of this site including for bonfire night, the summer music festival and well dressing. It is also understood this site hosts an annual 'badge night' for local cubs, scouts, brownies and guides. Based on the stage 2 review it is also clear that this site contributes significantly towards local townscape character and forms part of the setting of the conservation area and to a lesser extent listed buildings surrounding the site. On this basis there is considered to be a locational imperative to ensure that the site itself is protected given its importance to the wider aesthetic and historical value of the space.
40	West of Main Street Etwall	Yes	There is considered to be a good case for site designation, which is largely based on the value of this site in respect of heritage and townscape character. It is noted however that during consultation there was a suggestion that the site be enlarged to include a triangle of land in front of the church. Having undertaken this review there is considered some merit in this suggestion and this small area also be included. Designation of the original area has been supported by the Parish Council, as well as the Council's own community partnership officer. It is recognised that this site is used for the village well dressing festival amongst other uses and is a central part of the village both spatially and socially.
43	Sandy Pits Lane Playing Field, Etwall	Yes	This playing field is located adjacent to the air cadets and scout hut in the village and provides valuable open space to these groups. On this basis its loss (and replacement elsewhere as required through Policy INF9 of LP1) could restrict opportunities for the scouts or air cadets so there is a clear locational imperative for retaining open space in this area. The site is also important in framing the rural character of this part of the village and forms part of the setting of the Etwall Lodge and designation would help protect the rural and tranquil feel of this area.
44	Chestnut Grove Play Area, Etwall	Yes	This site is a small triangular piece of land and largely consists of grassland surrounded by hedgerow and a number of trees on the southern boundary. It is accessed from Chestnut Grove. The site is largely used for informal recreation and contributes to the character of the village.

The map displays the ward boundaries for three wards in the City of York: 114, 115, and 116. The wards are outlined in purple. Ward 114 is located on the left side of the map, Ward 115 is on the right, and Ward 116 is in the center. The map includes street names and ward names. The title 'City of York' is at the top, and 'Ward boundaries' is at the bottom. The map is a detailed street map showing the layout of the city and the boundaries of the wards.

Page 210 of 320

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 114: West of Hillside Findern	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--		✓
Site Ref 115. The Green, Findern	✓	--	--	--	✓✓	--	✓	✓	✓	--	--	--	✓✓	✓
Site Ref 116: East of the Hayes, Findern	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--		✓

Site designation would have generally beneficial effects in respect biodiversity, the built environment, protecting greenfield land and landscape character. All sites are accessible to the local community and the site at the Green, Findern is likely to make a significant and positive contribution to conserving the setting of heritage assets in the village.

Table 8.4: reasons for designating or discounting sites - Findern

Site Reference	Site Name	Proposed	Reason
114	West of Hillside	Yes	This site contributes to the rural character of the village providing a accessible gateway to the local recreation ground.
115	The Green	Yes	This site is an archetypal village green. It is located to the immediate east of the Church of All Saints and together with the Church Yard provides this part of the village with a strong rural character. Designation will help preserve the setting of a number of immediately surrounding listed buildings and could support improvements to the space including in respect of biodiversity, or interpretation. The proposed designation of this site is supported by the Parish Council and the Council's Community Partnership Officer.
116	East of The Hayes	Yes	This site contributes to the rural character of the village providing a significant finger of land running north/south in a relatively modern and densely developed part of the village.

MAP 5: HARTSHORNE



As shown in the above Map, three sites have been considered through the stage two assessment in Hartshorne as follows:

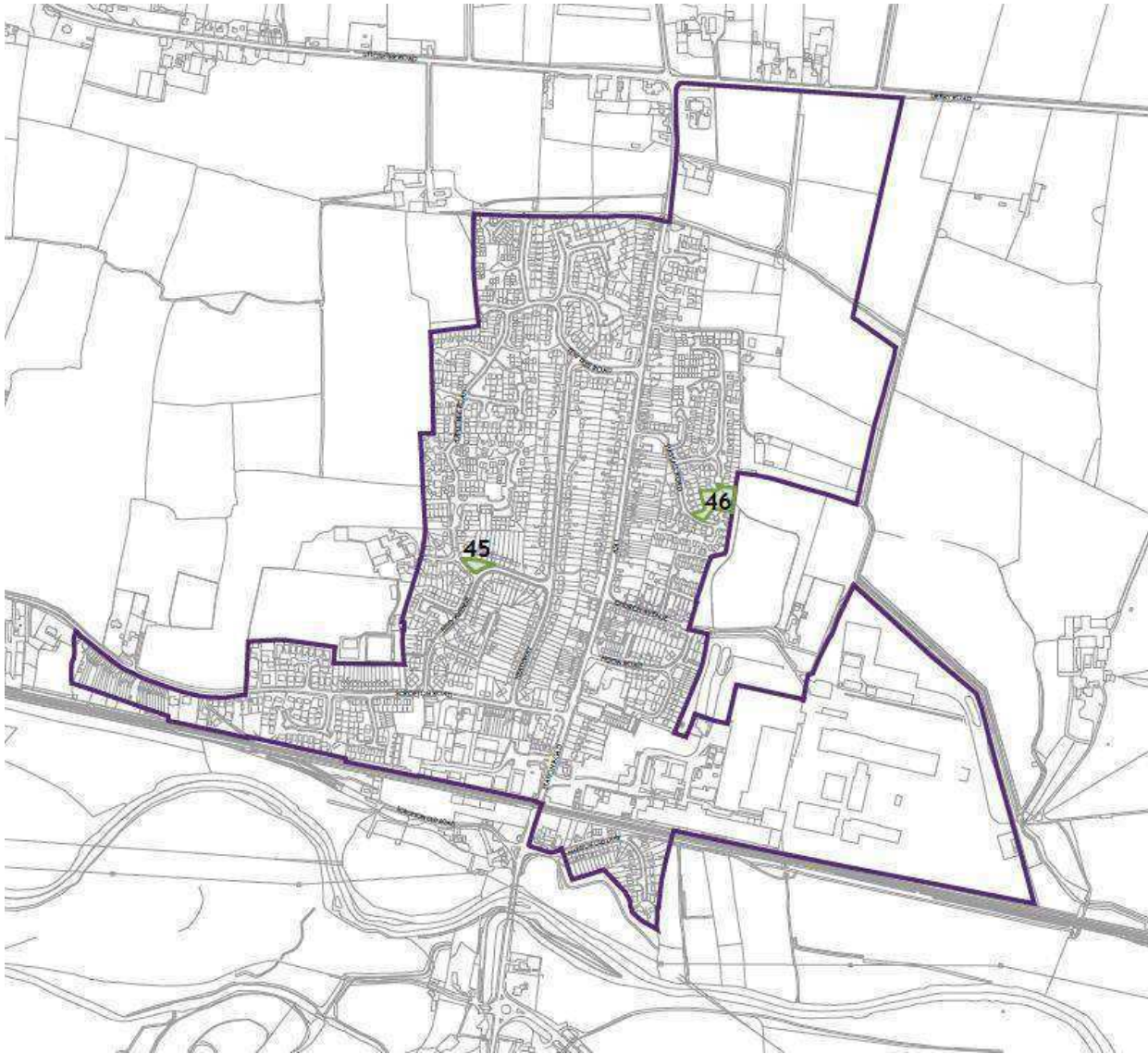
	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 122: Land Adjoining Mill Wheel Car Park	✓	--	--	--	✓	--	--	--	--	✓	--	--	--	✓
Site Ref 124: Land at the Junction of Brook Street and Repton Road	✓	?	--	--	✓✓	--	--	--	✓	--	--	--	--	✓
Site Ref 125: Land at the Junction of Manchester Lane and Heath Lane	✓	?	--	--	--	--	--	--	✓	--	--	--	--	✓

Site would have generally beneficial effects against biodiversity and landscape objectives. Sites at the Mill Wheel and Brook Street will have a beneficial effect in respect of accessibility. Uncertain effects are identified in respect of high quality places. This is because these sites are located within the highway and it is unclear whether designation could increase usage of small sites at busy junctions in the village.

Table 8.5: reasons for designating or discounting sites - Hartshorne

Site Reference	Site Name	Proposed	Reason
Site Ref 122	Land Adjoining Mill Wheel Car Park	Yes	The site is in private ownership but appears to be publically accessible. The sites value is potentially derived from its biodiversity value and the Wildlife Trust have confirmed that they consider this site to be of biodiversity value and worthy of designation.
124	Land at the Jct of Brook Street and Repton Road	Yes	The site is ownership of the County Council who are opposed to designation on the grounds that there may be a need for the site to be used for capacity or safety improvements to the Highway. This Authority considers that designating such sites, where these are of local importance or value would still be compatible with local green space designation. This is a very small, triangular piece of land. Its key contribution to the village is in respect of its value to local character. The site is maintained by the local community who have created a small civic area which includes a bench, ornamental planting and street light. Clearly this is a very small space, but its value, whilst limited is considered to be of importance to the character of this part of the village.
125	Land at the Junction of Manchester Lane and Heath Lane	No	The site is ownership of the County Council who are opposed to designation on the grounds that there may be a need for the site to be used for capacity or safety improvements to the Highway. It is considered that designating such sites, where these are of local importance or value would still be compatible with local green space designation. However having reviewed the site through the stage 2 process it is clear that this site is of limited value. It is not cared for in the same way as a similar triangular parcel of land located at Brook Street, Hartshorne. It is not planted, and does not include a seating area or other paraphernalia which would mark this out as a site which is demonstrably special to the local community or holds particular local significance. On this basis whilst this site meets the criteria of stage 1 of the selection process the Council does not consider it suitable for designation.

MAP 6: HATTON



As shown in the above Map, two sites have been considered through the stage two assessment in Hartshorne as follows:

[Page 214 of 320](#)

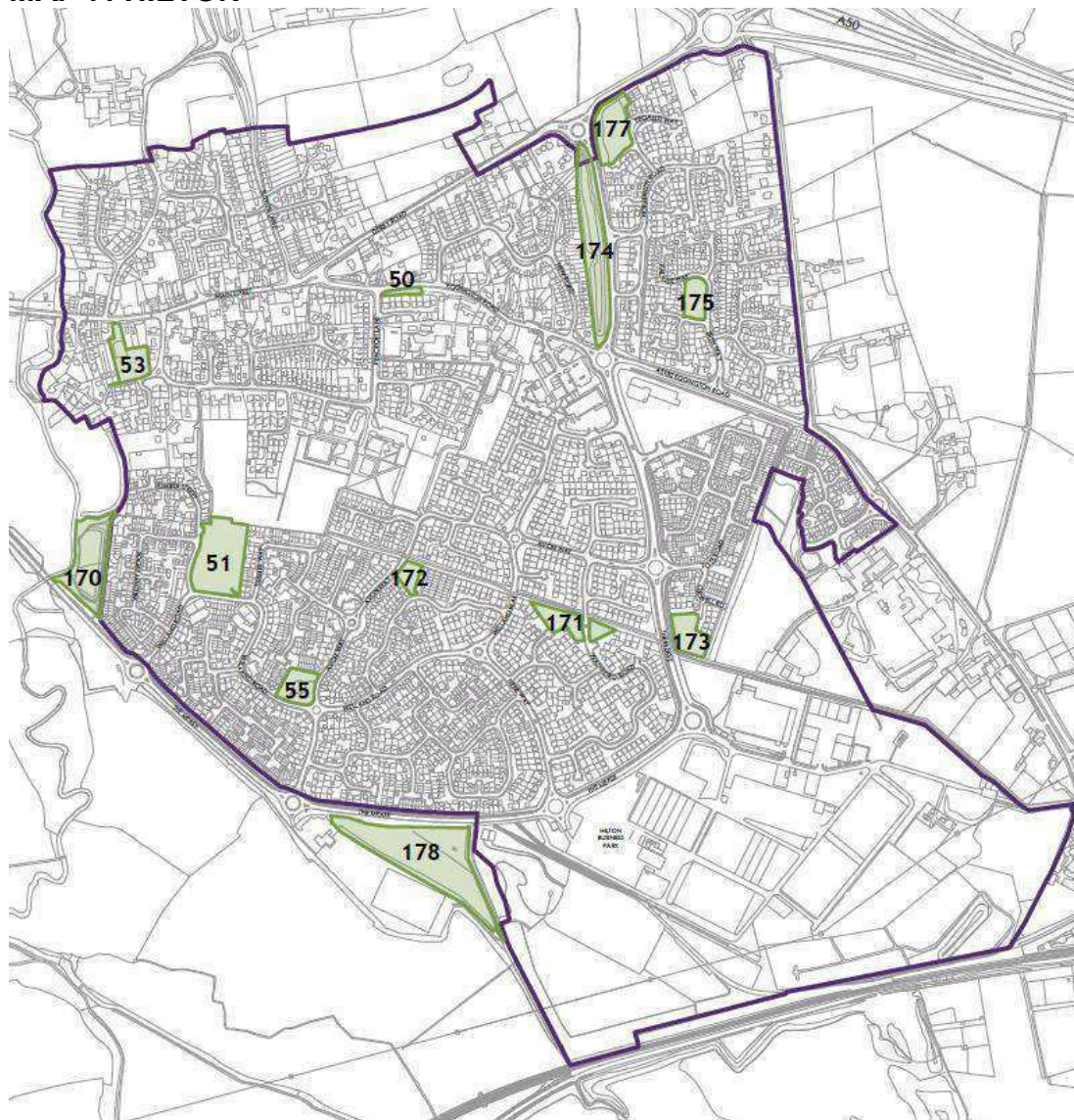
	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 45:Field Avenue, Hatton	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	✓
Site Ref 46:Hassall Road, Hatton	✓	--	✓	--	✓✓	--	--	--	✓	✓	--	--	--	✓

Site would have generally beneficial effects against a range of objectives. In particular sites would have the most notable effects in respect of objectives relating to biodiversity, accessibility, the built environment, natural resources and landscape and townscape character.

Table 8.6: reasons for designating or discounting sites - Hatton

Site Reference	Site Name	Proposed	Reason
Site Ref 45:	Field Avenue, Hatton	Yes	The District Council, as landowner is amenable to designation and the site offers some potential for biodiversity enhancement through improved site management. Furthermore small pockets of informal open space such as this, which are otherwise unprotected from development are considered of importance to the local area given the significant growth proposed to 2028.
Site Ref 46:	Hassall Road, Hatton	Yes	This site does not receive the same level of protection that the QE2 field receives through the Local Plan or as a result of its Fields in Trust status, however it provides a green space which penetrates into surrounding housing and provides public access from Hassall Road and Eaton Close. Recent planning consents for a further 400 homes to the north of the QE2 field will see the further erosion of the rural character of this area and designation of this area could safeguard a small plot of greenspace which is overlooked and provides opportunity for informal play. Site designation is supported by the Council's community support officer.

MAP 7: HILTON



As shown in the above Map, 12 sites have been considered through the stage two assessment in Hilton as follows. In identifying these sites the Council has sought to work collaboratively with Hilton Parish Council who are currently preparing the own Neighbourhood Development Plan

(NDP) which is likely to be prepared and made at around the same time the Local Green Spaces Plan is adopted. To this end the District Council has sought to ensure that the sites included in the LGSP and Hilton NDP are consistent.

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 50: South of Egginton Road, Hilton	✓	?	--	--	✓✓	--	✓	✓	✓	✓✓ ₁	--	--	--	✓
Site Ref 51: Humber Street, Welland Road, Hilton	✓✓	--	--	✓	✓✓	--	✓	✓	✓	✓	--	--	--	✓
Site Ref: 53 South of Main Street, Hilton	✓	--	✓	--	✓✓	--	✓	--	✓	✓	--	--	--	✓
Site Ref 55: Wellavon Playground, Welland Road, Hilton	✓	--	✓	--	✓✓	--	✓	--	✓	✓	--	--	--	✓
Site Ref: 170: Mease Meadow, Hilton	✓	--	--	--	✓✓	--	--	--	✓	✓	--	✓✓	--	✓
Site Ref :171: Amenity Area to the South of Cycle Route, Washford Road,	✓	--	✓	--	✓✓	--	--	--	✓	✓	--	--	--	✓
Site Ref: 172: Amenity Area to the South of Cycle Route, Avon Way, Hilton	✓	--	✓	--	✓✓	--	--	--	✓	✓	--	--	--	✓
Site Ref: 173: Amenity area to the north of Cycle route at the Mease	✓	--	✓	--	✓✓	--	--	--	✓	✓	--	--	--	✓
Site Ref: 174 Land between A5132 and New Road, Hilton	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	✓
Site Ref: 175 Bren Way, Hilton	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	✓
Site Ref: 177: Off Pegasus Way, Hilton	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	✓
Site Ref: 178 Woodland, South of the Mease, Hilton	✓	--	✓	--	✓✓	--	--	--	✓	✓	--	--	--	✓

Site would have generally beneficial effects. All of the sites proposed for designation in Hilton are easily accessible being served by lit and metalled walking routes. However this is perhaps unsurprising given all sites are either within or on the edge of the settlement. All sites offer potential for minor biodiversity enhancements although sites at the Mease Meadow, Mease Memorial Meadow and Woodland South of the Mease offer the greatest potential. A number of sites offer potential for improvements to informal leisure provision. These include the Wellavon Playground site, amenity areas adjacent to the cycleway at Avon Way, Washford Road and land north of the Mease. Land south of Main Street also provides potential opportunities for improvements in facilities.

It is considered that a number of sites have potential to be assisted by designation in respect of their eligibility for grant funding for improvements. These include the Wellavon Playground site, the play area south of Main Street, The Mease Memorial Meadow and the site to the South of Egginton Road. All sites are considered to contribute to the local built environment and designation would likely protect the sites, which are mainly greenfield in nature, from development. The exception to this is the land South of Egginton Road which is identified as being potentially brownfield land as it appears to form part of the highway. The site at the Mease Meadow forms part of the flood risk mitigation for the adjacent developments and a significant bund is located to the east of the site to protect modern development. The site is known to be subject to flooding and designation could help ensure further inappropriate development does not take place in the floodplain and could safeguard land which may be required for future flood defence works or maintenance of the existing defences.

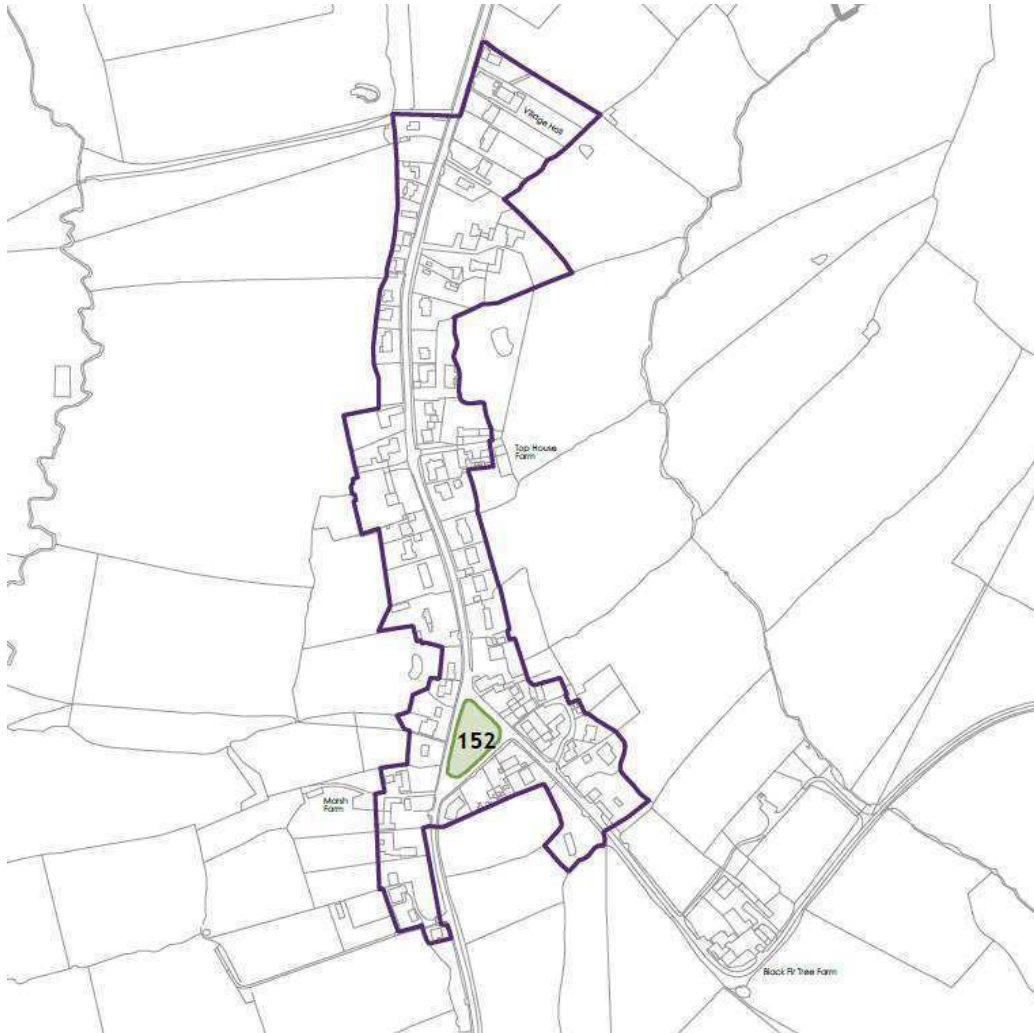
All of the sites would have minor or moderate beneficial effects in respect landscape and townscape. However sites on the periphery of the settlement have the most notable beneficial effects, particularly sites at Mease Meadow, Land between A5132 and New Road, Off Pegasus Way and Woodland to the South of the Mease. Sites at Mease Memorial Meadow (Humber Street, Welland Road) and Wellavon Playground (Welland Road) are also considered to be particularly important to local character owing to their nature and the dense nature of surrounding development.

Table 8.7: Reasons for designating or discounting sites - Hilton

Site Reference	Site Name	Proposed	Reason
50	South of Egginton Road	Yes	The site is within the highway. It includes a black poplar, which is not hybridised. It also provides an informal memorial to a local councillor and is maintained by the local gardening club. The space is clearly valued by the local community and contributes to local character.
51	Humber Street, Welland Road	Yes	The site is in the ownership of the District Council, although the Parish Council is keen to take this site on a long lease. The value of this site rests on the contribution this site makes to the local character of the village and the importance this site plays as a memorial to fallen soldiers being used for Remembrance Day Services. In addition, the site is known too have notable biodiversity value confirmed by Derbyshire Wildlife Trust and habitat creation to date could subject to appropriate management, contribute towards access to nature for local people.
53	South of Main Street	Yes	This is a area of amenity planting accessible from Main Street and Mill Lane with a footpath running between. There are with hedgerows and trees within or on the site boundary. The site is located in the historic part of the village (most of the housing in the village has been built on the former MOD site) and make a notable contribution to the rural feel of the settlement.
55	Wellavon Playground,	Yes	Whilst it is acknowledged that the playground within the site could be partially protected by Policy INF9 of the local plan, the wider amenity grassland may not be subject to the same protection. However any loss of open space in this location would be

	Welland Road		difficult to replace in an area accessible to surrounding homes (given the high density nature of the wider development). Moreover any loss would remove one of the few open areas within this relatively densely developed part of Hilton.
170	Mease Meadow	Yes	This site make a significant contribution to local biodiversity and local landscape character. It is also includes a floodbank along the eastern edge of the site which protects modern development from the Hilton Brook which defines the western boundary of the site.
171	Amenity Area to the South of Cycle Route, Washford Road,	Yes	The case for designation largely rests on the position of this site adjacent to the cycle route that crosses Hilton from east to west. This site provides a large amenity area adjacent to the cycle route and offers potential for improving informal facilities and providing access to amenity space from the cycle path. Designation would also protect an area of open space in a largely built up area with only limited open space provision.
172	Amenity Area to the South of Cycle Route, Avon Way	Yes	The case for designation largely rests on the position of this site adjacent to the cycle route that crosses Hilton from east to west. This site provides a large amenity area adjacent to the cycle route and offers potential for improving informal facilities and providing access to amenity space from the cycle path. Designation would also protect an area of open space in a largely built up area with only limited open space provision.
173	Amenity area to the north of Cycle route at the Mease	Yes	The case for designation largely rests on the position of this site adjacent to the cycle route that crosses Hilton from east to west. This site provides a large amenity area adjacent to the cycle route and offers potential for improving informal facilities and providing access to amenity space from the cycle path. Designation would also protect an area of open space in a largely built up area with only limited open space provision.
174	Land between A5132 and New Road	Yes	This site comprises a significant landscape buffer and area of amenity grassland running the length of the A5132 from the roundabout of the A5132 and Egginton Road and the Mease. The case for designation rests on the contribution this site makes to the local character by helping to soften the urbanising effect of this key route into and out of the village.
175	Bren Way	Yes	Having reviewed this site through the stage 2 assessment there is considered to be a reasonable case to justify designation of this site as a Local Green Space. Designation would protect an area of open space in a largely built up area with only limited open space provision.
177	Off Pegasus Way	Yes	There is considered to be a reasonable case to justify designation of this site as a Local Green Space. This largely rests on the value of this site to local character given the developed nature of the surrounding area and general lack of amenity green space in the immediate vicinity. This site also provides a soft urban edge to countryside to the north of the site.
178	Woodland, South of the Mease	Yes	There is considered to be a reasonable case to justify designation of this site as a Local Green Space. The site consist of an area of plantation woodland which is locally uncommon. Justification for designation rests on the value of this site to local character given the developed nature of the surrounding area and the substantial contribution this site performs in providing a soft edge to the settlement boundary and protecting the rural feel of this part of the village.

MAP 8: LEES



As shown in the above Map, 1 site has been considered through the stage two assessment in Lees as follows:

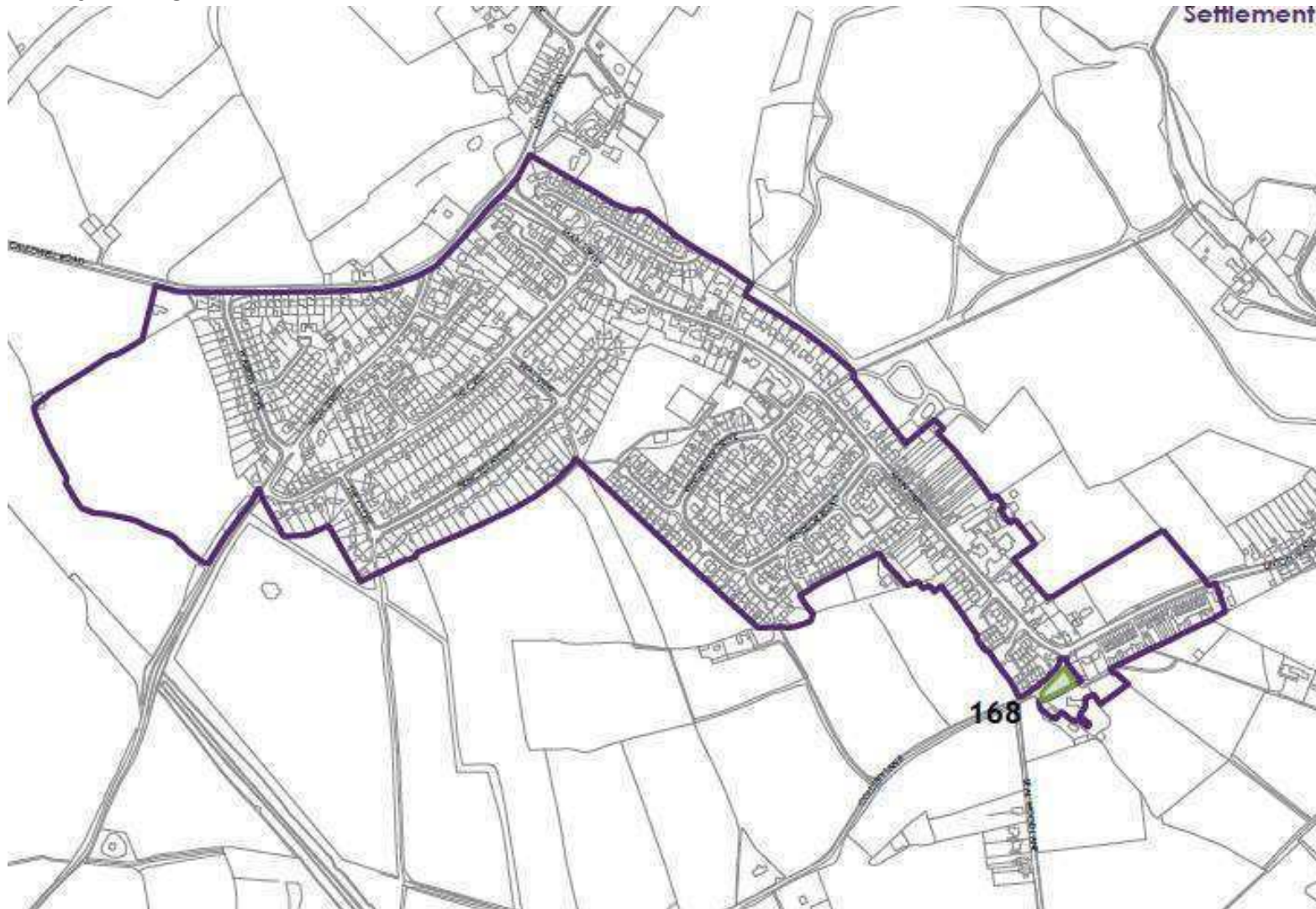
	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 152: Village Green, Lees	✓	-	✓	-	✓✓	✓	-	-	✓	✓	-	-	?	✓*

This site would have generally beneficial effects particularly in respect of accessibility, biodiversity, health and wellbeing, infrastructure, built environment, greenfield land and landscape objectives.

Table 8.8: Reasons for designating or discounting sites - Lees

Site Reference	Site Name	Proposed	Reason
152	Village Green, Lees	Yes	The case for designation on this site largely rests on the contribution it makes to the local character of the village and the opportunities the site offers for informal recreation. The site is also considered to be of limited value in respect of biodiversity and scores well in respect of SA objectives related to accessibility and infrastructure.

MAP 9: LINTON



As shown in the above Map, 1 site has been considered through the stage two assessment in Linton as follows:

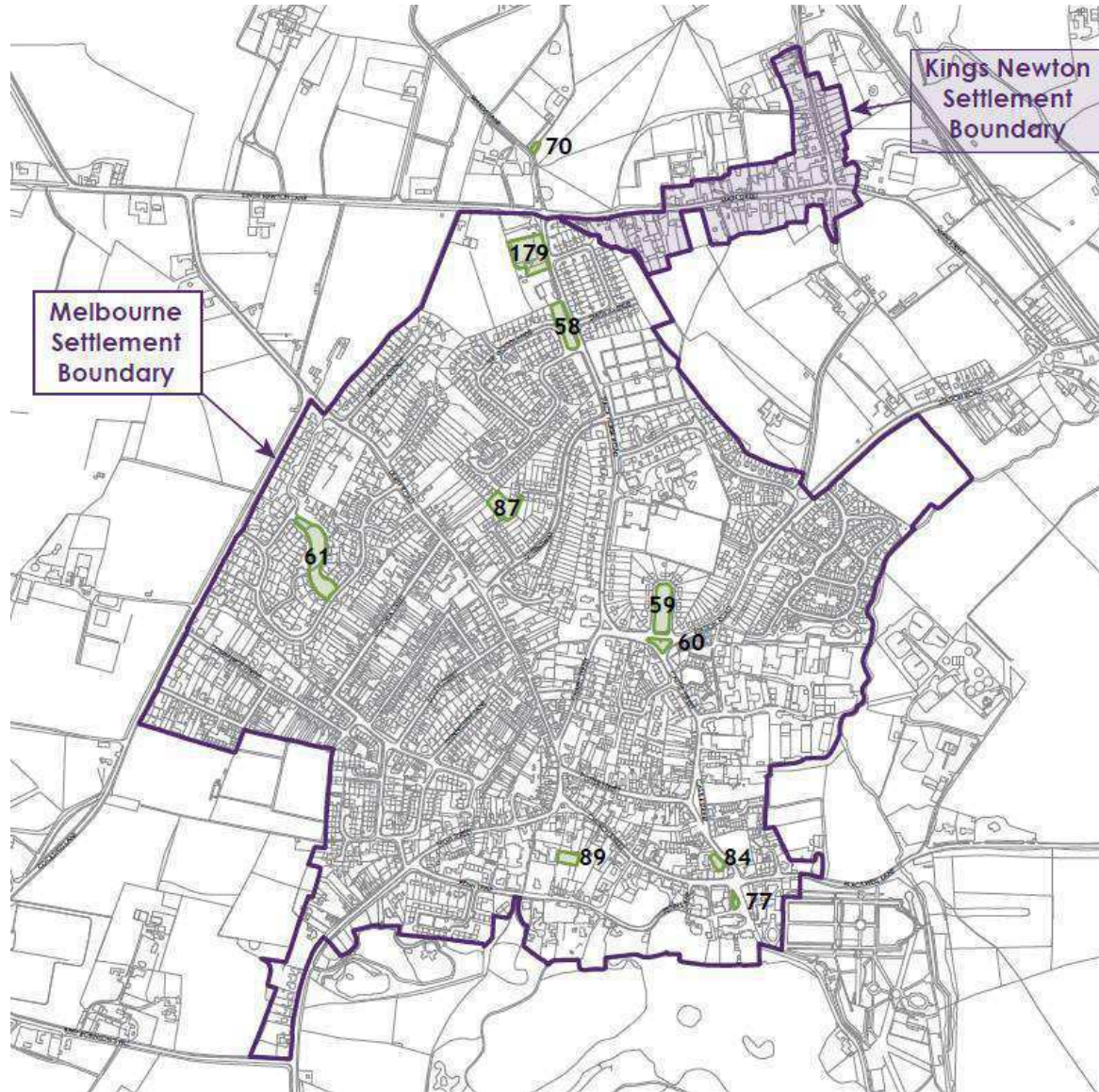
	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref: 168 Linton Orchard	✓	-	✓	-	✓✓	-	-	-	✓	✓	-	-	-	✓

Site would have generally beneficial effects particularly in respect of accessibility, biodiversity, health and well being, built environment, greenfield land and landscape objectives.

Table 8.9: Reasons for designating or discounting sites - Linton

Site Reference	Site Name	Proposed	Reason
168	Linton Orchard, Linton	Yes	This site is a small piece of land and largely consists of grassland and tree planting and is used as a community orchard. Its designation is supported by the Council's Community Partnership Officer. The site is accessed from Colliery Lane, is used for informal recreation and contributes to the character of the village.

MAP 10: MELBOURNE AND KINGS NEWTON



As shown in the above Map, ten sites have been considered through the stage two assessment in Melbourne as follows. In identifying these sites the District Council has undertaken a review of sites put forward through the the Melbourne Neighbourhood Plan and well as those identified

through consultation. A number of sites identified as proposed Local Green Spaces in the Melbourne Neighbourhood Plan have not been included in the LGSP. This is because whilst it is likely that a case can be made to demonstrate that these sites are demonstrably special to the local community, these sites failed to progress into the phase 2 assessments undertaken by the Council as they already receive some policy protection from the AdoptedLP1. Of the ten sites proposed in the South Derbyshire LGSP 8 are in Melbourne and 2 are in Kings Newton.

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref: 58: West of Packhorse Road, Melbourne	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	✓	*✓
Site Ref: 59: North of Station Road, Melbourne	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	✓	*✓
Site Ref: 60: Washpit, Station Road, Melbourne	✓	--	--	--	✓✓	--	--	✓	✓	✓	--	--	✓✓	*✓
Site Ref: 61 Off Acacia Drive, Melbourne	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	✓
Site Ref: 70: Holy Well, Wards Lane, Melbourne	✓	--	--	--	✓	✓	--	✓	✓	✓	--	--	✓	*✓
Site Ref :77: Church Close, Melbourne	--	--	--	--	✓	--	--	--	✓✓	--	--	--	✓✓	✓✓
Site Ref:84: The Bowling Green, Melbourne	--	--	--	--	✓✓	✓	✓	--	✓	--	--	--	✓	✓
Site Ref: 87: Grange Close Recreation Ground, Melbourne	✓	--	--	--	✓✓	--	✓	--	✓	✓	--	--	--	✓
Site Ref: 89: Old Tennis Courts, Lothian Garden, Melbourne	✓	--	?	--	✓	--	--	--	✓	✓✓	--	--	✓✓	✓✓
Site Ref: 179: Bowling Green Kings Newton	✓	--	✓✓	--	✓✓	--	--	--	✓✓	✓	--	--	✓✓	✓✓

Sites passed through to the stage two assessment would have generally beneficial effects in respect of biodiversity, accessibility, the built environment, safeguarding greenfield land, and conserving the historic environment and landscape/townscape character. A few of the sites could have beneficial effects in respect of economic objectives included in the Sustainability Appraisal Framework.

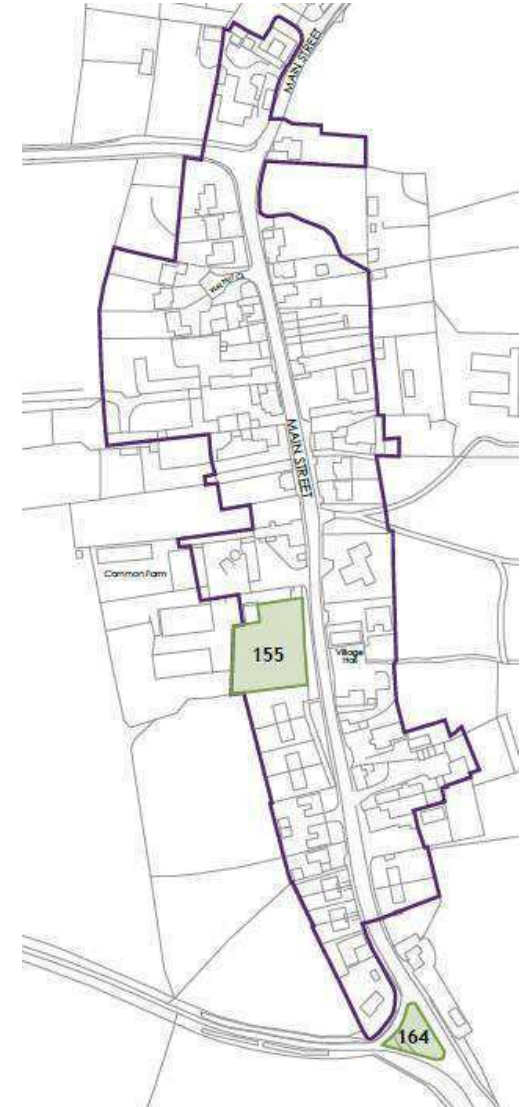
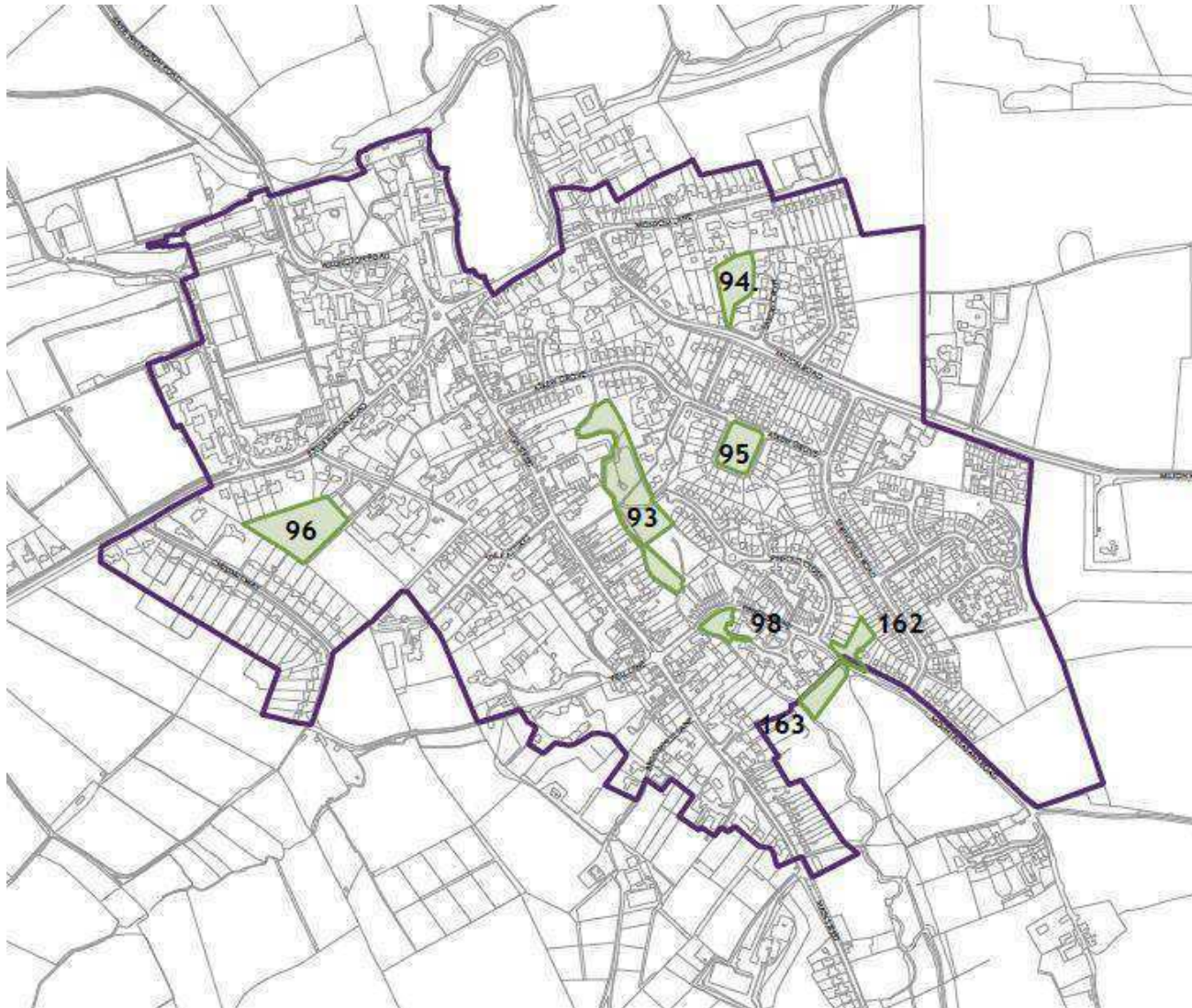
Table 8.10: Reasons for designating or discounting sites – Melbourne and Kings Newton

Site Reference	Site Name	Proposed	Reason
58	West of Packhorse Road	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to the local character of the village and the broader setting to a number of heritage assets locally. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
59	North of Station Road	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to the local character of the village and the broader setting to the wellhead to the immediate south. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
60	Washpit, Station Road	Yes	This case rests on the contribution this site makes to the local character of the village and the setting to the wellhead located within the site. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
61	Off Acacia Drive	Yes	Having reviewed this site through the stage 2 assessment there is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to the local character of the village, which is relatively densely developed in this part of the village as well as opportunities this site affords in respect of access to informal open space locally.
70	Holy Well, Wards Lane, Kings Newton	Yes	There is considered to be a strong case to justify designation of this site as a Local Green Space. This case rests on the significant effort expended by the local community to restore this local monument and its use by local people for informal recreation. It continues to be maintained by the Civic Society who restored the Holy Well in 1985.
77	Church Close	Yes	There is considered to be a strong case for designation based on the contribution of this site to local character. However the site previously identified excludes a Lime Tree on an adjacent island of Green Space just in front of the Church. This tree is subject to a tree preservation order and consideration should be given to bring this area into the final designation.
84	The Bowling Green	Yes	There is considered to be an adequate case for designation. Designation would help maintain access to an existing community facility and could support increased access to funding to enhance the facilities on offer. Should this site be included as a local green space it is likely effects in respect of biodiversity and potentially townscape could be enhanced by the inclusion of the wider site area to include the community building and planting areas around it.
87	Grange Close Recreation Ground	Yes	There is considered to be a sufficient case to justify designation of this site as a Local Green Space. Whilst it is acknowledged that the playground within the site could be partially protected by Policy INF9 of the Local Plan, the wider amenity grassland may not be subject to the same protection. However any loss of open space in this location would be difficult to replace in an area accessible to surrounding homes (given the relatively densely developed nature of the surrounding area).
89	Old Tennis Courts, Lothian	Yes	There is considered to be a strong case to justify designation of this site as a Local Green Space. This largely rests on the contribution this site makes to the setting of the Conservation Area and local character. It is also noted that this site is identified as an asset of community value although this listing is due to expire in November 2018.

	Garden,		
179	Bowling Green Kings Newton	Yes	The site consists of a bowling green and pavilion as well as other amenity areas and is used for other local community events including monthly games nights and annual open days. However the justification for designating this site largely rests on the contribution the site makes to local townscape character given its location in relation to a number of heritage assets. It is also noted that this site is proposed for designation through the emerging Melbourne Neighbourhood Development Plan.

Sites included in the Melbourne Neighbourhood Development Plan for designation as local green spaces (but not proposed by the District Council) includes site References 79 (the Intake) Site ref: 81 (Baptist Cemetery, Chapel Street, Melbourne); Site Ref 82 (Castle Street Cemetery, Melbourne); and Site Ref 83 (Packhorse Road Cemetery, Melbourne). These sites have been excluded from designation in the South Derbyshire LGSP as this Council's chosen selection criteria excludes sites that receive a level of protection through the Local Plan. In respect of these sites the cemetery sites are protected by the Council's Open Space policy (INF9) of the Adopted Local Plan, whilst the Intake site is protected by the Council's Biodiversity Policy (BNE3) as it is already designated as a Local Wildlife Site. Clearly however it is appropriate for the neighbourhood Development Plan Working group to use their own criteria to consider sites for allocation so long as they meet the necessary NPPF requirements in respect of green spaces. On this basis should these additional green spaces be identified as Local green Spaces in the Melbourne Neighbourhood Plan there will be a total of 12 Local GreenSpaces designated in Melbourne and 2 designated in Kings Newton. Where the Melbourne NDP is made ahead of adoption of the Local Green Spaces DPD the Council will seek to update the LGSP to reflect sites already designated in the village.

MAP 11 REPTON AND MILTON



As shown in the above Map Nine sites have been designated through the Repton and Milton Neighbourhood Plan in the two villages (7 in Repton and 2 in Milton).

Given that it is expected that the Repton and Milton Neighbourhood Development Plan will be made shortly there is not considered any justification to reappraise these sites as the case for designation has already been made and accepted by an Examiner who notes in his report that:

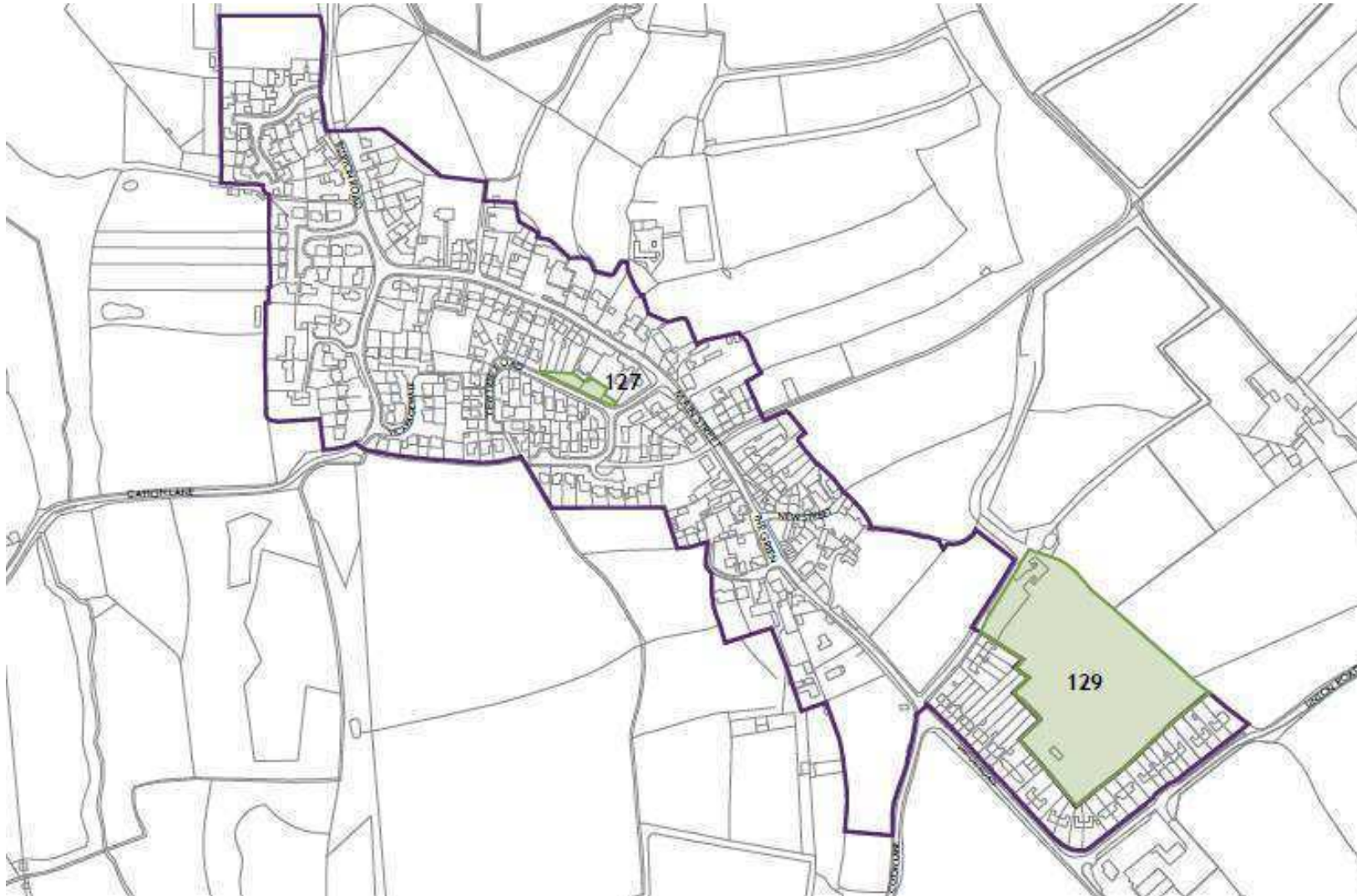
“I have no reason to doubt the conclusions of the assessments that have been carried out in order to satisfy those criteria. I made a point of seeing most of the sites in question on my visit to the villages, to the extent that they could be viewed from the public highway. Many of them are small green areas intimately associated with the housing which encloses them, with a concentration around the small stream which passes along an attractive shallow valley in the centre of Repton which continues southwards to define the eastern edge of Milton. These green areas clearly add greatly to the character of the villages”.

Table 8.11: Reasons for designating or discounting sites – Repton and Milton

Site Reference	Site Name	Proposed	Reason
93	East of High Street and south of Askew Grove	Yes	Site is designated in existing Neighbourhood Development Plan
94	North of Milton Road,	Yes	Site is designated in existing Neighbourhood Development Plan
95	Land at the Crescent	Yes	Site is designated in existing Neighbourhood Development Plan
96	Mitre Drive,	Yes	Site is designated in existing Neighbourhood Development Plan
98	Pinfold Lane,	Yes	Site is designated in existing Neighbourhood Development Plan
155	verge opposite Milton Village Hall and adjacent orchard	Yes	Site is designated in existing Neighbourhood Development Plan
162	Land opposite	Yes	Site is designated in existing Neighbourhood Development Plan

	the arboretum on Pinfold Lane		
163	Arboretum on Pinfold Lane	Yes	Site is designated in existing Neighbourhood Development Plan
164	Triangle at the bottom of Mount Pleasant Road, Milton known as the Village Green.	Yes	Site is designated in existing Neighbourhood Development Plan

MAP 12: ROSLISTON



As shown in the above Map, 2 sites has been considered through the stage two assessment in Rosliston as follows:

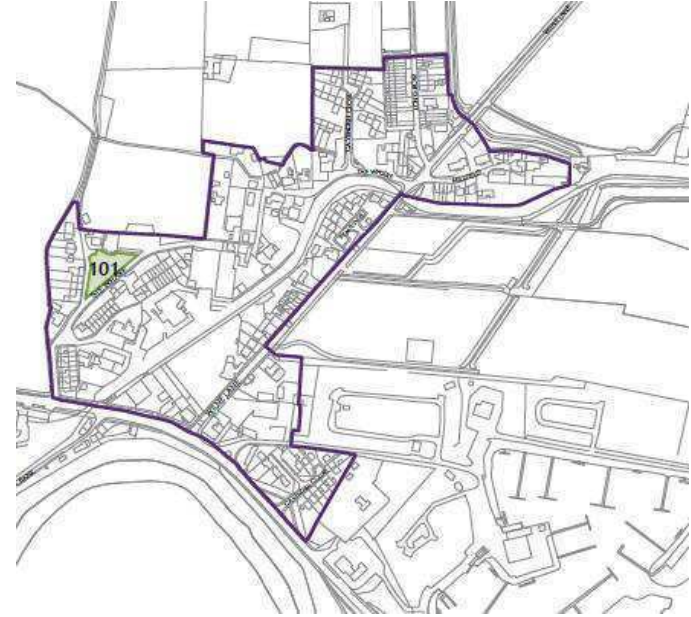
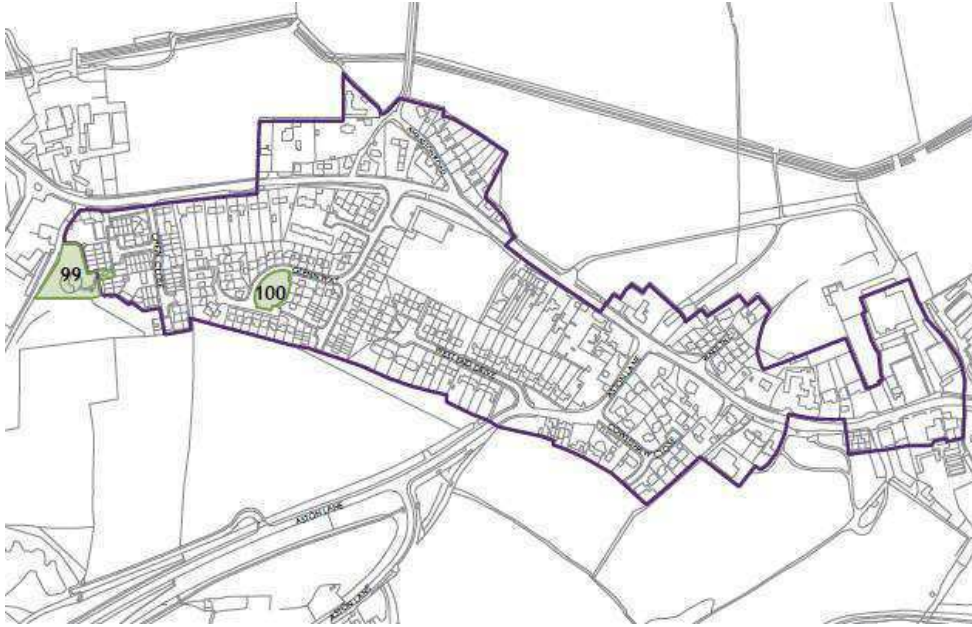
	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref: 127: North of Yew Tree Road, Rosliston	✓	--	✓	✓✓	✓✓	--	✓	--	✓	✓	--	--	--	✓
Site Ref: 129: Land East of Strawberry Lane, Rosliston	✓	--	✓✓	?	✓✓	--	--	--	✓	✓	--	--	--	✓

Site would have generally beneficial effects particularly in respect of accessibility, biodiversity, health and wellbeing, built environment, educational achievement, greenfield land and landscape objectives.

Table 8.12: Reasons for designating or discounting sites - Rosliston

Site Reference	Site Name	Proposed	Reason
127	North of Yew Tree Road	Yes	Having reviewed this site through the stage 2 assessment, there is considered to be a strong case to justify designation of this site as a Local Green Space. This site preserves the rural and open character of this part of the village and provides an area of informal open space used by the local preschool and users of the adjacent village hall.
129	Land East of Strawberry Lane	Yes	There is considered to be a case to justify designation of this site as a Local Green Space. This site preserves the rural and open character of this part of the village and provides an area of open space used by the local community. the Planning team is currently liaising with the Councils open space and recreation team regarding the need to designate this site as open space and the decision will likely turn on whether an imperative to retain open space and sports provision in this location exists.

MAP 13: SHARDLOW



As shown in the above Map, 3 sites has been considered through the stage two assessment in Shardlow as follows:

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 99: South of London Road Shardlow	✓	--	--	--	✓✓	--	✓	--	✓	✓	--	--	--	✓
Site Ref 100: Glenn Way, Shardlow	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	✓
Site Ref 101: The Wharf, Shardlow	✓	--	--	--	✓✓	--	--	--	✓✓	✓	--	--	✓✓	✓✓

Site would have generally beneficial effects particularly in respect of accessibility, biodiversity, health and wellbeing, built environment, greenfield land and landscape objectives. The designation at the wharf, Shardlow would have a number of major beneficial effects including in respect of the built environment, heritage and landscape objectives.

Table 8.13: Reasons for designating or discounting sites - Shardlow

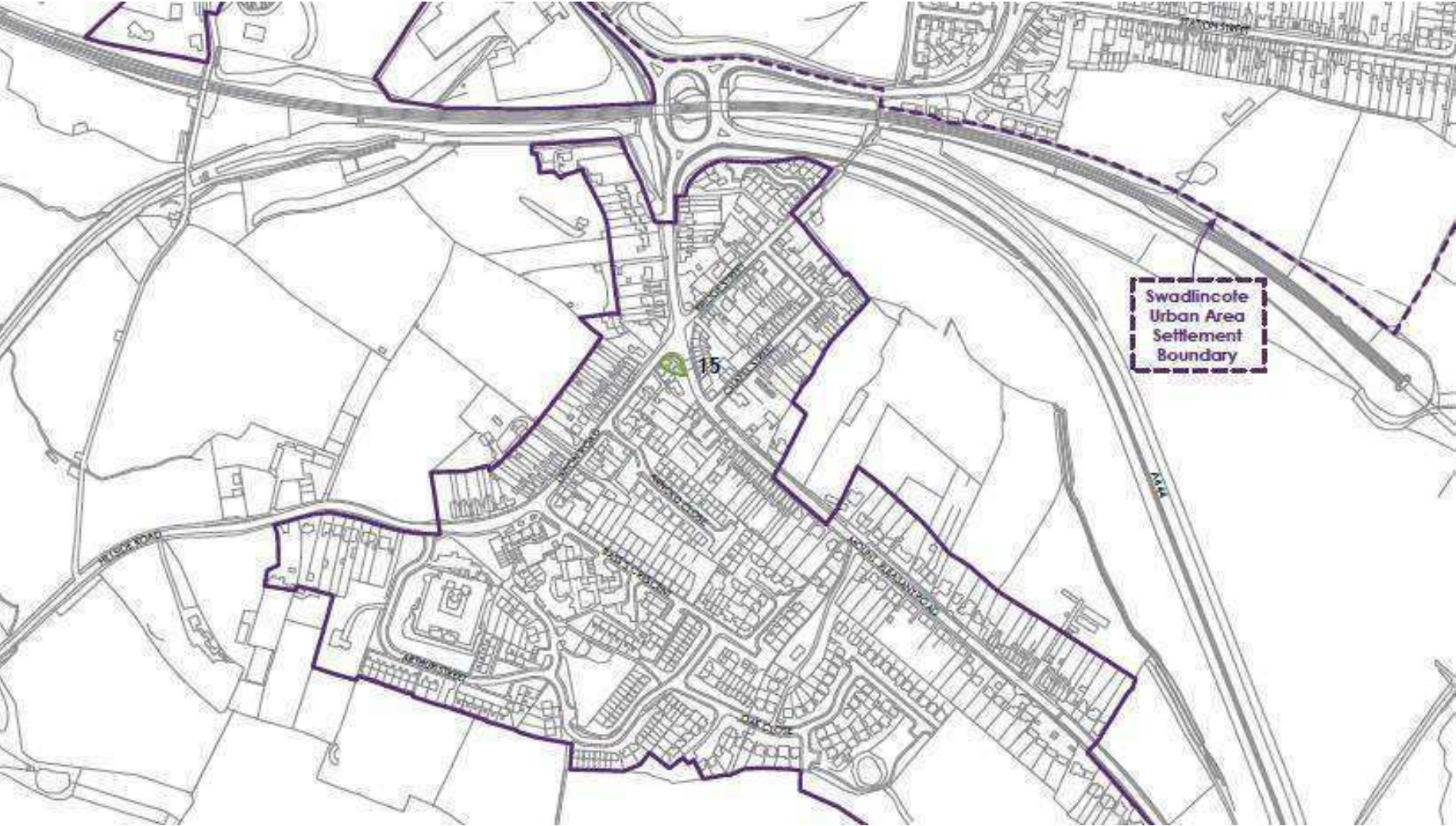
Site Reference	Site Name	Proposed	Reason
99	South of London Road Shardlow	Yes	The playground within the site would be partially protected by Policy INF9 of the Local Plan, the wider amenity grassland mature and semi mature may not be subject to the same protection. However any loss of open space in this location would be difficult to replace in an area accessible to surrounding homes.
100	Glenn Way, Shardlow	Yes	Designation of this site rests on the contribution this site makes to local townscape character. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
101	The Wharf, Shardlow	Yes	There is considered to be a strong case to justify designation of this site as a Local Green Space, mainly due to its significance to local heritage and townscape character. Site designation is supported by the Parish Council.

SWADLINCOTE URBAN AREA (INCLUDING WOODVILLE) AND MOUNT PLEASANT

MAP 14 –



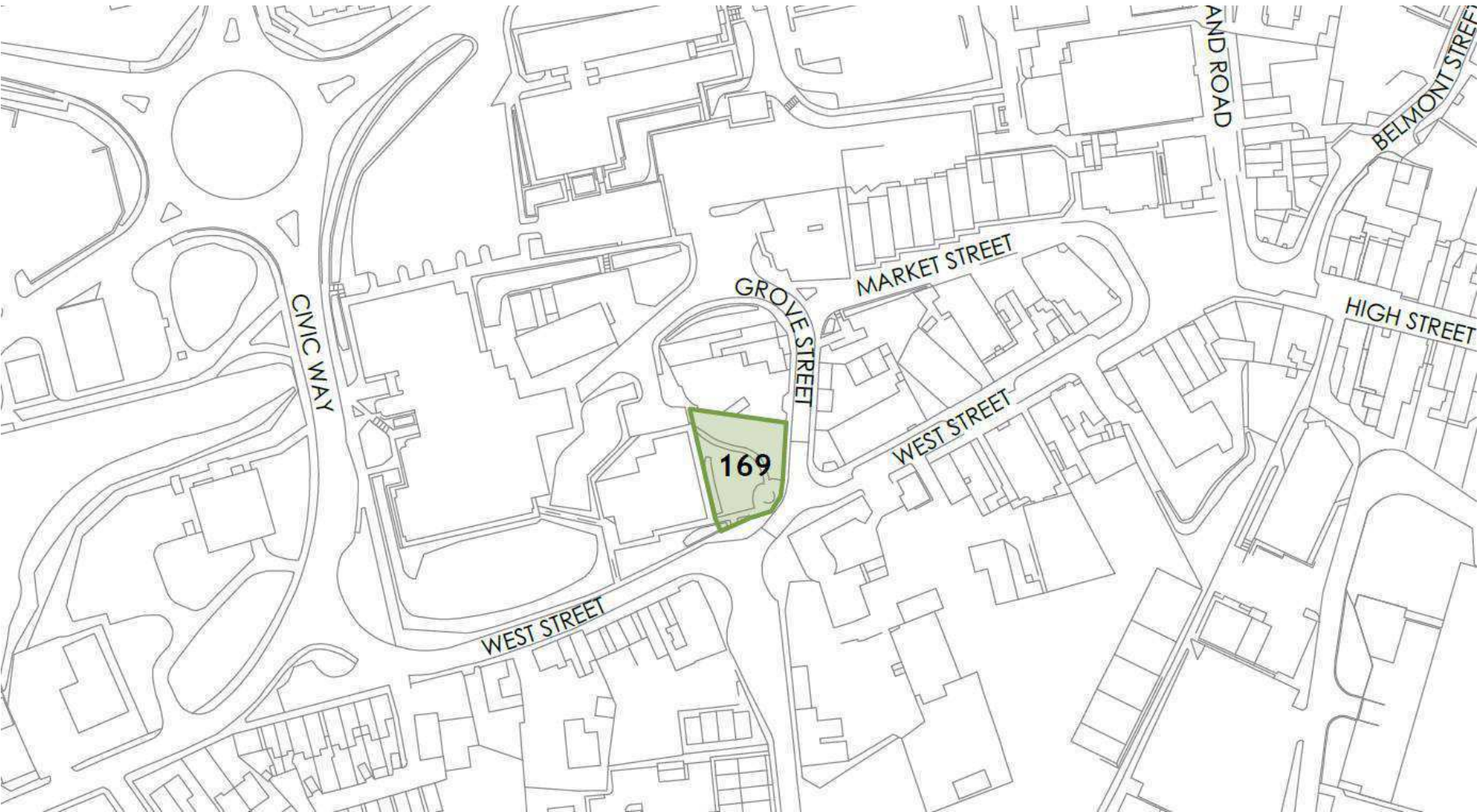
MAP 15: -



MAP 16



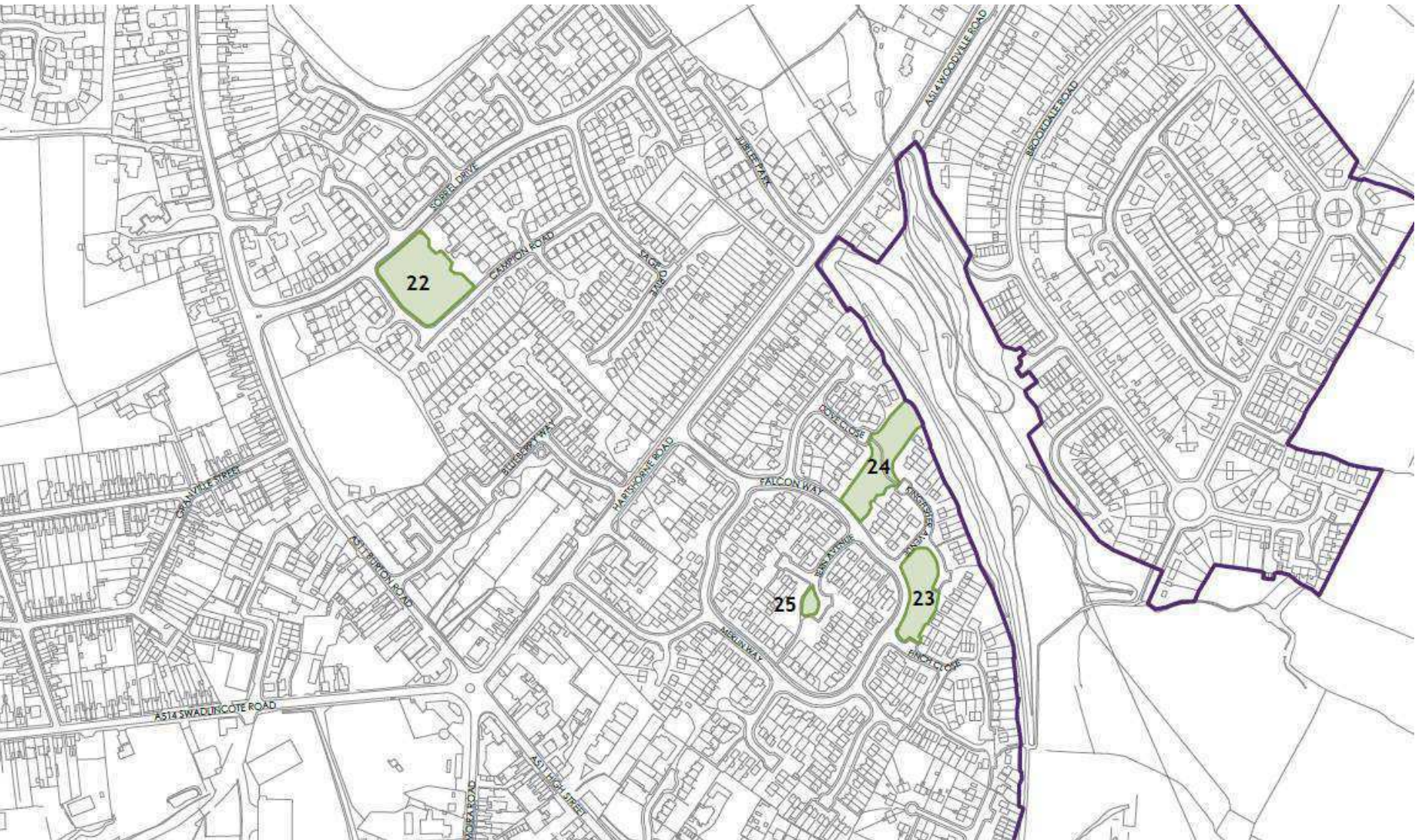
MAP 17



MAP 18: -



MAP 19: -



As shown in the above Maps 14 -19 a total of 17 sites have been considered through the stage two assessment in the Swadlincote Urban Area as follows:

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 02: Aston Drive, Midway, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--		*✓
Site Ref 03: South of Edgecote Drive , Midway, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--		*✓
Site Ref 04: Off Lawns Drive, Midway, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--		*✓
Site Ref 05: Spring Farm Road, Midway, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--		*✓
Site Ref 06: Sandholes Open Space, Eastfield Road, Midway, Swadlincote	✓	--	✓	--	✓✓	--	--	--	✓	✓	--	--	--	*✓
Site Ref 09: Fairfield Crescent, Newhall, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	*✓
Site Ref 15: War Memorial (1), Castle Gresley	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	✓*
Site Ref 17: Off Gresley Wood Road, Church Gresley, Swadlincote	✓	--	✓	--	✓✓	--	--	--	✓	✓	--	--		*✓
Site Ref 18: Gresley Wood, Gresley Wood Road, Church Gresley, Swadlincote	✓	--	✓	--	✓✓	--	--	--	✓	✓	--	--		*✓
Site Ref 19: Lathkill Dale, Church Gresley, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	*✓
Site Ref 20: Wye Dale, Church Gresley, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	*✓
Site Ref 21: Fabis Close, Church Gresley, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	*✓
Site Ref 22: Sorrel Drive, Woodville, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	*✓
Site Ref 23:Falcon Way, Woodville, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	*✓
Site Ref 24: Kingfisher Avenue, Woodville, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	*✓
Site Ref 25: Tern Avenue, Woodville, Swadlincote	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	*✓
Site Ref 169: Diana Memorial Garden	✓	--	--	--	✓✓	--	✓	✓	✓✓	--	--	--	✓✓	✓✓

Sites proposed in the Swadlincote urban area mostly share very similar characteristics. Most are areas of public open space, whose value is derived from their contribution to local character. All tend to be very accessible to local communities and typically consist of amenity grassland with trees or shrubs scattered within or around the sites. A number of spaces offer opportunities for improvements in informal open space provision and designation could help ensure that these greenfield sites are not subject to further loss as a result of new development.

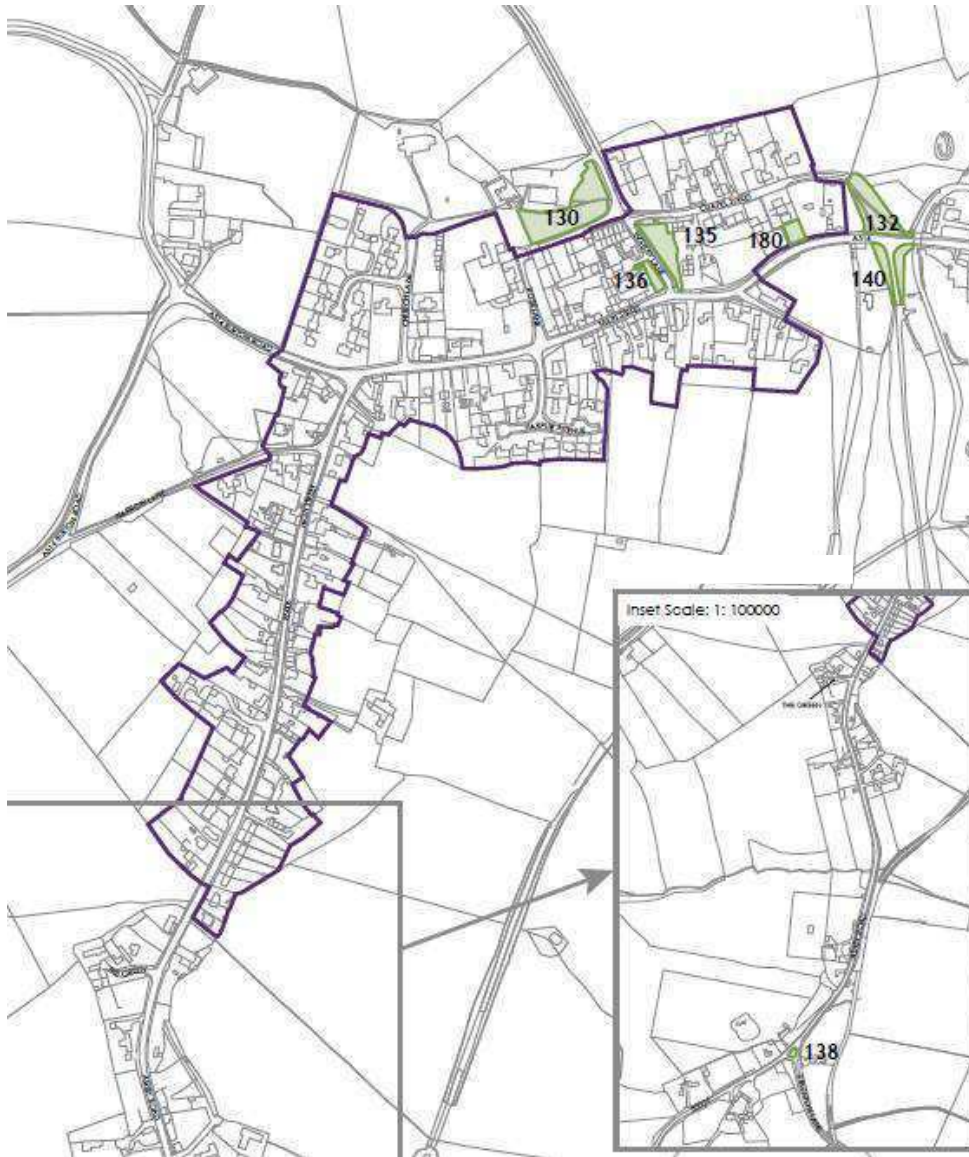
The exception to this the Sandholes site which consist of a fairly large informal recreation area and the Princess Diana Memorial Garden. These sites are not protected through existing designations in the Local Plan and provide opportunities for informal recreation or quiet reflection. In particular the Diana Mermorial Garden has particular value in respect of its contribution to local townscape character. The site lies within the Swadlincote Town Centre Conservation Area and is adajcant to an assemblage of listed buildings in the vicinity of the Sharpes Pottery Site.

Table 8.14: Reasons for designating or discounting sites - Swadlincote

Site Reference	Site Name	Proposed	Reason
02	Aston Drive, Midway	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
03	South of Edgecote Drive , Midway	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character in an otherwise developed area . There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
04	Off Lawns Drive, Midway	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
05	Spring Farm Road, Midway	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
06	Sandholes Open Space, Eastfield Road, Midway	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character and its contribution toward informal leisure and recreation provision locally. There may be opportunity to improve the biodiversity and recreation value of the site through improved management.

09	Fairfield Crescent, Newhall	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character and its contribution toward informal leisure and recreation provision locally. There may be opportunity to improve the biodiversity and recreation value of the site through improved management.
15	War Memorial (1), Castle Gresley	Yes	There is considered to be sufficient case for designation given the urban nature of the surrounding area and the busy nature of the adjacent highways intersection. The site makes a contribution towards local townscape character and provides an accessible focal point for commemorating the fallen.
17	Off Gresley Wood Road, Church Gresley	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
18	Gresley Wood, Gresley Wood Road, Church Gresley	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
19	Lathkill Dale, Church Gresley,	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
20	Wye Dale, Church Gresley,	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
21	Fabis Close, Church Gresley, S	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character. And whilst it is acknowledged that the site could partially benefit from protection under policy INF9 of the Local Plan, there would be very limited opportunity to deliver replacements facilities locally given the extent of built development surrounding the site.
22	Sorrel Drive, Woodville, Swadlincote	Yes	There is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this site makes to local townscape character. There may be opportunity to improve the biodiversity value of the site through appropriate management for nature.
23	Falcon Way, Woodville,	Yes	This site forms part of an assemblage of amenity grassland in the vicinity of Falcon Way, Woodville. Having reviewed this site through the stage 2 assessments there is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this and nearby site makes to local townscape character.
24	Kingfisher Avenue, Woodville,	Yes	This site forms part of an assemblage of amenity grassland in the vicinity of Falcon Way, Woodville. Having reviewed this site through the stage 2 assessments there is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this and nearby site makes to local townscape character.
25	Tern Avenue, Woodville,	Yes	This site forms part of an assemblage of amenity grassland in the vicinity of Falcon Way, Woodville. Having reviewed this site through the stage 2 assessments there is considered to be sufficient case to justify designation of this site as a Local Green Space. This case rests on the contribution this and nearby site makes to local townscape character.
169	Diana Memorial Garden,	Yes	There is considered to be a strong case to justify designation of this site as a Local Green Space. This largely rests on the value of this site to the character of the town centre and the contribution this site makes to the local townscape character and the setting of heritage assets located in the town centre adjacent to the site. The site also provides a tranquil space for quiet reflect within the town centre.

MAP 20: TICKNALL



As shown in the above Map, 7 sites has been considered through the stage two assessment in Ticknall as follows:

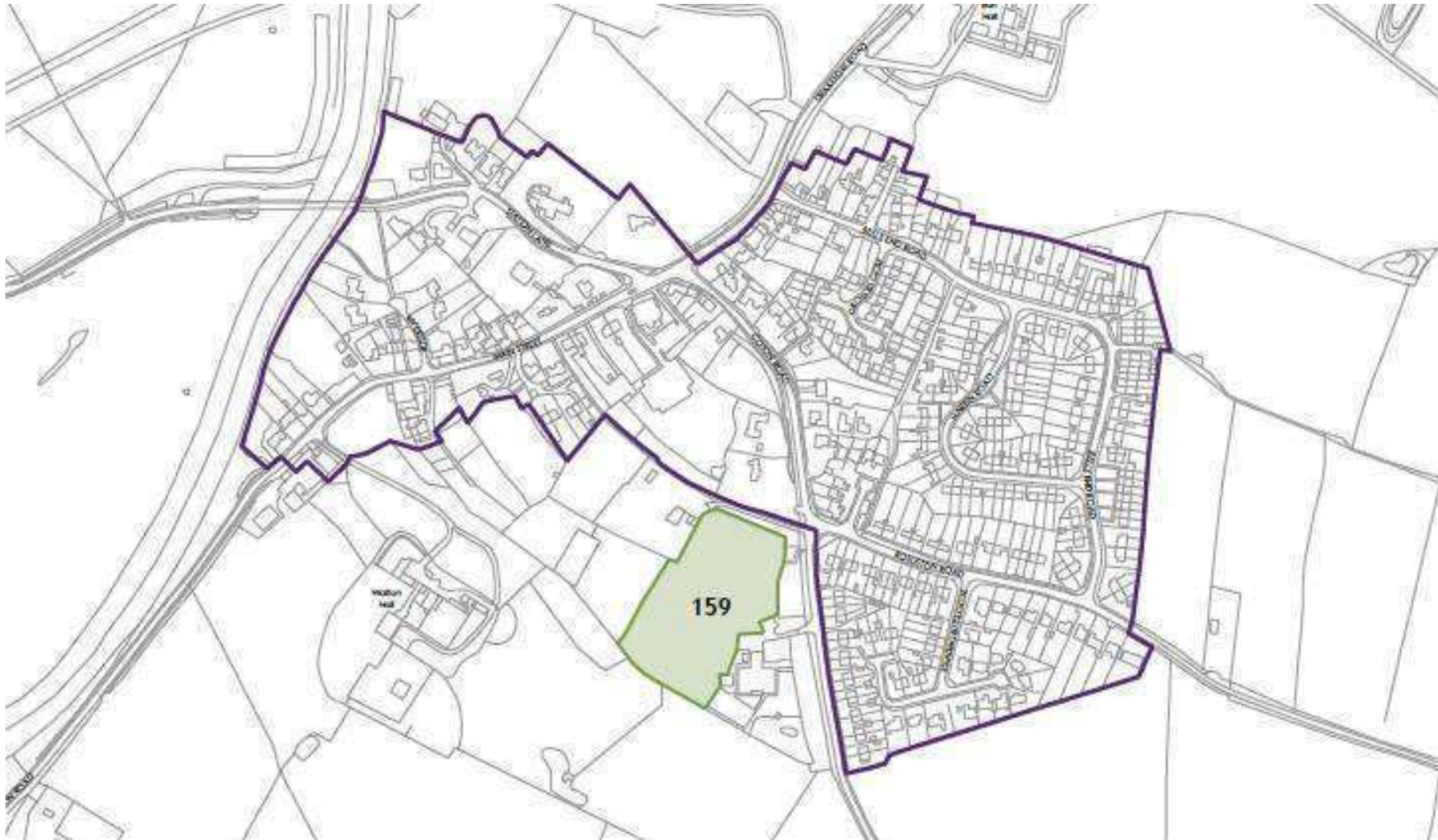
	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 130. North of Rose Lane Ticknall	✓	--	✓	--	✓✓	--	✓	✓	✓✓	✓	--	--	✓✓	✓
Site Ref 132. North of A514, opposite Calke Abbey Entrance, Ticknall	✓	--	✓	--	✓✓	--	✓	✓	✓✓	✓	--	--	✓✓	✓✓
Site Ref 135. Ingleby Lane - east, Ticknall	✓	--	✓	--	✓✓	✓	✓	--	✓✓	✓	--	--	✓✓	✓✓
Site Ref 136. Ticknall Ingleby Lane - West,	✓	--	--	--	✓✓	--	--	--	✓✓	✓	--	--	✓✓	✓✓
Site Ref 138: Ashby Road, Grass Triangle, Ticknall	✓	?	--	--	✓	--	--	--	✓✓	--	--	--	✓✓	✓✓
Site Ref 139. The Vine Yard Main Street Ticknall	✓	--	--	--	--	--	--	--	✓✓	✓	--	--	✓✓	✓✓
Site Ref 140: Entrance and Verges to Calke Abbey	✓	--	--	--	✓✓	--	--	✓	✓✓	✓	--	--	✓✓	✓✓

Site would have generally beneficial effects particularly in respect of accessibility, biodiversity, the built environment, greenfield land protection and the conservation of the historic environment and landscape/townscape. However it is noted that the entrance to Calke Abby is not in public ownership and whilst publically accessible it is recognised that designation could constrain the ability of the National Trust to advertise events or use signage to to notify visitors that they have arrived at a nationally important tourism and leisure destination. To this end appropriate policy has been included within the Plan to ensure that the Trust can continue to use appropriate advertisements and signs necessary in their operation of the site.

Table 8:15: Reasons for designating or discounting sites – Ticknall

Site Reference	Site Name	Proposed	Reason
130.	North of Rose Lane Ticknall	Yes	This site preserves the rural and open character of a notable gateway into the village and provides a pleasant backdrop to a number of local heritage assets. The site is also immediately adjacent to the village hall and provides the starting point for many visitors to the village wishing to make use of local tourism and leisure resources.
132	North of A514, opposite Calke Abbey Entrance	Yes	This site preserves the rural and open character of a notable route through the village and provides a pleasant backdrop to a number of local heritage assets. The site is adjacent to Calke Abbey, which a s significant tourism and leisure resource and is an important link between the Village Hall and the Calke Abbey estate.
135	Ingleby Lane - east, Ticknall	Yes	There is considered to be a strong case to justify designation of this site as a Local Green Space on heritage grounds. This site preserves the rural and open character of a notable gateway into the village and provides a pleasant backdrop to a number of local heritage assets. The site is located close to the village hall and provides seating and amenity open space accessible to the wider community.
136	Ingleby Lane - west, Ticknall	Yes	Having reviewed this site through the stage 2 assessment, there is considered to be a strong case to justify designation of this site as a Local Green Space on heritage grounds. This site preserves the rural and open character of a notable gateway into the village and provides a pleasant backdrop to a number of local heritage assets. The site is located close to the village hall and provides seating and amenity open space accessible to the wider community.
138:	Ashby Road, Grass Triangle	Yes	The site is within the Conservation Area for the village although is some way out of the village itself, though accessible by a metalled and lit footway. It scores positively in respect of townscape and heritage against the SA framework, although in practical terms is at limited risk from loss owing to the small scale of the site and its relationship to the village. Nonetheless there is a limited basis for inclusion as a local green space given that it forms part of the setting of the Conservation Area.
139	The Vine Yard Main Street	Partially	there is considered to be a strong case to justify the partial designation of this site as a Local Green Space. It is proposed that designation be restricted to that part of this site that is in public ownership and publically accessible. The extent of the site as proposed is outlined in Map 20 above.
140	Main Street Entrances and Verges to Calke Abbey	Yes	This site preserves the rural and open character of a notable route through the village and provides a pleasant backdrop to a number of local heritage assets. The site forms the main entrance to Calke Abbey, which a s significant tourism and leisure resource locally.

MAP 21: WALTON ON TRENT



As shown in the above Map, 1 site has been considered through the stage two assessment in Walton on Trent as follows:

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 159: Walton Playing Field, Walton on Trent	✓	::	✓	::	✓✓	::	::	::	✓✓	✓	::	::	✓✓	✓✓

Site would have generally beneficial effects particularly in respect of accessibility, the built environment, the historic environment and landscape and townscape character. This is because the site is located centrally within the Conservation Area for the village and its loss could harm the setting of local heritage assets. In addition sites designation has potential to support objectives to improve biodiversity and geodiversity, educational achievement, owing to its proximity to the local school and safeguarding greenfield land on the edge of the village.

Table 8.16: Reasons for designating or discounting sites – Walton on Trent

Site Reference	Site Name	Proposed	Reason
159	Walton Playing Field	Yes	There is considered to be a strong case to justify designation of this site as a Local Green Space. This largely rests on the value of this site to local character given the location of the site within the village Conservation Area and the contribution this site make to the setting of local heritage assets.

MAP 22: WESTON ON TRENT



As shown in the above Map, 1 site has been considered through the stage two assessment in Weston on Trent as follows:

[Page 245 of 320](#)

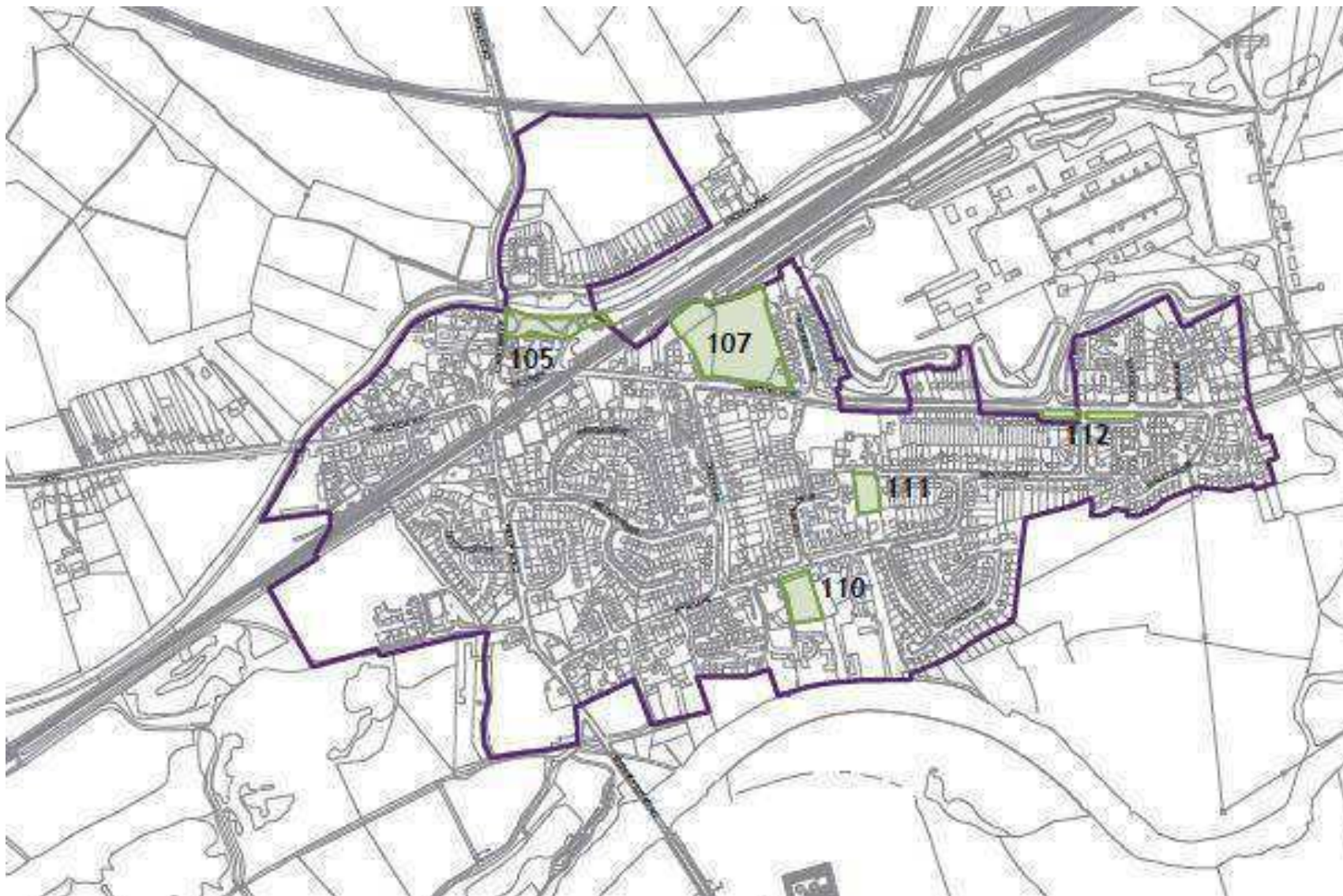
	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 144: King's Mills Lane, adjoining school, Weston On Trent	✓	-	✓	-	✓✓	-	✓	-	✓	✓	-	-	-	✓

This site is identified as likely to have a range of beneficial effects against the Sustainability Objectives. These include in respect of biodiversity, health and well-being, accessibility, economic growth, the built environment, the protection of greenfield land and protecting local landscape/townscape character. No effects are identified in respect of other objectives. Site designation is not identified as likely to have any negative or uncertain effects.

Table 8.17: Reasons for designating or discounting sites – Weston on Trent

Site Reference	Site Name	Proposed	Reason
144	King's Mills Lane, adjoining school	Yes	There is considered to be a sufficient case to justify designation of this site as a Local Green Space. This largely rests on the value of this site to local character and its accessibility including proximity to the existing primary school.

MAP 23: WILLINGTON



As shown in the above Map, 5 sites have been considered through the stage two assessment in Willington as follows:

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 105: South of Trent Mersey Canal, Willington	✓	--	--	--	✓✓	--	✓	--	✓✓	✓	--	--	✓✓	✓✓
Site Ref 107: North of Twyford Road, Willington	✓	--	--	--	✓✓	--	✓	--	✓	✓	--	--	--	✓
Site Ref 110: Hall Lane Playing Field, Willington	✓	--	--	--	✓✓	--	✓	--	✓	✓	--	--	?	✓
Site Ref 111: Trent Avenue Playing Field, Willington	✓	--	--	✓	✓✓	--	✓	--	✓	✓	--	--	--	✓
Site Ref 112: South of Twyford Road, Willington	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	--	✓

Sites would have generally beneficial effects particularly in respect of biodiversity, accessibility, built environment, greenfield land and landscape objectives. The site to the south of the Trent Mersey Canal will have significant beneficial effects in respect the built environment, the historic environment and landscape and townscape character.

Table 8.18: Reasons for designating or discounting sites – Willington

Site Reference	Site Name	Proposed	Reason
105:	South of Trent Mersey Canal, Willington	Yes	Having reviewed this site through the stage 2 assessment, there is considered to be a strong case to justify designation of this site as a Local Green Space, mainly due to its significance to local heritage and townscape character. The site is known to be used locally for picnics as well as other community events.
107:	North of Twyford Road, Willington	Yes	there is considered to be a sufficient case to justify designation of this site as a Local Green Space. This is based mainly on its community value as an open space. The site is understood to be used for firework displays as well as local carnivals. There may be potential to improve biodiversity of the site through changes to management including the scrub area to the north of the site.
110:	Hall Lane Playing Field, Willington	Yes	This site appears to be used informally as a playing field although its scale means its importance as such is limited. However this small area of informal grassland does appear to be used by the local community and is value as an open space. It adds to the character of the villages and gives this part of the village a rural feel.
111:	Trent Avenue Playing Field, Willington	Yes	This site is used informally as a playing field including by school children who attend the adjacent school. This site, together with the fields of the school to the north forms an assemblage of open space and provides important green infrastructure in a largely built up part of the village. The Parish Council supports site designation, and whilst it is acknowledged that this site is partially protected by INF9 of the Local Plan Part 1 there is considered to be sufficient justification, given the sites proximity and relationship with the Primary School to the north to designate the site as a Local Green Space
112:	South of Twyford Road, Willington	Yes	Having reviewed this site through the stage 2 assessment, there is considered to be a sufficient case to justify designation of this site as a Local Green Space. This site provides a narrow finger of land between Twyford Road and Twyford Close and contributes to the rural character of this part of the village.

9.0 SECTION 9: IMPLEMENTATION AND MONITORING

Links to Other Tiers of Plans and Programmes and the Project Level.

9.1 As previously noted in Section 1 the LGSP document will, once adopted form part of the District Council's Local Plan.

9.2 The key purpose of this document is to protect those green spaces used by local communities. However the purpose of this Plan is not to halt all development on areas designated as local green spaces. Instead the Plan seeks to balance the need to protect designated local green spaces whilst allowing for limited and appropriate development that can ensure that spaces can continue to change to meet community aspirations. To this end the Plan includes two policies to ensure growth can be carefully controlled and balanced with the need to improve spaces or enhance their value to local communities including through limited development where appropriate.

Developing a Monitoring Framework

9.3 The SEA Directive requires the significant environmental effects of plans and programmes to be monitored, in order to identify at an early stage unforeseen adverse effects and to be able to take appropriate action where necessary. The Draft LGSP includes a number of specific green space policies to control the development and future management of spaces together with around 85 local green spaces designations. However in order to understand whether these policies and designations are delivering the necessary level of protection to sites, it is necessary to monitor the performance of the Plan. In order to do this the Council will seek to development a monitoring framework prior to the adoption of the LGSP .

9.4 The monitoring undertaken on the Plan will help to:

- monitor the significant effects of the plan
- track whether the plan has had any unforeseen effects
- ensure that action can be taken to reduce / offset the significant effects of the plan
- provide baseline data for future sustainability appraisals, and
- provide evidence of how the environment / sustainability criteria of the area are evolving.

9.5 It is good practice for the monitoring of significant sustainability effects to be integrated with other monitoring of the Local Plan. For this reason, the Council will report significant sustainability effects as part of its existing monitoring regime. Proposed significant sustainability effects indicators included in the SA Framework. These have been drawn from the baseline information and key sustainability issues identified within the Sustainability Appraisal Scoping Report and are identified to monitor potential significant adverse effects highlighted in this report

SECTION10: WHAT HAPPENS NEXT

10.0 What Happens Next

- 10.1 This Draft Sustainability Appraisal Report accompanies the Draft LGSP and is a key output of the appraisal process, presenting information on the likely effects of the plan. The appraisal has been undertaken prior to the Regulation 19 Pre-submission Local Plan Consultation, with the likely scope and content of the Plan informed by earlier consultations on the emerging document.
- 10.2 Following the Pre-submission consultation the Authority will review any comments made on the Plan and will submit the Pre-submission Plan alongside any modifications to the Secretary of State for Examination. The Secretary of State will then appoint an Inspector to examine the Plan. Examination is likely to take place in 2019. The role of the Inspector during the examination process will be to consider the soundness of the LGSP, using the sustainability appraisal as part of the evidence base.
- 10.3 If any significant changes are made to the Plan as a result of the examination process that may lead to additional significant effects not already covered in the SA, the report may need to be reviewed and updated, with changes documented ahead of Plan Adoption.

Contents

Executive Summary	2
Introduction	4
Habitat Regulations Assessment and the Local Green Spaces Plan	6
The Habitat Regulations Screening Process	8
Effects Summary – the Plan alone	11
Effects Summary – Plan in Combination	11
Conclusion	11

EXECUTIVE SUMMARY

- 1.1 Habitats Regulations Assessment (HRA) of spatial development plans is a requirement of the Habitats Directive (92/43/EEC) as set out in the Conservation of Habitats and Species Regulations 2017. This report details the Habitats Regulations Assessment for South Derbyshire District Council's Local Green Spaces Plan. This Plan includes 75 local green space designations and two policies to manage development and support potential improvements to access and the management of designated sites. This report sets out the method, findings and conclusions of the HRA screening assessment undertaken by the Council.
- 1.2 The following European Site is within the Influence of the Plan:
 - The River Mease SAC
- 1.3 The screening exercise has reviewed whether the policies and site designations proposed through the Plan have potential to affect the River Mease Special Area of Conservation (SAC), given the site conservation objectives, condition and sensitivities.
- 1.4 The Adopted Local Plan Part 1 (LP1) HRA screening assessment ruled out likely significant effects on any European sites, other than the Mease SAC, owing to the distribution of growth proposed and the significant distances of other European sites from the District Boundary and the nature of the sensitivities of the nearest sites. In respect of the River Mease SAC no development was proposed within that part of the District where either foul or surface water would discharge to the SAC in the LP1 and so likely significant effects (LSE) on the water quality in the SAC were discounted.
- 1.5 The screening assessment for the Local Plan Part 2 (LP2) indicates that none of the draft policies contained in that Plan would have any significant effect on the River Mease SAC given the small scale of growth proposed in the Plan, the dispersed nature of development (most of which is located outside of the Mease catchment) and the existing drainage and water quality policies included in LP1.
- 1.6 The Local Green Spaces (LGS) Plan does not seek to allocate new housing or employment growth but rather seek to protect spaces valued by local communities as local green spaces. Of the 75 sites proposed for designation only a single site is located in the catchment of the River Mease (Linton Orchard, Linton). However there is no development proposed on the site, rather the purpose of the Plan is to identify valued local community spaces and ensure that these are protected from inappropriate forms of development.
- 1.7 This assessment has concluded the following:
 - There is no likely significant impact on any SPAs or SACs located outside of the District as a result of implementing the LGS Plan.
 - There is one local green space located in the catchment of the River Mease. The remainder (74 sites) are located outside of the catchment.
 - The site located in the catchment is site 168 (Linton Orchard) and consists of a community orchard located in the southern part of Linton. It lies on the watershed for the catchment and is 4km from the SAC. Given that this LGS Plan seeks to ensure

that this site is retained as a community orchard its designation is unlikely to have any effect on the SAC

- The designation of local green spaces will not increase surface water or foul water and would be unlikely to have any effect on water quality within the SAC.
- As the South Derbyshire Local Plan (Parts 1 & 2) have already been identified as having no effect on the SAC, it is unlikely that the adoption of this Plan will act in combination with these, or indeed the plans of neighbouring authorities adopted or under preparation.

- 1.8 The findings of the Habitat Screening Assessment will be subject to consultation with Natural England and other stakeholders as part of the Draft Local Green Spaces Plan Consultation.

2.0 INTRODUCTION

- 2.1 South Derbyshire District Council is currently preparing its Local Green Spaces (LGS) Plan. This document will supplement the Council's existing Local Plan which is comprised of the Adopted Part 1 Local Plan (LP1) and Adopted Part 2 Local Plan (LP2) documents.

The Local Plan Part 1

- 2.3 LP1 sets out a long-term vision, objectives and strategy for the spatial development of South Derbyshire and provides a framework for promoting and controlling development. Put simply it sets the overall level of future growth and broad locations for development. It includes a target to deliver a minimum of 12,618 homes between 2011-28 and a minimum of 53ha of employment land within the District over the same period.
- 2.4 Housing allocations are mainly located as urban extensions to Derby City, Burton on Trent and Swadlincote, with some smaller strategic allocations made to villages in Aston on Trent, Etwall, Hatton, Hilton and Repton. Together these sites would deliver more than 11,000 homes within South Derbyshire within the Plan period. Employment Land Allocations are located at Drakelow, Dove Valley Park (Foston), Hilton, Swadlincote and Woodville.
- 2.5 In addition to allocations a range of further housing policies are included in LP1 including in respect settlement hierarchy affordable housing, housing mix. Further thematic policies in respect of Green Belt, design excellence, heritage, biodiversity, landscape character and local distinctiveness, flood risk, sustainable drainage, the National Forest and infrastructure (including green infrastructure) are also included in LP1.
- 2.6 The LP1 also set out a requirement for a further 600 homes to be delivered on non-strategic sites through a further Local Plan (LP2).
- 2.7 The HRA screening report was consulted upon in March 2014. This assessed the potential for the Plan to affect a number of European sites as follows:
- River Mease (within District)
 - West Midlands Mosses (12km from nearest part of District)
 - Bees Nests and Green Clay Pits (17km from nearest part of District)
 - Peak District Dales (17km from nearest part of District)
 - Gang Mine (17km from nearest part of District)
 - Pasturefields Salt Marsh (18.5km from nearest part of District)
 - Cannock Chase (20km from nearest part of District)
- 2.8 Due to the location of strategic housing sites proposed and the distance between development allocations included in LP1 and having reviewed the conservation objectives for the European sites and the issues affecting site condition the Council screened out likely significant effects on all sites located outside of the District. The HRA Screening Report for the LP1 can be viewed on the Council's [website](#).

The Local Plan Part 2

- 2.9 LP2 sets out a requirement for 600 homes to be delivered on non-strategic sites within the Plan period. It defines non - strategic sites as being those with less than 100 dwellings. LP2 identified a total of 14 non-strategic housing allocations, which cumulatively will deliver around 700 homes.
- 2.10 In addition to the allocations the Council updated the settlement boundaries around Swadlincote and Key and Local Service Villages as well as more nucleated rural villages and drafted a range of development management policies on issues including:
- replacement dwellings in the countryside,
 - rural workers dwellings,
 - residential extensions and householder development,
 - residential conversions,
 - development in the countryside,
 - Agricultural development,
 - Trees, Woodland and Hedgerows
 - Local Green Space,
 - Heritage,
 - Swadlincote Town Centre
 - Local Centres and Villages (retail policy)
 - Telecommunications
 - Provision of Education Facilities
- 2.11 Due to the location of non-strategic housing sites proposed and having regard to their location the Council screened out likely significant effects on any Special Areas of Conservation or other European sites located outside of the District. LP2 did include a number of housing sites in the River Mease Catchment. However where these generated foul flows to treatment works discharging to the River Mease or one of its tributaries a financial contribution has been made to offset any likely environmental effects associated with that development. In respect of surface water flows these developments have included an appropriate sustainable drainage scheme in accordance with policy in LP1 to ensure surface water is appropriately treated prior to discharge into the ground or nearby watercourses which discharge in the River Mease.

The Local Green Spaces Plan

The Local Green Spaces Plan (LGS Plan) includes a total of 75 proposed local Green Spaces together with two policies , one of which seek to control development within designated green spaces, whilst the other sets out a general commitment by the Council to improve the community value of spaces including in respect of biodiversity and accessibility.

Purpose of this Report

- 2.12 The remainder of this report will set to what extent the Plan could affect the River Mease SAC or other nearby European sites. The report will consider the following:

- The requirement for HRA and the guidance published to inform the process
- The Screening Process and the findings of the Screening Assessment
- The need for further assessment

3.0 Habitat Regulations Assessment and the Local Green Spaces Plan

3.1 Article 6 of EU Habitats Directive on the conservation of natural habitats and of wild fauna and flora (Council Directive 92/43/EEC) requires that:

‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site’s conservation objectives... competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the public’.

3.2 The Conservation of Habitats and Species Regulations 2017 (often referred to as the Habitats Regulations) transpose the Habitats Directive into national law in England and Wales and require that HRA is applied to all statutory land use plans. The aim of the HRA process is to assess the potential effects arising from a plan against the conservation objectives of any European site.

3.3 Reference in this report to ‘European sites’ should be taken to include the following:

- Special Areas of Conservation (SACs) for habitats and species designated through the EU Habitats Directive;
- Special Protection Areas (SPAs) for the protection of wild birds and their habitats designated through the EU Birds Directive;
- Ramsar sites, identified through the Convention on Wetlands of International Importance; and
- Sites that are being considered for designation, referred to as Sites of Community Interest, candidate SACs or proposed SPAs.

Guidance and Best Practice

This assessment is being undertaken in line guidance set out in the Habitats Regulations Assessment of Local Development Documents produced by DTA Planning. However, in addition to this guidance this report has been prepared having regard to the following key documents:

- the Habitats Regulations;
- all relevant judgments of the Court of Justice of the European Union, and the Courts in the UK;
- relevant guidance from the European Commission and the UK Government;
- authoritative, relevant decisions, for example, at Government level in Great Britain;

- good practice in undertaking such assessments, such as that published by Natural England, the Countryside Council for Wales and Scottish Natural Heritage and the RSPB.

The Local Green Spaces Screening Assessment has been carried out in accordance with guidance set out in 'Planning for the Protection of European Sites: Appropriate Assessment' which provides guidance in respect of the Habitat Regulations in preparing land use plans. Section 2.1 of this guidance document summarises the HRA process as comprising of three main tasks:

Stage 1: Identifying whether a Plan is likely to have a significant effects

This stage consists of identifying 'European' sites which could be affected by the Plan and reviewing the conservation objectives for each feature of the site. The changes that policies and proposals in the plan may cause are appraised and the likely effects on the interest feature of each site, either indirectly, directly, alone or in combination with other projects and plans is considered. Where no likely significant effects occur as a result of implementation, no further assessment is required.

Stage 2: Appropriate Assessment

Undertake an assessment of the implications of the plan (those policies and proposals within it identified in stage 1 as requiring further assessment) for each European site likely to be affected, in light of their conservation objectives. Review how the plan in combination with other plans or projects will interact and affect the site when implemented and consider how the effects of the plan on the integrity of the site could be mitigated and consider alternatives. If it can be demonstrated that the plan will not have an adverse effect on the European sites, the plan can be adopted. If the plan is still likely to have an adverse impact on the site(s) the Authority would be required to progress to stage 3 of the process

Stage 3: Assessment where no alternatives exist

The competent authority must demonstrate that there are no alternative solutions to the plan which are less damaging. The competent authority must establish whether there are '*imperative reasons of overriding public interest*' making it necessary to proceed with the plan or policy and identify and agree compensation measures and how these will be monitored.

This document sets out the Council's findings in respect of stage 1 of this process. The following section clarifies the scope of the assessment.

4.0 The Habitat Regulations Screening Process

There is no predefined guidance that dictates the physical scope of an HRA of a Local Plan. Therefore, in considering the physical scope of the assessment we were guided primarily by the identified impact pathways rather than by arbitrary 'zones'. Current guidance suggests that the following European sites be included in the scope of assessment

- All sites within the South Derbyshire District boundary, and
- Other sites shown to be linked to development within the District boundary through a potential 'pathway' (discussed below).

Briefly defined, pathways are routes by which a change in activity within the Plan area can lead to an effect upon a European site. In terms of the second category of European site listed above, previous DCLG guidance states that the assessment should be 'proportionate to the geographical scope of the plan and that 'an assessment need not be done in any more detail, or using more resources, than is useful for its purpose '.

Sites within the District

There is a single Special Area of Conservation in South Derbyshire (the River Mease SAC). This site forms part of the southern boundary of the District and the river flows through a largely rural landscape in South Derbyshire. The Conservation Objectives for this site is as follows:

Conservation Objectives for the River Mease SAC

With regard to the SAC and the natural habitats and/or species for which the site has been designated ('the Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

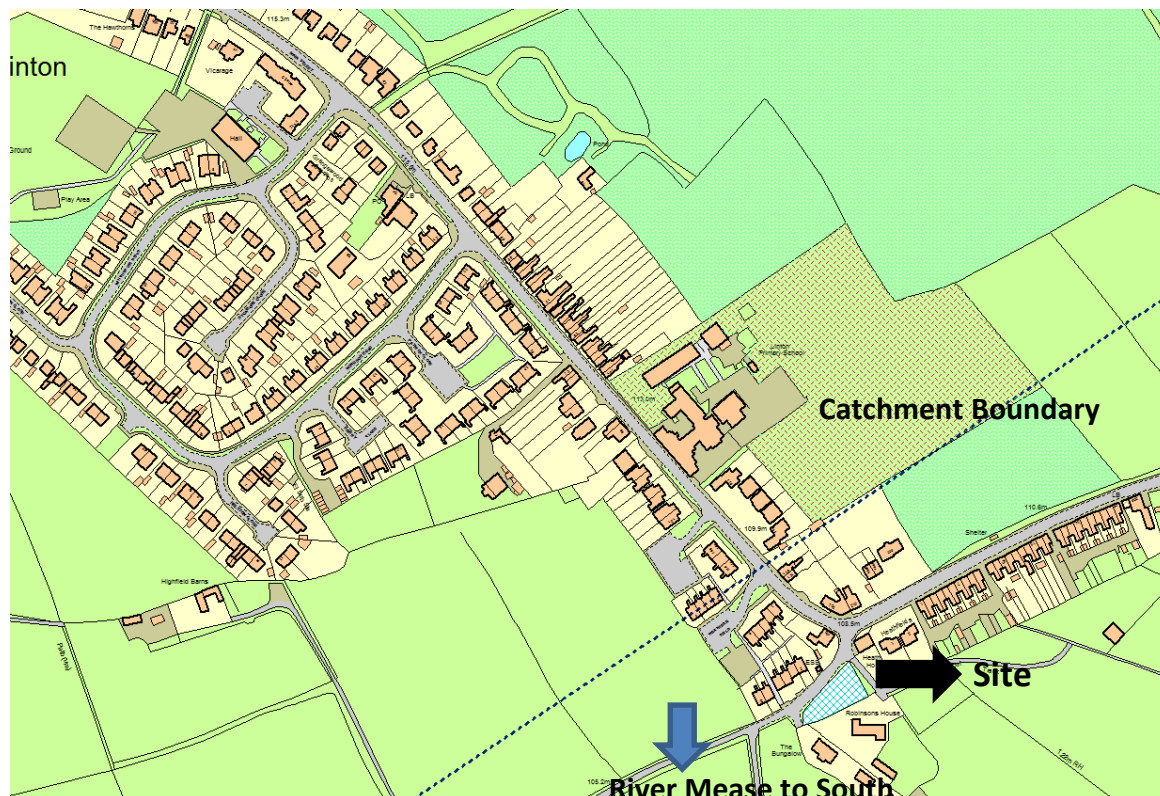
This document should be read in conjunction with the accompanying *Supplementary Advice* document which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H3260. Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot
S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish
S1149. *Cobitis taenia*; Spined loach
S1163. *Cottus gobio*; Bullhead
S1355. *Lutra lutra*; Otter

Of the 75 sites proposed for designation only a single site is located within the catchment of the River Mease. This is site reference 168 (Linton Orchard) which is a small community orchard located in the vicinity of Linton Heath. It extends around 0.1ha. The location of the site is set out below:

Figure 1 Location of Linton Orchard



- 4.3 The site itself is located in excess of 4km from the SAC and would not lead to any physical loss of this site.

Site	Threat														
	Hydrological Changes/Drainage	Water Quality/pollution	Inappropriate dams and weirs and other structures	Siltation	Inappropriate management	Public Access/Disturbance	Air Pollution	Wildlife	Changes in Species Distribution/low breeding	Disease	Invasive Species	Development/Planning Permission	Fertilizer use	Flytipping	Vandalism/Vehicle Use
River Mease SAC	✓	✓	✓	✓	⚡	⚡	⚡	⚡	⚡	⚡	✓	⚡	⚡	⚡	⚡

- 4.4 Moreover having reviewed the Conservation Objectives for the site and having regard to the scale and nature and location of the proposed designation included in the Plan it is considered that the Plan will have no effect on the SAC. This is because only a single site is located within the catchment of the SAC and this will not give rise to any effects in respect of the hydrology, water quality of the River. Moreover it will have no effect on existing structures, siltation and invasive species.

- 4.5 Sites outside of the catchment of the River would have no effect on the SAC as no pathways exists via which foul or surface water will find its way into the Mease.

Sites outside of the District

- 4.6 For the avoidance of doubt sites located outside of the District and previously considered during Habitat Regulations Assessments for the LP1 and LP2 are:

- West Midlands Mosses (10km from District Boundary)
- Bees Nest and Green Clay Pits (16.5km from District Boundary)
- Peak District Dales
- Gang Mine (17km from District Boundary)
- Pasturefields Salt Marsh (18.5km from District Boundary)
- Cannock Chase (20km from District Boundary)

- 4.7 The pressures and threats to these sites is set in the below table:

Identified Pressure/Threats to identified European Sites

Threat	Hydrological Changes/Drainage	Water Quality/pollution	Inappropriate dams and weirs and other structures	Siltation	Inappropriate management	Public Access/Disturbance	Air Pollution	Wildlife	Changes in Species Distribution/low breeding	Disease	Invasive Species	Development/Planning Permission	Fertilizer use	Flytipping	Vandalism/Vehicle Use
Site															
West Midlands Mosses	✓	✓	--	--	✓	--	✓	--	--	--	--	--	--	--	--
Bees Nest and Green Clay Pits SAC	--	--	--	--	✓	--	✓	--	--	--	--	--	--	--	--
Peak District Dales SAC	✓	✓	--	--	✓	✓	✓	--	--	✓	✓	--	✓	✓	✓
Gang Mines SAC	--	--	--	--	✓	--	✓	--	--	--	--	--	--	--	--
Pasturefields Salt Marsh.	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Cannock Chase	✓	--	--	--	✓	--	✓	✓	--	✓	✓	--	--	--	--

- 4.8 Having reviewed other European sites in located closest to South Derbyshire (and excluding the River Mease which is located within the District) it is inconceivable that this Plan would have any effect on these sites. This is because the Plan seeks to designate small areas of green space within the District and strictly control the nature and extent of development on these sites, protecting sites from development rather than seeking to deliver land use change to meet South Derbyshire's development needs.

5.0 Effects Summary – the Plan alone

- 5.1 Having considered the Conservation Objectives and the identified sensitivities the River Mease and reviewed the identified the pressures or threats to this site it is inconceivable that the Plan would have any effect on the identified sites. This is because the Plan is only designating a single local green space within the River Mease catchment and the policies included in the Plan will apply solely to this site. Moreover the site is small scale, located a significant distance from the SAC itself, will not lead to changes in surface water or foul flows from the site, increase sediment or siltation entering the river or lead to any other conceivable effects.
- 5.2 The Plan will have no effect on European sites outside of the District by virtue of the nature of the sites designated and the distance of the proposed green spaces from the identified European sites located outside of the District.

6.0 Effects Summary – Plan in Combination

- 6.1 In undertaking this assessment regard has been had to the preparation of relevant strategies and Plans which could act in-combination with the LGS Plan. These have chiefly comprised of existing or emerging Local Plans in surrounding Districts or Boroughs (and Habitat Regulations Assessments where these are available), as well as the River Mease Water Quality Management Plan, The River Mease Site Improvement Plan, the River Mease Restoration Plan and the River Mease Diffuse Water Plan.

However, it was considered unnecessary to undertake anything more detailed than brief appraisal of these documents given that the Local Green Spaces Plan is only allocating a single 0.1ha site (in use as a community orchard) within the catchment of the Mease. This is more than 4km from the SAC and as a local green space will, in effect, tighten planning control and so make development on this site less likely holding it in its current use.

Given that it is inconceivable that the Local Green Spaces Plan will have any effect alone it will not act in combination with other Plan or programmes to impact of the integrity of the SAC.

7.0 Conclusion

- 7.1 Based on this screening assessment it is inconceivable that this Plan will have any effect on the River Mease SAC, or any other European sites located closest to the District either alone or in combination with other plans. On this basis there is no requirement to undertake an appropriate assessment.
- 7.2 The findings of this report will be subject to consultation with Natural England, The Environment Agency and wider stakeholders.

REPORT TO:	ENVIRONMENT & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	27th SEPTEMBER 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	MATTHEW HOLFORD 01283 595856 matthew.holford@south-derbys.gov.uk	DOC:
SUBJECT:	CONTAMINATED LAND INSPECTION STRATEGY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS14

1. Recommendations

- 1.1. That the Committee approves the adoption of an updated Contaminated Land Inspection Strategy.

2. Purpose of Report

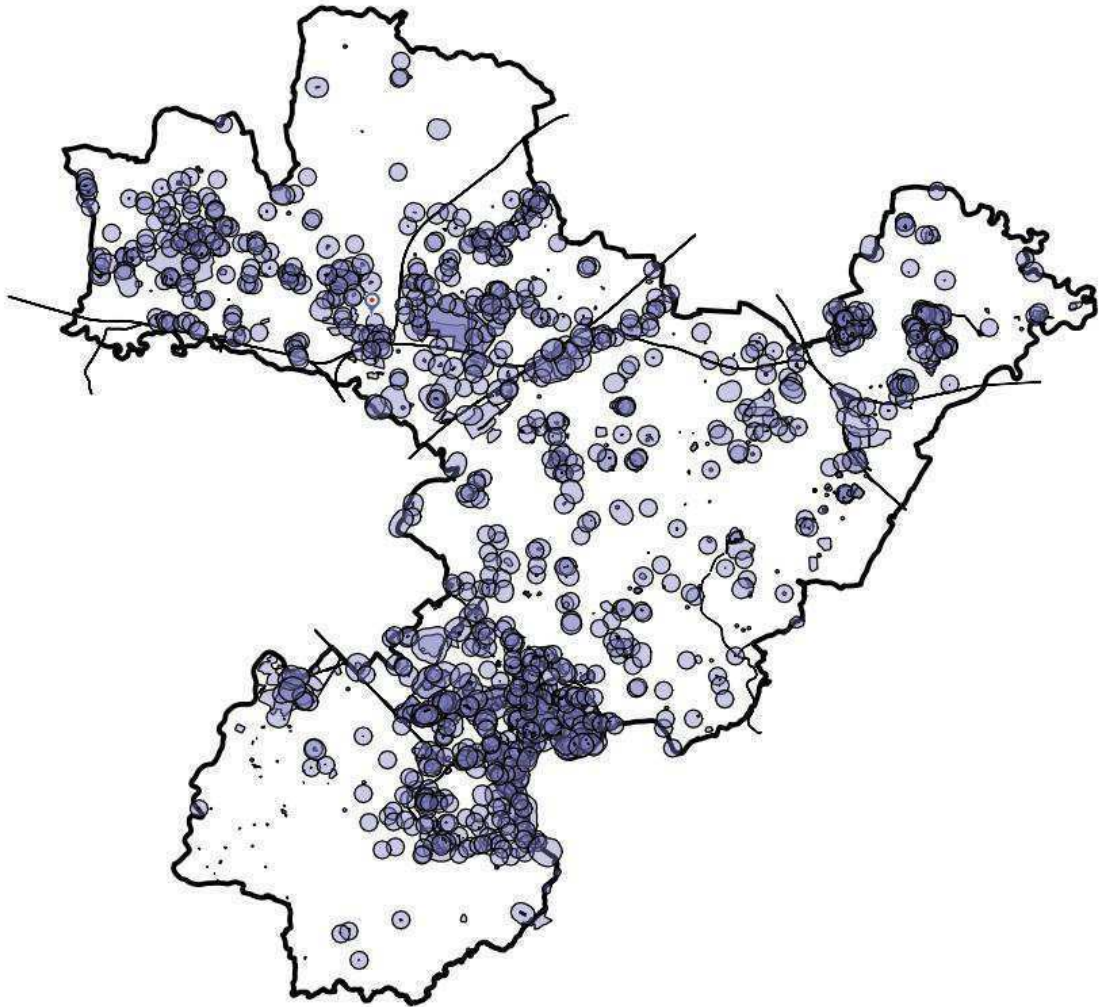
- 2.1. To seek the Committees approval to the adoption of a Contaminated Land Inspection Strategy covering the period 2018-2023. The document sets out South Derbyshire District Council's proposed approach to managing the risks associated with contaminated land, while balancing legal and precautionary principles with effective regulation and is geared towards not un-necessarily burdening sustainable development.

3. Background

- 3.1. Part 2A of the Environmental Protection Act 1990 is the primary legislation concerning contaminated land. Part 2A's broad objectives are to:
 - Reduce risk to human health, ecological systems, the built environment and controlled waters from historical contamination, ensuring sites are made "Suitable for Use" following development or immediately if the risk is significant enough.
 - Define a framework for risk assessment, determination and remediation.
 - Through strategic inspection, require local authorities to identify, determine land as contaminated, then coordinate remediation.
- 3.2. Under the statutory requirements of Part 2A of the Environmental Protection Act 1990, South Derbyshire District Council has had a Contaminated Land Inspection Strategy in place since July 2001. To date the Strategy has provided a framework to build SDDC's contaminated land records, to risk rate sites and to prioritise Council inspection of "high risk" sites.

- 3.3. Since 2001, over 2,000 sites in South Derbyshire have been risk rated as illustrated in Figure 1 below. The data processed to comply with the previous Strategies has enabled the Council to consider the potential land quality implications of approximately 4,600 planning applications and has led to an estimated 500 sites being cleaned up as a result of planning conditions.

Figure 1 – Risk Rated Sites of Potential Contamination



- 3.4. Following a significant review by the government of the statutory guidance issued to local authorities in 2014, the most recent revision to the Strategy was approved by this Committee in March 2014. A review of the current Strategy was, therefore, timely.

- 3.5. The overall aims of the revised Strategy are:

- To ensure compliance with and enforcement of Part 2A of the Environmental Protection Act 1990.
- To ensure that where redevelopment of land takes place within South Derbyshire, the planning and building control process deals effectively with any land contamination so that the land is rendered suitable for its intended use.
- To take a proactive approach to determine the status of highest risk sites.
- To further improve management of the Council's corporate land assets.

- To prevent any further contamination of land.
- To encourage voluntary remediation.

4. Proposed Changes

- 4.1. The draft updated Strategy is shown as Appendix 1. There have been no significant statutory or policy changes since 2014 and therefore the content of the policy remains largely unchanged.
- 4.2. The most significant alteration is the proposed removal of a commitment within the current Strategy to *“Produce and publish an ACUMEN (Assessing, Capturing and Utilising Methane from Expired and Non-operational landfills) directed project appraisal for expired and non-operational landfill sites in the District. Assessing the feasibility of all known sites and establishing options for landfill gas mitigation and potential methane utilisation”*.
- 4.3. ACUMEN was a national project run by the Environment Agency which was closed in April 2015. Unfortunately, no sites in South Derbyshire were included in the five sites which were selected for the project. Officers are not aware of any proposals in the foreseeable future for the development of similar projects, therefore the removal of this reference within the Strategy is considered appropriate.

Phase 1 Assessments

- 4.4. The Strategy has retained a commitment, originally adopted in 2014, to undertake four Council directed ‘Phase 1’ investigations of the highest risk sites in the District per year.”
- 4.5. Phase 1 risk assessments consist of desk-top studies and site walk-over assessments to help provide qualitative evidence of the risk of the site in question being contaminated. The purpose of a Phase 1 assessment is to determine the need to progress to an intrusive investigation into the site to analyse soil samples and ground gases for quantitative evidence of contamination (called a Phase 2 investigation).
- 4.6. In 2016/17 and 2017/18 the Corporate Action Plan contained the commitment to undertake four Phase 1 contaminated land assessments per annum. As a result of this commitment a total of eight proactive assessments were undertaken. The sites were selected because either they had been rated as of highest risk due to their former use, or they were at sites which the Council were keen to help facilitate to redevelop and the Phase 1 assessment was a means of helping in that process.
- 4.7. Of the eight Phase 1 assessments undertaken, none of them were considered sufficiently high risk to warrant moving to a Phase 2 assessment. Given that these sites were considered to be the most likely within the District to be contaminated, this has provided confidence that there is very little likelihood that any of the 2,000 sites identified as having a historical contaminative legacy are likely to be having an adverse effect on human or ecological health.
- 4.8. It is, therefore, proposed to focus future Phase 1 studies on Council owned land (in order to manage its own risks as landowner), or on privately owned sites which the Council is keen to develop (in order to reduce development costs).

5. Implementation

- 5.1. Once adopted, the Strategy will be made publically available on the Council's website and upon request in hard copy from the Environmental Health Team.
- 5.2. Progress and compliance with the Strategy will be monitored through the Corporate and Service planning performance framework.

6. Corporate Implications

- 6.1. The contents of the Contaminated Land Strategy meet the Corporate Plan theme of 'People' and specifically the aim PE3 to "Use existing tools and powers to take appropriate enforcement action". It also meets the 'Place' theme and specifically aim PL6 "Deliver service that keep the District clean and healthy".

7. Community Implications

- 7.1. The contents of the Contaminated Land Strategy meet the Sustainable Community Strategy theme of "High quality development that minimises the impact on the environment".
- 7.2. The proposals have no adverse impacts on groups of people with protected characteristics, will have a net positive impact on our communities and will have no adverse impact on inequality.
- 7.3. The report has no impact on the Armed Forces Community Covenant.

8. Conclusions

- 8.1. The Contaminated Land Inspection Strategy fulfils the Council's legal responsibility in meeting the requirements of Part 2A of the Environmental Protection Act 1990. The Strategy sets out the processes by which the District Council will ensure that all land within the District is 'fit for use' and shows how the Council will continue to use the planning process to ensure that any new development safeguards both existing and new sensitive receptors.

9. Background Papers

- 9.1. South Derbyshire Contaminated Land Inspection Strategy 2012-17.

Contaminated Land Inspection Strategy 2018 - 2023

Environmental Health
August 2018

Contents

Version Control	2
Approvals.....	2
Associated Documentation	2
Documentation location	2
1.0 Introduction and Regulatory Context.....	3
2.0 Local authority inspection duties	6
3.0 Determination and prioritisation methodology	8
4.0 Implementation, review, and links to sustainable development	10

Version Control

Version	Description of version	Effective Date
1	First revision	September 2018

Approvals

Approved by	Date
Environment & Development Service Committee	27 th Sept 2018

Associated Documentation

Description of Documentation
Contaminated Land Inspection Strategy 2018 -2023 Appendix

Documentation location

Description of Documentation
S:\Health\Contaminated Land\Inspection Info\Strategy Documents\2018 Contaminated Land Strategy
https://www.south-derbys.gov.uk/our-services/environment/pollution/contaminated-land

1.0 Introduction and Regulatory Context

1.1 Introduction

The last 150 years has seen a massive growth in the UK's industrial sector. This has brought with it huge wealth and economic development, but also detrimental effects, which have manifested in recent years with an increase in land being identified as potentially contaminated. Land despoiled by contaminative uses such as gas works, old unlicensed landfill sites, foundries or tanneries, where high levels of heavy metals, phenols, solvents, acids, or alkalis may be found, is an unfortunate legacy of our industrial heritage.

It is not known how much land in the UK is contaminated; this can only be discovered through wide-ranging and detailed site investigation and risk assessment. The Government has therefore introduced legislation to identify and "clean up" contaminated land. Its objectives are:

- To identify and remove unacceptable risks to human health and the environment.
- To seek to ensure that contaminated land is made suitable for its current use.
- To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable.

These objectives underpin the "suitable for use" approach that has been adopted by the Government. This approach focuses on the risks caused by contaminated land, requiring action in cases where the contamination poses actual or potential unacceptable risks to health or the environment; and where there are appropriate and cost effective means available to carry out remedial action, taking into account the actual or intended use of the site. The suitable for use approach, taken together with tough action to prevent new contamination, and wider initiatives to promote the reclamation of previously developed land, will help to bring about progressive improvements in the condition of the land.

The purpose of this document is to outline the Council's updated strategy for implementing the Part 2A regime dealing with contaminated land in line with the current legal requirements.

1.2 Existing Legislation

Part 2A of the Environmental Protection Act 1990 – inserted into that Act by section 57 of the Environment Act 1995 – provides a regulatory scheme for the identification and remediation of contaminated land. The Act is supported with detailed regulations for its administration in the Contaminated Land (England) Regulations 2000 (as amended in 2012). Current guidance on fulfilling the requirements of the Part 2A regime is contained in April 2012's revision of Defra's Contaminated Land Statutory Guidance (the statutory guidance).

1.3 Regulatory Roles of Local Authorities and the Environment Agency

Local authorities (usually district, borough and unitary councils) have been given the primary regulatory role under the Part 2A regime, mainly because they have historically had responsibility for dealing with statutory nuisances caused by land contamination and other planning issues.

The Environment Agency has a secondary regulatory role in assisting local authorities, providing site-specific guidance, dealing with “special sites” and publishing periodic reports on the state of the land contamination nationally. The EA acts as the enforcing authority for special sites (a description of special sites is provided in Appendix A).

The primary objective of these responsibilities is to ensure that contaminated land can be brought back into beneficial use at reasonable cost with no unacceptable risk to human health or the environment.

Enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists. The Part 2A regime is one of several ways in which land contamination can be addressed. For example, land contamination can be addressed when land is developed (or redeveloped) under the planning system, during the building control process, or where action is taken independently by landowners. Other legislative regimes may also provide a means of dealing with land contamination issues, such as building regulations; the regimes for waste, water and environmental permitting; and the Environmental Damage (Prevention and Remediation) Regulations 2015.

1.4 What is Contaminated Land?

Part 2A of the 1990 Act defines “contaminated land”, and provides for the Secretary of State to issue guidance on how local authorities should determine which land is contaminated land and which is not. Relevant sections of the Act and accepted principles of what constitutes contaminated land are provided in Appendix B.

In practice the process of determination is a complex and subjective matter; 2012’s statutory guidance revised the fundamental risk assessment elements of determining land as contaminated. Though the highest risk examples remain those where significant harm to human health are present (see Appendix B), in situations where significant possibility of significant harm to defined receptor types exist; the statutory guidance has introduced a category system for determination.

1.4.1 Receptor types and categories

Receptors are defined as 3 broad types, outlined below; with categories of impact or risk also defined by the statutory guidance (see Appendix C for a full list of receptor types and categories).

- **Human Health (HH)-** Included in the category of factors affecting human health are land used for allotments, residences with gardens, schools and nurseries, recreational parks, playing fields and recreational open spaces.
- **Non-Human Receptors (NHR)- Ecological systems & property-** Within this category fall Sites of Special Scientific Interest (SSSIs), National Nature Reserves, areas of special protection for birds, European Special Areas of Conservation and Special Protection Areas and nature reserves. Within this category are included crops, livestock, homegrown produce, owned or domesticated animals and wild animals subject to shooting or fishing rights. These could be found on agricultural land, allotments and gardens, forestry areas or other open spaces. Within this category are ancient monuments and other important buildings such as heritage sites.
- **Controlled Waters (CW)-** Section 104 of the Water Resources Act 1991 defines controlled waters as being relevant territorial waters, inland fresh waters, coastal water and ground

waters. Within this category are major aquifers, surface waters, Source Protection Zones (SPZs – designated areas around groundwater abstractions from aquifers), groundwater used for private abstractions and drinking water abstractions, as well as agricultural usage.

These 2012 risk assessment elements have been taken into consideration in the Council's determination (and prioritisation) methodology, which is described in Section 3.

2.0 Local authority inspection duties

2.1 Inspection Types

The statutory guidance recognises two board types of “inspection” which the Council is required to undertake:

2.1.1 Strategic Inspection

The Council has been fulfilling this requirement since the adoption of the original version of this strategy in 2001. This contained the original assessment methodology which has now been revised in line with the 2012 statutory guidance. As a result of the work to support the commitments in the original strategy the Council has developed a substantial geographic information system (GIS) database. This database has been used to determine the risk of contamination across the whole district and is being used to incorporate the statutory guidance’s category system by receptor type, to aid determination.

2.1.2 Detailed Inspection

From the inception of the 2001 strategy, the Council has encouraged the detailed inspection of potentially contaminated land when it enters the planning process. Further information on the outcomes of this strategy is provided in section 2.2.1.

We recognise that land blight can result from uncertainties about the risk of potential land contamination and this can act as a brake on local economic growth. In order to support the Council’s Corporate Aims to “Work to attract further inward investment” and “Unlock development potential and ensure the continuing growth of vibrant town centres” we propose to implement the following:

Contaminated Land Inspection Strategy Action Point 1
<p>Following the adoption of the revised strategy, we will undertake 4 Council directed investigations (Phase 1 Studies) per year. Sites will be selected and prioritised using the methodology laid out in Section 3 and with consideration given to;</p> <ul style="list-style-type: none"> • The highest risk sites not currently subject to redevelopment and remediation; • Council owned land (to reduce liability to the Council), and; • Sites which a detailed investigation would aid or encourage redevelopment (in line with the Local Plan).

This commitment to actively inspect and assess sites builds on work originally carried out following the inception of the previous Council’s Contaminated Land Inspection Strategies. Allowing the Council to both fulfil its requirements under Part 2A and add additional value in the form of reducing potential barriers and financial burden on land owners, thus encouraging sustainable development and remediation.

2.2 Inspection activity to date

As described the Council has had in place a contaminated land inspection strategy since July 2001, a solid foundation on which to build and take forward the aims of this current version. The original GIS and contaminated land datasets has allowed a complex series of factors to be considered and sites prioritised on their risk. This section describes the outcomes of the strategy to date:

2.2.1 Initial assessment as part of the planning process

Where redevelopment is undertaken on or in the proximity of brownfield sites, the Planning and Development Control service, following consultation with the Environmental Health service, will determine whether the developer is required to undertake a site investigation to address potential contaminated land issues. This is in line with National Planning Policy Framework, Planning Practice Guidance – Land Affected by Contamination and Approved Document C & D of the Building (Approved Inspectors etc.) Regulations 2010. The planning and building control process ensures that any contamination identified is suitably remediated in line with current guidelines.

Environmental Health is notified of the requirement for any site investigations required by the planning consent. The relevant Environmental Health staff member then takes ownership of the case in order to review all supplied technical reports and either steer the developer through the works necessary to discharging the condition or advise planners of a failure to comply with the condition.

To date over 4600 planning applications have been subject to contaminated land consultation responses from the Environmental Health Department. As a result an estimated 1150 site investigations have been undertaken and an estimated 500 sites have been the subject of remediation to make them fit for use.

2.2.2 Reactive inspection

Evidence of contamination or environmental incidents are commonly reported to the Environmental Health Department. Examples of such incidents include serious petrol spills, chemical leaks, fires in commercial and industrial premises, hazardous flytips and discoveries of unidentified buried tanks. On average five to ten cases such as these are dealt with each year. As a result of the investigation evidence is gathered, advice / support given and any potential remedial action taken. All relevant information from these incidents will be considered and added to the determination and prioritisation methodology.

2.2.3 Contaminated land search service

The Council has a statutory duty to comply with the requirements of the Environmental Information Regulations 2004 when dealing with requests for disclosure of information. These regulations require local authorities to make any environmental information they hold available on request.

We have ample evidence that uncertainty or fear of liabilities associated with contamination causes conveyancing deals to fail, prevents house sales and inhibits redevelopment. We have therefore developed an enhanced service, well above our statutory obligations for a fee of just £50 to provide a faster and more detailed response to land quality enquiries. This provides a small additional income stream for the Council (circa £1000 per year) but more importantly builds confidence about land contamination risks in the property market.

3.0 Determination and prioritisation methodology

3.1 Background and relevant aspects of the district

A risk assessment process referred to as the Council's determination and prioritisation methodology has been in place since the inception of the strategy. The current version of this methodology takes in to account the relevant aspects of the district and arrives at Council defined risk categories, which considers these relevant aspects and the statutory guidance defined receptor types and categories. These relevant aspects of the district include:

A predominantly rural area with one main town of Swadlincote, many villages and towns such as Melbourne and Repton are of historic value and have close links to the agricultural heritage of the area. Sites of historic industry, particularly mining and pottery are to be found throughout the district. Covering an area of approximately 34,000 hectares (340 sq. km) and providing home to an estimated 102,400 residents. The district boasts twenty-two conservation areas and six Sites of Special Scientific Interest (SSSI). There are also Local Nature Reserves at Elvaston Castle and Drakelow.

The main watercourse passing through the district is the River Trent, from its confluence with the River Tame east of Alrewas, downstream beyond its confluence with the River Dove at Newton Solney to its confluence with the River Derwent east of Shardlow. Groundwater quality varies across the district according to aquifer type and adjacent land uses. The background quality of groundwater may be poorer in the presence of dissolved natural minerals, as is the case in the coal producing areas.

Carboniferous rocks containing the coal seams that gave rise to the mining industry in South Derbyshire dominate the southern part of the district. Mercia Mudstones typify the northern area and can be identified by the reddish clay soils across the lowland areas of the Trent. The older Triassic sandstones support well-drained sandy soils, outcrops of which occupy parts of the Mease lowlands in the east of the district. Thick surface deposits are also widespread throughout the area, with sand and gravel surface deposits found in the Trent Valley.

The aquifer status (major, minor or non-aquifer) of each of the superficial and solid geological units in the district has been identified and their relative importance as receptors for contaminants determined.

In brief, the district's dominant geological type, Mercia Mudstone, is classified by the Environment Agency as non-aquifer. Non-aquifers are formations with negligible permeability that are not generally regarded as containing significant quantities of groundwater, although small groundwater yields are obtainable where sandier layers (called skerry bands) are encountered.

These aspects have been considered and reflected in the Council's determination and prioritisation methodology.

3.2 Determination and prioritisation

In cases where imminent risk of serious harm or serious pollution of controlled waters has been confirmed, the Council will authorise urgent action. This will involve serving a remediation notice without necessarily consulting or waiting for the end of the consultation period. If the Council

considers that serving a notice in this way would not result in the remediation happening soon enough, it may decide to carry out the remediation itself – known as carrying out works in default – and recover the costs from the appropriate person(s).

It is important to note that contaminated land can only be defined as such if it poses a significant risk of causing significant harm.

In all other cases land on the district is subject to determination and prioritisation using the Council's GIS determination and prioritisation methodology. Sites of known contamination have an "area of concern" score applied to them and all parts of the district have a determination profile applied to them. This details where the site fits in line with statutory guidance receptor types and categories, which in turn is calculated into a simple determination score to define the site risk category.

3.3 Determination methodology calculation

A determination score based on the most recent statutory guidance and the Council's current level of land quality understanding is applied to all land within the district. This score is generated by considering the potential exposure of the 3 receptor types described in the statutory guidance.

The risk assessment score is calculated by the cumulative risk to all receptors. The scores for the level of risk are based on the categories of risk described in Section 4 of Defra "Contaminated Land Statutory Guidance" April 2012.

The risk scores for each of the three receptor groups are as follows:

- Human Health (HH) – Scores between 1 (highest risk) and 4 (lowest risk).
- Non-Human Receptor (NHR)- Scores either -5 (Designated site) or 0 (non—Designated site)
- Controlled Waters (CW)- Scores between 1 (highest risk) and 4 (lowest risk)

HH + NHR + CW = Determination Score

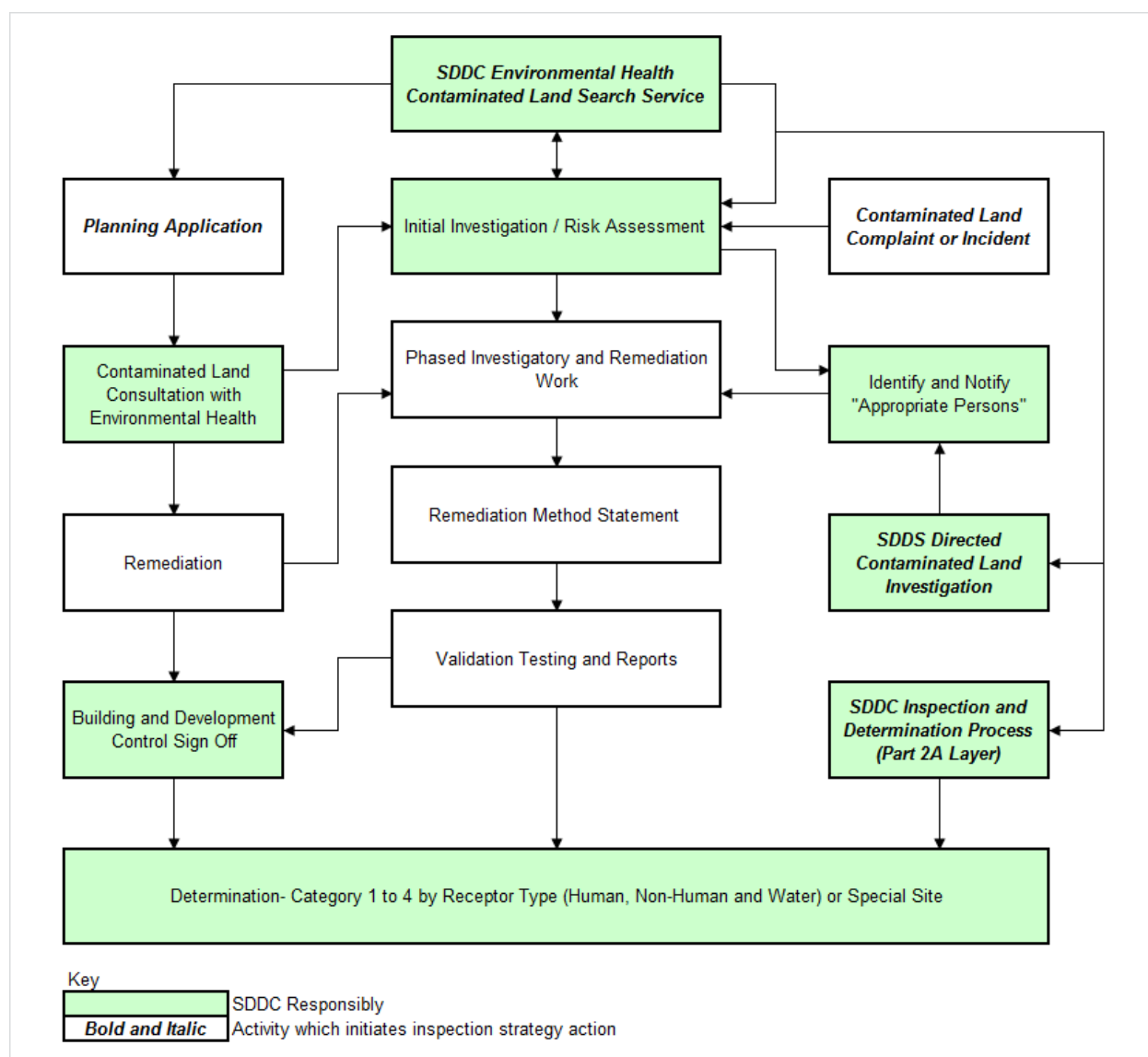
Based on this score, land will be classified simply as either Red, Amber, Yellow or Green, based on its determination score as below:

- Red- High Risk (= -3 to 5) Immediate remediation action required.
- Amber- Medium Risk (= 6) Will require investigatory and remediation work prior to redevelopment.
- Yellow- Medium / Low Risk (= 7) May require investigatory and remediation work prior to redevelopment.
- Green- Low Risk (= 8) No immediate contaminated land concerns.

4.0 Implementation, review, and links to sustainable development

4.1 Inspection and Determination Methodology Process Flow

The following process flow diagram describes the steps taken in responding to and ensuring compliance with the Contaminated Land Inspection Strategy; the core of this being the role of the planning system in investigation and remediating land affected by contamination.



The strategy seeks to recognise the constraints placed on “Building and Development Control sign off” through development sites on the district not using Local Authority Building Control. In cases such as this, the determination process will be finalised as and when the discharge of contaminated land planning conditions is reached and through on-going consultation with involved parties during a site’s remediation.

4.2 Reviewing the Inspection Strategy

The Council is under a duty to periodically review the strategy, guidance suggest at every 5 years. As it is a working document, it will be subject to amendment from time to time. The periodic review of the strategy will incorporate any changes in legislation, risk assessments or information from other external sources such as the Environment Agency.

4.3 Strategy output sharing

Outputs of recent contaminated land development work and revisions to the Council's determination and prioritisation methodology will be shared with key Council departments who can ensure maximum value is created. Data reported can add value in the following forms:

- Directing and informing planning policy and potential developers of the technical and financial implications of development sites.
- Understanding and reducing Council liability in relation to potentially contaminated Council owned sites.

In both of these forms outcomes can be considered mutually beneficial in that strategic contaminated land data will allow positive benefits to the business community and economy while removing risk to the environment, residents and public funds.

Obtaining alternative versions of this document- If you would like this document in another language, or if you require the services of an interpreter, please contact us. This information is also available in large print, Braille or audio format upon request.

Phone: 01283 595795

E-mail: customer.services@south-derbys.gov.uk

Jeśli chcieliby Państwo otrzymać ten dokument w innym języku lub potrzebują Państwo usług tłumacza, prosimy o kontakt. Informacje te są również dostępne na życzenie w wydaniu dużym drukiem, w alfabecie brajla lub w wersji audio.

如果你需要这份文件的中文翻译·或者需要传译员的帮助·请联系我们。这些数据也备有大字体印本、盲人点字和录音带，欢迎索取。

ほかの言語でこの文書をご希望の場合、もしくは通訳サービスをご希望の場合はご連絡ください。

またこの情報は、ご要望により大きなプリント、点字版、また音声形式でも承っております。

यदि आपको ये दस्तावेज किसी दूसरी भाषा में चाहिये, या किसी दुभाषिये की सेवाओं की जरूरत है तो हमें सम्पर्क करने की कृपया करें। ये जानकारी माँग करने पर बड़े अक्षरों, ब्रेल या आडिओ के रूप में भी उपलब्ध करवाई जा सकती हैं।

ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ਼ ਕਿਸੇ ਦੂਸਰੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਕਿਸੇ ਦੁਭਾਸ਼ੀਏ ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ ਤਾਂ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾ ਕਰੋ ਜੀ ਇਹ ਜਾਣਕਾਰੀ ਮਿੰਗ ਕਰਨ ਤੇ ਵੱਡੇ ਅੱਖਰਾਂ, ਬ੍ਰੇਅਲ ਜਾਂ ਆਡਿਉ ਦੇ ਰੂਪ ਵਿਚ ਵੀ ਉਪਲੱਬਧ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਹੈ।

اگر آپ یہ ڈاکیومنٹ کسی اور زبان میں چاہتے ہیں، یا اگر آپ کو کسی ترجمان کی خدمات درکار ہوں، تو براہ کرم ہم سے رابطہ کریں۔ درخواست کرنے پر یہ معلومات بڑے پرنٹ، بریل یا آڈیو فارمیٹ میں بھی دستیاب ہیں۔

Contaminated Land Inspection Strategy 2018 - 2023 APPENDIX

**Environmental Health
August 2018**

Contents

Version Control	2
Approvals.....	2
Associated Documentation	2
Documentation location	2
Appendix A- Special Site Requirements	3
Appendix B- Definition and accepted principles of contaminated land.....	4
Appendix C- Statutory guidance defined receptor types and categories	7
Appendix E- Contaminated land search service.....	19
Appendix G- References.....	20

Version Control

Version	Description of version	Effective Date
1	First revision	27 th Sept 2018

Approvals

Approved by	Date
Environment & Development Services Committee	27/09/2018

Associated Documentation

Description of Documentation
Contaminated Land Inspection Strategy 2018 - 2023

Documentation location

Description of Documentation
S:\Health\Contaminated Land\Inspection Info\Strategy Documents\2018 Contaminated Land Strategy
https://www.south-derbys.gov.uk/our-services/environment/pollution/contaminated-land

Appendix A- Special Site Requirements

Contaminated land of the following descriptions is prescribed as land required to be designated as a special site-

- *Land which is causing the pollution of controlled waters;*
- *Land which is contaminated by waste acid tars;*
- *Land on which certain activities such as oil refining and explosive manufacture have been carried on;*
- *Land on which either an IPC or IPPC process is or has been carried on;*
- *Land within a nuclear site;*
- *Land owned or occupied by or on behalf of a defence organisation;*
- *Land on which the manufacture, production or disposal of chemical, biological or toxic weapons has ever been carried on;*
- *Land under Section 1(1) of the Atomic Weapons Establishment Act.*

If the Council believes that the land is potentially a special site, it will seek to make arrangements for the Environment Agency to carry out the inspection.

Appendix B- Definition and accepted principles of contaminated land

Part 2A of the 1990 Act defines “contaminated land”, and provides for the Secretary of State to issue guidance on how local authorities should determine which land is contaminated land and which is not. Relevant sections of the Act include:

Section 78A(2): “contaminated land” is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that – (a) significant harm is being caused or there is a significant possibility of such harm being caused; or (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused;

Section 78A(4): “Harm” means harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property.

Section 78A(5): The questions – (a) what harm or pollution of controlled waters is to be regarded as “significant”, and (b) whether the possibility of significant harm or of significant pollution of controlled waters being caused is “significant”, shall be determined in accordance with guidance issued for the purpose by the Secretary of State in accordance with section 78YA below.

Section 78A(6): Without prejudice to the guidance that may be issued under sub-section (5) above, guidance under paragraph (a) of that sub-section may make provision for different degrees of importance to be assigned to, or for the disregard of (a) different descriptions of living organisms or ecological systems or of poisonous, noxious or polluting matter or solid waste matter; (b) different descriptions of places or controlled waters, or different degrees of pollution; or (c) different descriptions of harm to health or property, or other interference; and guidance under paragraph (b) of that subsection may make provision for different degrees of possibility to be regarded as “significant” (or as not being “significant”) in relation to different descriptions of significant harm or of significant pollution.

The following accepted principles of what constitutes contaminated land are collated from various sources and guidance documents; a full list of these can be found in the references section of this appendices document.

Significant Harm

Harm is defined in Section 78(4) of Part 2A as:

“harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property”.

Section 4 (4.5, 4.6 & Tables 1 & 2) of the Statutory Guidance defines categories of significant harm to human and non-human receptors..

Significant Possibility of Significant Harm (SPOSH)

SPOSH is defined in Section 4.2 and 4.3 of the Statutory Guidance, as essentially a measure of the probability or frequency of the occurrence of circumstances that would lead to significant harm being caused.

Appropriate Persons

An appropriate person is defined in section 78F(2) of Part 2A as:

“any person, or any of the persons, who caused or knowingly permitted the substances, or any of the substances, by reason of which the contaminated land in question is such land to be in, on or under that land is an appropriate person”.

The definition above relates to a “Class A person”. Where it is not possible to identify the Class A person responsible, the following definition from section 78F(4) of Part 2A applies:

“if no person has, after reasonable inquiry, been found who is by virtue of subsection (2) above, an appropriate person to bear responsibility for the things which are to be done by way of remediation, the owner or occupier for the time being of the land in question is an appropriate person”.

This second definition refers to a “Class B person”. Further information can be found in Appendix B.

Pollutant Linkages

For a site to meet the definition of contaminated land, a significant pollutant linkage must be established. A linkage consists of three parts:

Pollutant Linkage



A **contaminant** (sometimes referred to as a source) is a substance which is in, on or under the land and which has the potential to cause harm.

A **receptor** is either:

- A living organism, a group of living organisms, an ecological system or a piece of property, which
- Is listed in Section 4 of the Statutory Guidance and
- Is being, or could be, harmed by a contaminant; or
- Controlled waters which are being, or could be, polluted by a contaminant; or
- Any person who is or who could be subject to lasting exposure to radiation.

A **pathway** is one or more routes or means by, or through, which a receptor is, or could, be exposed to or affected by a contaminant.

Figure 2 below shows examples of the three components of a pollutant linkage. However some pathways (e.g. controlled waters) may also act as receptors and vice versa.

Risk Assessment

In order to determine whether land is contaminated, a risk-based approach will be used. Risk is a combination of:

- The probability or frequency of the occurrence of a defined hazard (such as a receptor being negatively affected); and
- The magnitude (including the seriousness) of the consequences.

Appendix C- Statutory guidance defined receptor types and categories

The following text is taken directly from Section 4 of DEFRA “Contaminated Land Statutory Guidance”, April 2012 and provides the most current statutory guidance on determining the significance of risks to enable decisions to be made on the designation of sites under consideration.

Significant harm to human health

The paragraphs below set out categories of harm that should be considered to be significant harm to human health. In all cases the harm should be directly attributable to the effects of contaminants in, on or under the land on the body(ies) of the person(s) concerned.

Conditions for determining that land is contaminated land on the basis that significant harm is being caused would exist where:

- (a) the local authority has carried out an appropriate, scientific and technical assessment of all the relevant and available evidence; and
- (b) on the basis of that assessment, the authority is satisfied on the balance of probabilities that significant harm is being caused (i.e. that it is more likely than not that such harm is being caused) by a significant contaminant(s).

The following health effects should always be considered to constitute significant harm to human health: death; life threatening diseases (e.g. cancers); other diseases likely to have serious impacts on health; serious injury; birth defects; and impairment of reproductive functions.

Other health effects may be considered by the local authority to constitute significant harm. For example, a wide range of conditions may or may not constitute significant harm (alone or in combination) including: physical injury; gastrointestinal disturbances; respiratory tract effects; cardio-vascular effects; central nervous system effects; skin ailments; effects on organs such as the liver or kidneys; or a wide range of other health impacts. In deciding whether or not a particular form of harm is significant harm, the local authority should consider the seriousness of the harm in question: including the impact on the health, and quality of life, of any person suffering the harm; and the scale of the harm. The authority should only conclude that harm is significant if it considers that treating the land as contaminated land would be in accordance with the broad objectives of the regime.

If the local authority decides that harm is occurring but it is not significant harm, it should consider whether such harm might be relevant to consideration of whether or not the land poses a significant possibility of significant harm. For example, this might be the case if there is evidence that the harm may be a precursor to, or indicative or symptomatic of, a more serious form of harm, or that repeated episodes of minor harm (e.g. repeated skin ailments) might lead to more serious harm in the longer term.

In cases where the local authority considers that: (i) significant harm may be being caused, or is likely to have been caused in the past; and (ii) there is a significant possibility that it may happen again, the authority may choose to consider whether to determine the land on grounds of significant possibility of significant harm (as an alternative to consideration that significant harm is being caused).

Significant possibility of significant harm to human health

In deciding whether or not a significant possibility of significant harm to human health exists, the local authority should first understand the possibility of significant harm from the relevant contaminant linkage(s) and the levels of uncertainty attached to that understanding; before it goes on to decide whether or not the possibility of significant harm is significant.

Possibility of significant harm to human health

In assessing the possibility of significant harm to human health from the land and associated issues, the local authority should act in accordance with the advice on risk assessment.

The term “possibility of significant harm” as it applies to human health, for the purposes of this guidance, means the risk posed by one or more relevant contaminant linkage(s) relating to the land. It comprises:

(a) The estimated likelihood that significant harm might occur to an identified receptor, taking account of the current use of the land in question.

(b) The estimated impact if the significant harm did occur i.e. the nature of the harm, the seriousness of the harm to any person who might suffer it, and (where relevant) the extent of the harm in terms of how many people might suffer it.

In estimating the likelihood that a specific form of significant harm might occur the local authority should, among other things, consider:

(a) The estimated probability that the significant harm might occur: (i) if the land continues to be used as it is currently being used; and (ii) where relevant, if the land were to be used in a different way (or ways) in the future having regard to the guidance on “current use”.

(b) The strength of evidence underlying the risk estimate. It should also consider the key assumptions on which the estimate of likelihood is based, and the level of uncertainty underlying the estimate.

In some cases the local authority’s assessment of possibility of significant harm may be based, solely or partially, on a possible risk that may exist if circumstances were to change in the future within the bounds of the current use of the land. For example, an assessment may be based on a possible risk if a more sensitive receptor were to move onto the land at some point in the future. In such cases the authority should ensure that the possibility of the future circumstance occurring is taken into account in estimating the overall possibility of significant harm.

The local authority should estimate the timescale over which the significant harm might become manifest, to the extent that this is possible and practicable (and recognising that often it may only be possible and practicable to give a broad indication of the estimated timescale).

Having completed its estimation of the possibility of significant harm, the local authority should produce a risk summary.

Deciding whether a possibility of significant harm is significant (human health)

The decision on whether the possibility of significant harm being caused is significant is a regulatory decision to be taken by the relevant local authority. In deciding whether the possibility of significant harm being caused is significant, the authority is deciding whether the possibility of significant harm posed by contamination in, on or under the land is sufficiently high that regulatory action should be taken to reduce it, with all that would entail. In taking such decisions, the local authority should take account of the broad aims of the regime.

In deciding whether or not land is contaminated land on grounds of significant possibility of significant harm to human health, the local authority should use the categorisations described below. Categories 1 and 2 would encompass land which is capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health. Categories 3 and 4 would encompass land which is not capable of being determined on such grounds.

In considering whether a significant possibility of significant harm exists, the local authority should consider the number of people who might be exposed to the risk in question and/or the number of people it estimates would be likely to suffer harm. In some cases, the authority may decide that this is not a particularly relevant consideration: it is quite possible that land could be determined as contaminated land on the basis of a significant possibility of significant harm to an individual or a small number of people. However in other cases the authority may consider that the number of people affected is an important consideration, for example if the number of people at risk substantially alters the authority's view of the likelihood of significant harm or the scale and seriousness of such harm if it did occur.

Category 1: Human Health

The local authority should assume that a significant possibility of significant harm exists in any case where it considers there is an unacceptably high probability, supported by robust science based evidence that significant harm would occur if no action is taken to stop it. For the purposes of this Guidance, these are referred to as "Category 1: Human Health" cases. Land should be deemed to be a Category 1: Human Health case where:

- (a) the authority is aware that similar land or situations are known, or are strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; or
- (b) the authority is aware that similar degrees of exposure (via any medium) to the contaminant(s) in question are known, or strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere;
- (c) the authority considers that significant harm may already have been caused by contaminants in, on or under the land, and that there is an unacceptable risk that it might continue or occur again if no action is taken. Among other things, the authority may decide to determine the land on these grounds if it considers that it is likely that significant harm is being caused, but it considers either: (i) that there is insufficient evidence to be sure of meeting the "balance of probability" test for demonstrating that significant harm is being caused; or (ii) that the time needed to demonstrate

such a level of probability would cause unreasonable delay, cost, or disruption and stress to affected people particularly in cases involving residential properties.

Category 4: Human Health

The local authority should not assume that land poses a significant possibility of significant harm if it considers that there is no risk or that the level of risk posed is low. For the purposes of this Guidance, such land is referred to as a “Category 4: Human Health” case. The authority may decide that the land is a Category 4: Human Health case as soon as it considers it has evidence to this effect, and this may happen at any stage during risk assessment including the early stages.

The local authority should consider that the following types of land should be placed into Category 4: Human Health:

- (a) Land where no relevant contaminant linkage has been established.
- (b) Land where there are only normal levels of contaminants in soil, as explained in Section 3 of this Guidance.
- (c) Land that has been excluded from the need for further inspection and assessment because contaminant levels do not exceed relevant generic assessment criteria in accordance with this Guidance, or relevant technical tools or advice that may be developed in accordance with this Guidance.
- (d) Land where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure (e.g. in relation to average estimated national levels of exposure to substances commonly found in the environment, to which receptors are likely to be exposed in the normal course of their lives).

The local authority may consider that land other than the types described in the paragraph above should be placed into Category 4: Human Health if following a detailed quantitative risk assessment it is satisfied that the level of risk posed is sufficiently low.

Local authorities may decide that particular land apparently matching the descriptions of paragraph 4.21 (b) or (d) immediately above poses sufficient risk to human health to fall into Categories other than Category 4. However, such cases are likely to be very unusual and the authority should take particular care to explain why the decision has been taken, and to ensure that it is supported by robust evidence.

Categories 2 and 3: Human Health

For land that cannot be placed into Categories 1 or 4, the local authority should decide whether the land should be placed into either: (a) Category 2: Human Health, in which case the land would be capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health; or (b) Category 3: Human Health, in which case the land would not be capable of being determined on such grounds.

The local authority should consider this decision in the context of the broad objectives of the regime and of the Government's policy. It should also be mindful of the fact that the decision is a positive legal test, meaning that the starting assumption should be that land does not pose a significant possibility of significant harm unless there is reason to consider otherwise. The authority should then, in accordance with paragraphs below, decide which of the following two categories the land falls into:

(a) Category 2: Human Health. Land should be placed into Category 2 if the authority concludes, on the basis that there is a strong case for considering that the risks from the land are of sufficient concern, that the land poses a significant possibility of significant harm, with all that this might involve and having regard to Section 1. Category 2 may include land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but nonetheless the authority considers on the basis of the available evidence, including expert opinion, that there is a strong case for taking action under Part 2A on a precautionary basis.

(b) Category 3: Human Health. Land should be placed into Category 3 if the authority concludes that the strong case described above does not exist, and therefore the legal test for significant possibility of significant harm is not met. Category 3 may include land where the risks are not low, but nonetheless the authority considers that regulatory intervention under Part 2A is not warranted. This recognises that placing land in Category 3 would not stop others, such as the owner or occupier of the land, from taking action to reduce risks outside of the Part 2A regime if they choose. The authority should consider making available the results of its inspection and risk assessment to the owners/occupiers of Category 3 land.

In making its decision on whether land falls into Category 2 or Category 3, the local authority should first consider its assessment of the possibility of significant harm to human health, including the estimated likelihood of such harm, the estimated impact if it did occur, the timescale over which it might occur, and the levels of certainty attached to these estimates. If the authority considers, on the basis of this consideration alone, that the strong case described above does or does not exist, the authority should make its decision on whether the land falls into Category 2 or Category 3 on this basis regardless of the other factors discussed in the paragraph below..

If the authority considers that it cannot make a decision in line with paragraph 4.26, it should consider other factors which it considers are relevant to achieving the objectives set out in Section 1. This should include consideration of:

(a) The likely direct and indirect health benefits and impacts of regulatory intervention. This would include benefits of reducing or removing the risk posed by contamination. It would also include any risks from contaminants being mobilised during remediation (which would in any case have to be considered under other relevant legislation); and any indirect impacts such as stress-related health effects that may be experienced by affected people, particularly local residents. If it is not clear to the authority that the health benefits of remediation would outweigh the health impacts, the authority should presume the land falls into Category 3 unless there is strong reason to consider otherwise.

(b) The authority's initial estimate of what remediation would involve; how long it would take; what benefit it would be likely to bring; whether the benefits would outweigh the financial and economic costs; and any impacts on local society or the environment from taking action that the authority considers to be relevant.

In making its consideration in regard to the above, the local authority is not required to make a detailed assessment. For example, the consideration should not necessarily involve quantification of the impacts, particularly if the authority considers it is not possible or reasonable to do so, and the authority is not expected to produce a detailed cost-benefit or sustainability analysis. Rather it is expected to make a broad consideration of factors it considers relevant to achieving the aims of the regime.

If, having taken the above factors into account, the local authority still cannot decide whether or not a significant possibility of significant harm exists, it should conclude that the legal test has not been met and the land should be placed in Category 3.

Significant harm and significant possibility of such harm (non-human receptors)

In considering non-human receptors, the local authority should only regard receptors described in Tables 1 and 2 below, as being relevant for the purposes of Part 2A (e.g. harm to an ecological system outside the description in Table 1 should not be considered to be significant harm). Similarly, in considering whether significant harm is being caused or there is a significant possibility of such harm, the authority should only regard the forms of harm described in Tables 1 and 2 as being relevant.

Tables 1 and 2 below give guidance on how the local authority should go about deciding whether or not: (i) significant harm is being caused; or (ii) there is a significant possibility of such harm to non-human receptors. In making such decisions the authority should have close regard to Section 1 and should only consider determining land as contaminated land if it is satisfied it would be in accordance with the broad aims set out in Section 1.

In Tables 1 and 2, references to “relevant information” mean information which is: (a) scientifically-based; (b) authoritative; (c) relevant to the assessment of risks arising from the presence of contaminants in soil; and (d) appropriate to inform the determination of whether any land is contaminated land.

In considering “ecological system effects” described in Table 1, the local authority should consult Natural England and have regard to its comments before deciding whether or not to make a determination.

Table 1- Ecological System Effects

Relevant Types of Receptor	Significant Harm	Significant Possibility of Significant Harm
Any ecological system, or living organism forming part of such a system, within a location which is: • a site of special scientific	The following types of harm should be considered to be significant harm: • harm which results in an irreversible adverse	Conditions would exist for considering that a significant possibility of significant harm exists to a relevant ecological receptor where the local authority considers

<p>interest (under section 28 of the Wildlife and Countryside Act 1981)</p> <ul style="list-style-type: none"> • a national nature reserve (under s.35 of the 1981 Act) • a marine nature reserve (under s.36 of the 1981 Act) • an area of special protection for birds (unders.3 of the 1981 Act) • a “European site” within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010 • any habitat or site afforded policy protection under paragraph 6 of Planning Policy Statement (PPS 9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or • any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949. 	<p>change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or</p> <ul style="list-style-type: none"> • harm which significantly affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. <p>In the case of European sites, harm should also be considered to be significant harm if it endangers the favourable conservation status of natural habitats at such locations or species typically found there. In deciding what constitutes such harm, the local authority should have regard to the advice of Natural England and to the requirements of the Conservation of Habitats and Species Regulations 2010.</p>	<p>that:</p> <ul style="list-style-type: none"> • significant harm of that description is more likely than not to result from the contaminant linkage in question; or • there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration. <p>Any assessment made for these purposes should take into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Table 2- Property Effects

Relevant Types of Receptor	Significant Harm	Significant Possibility of Significant Harm
<p>Property in the form of:</p> <ul style="list-style-type: none"> • crops, including timber; • produce grown domestically, or on 	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that</p>

<p>allotments, for consumption;</p> <ul style="list-style-type: none"> • livestock; • other owned or domesticated animals; • wild animals which are the subject of shooting or fishing rights. 	<p>damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage.</p> <p>The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provision of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a contaminant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss.</p> <p>In this Guidance, this description of significant harm is referred to as an “animal or crop effect”.</p>	<p>significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.</p>
<p>Property in the form of buildings. For this purpose, “building” means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.</p>	<p>Structural failure, substantial damage or substantial interference with any right of occupation.</p> <p>The local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>In the case of a scheduled Ancient Monument, substantial damage should also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled.</p> <p>In this Chapter, this description of</p>	<p>Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a scheduled Ancient Monument the foreseeable future), taking into account relevant information for that type of contaminant linkage.</p>

	significant harm is referred to as a “building effect”.	
--	---------------------------------------------------------	--

Significant pollution of controlled waters and significant possibility of such pollution

This sub-section gives Guidance on how the local authority should go about deciding whether significant pollution of controlled waters is being caused, or whether there is a significant possibility of such pollution being caused. This sub-section deals with controlled waters as a receptor in contaminant linkages, and not as a pathway.

In establishing whether significant pollution of controlled waters is being caused, or whether there is a significant possibility of such pollution being caused, the local authority should have regard for any technical guidance issued by the Environment Agency to support this Guidance. If the authority considers it likely that land might be contaminated land on such grounds, it should consult the Agency and have strong regard to the Agency’s advice.

Pollution of controlled waters

Under section 78A(9) of Part 2A the term “pollution of controlled waters” means the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter. The term “controlled waters” in relation to England has the same meaning as in Part 3 of the Water Resources Act 1991, except that “ground waters” does not include waters contained in underground strata but above the saturation zone.

Given that the Part 2A regime seeks to identify and deal with significant pollution (rather than lesser levels of pollution), the local authority should seek to focus on pollution which: (i) may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems; (ii) which may result in damage to material property; or (iii) which may impair or interfere with amenities and other legitimate uses of the environment.

Significant pollution of controlled waters

The following types of pollution should be considered to constitute significant pollution of controlled waters:

(a) Pollution equivalent to “environmental damage” to surface water or groundwater as defined by The Environmental Damage (Prevention and Remediation) Regulations 2009, but which cannot be dealt with under those Regulations.

(b) Inputs resulting in deterioration of the quality of water abstracted, or intended to be used in the future, for human consumption such that additional treatment would be required to enable that use.

(c) A breach of a statutory surface water Environment Quality Standard, either directly or via a groundwater pathway.

(d) Input of a substance into groundwater resulting in a significant and sustained upward trend in concentration of contaminants (as defined in Article 2(3) of the Groundwater Daughter Directive (2006/118/EC)).

In some circumstances, the local authority may consider that the following types of pollution may constitute significant pollution: (a) significant concentrations of hazardous substances or non-hazardous pollutants in groundwater; or (b) significant concentrations of priority hazardous substances, priority substances or other specific polluting substances in surface water; at an appropriate, risk-based compliance point. The local authority should only conclude that pollution is significant if it considers that treating the land as contaminated land would be in accordance with the broad objectives of the regime. This would normally mean that the authority should conclude that less serious forms of pollution are not significant. In such cases the authority should consult the Environment Agency.

The following types of circumstance should not be considered to be contaminated land on water pollution grounds:

(a) The fact that substances are merely entering water and none of the conditions for considering that significant pollution is being caused set out in the paragraphs above are being met.

(b) The fact that land is causing a discharge that is not discernible at a location immediately downstream or down-gradient of the land (when compared to upstream or up-gradient concentrations).

(c) Substances entering water in compliance with a discharge authorised under the Environmental Permitting Regulations.

Significant pollution of controlled waters is being caused

In deciding whether significant pollution of controlled waters is being caused, the local authority should consider that this test is only met where it is satisfied that the substances in question are continuing to enter controlled waters; or that they have already entered the waters and are likely to do so again in such a manner that past and likely future entry in effect constitutes on-going pollution. For these purposes, the local authority should:

(a) Regard substances as having entered controlled waters where they are dissolved or suspended in those waters, or (if they are immiscible with water) they have direct contact with those waters on or beneath the surface of the water.

(b) Take the term “continuing to enter” to mean any measurable entry of the substance(s) into controlled waters additional to any which has already occurred.

(c) Take the term “likely to do so again” to mean more likely than not to occur again.

Land should not be determined as contaminated land on grounds that significant pollution of controlled waters is being caused where: (a) the relevant substance(s) are already present in controlled waters; (b) entry into controlled waters of the substance(s) from land has ceased; and (c) it is not likely that further entry will take place.

Significant possibility of significant pollution of controlled waters

In deciding whether or not a significant possibility of significant pollution of controlled waters exists, the local authority should first understand the possibility of significant pollution of controlled waters posed by the land, and the levels of certainty/uncertainty attached to that understanding, before it goes on to decide whether or not that possibility is significant. The term “possibility of significant pollution of controlled waters” means the estimated likelihood that significant pollution of controlled waters might occur. In assessing the possibility of significant pollution of controlled waters from land, the local authority should act in accordance with the advice on risk assessment in this guidance

In deciding whether the possibility of significant pollution of controlled waters is significant the local authority should bear in mind that Part 2A makes the decision a positive legal test. In other words, for particular land to meet the test the authority needs reasonably to believe that there is a significant possibility of such pollution, rather than to demonstrate that there is not.

Before making its decision on whether a given possibility of significant pollution of controlled waters is significant, the local authority should consider:

- (a) The estimated likelihood that the potential significant pollution of controlled waters would become manifest; the strength of evidence underlying the estimate; and the level of uncertainty underlying the estimate.
- (b) The estimated impact of the potential significant pollution if it did occur. This should include consideration of whether the pollution would be likely to cause a breach of European water legislation, or make a major contribution to such a breach.
- (c) The estimated timescale over which the significant pollution might become manifest.
- (d) The authority’s initial estimate of whether remediation is feasible, and if so what it would involve and the extent to which it might provide a solution to the problem; how long it would take; what benefit it would be likely to bring; and whether the benefits would outweigh the costs and any impacts on local society or the environment from taking action.

The local authority should consider these factors in the context of the broad objectives of the regime. It should also consider how the factors interrelate (e.g. likelihood relative to impact). The authority should then decide which of the following categories the land falls into. Categories 1 and 2 would comprise cases where the authority considers that a significant possibility of significant pollution of controlled waters exists. Categories 3 and 4 would comprise cases where the authority considers that a significant possibility of such pollution does not exist.

Category 1 (Water): This covers land where the authority considers that there is a strong and compelling case for considering that a significant possibility of significant pollution of controlled waters exists. In particular this would include cases where there is robust science-based evidence for considering that it is likely that high impact pollution would occur if nothing were done to stop it.

Category 2 (Water): This covers land where: (i) the authority considers that the strength of evidence to put the land into Category 1 does not exist; but (ii) nonetheless, on the basis of the

available scientific evidence and expert opinion, the authority considers that the risks posed by the land are of sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis, with all that this might involve (e.g. likely remediation requirements, and the benefits, costs and other impacts of regulatory intervention). Among other things, this category might include land where there is a relatively low likelihood that the most serious types of significant pollution might occur.

Category 3 (Water): This covers land where the authority concludes that the risks are such that (whilst the authority and others might prefer they did not exist) the tests set out in Categories 1 and 2 above are not met, and therefore regulatory intervention under Part 2A is not warranted. This category should include land where the authority considers that it is very unlikely that serious pollution would occur; or where there is a low likelihood that less serious types of significant pollution might occur.

Category 4 (Water): This covers land where the authority concludes that there is no risk, or that the level of risk posed is low. In particular, the authority should consider that this is the case where: (a) no contaminant linkage has been established in which controlled waters are the receptor in the linkage; or (b) the possibility only relates to types of pollution described in paragraph 4.40 above (i.e. types of pollution that should not be considered to be significant pollution); or (c) the possibility of water pollution similar to that which might be caused by “background” contamination as explained in Section 3.

Appendix D- Contaminated land search service

There is provision within the Environmental Information Regulations 2004 for the Council to charge for the supply of environmental information that is not stored on the public register. A service charge for gathering this information is required and the Council aim to provide this within 10 working days.

Enhanced Search

This search will provide the information included within the Standard Search above, and the following:

- Detailed historical land use information and potential sources of contamination.
- Pollution incidents, records and potential hazards in relation to the site and area within influencing distance.
- A planning history of the site and surrounding area, including information regarding relevant site investigatory work and confirmation of the Local Planning Authority's sign off of any contaminated land planning conditions where available.
- Geological and hydrogeological information.
- Any other relevant concerns or information South Derbyshire District Council hold on the site.

The information provided in an Enhanced Search is aimed at providing developers and consultants with relevant background information to begin appropriate risk assessment activities prior to development or conveyancing. This may not be sufficient in satisfying Local Planning Authorities concerns in relation to contaminated land planning conditions or building control regulations. The service charge for this search is £50.00 and is subject to an annual review.

Appendix E - References

British Standards Institution, 1981 BS5930: Code of Practice for Site Investigation

British Standards Institution, 2001 BS10175: Investigation of potentially contaminated sites – Code of practice

British Standards Institute BS 8485 (2007) Code of practice for the characterisation and remediation of ground gas in affected development

Building Research Establishment 414 (2001): Protective Measures for Housing on Gas Contaminated Land

CIRIA, C665, 2007: Assessing risks posed by hazardous ground gases to buildings

Chartered Institute of Environmental Health (CIEH): Contaminated Land: Applications in Real Environments (CL:AIRE), 2008, Guidance on Comparing Soil Contamination Data with a Critical Concentration

Chartered Institute of Environmental Health (2008) Local Authority Guide to Ground Gas.

DCLG: Department for Communities and Local Government, 2012 Nation Planning Policy Framework. HMSO

Defra: Department for Environment, Food and Rural Affairs, 2006 Defra Circular 01/2006. Environmental Protection Act 1990: Part 2A. Contaminated Land

Defra: Department for Environment, Food and Rural Affairs, 2012 Defra Circular 04/2012. Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance

DoE: Department of the Environment, 1995 CLR Report No 06 - Prioritisation and Categorisation Procedure for Sites which may be Contaminated. HMSO

DoE: Department of the Environment, 1997 CLR Report No 12 - A Quality Approach for Contaminated Land Consultancy. HMSO

DETR: Department of the Environment, Transport and the Regions, 1994 CLR Report No 3 – Documentary Research of Industrial Sites. HMSO

DETR: Department of the Environment, Transport and the Regions, 1994 CLR Report No 5 – Information Systems for Land Contamination. HMSO

DETR: Department of the Environment, Transport and the Regions, Environment Agency and the Institute for Environment and Health, 2000 Guidelines for Environmental Risk Assessment and Management – Revised Departmental Guidance. HMSO

DETR: Department of the Environment, Transport and the Regions, 2001 Contaminated Land Inspection Strategies, Technical Advice for Local Authorities. HMSO

DEFRA, 2012: Contaminated Land Statutory Guidance. HMSO

Environment Agency, 1998 Local Environment Agency Plan, Derbyshire Derwent Consultation Report. London: The Stationery Office

Environment Agency, 2000 Guidance for the Safe Development of Housing on Land Affected by Contamination. HMSO

Environment Agency, 2000 Part 2A, EPA (1990) (England) Process Handbook. EAS/2703/2/1

Environment Agency, 2001 Local Authority Guide to the Application of Part 2A of the Environmental Protection Act 1990

Environment Agency, 2002 *Assessing Risks to Ecosystems from Land Contamination*. R&D Technical Report 299. Environment Agency and SNIFFER

Environment Agency, 2004 Contaminated Land Report 11 (CLR 11) – Model Procedures for the Management of Land Contamination.

Environment Agency, 2006 Remedial Targets Methodology. Hydrogeological Risk Assessment for Land Contamination

Environmental Protection Act 1990 Part 2A, Contaminated Land. Introduced by s57 of the Environment Act 1995. HMSO

National House Building Council (NHBC), Report Edition No. 4 (March 2007) Guidance on Evaluation of Development Proposals on Sites where Methane and Carbon Dioxide are present.

Hooker P.J. and others, 2000 Some Guidance on the use of Digital Environmental Data. BGS Technical Report No. WE/99/14.

ICRCL, 1987 Guidance on the Assessment and Redevelopment of Contaminated Land. ICRCL 59/83 2nd Edition. HMSO

Office of the Deputy Prime Minister, 2004 Planning Policy Statement 23: Planning and Pollution Control. HMSO

Scotland and Northern Ireland Forum for Environmental Research (SNIFFER), 1999 Communicating Understanding of Contaminated Land Risks

South Derbyshire District Council, 1998 Local Plan: Adopted Version

South Derbyshire District Council, 2006 Planning Policy Position Statement

Statutory Instrument 2000 No. 227 Environmental Protection (England), The Environmental Protection Act (England) Regulations 2000 HMSO

Statutory Instrument 2004 No. 3391 Freedom of Information, Environmental Protection. Environmental Information Regulations 2004. HMSO.

The Environmental Protection Group, 2011. CIRIA/Environmental Protection UK Ground gas seminar – A pragmatic approach to ground gas risk assessment for the 21st century

Thelwell, E, 2013 Contaminated Land Briefing Note, Environmental Protection Act 1990: Part 2A – Statutory Guidance (revised April 2012). Derbyshire Pollution Group.

Building Research Establishment 414 (2001) "Protective Measures for Housing on Gas Contaminated Land construction methods

Obtaining alternative versions of this document- If you would like this document in another language, or if you require the services of an interpreter, please contact us. This information is also available in large print, Braille or audio format upon request.

Phone: 01283 595795

E-mail: customer.services@south-derbys.gov.uk

Jeśli chcieliby Państwo otrzymać ten dokument w innym języku lub potrzebują Państwo usług tłumacza, prosimy o kontakt. Informacje te są również dostępne na życzenie w wydaniu dużym drukiem, w alfabecie brajla lub w wersji audio.

如果你需要这份文件的中文翻译·或者需要传译员的帮助·请联系我们。这些数据也备有大字体印本、盲人点字和录音带，欢迎索取。

ほかの言語でこの文書をご希望の場合、もしくは通訳サービスをご希望の場合はご連絡ください。

またこの情報は、ご要望により大きなプリント、点字版、また音声形式でも承っております。

यदि आपको ये दस्तावेज किसी दूसरी भाषा में चाहिये, या किसी दुभाषिये की सेवाओं की जरूरत है तो हमें सम्पर्क करने की कृपया करें। ये जानकारी माँग करने पर बड़े अक्षरों, ब्रेल या आडिओ के रूप में भी उपलब्ध करवाई जा सकती हैं।

ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ਼ ਕਿਸੇ ਦੂਸਰੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਕਿਸੇ ਦੁਭਾਸ਼ੀਏ ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ ਤਾਂ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾ ਕਰੋ ਜੀ ਇਹ ਜਾਣਕਾਰੀ ਮੰਗ ਕਰਨ ਤੇ ਵੱਡੇ ਅੱਖਰਾਂ, ਬ੍ਰੇਅਲ ਜਾਂ ਆਡਿਉ ਦੇ ਰੂਪ ਵਿਚ ਵੀ ਉਪਲੱਬਧ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਹੈ।

اگر آپ یہ ڈاکیومنٹ کسی اور زبان میں چاہتے ہیں، یا اگر آپ کو کسی ترجمان کی خدمات درکار ہوں، تو براہ کرم ہم سے رابطہ کریں۔ درخواست کرنے پر یہ معلومات بڑے پرنٹ، بریل یا آڈیو فارمیٹ میں بھی دستیاب ہیں۔

REPORT TO:	ENVIRONMENT & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 11
DATE OF MEETING:	27th SEPTEMBER 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	MATTHEW HOLFORD 01283 595856 matthew.holford@south-derbys.gov.uk	DOC:
SUBJECT:	DERBY CITY CLEAN AIR CONSULTATION	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS14

1. Recommendations

- 1.1. Committee is recommended to endorse the conclusions of this report as forming the South Derbyshire response to Derby City Councils consultation for tackling poor air quality.

2. Purpose of Report

- 2.1. To provide members with an understanding of the current air quality challenges in Derby and the relative merits of the three air quality intervention options being considered by the city council.
- 2.2. To seek Committee approval of the proposed response by South Derbyshire District Council to the consultation.

3. Background and History

- 3.1. EU Directive 2008/50/EC contains legally binding Air Quality Limit Values for a number of airborne pollutants which are of particular concern to human health. These Limit Values are embedded in UK law through the Air Quality Standards Regulations and the government has pledged to retain these in UK law following Brexit.
- 3.2. Local authorities have been given the statutory duty to review and assess air quality within their administrative areas against these Limit Values. Where the Limit Values are not being met authorities must declare an Air Quality Management Area (AQMA) and then develop an Air Quality Action Plan to show how they are 'working towards' achieving the Limit Values.
- 3.3. The key airborne pollutants which have an adverse impact on health are respirable particulate (PM₁₀), fine particulate (PM_{2.5}) and nitrogen dioxide (NO₂). Road transport is estimated to be responsible for up to 70% of the harm associated with air pollution.
- 3.4. 69% of local authorities in England have declared an AQMA. Currently there are 556 AQMAs in the UK and the majority of these are due to exceedences of the Limit Value for NO₂ linked to road transport emissions.

- 3.5. Within Derbyshire eight AQMAs have been declared. One in Chesterfield, two each in Derby and Erewash and three in Bolsover. All are due to NO₂ exceeding the Limit Values due to road traffic emissions. No AQMAs have been declared in South Derbyshire.
- 3.6. The compliance date for the Limit Values was 2010. In 2015 the Supreme Court instructed the government to develop a national strategy to ensure that the NO₂ Limit Values are achieved within the 'shortest time possible'.
- 3.7. In December 2015, Defra released a National Air Quality Plan which outlined the requirement for the implementation of Clean Air Zones in five cities across the UK, including Derby, where the government considered that the Limit Values were not likely to be met in the short term.
- 3.8. Following further Supreme Court hearings, Defra published a revised [National Plan](#) in July 2017.
- 3.9. Defra also issued legal Directions in 2017 to Derby City Council and four other Councils to undertake a 'feasibility study' and publish a 'full business case' to identify the intervention option that will deliver compliance within the shortest possible time.
- 3.10. Defra also issued legal Directions to 33 other Councils requiring further work to be undertaken to determine whether NO₂ Limit Values on busy sections of roads are being exceeded and to develop recommended measures to meet the Limit Value.
- 3.11. Derby City Council has launched a public consultation on three potential intervention options supported by a number of technical reports including an air quality modelling report, a transport model forecast report and an economic appraisal report. The consultation has been issued with a caveat that the data provided in the consultation may be changed at any time as it still needs to be checked and approved by Defra.
- 3.12. The consultation closes on 24th September 2018, however Derby City have agreed to receive the approved consultation response from E&DS after the closing date.

4. Detail

- 4.1. One area of the city at Stafford Street, near to its junction with Friar Gate has been identified as being likely to still be breaching the Limit Value in 2020. The Direction requires the City Council to consider the potential for the introduction of charging Clean Air Zones, unless the authority are able to design other measures which can achieve the same air quality improvements.
- 4.2. The technical reports all include the beneficial impact of work already being done in the city as well as other committed projects in the pipeline. These include retro-fitting of Council's HGV fleet with emissions reduction technology, a cleaner taxis research and engagement programme, Early Measures funding for Cleaner Taxis and promotion of the use of electric and hybrid vehicles.
- 4.3. The three intervention options have been developed following stakeholder engagement events within the city.
- 4.4. As part of the feasibility study DCC have also developed a draft Low Emission Strategy to help inform the process of identifying measures to address the air quality issues.
- 4.5. The three options consist of;

- Option 1 – Traffic Management Options
- Option 2 – Clean Air Zone within the inner ring road
- Option 3 – Clean Air Zone within the outer ring road

4.6. A summary of each of the options is contained in Appendix 1.

Air Quality Implications

- 4.7. The Air Quality Modelling report has been published which provides computer predictions of the impacts on air quality of a number of scenarios. Having reviewed the contents of the report we have drawn the following conclusions:
- 4.8. Compared to a baseline of the work already committed to (including the Low Emissions Strategy), Option 1 will have little or no impact on air quality in most relevant communities in South Derbyshire; namely Mickleover, Littleover, Stenson and Chellaston. A small improvement in air quality is predicted on Shardlow Road, Alvaston and therefore there could be a resulting small improvement in air quality in Boulton Moor.
- 4.9. Option 3 would appear to have the impact of moving traffic onto the outer ring road and beyond. Whilst this creates a beneficial impact for air quality within the outer ring road, it is predicted to result in an adverse impact in Mickleover and Littleover. There would appear to be no significant adverse impact in Stenson, Chellaston and Boulton Moor.
- 4.10. There has been no air quality modelling of Option 2, however it is reasonable to assume that the impact of this Option would be to move traffic from the city centre to outside the inner ring road. This is likely to have an impact somewhere in-between that predicted for Options 1 and 3.
- 4.11. Therefore Option 1 represents the most positive air quality outcome for residents of South Derbyshire.

Economic Implications

- 4.12. An Economic Appraisal has considered the various economic impacts of air quality interventions. Specifically the Appraisal has considered upgrade costs, implementation costs and operating costs as well as monetarising the costs of changes in greenhouse gas emissions, welfare, congestion and exposure to poor air quality.
- 4.13. It is not possible to estimate from the report the impacts of each Option specifically within communities in South Derbyshire and the report only draws conclusions about the overall impact of the Low Emissions Strategy, Option 1 and Option 3.
- 4.14. A graph of the present value (PV) of the impacts of each of these scenarios is shown in Appendix 1. The report concludes that based on a cost benefit analysis the ranking of the options based on economic implications are:
- 1st Baseline (i.e. implement the Low Emission Strategy only), NPV £38.0million
 - 2nd Option 1, NPV £8.3million
 - 3rd Option 3, NPV -£374.7million

- 4.15. Again, there has been no assessment of Option 2, however it is reasonable to assume that the impacts of this would be somewhere between those of Option 1 and Option 3.
- 4.16. The Assessment shows that implementation of the Low Emissions Strategy with no further air quality interventions is the most economically advantageous option. However this will not deliver the air quality improvements necessary to achieve the Limit Value for NO₂ and therefore it is not an option under consideration. Option 1 is the next most advantageous.

5. Corporate Implications

- 5.1. The proposed clean air interventions in Derby could have environmental and economic impacts on South Derbyshire. In particular it links to the Corporate Plan theme of 'Place' and specifically aim PL6 "Deliver service that keep the District clean and healthy".

6. Community Implications

- 6.1. The proposed clean air interventions link to the Sustainable Community Strategy theme of Sustainable Development and in particular to the outcome measure of "Areas with poor air quality".
- 6.2. The conclusions of this report have no adverse impacts on groups of people with protected characteristics and should result in a beneficial impact in reducing inequality by finding the most sustainable solution to the current breaches of air quality standards.
- 6.3. The report has no impact on the Armed Forces Community Covenant.

7. Conclusions (Proposed Consultation Response)

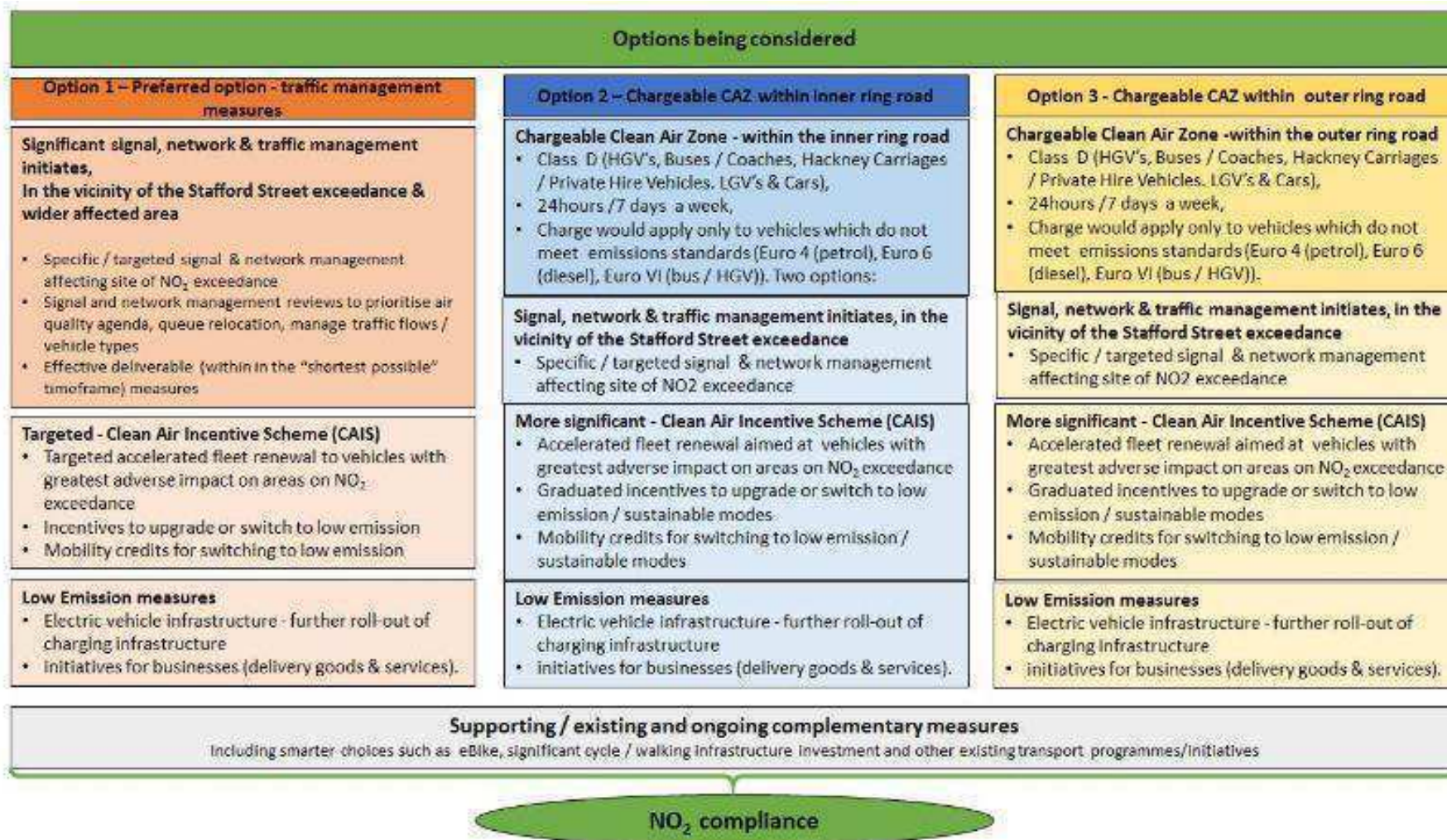
- 7.1. We have reviewed the content of the air quality modelling technical report and the economic appraisal report published in support of the consultation on the three options for achieving compliance with Air Quality Limit Values in Derby. We have specifically considered the content of the reports with reference to the predicted impact of each option on the South Derbyshire communities in Mickleover, Littleover, Stenson, Chellaston and Boulton Moor.
- 7.2. Option 1 is predicted to result in a net beneficial air quality impact to communities within South Derbyshire. Option 3 is predicted to result in a net adverse impact to communities in South Derbyshire. Option 2 was not subject to detailed air quality modelling but its impact is likely to be somewhere in the middle of Options 1 and 3.
- 7.3. Option 1 is predicted to have a small net positive present value (PV) impact. Option 3 is predicted to have a large net negative present value impact. Again, Option 2 which was not included in the appraisal, is likely to be somewhere in the middle of Options 1 and 3.
- 7.4. Option 1 is the favoured Option for South Derbyshire District Council for the reasons outlined above.
- 7.5. We would also express our concern about the predicted potential adverse impacts of Options 2 and 3 on the residents of South Derbyshire. Both of these Options may result in increased exposure to our residents to NO₂, PM₁₀ and PM_{2.5}.

- 7.6. We would draw your attention to the comment in the 2007 Air Quality Strategy for England, Scotland, Wales and Northern Ireland which, when discussing the potential health effects of respirable particulate, states that *"It is not currently possible to discern a threshold concentration below which there are no effects on the whole population's health"*.
- 7.7. This comment was amplified in the 2016 publication from the Royal College of Physicians "The Lifelong Impact of Air Pollution" which also highlighted the rapid growth in our understanding of the health impacts of respirable particulates at relatively low levels since the publication of the 2007 Strategy. The report highlighted that *"many studies now available document serious effects at lower concentrations on population"* and that *"studies have now demonstrated that air pollution is involved in much more than symptom exacerbation and early death in older and frail bronchitis patients"*.
- 7.8. It is our belief based on the evidence presented that the adoption of Option 3 and potentially Option 2 would lead to the increased exposure of South Derbyshire residents to PM₁₀ and PM_{2.5}.
- 7.9. We acknowledge that both Options 2 and 3 will provide reductions in NO₂ exposure to a relatively small geographical area and population in central Derby. However, we are deeply concerned that the benefits of these reductions will be at the cost of increased exposure, and therefore adverse health impacts, to a much larger population group in the south of the city and to our communities in the northern area of South Derbyshire.
- 7.10. We would also express our concern that based on the evidence available, Options 2 and 3 will work against the Objectives contained in Defra's "UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations" which state *"The objective of the UK government alongside the devolved administrations is to transform the UK's most polluted towns and cities into clean and healthy urban spaces"*.
- 7.11. We would object to the adoption of either Options 2 or 3 without assurances that they can be delivered without any adverse impact on the people of South Derbyshire.

8. Background Papers

- 8.1. Royal College of Physicians / Royal College of Paediatrics and Child Health, "Every Breath We Take: The Lifelong Impact of Air Pollution", 2016
- 8.2. DEFRA, "Air Quality Strategy for England, Scotland, Wales and Northern Ireland", 2007
- 8.3. Ricardo Energy & Environment, "Derby Clean Air Zone Air Quality Modelling Report (AQ3)", 2018
- 8.4. Ricardo Energy & Environment, "Economic Appraisal Methodology Report (E1)", 2018

Appendix 1 - Derby City Air Quality Options



Option 1 – Traffic Management Measures

A 'significant' **traffic management / signal scheme** which will reduce the traffic flows through Stafford Street to help address the air quality issues that have specifically been identified in that location.

The Option would also include a **Clean Air Incentive Scheme** (CAIS) targeted at local residents designed to encourage the scrapping of vehicles that are older and non-emission compliant and provide instead:

- 'mobility credits', which could be used for free public transport, cycling, or the City's car club
- A larger amount of money towards a vehicle which is ultra-low emission for example, an electric vehicle; or
- A smaller amount of money towards a lower emission petrol/diesel vehicle (petrol - euro 4 standard or better/diesel - euro 6 standard)

The Option would also include **low emission measures**, including:

- A range of measures to encourage the early uptake of ultra-low emission vehicles;
- various initiatives to help support businesses to use more low emission vehicles for things like deliveries,



Option 2 – Inner Relief Road Clean Air Zone

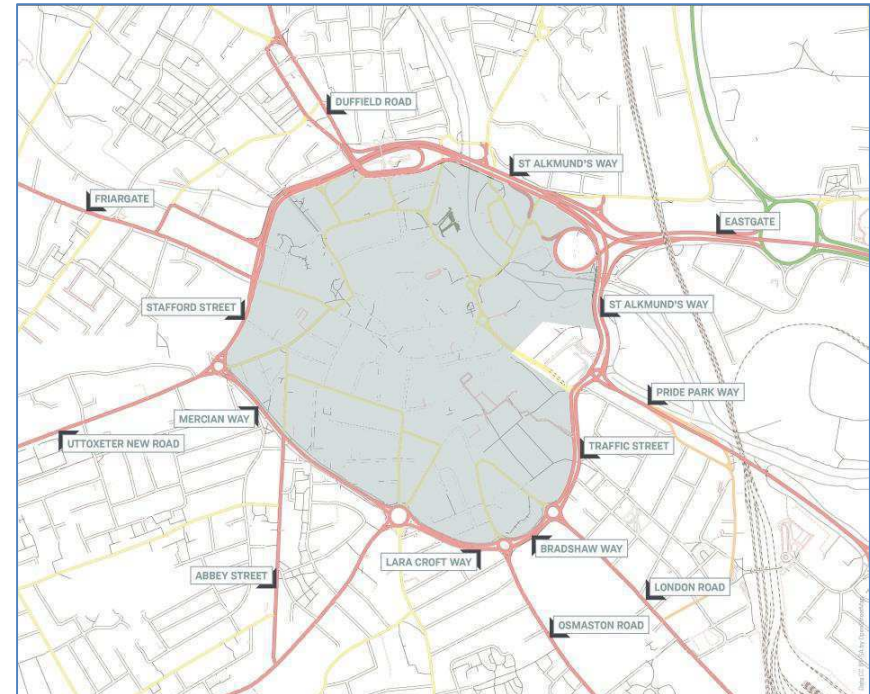
Clean Air Zone where the most polluting vehicles would have to pay to drive in a specified area, in this case an area inside the inner ring road in Derby. Cleaner vehicles would be able to drive within the zone without a charge.

Charges would apply to vehicles where the engine does not meet a specific emission standard (a Class D Clean Air Zone)

Again, the Option includes **traffic measures** to Stafford Street

A more comprehensive **Clean Air Incentive Scheme** than Option 1 targeted at residents, people who travel to work in Derby and small businesses based in Derby

The same package of **low emissions measures** identified in Option 1.



Option 3 – Outer Relief Road Clean Air Zone

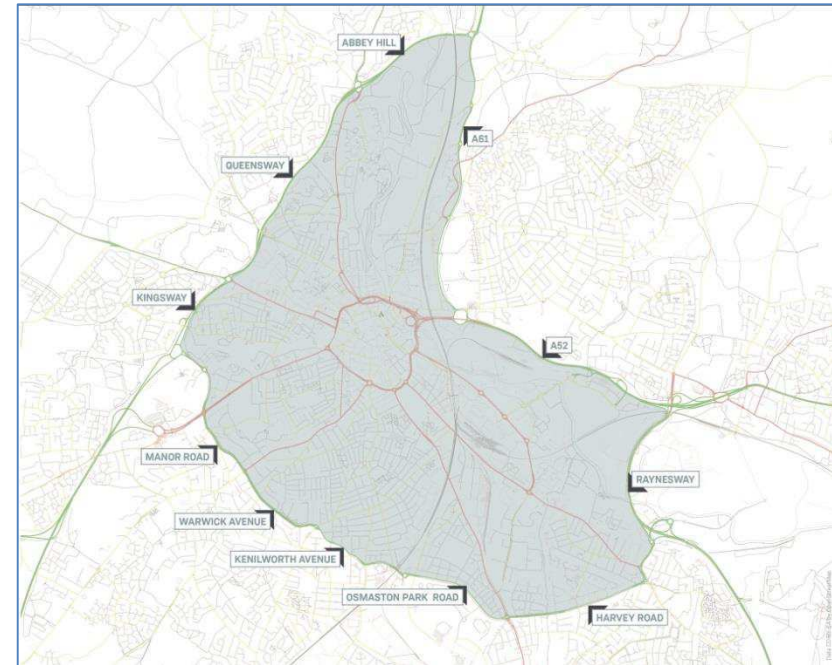
A proposal for a class D **clean air zone** covering the area within the whole of the outer ring road in Derby.

Again, the Option includes **traffic measures** to Stafford Street

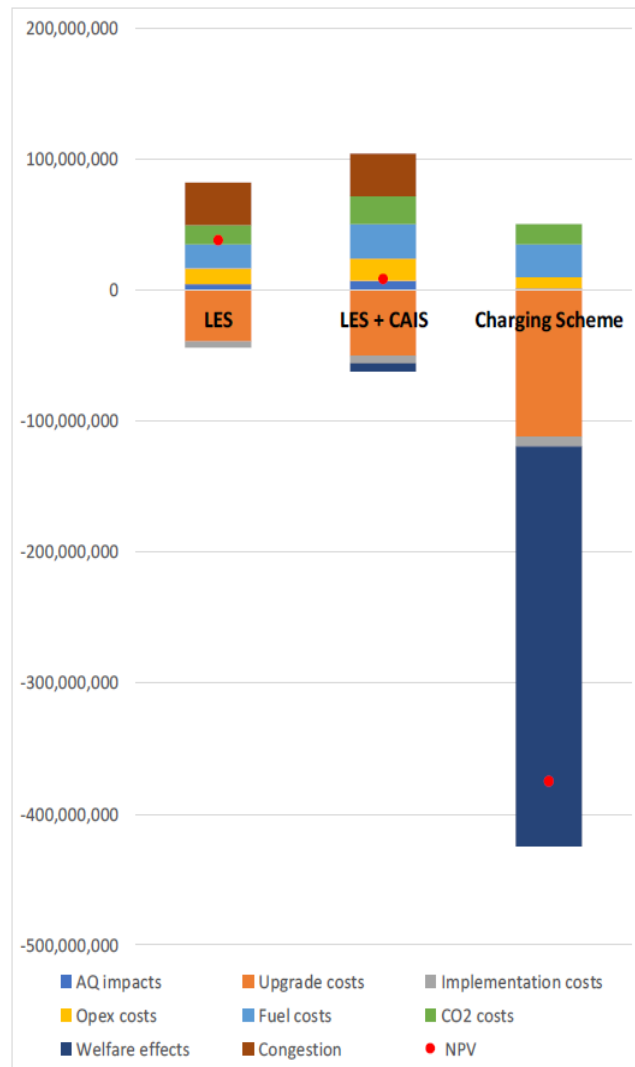
A more comprehensive **Clean Air Incentive Scheme** than Option 2 in order to help more people to upgrade their vehicles. This is because a significantly greater number of people would be affected by the charge, including many people who could not afford to purchase a new vehicle or may be unable to change their travel choices.

Again there would be various levels of grant available to further encourage the early uptake of the scheme, the purchase of ultra-low emission vehicles, and support those where the financial barrier to change is greatest.

The same package of **low emissions measures** identified in Option 1.



Summary of the Evidence from the Economic Assessment



Impact category	LES	LES + CAIS	Charging scheme
AQ impacts outside modelling domain (NOx and PM, not coaches)	✓	✓	✓✓
AQ impacts associated with alternative responses of coaches in response to charging CAZ	-	-	✓
Wider GHG/congestion impacts associated with alternative responses to a charging scheme	-	-	✓
Noise / accidents / infrastructure effects associated with the options	✓	✓	✓
Transaction costs: associated with upgrading vehicles	✗	✗	✗✗
Welfare (utility) loss associated with upgrading vehicles	✓/✗	✓/✗	✓/✗
Active travel effects.	✓	✓✓	✓✓

Key: Each impact is assigned a scoring – this attempts to judge the size and direction of impacts between different options, and the overall size / importance of impact relative to other impacts assessed both qualitatively and quantitatively. '✓✓' denotes large benefit associated with option; '✓' denotes small benefit; '-' denotes no significant impact; '✗' denotes small cost; '✗✗' denotes large cost; '✓/✗' denotes where there are costs and benefits, with no discernible overall net effect

Note: Bars represent present value (PV) of impacts; dots represent aggregate net present value (NPV) of all impacts associated with CAZ option; all impacts are assessed relative to 'do nothing' baseline; NPV is also presented with congestion costs as a sensitivity to the central NPV estimate; all impacts presented in 2018 prices.

REPORT TO:	ENVIRONMENT & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 12
DATE OF MEETING:	27th SEPTEMBER 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	MATTHEW HOLFORD 01283 595856 matthew.holford@south-derbys.gov.uk	DOC:
SUBJECT:	DONINGTON PARK NOISE MANAGEMENT	REF:
WARD(S) AFFECTED:	ASTON-ON TRENT, MELBOURNE	TERMS OF REFERENCE: EDS14

1. Recommendations

- 1.1. The Committee is recommended to note the content of this report and to support the continued partnership working on noise management with North West Leicestershire District Council to enable the successful and sustainable growth of Donington Park.

2. Purpose of Report

- 2.1. To provide members with an understanding of how noise is managed at Donington Park Racetrack and the Council's role in this.

3. Background and History

- 3.1. Donington Park has been used intermittently as a motor racing circuit since the 1930's and almost continuously since the 1970's.
- 3.2. Motor sport is inherently noisy and so, like most noisy activities, the racetrack has been the cause of noise complaints from the communities surrounding the track over many years. The villages of Aston on Trent, Weston Upon Trent, Shardlow and Melbourne are those mainly affected in South Derbyshire, representing a population of approximately 9,000 residents.
- 3.3. The current noise controls which apply to the site were last updated in 2013 when a revised planning application for the use of the site was submitted to North West Leicestershire District Council (NWLDC). This included a full noise assessment of the application along with 'noise maps' which illustrated the predicted exposure of the surrounding area to track noise based on the various proposed uses of the track. This application was considered by this Committee on 13th April 2013, followed by a detailed consultation response to NWLDC.
- 3.4. The noise conditions of the final planning consent are complicated, but in collaboration with NWLDC, the Council produced a full summary of these which are published online at <https://www.nwleics.gov.uk/pages/noise-from-donington-park-race-circuit>

- 3.5. Following significant redevelopment of the site since 2010, the site has expanded its offering including new hospitality buildings and conferencing suites and in recent years it has been the home of the FIA Formula E Championship. The track is currently owned by MotorSport Vision which acquired Donington Park on an initial 21-year lease in January 2017.

4. Noise Controls

- 4.1. In summary, the main legal controls contained within the planning conditions are;
- A limit on the number of days when noisy vehicles are allowed on the track;
 - A limit on the times of day when motor racing or motor car testing is permitted;
 - A limit on the number of consecutive 'noisy' days;
 - On 'noisy' days, vehicles are only allowed on the track if they meet static noise tests;
 - On 'quiet' days, vehicles driving around the track must meet drive-by noise limits or they are removed from the track;
- 4.2. The practical details of how track ensures compliance with the planning conditions are contained in a [Noise Management Plan](#). The Plan is a publically available document which has been published on the track website and is subject to regular review. Appendices C to F of the Noise Management Plan provide specific details about how noise during each classification of track use is managed. Vehicles using the track are subject to either static noise tests before they are allowed on the track or must comply with drive-by noise limits when they are using the track. Vehicles which fail the tests are excluded from entering or continuing to use the track.
- 4.3. As well as controlling noise from activity on the track, an important factor in managing the impact of noise is by effective communication with the communities surrounding the track.
- The track publishes on its website an event calendar which provides details about the type of event programmed for each day of the track calendar. This provides an insight into the amount of noise likely to be generated by activities on any given day.
 - The track also has a dedicated part of its website devoted to keeping [residents updated](#)
 - The track organises a Donington Park Consultative Forum twice a year. This includes attendance of Members and officers from NWLDC and South Derbyshire District Council (SDDC) as well as many of the surrounding Parish Councils. Currently Councillor Watson attends on behalf of SDDC.
- 4.4. A monthly noise compliance report is published by the track and submitted to the regulatory officers at NWLDC and SDDC.
- 4.5. Environmental Health Officers (EHOs) working for NWLDC and SDDC have been provided with a live web link to the trackside noise meters at the track so that real-time trackside noise measurements can be observed.
- 4.6. Noise measurements in the communities near to the track are carried out periodically by SDDC staff to compare field measurements against the predictions in the noise maps. To date the Council's measurements have shown that the measured noise from the track is consistently less than the noise exposure predicted in the noise maps.

- 4.7. A Technical Group consisting of track representatives plus noise specialists from NWLDC and SDDC meets up to twice a year to discuss any complaints or emerging issues.
- 4.8. The success of all of these measures can best be assessed against the number of noise complaints made by local residents about the track. In 2013 NWLDC and SDDC reported in excess of 300 complaints per year. This reduced to less than 10 over the 2017 race calendar.

5. Corporate Implications

- 5.1. The noise management activities linked to Donington Park meet the Corporate Plan theme of 'People' and specifically the aim PE3 to "Use existing tools and powers to take appropriate enforcement action". It also meets the 'Place' theme and specifically aim PL6 "Deliver service that keep the District clean and healthy". Finally, it also meets the "Progress" theme and specifically the aim PR3 "Work to maximise the employment, training and leisure uses of the National Forest by residents and increase the visitor spend by tourists."

6. Community Implications

- 6.1. The noise management activities linked to Donington Park meets the Sustainable Community Strategy theme of "High quality development that minimises the impact on the environment".
- 6.2. The activity described in this report has no adverse impacts on groups of people with protected characteristics, has a net positive impact on the communities in the wards affected and has no adverse impact on inequality.
- 6.3. The report has no impact on the Armed Forces Community Covenant.

7. Conclusions

- 7.1. Through the use of proportionate planning conditions, effective partnership working and development of good dialogue with local communities, the impact of noise from race activity at Donington Park has been effectively managed since a major planning application was approved in 2013. This has resulted in a 95% reduction in noise complaints as well as enabling Donington Park to invest and grow as one of the key motor sport locations in the UK.

8. Background Papers

- 8.1. Report to Environment & Development Services Committee, 13th April 2013 "Donington Park Planning Application".

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 13
DATE OF MEETING:	27th SEPTEMBER 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:		DOC:
SUBJECT:	COMMITTEE WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

1.1 That the Committee considers and approves the updated work programme.

2.0 Purpose of Report

2.1 The Committee is asked to consider the updated work programme.

3.0 Detail

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Background Papers

5.1 Work Programme.

Environmental & Development Committee – 27th September 2018 Work Programme

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
Reports Previously Considered by Last Three Committees		
'Towards a Minerals Local Plan' Consultation	19 th April 2018	Richard Groves Planning Policy Officer (01283) 595738
Local Green Spaces Sustainability Appraisal Scoping Consultation	19 th April 2018	Kevin Exley Planning Policy Officer (Sustainability) (01283) 228717
Highways England A38 Derby Junctions Scheme – Statement of Community Consultation	19 th April 2018	Richard Groves Planning Policy Officer (01283) 595738
Consultation on Draft National Planning Policy Framework	19 th April 2018	Kevin Exley Planning Policy Officer (Sustainability) (01283) 228717
Feasibility Study for a Business Improvement District (BID) for the National Forest	19 th April 2018	Mike Roylance Economic Development Manager (01283) 595725
Service Policies	19 th April 2018	David Hucker Interim Director (01283) 595775

Swadlincote Townscape Heritage Lottery Fund – Grants Panel Membership	19 th April 2018	Liz Knight Conservation Officer (01283) 595983
Corporate Plan 2016-21: Performance Report Q4	31 st May 2018	Keith Bull Head of Communications (01283) 228705
Service Plans	31 st May 2018	Keith Bull Head of Communications (01283) 228705
Local Development Scheme	31 st May 2018	Karen Beavin Planning Policy Team Leader (01283) 595749
Draft Statement of Community Involvement	31 st May 2018	Karen Beavin Planning Policy Team Leader (01283) 595749
Repton Neighbourhood Development Plan	31 st May 2018	Ian Hey Community Partnership Officer (01283) 228741
Hartshorne Conservation Area	31 st May 2018	Liz Knight Conservation Officer (01283) 595983
East Midlands Airport Noise Action Plan	31 st May 2018	Richard Groves Planning Policy Officer (01283) 595738

Southern Derby Area Development Framework Document	31 st May 2018	Tony Sylvester Planning Services Manager (01283) 595743
Charitable Collections Policy – Request to Consider Application of Policy	31 st May 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Adoption of Sexual Entertainment Venues	31 st May 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Key Performance Indicators – Licensing Department	31 st May 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Enforcement and Compliance Report	31 st May 2018	Matt Holford Environmental Health Manager (01283) 595856
Corporate Plan 2016-21: Performance Report Q1	16 th August 2018	Keith Bull Head of Communications (01283) 228705
Elvaston Castle Masterplan	16 th August 2018	Tony Sylvester Planning Services Manager (01283) 595743
East Midlands Airport Draft Noise Action Plan	16 th August 2018	Richard Groves Planning Policy Officer (01283) 595738

England A38 Derby Junctions Scheme – Statement of Community Consultation	16 th August 2018	Richard Groves Planning Policy Officer (01283) 595738
Local Validation Requirements	16 th August 2018	Chris Nash Principal Area Planning Officer (01283) 595926
Findern Public Spaces Protection Order	16 th August 2018	Matt Holford Environmental Health Manager (01283) 595856
Environmental Sustainability Group	16 th August 2018	Allison Thomas Strategic Director (Service Delivery) (01283) 595775
Provisional Programme of Reports To Be Considered by Committee		
Gambling Act 2005 Statement of Licensing Policy	27 th September 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Local Green Spaces Plan	27 th September 2018	Kevin Exley Planning Policy Team Leader (01283) 595749
Statement of Community Involvement	27 th September 2018	Karen Beavin Planning Policy Team Leader (01283) 595749

Contaminated Land Inspection Strategy	27 th September 2018	Matt Holford Environmental Health Manager (01283) 595856
Derby City Clean Air Consultation	27 th September 2018	Matt Holford Environmental Health Manager (01283) 595856
Donington Park Noise Management	27 th September 2018	Matt Holford Environmental Health Manager (01283) 595856
Boulton Moor Development Framework Document	15 th November 2018	Karen Beavin Planning Policy Team Leader (01283) 595749
Key Performance Indicators – Licensing Department	15 th November 2018	Emma McHugh Senior Licensing Officer (01283) 595716
Draft Waste Local Plan	15 th November 2018	Richard Groves Planning Policy Officer (01283) 595738
Corporate Plan 2016-21: Performance Report Q3	28 th February 2019	Keith Bull Head of Communications (01283) 228705
Private Hire Licensing Convictions Policy and Conditions	28 th February 2019	Emma McHugh Senior Licensing Officer (01283) 595716