

## APPENDIX 1

### INTRODUCTION

Delete text under the heading "The Local Plan Preparation Programme".

### ENVIRONMENT CHAPTER

#### **Policy ENV1 Sites and features of natural history importance**

Delete paragraph C and insert the following:

**WHERE DEVELOPMENT IS PROPOSED WHICH WOULD AFFECT A LOCAL NATURE RESERVE OR A SITE OF IMPORTANCE FOR NATURE CONSERVATION, THE COUNCIL WILL:**

- (I) IN THE FIRST INSTANCE, EXPECT THE DEVELOPMENT TO AVOID ADVERSE IMPACT.**
- (II) WHERE THAT IS NOT POSSIBLE, ADVERSE IMPACT SHALL BE MINIMISED AND THE DEVELOPMENT SHALL INCORPORATE MEASURES TO MITIGATE ANY RESIDUAL IMPACTS.**
- (III) WHERE, EXCEPTIONALLY, A DEVELOPMENT IS TO BE PERMITTED BECAUSE THE REASONS FOR IT ARE JUDGED TO OUTWEIGH SIGNIFICANT HARM TO NATURE CONSERVATION, THE COUNCIL WILL EXPECT APPROPRIATE COMPENSATION MEASURES TO BE PROVIDED.**

Amend the Proposals Map so that the extent of the area to the north of the A50 at Sinfin Moor relates only to the area of principal geological interest.

Update the Proposals Map to show the new National Nature Reserve at Calke.

#### **Policy ENV3 Landscape**

Delete Part A and replace it with the following:

**WHERE IT IS REQUIRED AS A RESULT OF DEVELOPMENT IN THE COUNTRYSIDE LANDSCAPING SHOULD REFLECT THE CHARACTERISTICS THAT DEFINE THE LANDSCAPE TYPE WITHIN WHICH IT WILL BE LOCATED.**

Delete Parts B and C and replace with the following:

**IRRESPECTIVE OF LOCATION, WHERE IT IS REQUIRED, LANDSCAPING SHOULD FORM AN INTEGRAL PART OF THE LAYOUT AND THE COUNCIL MAY SEEK EVIDENCE OF HOW THIS HAS BEEN ACHIEVED, INCLUDING WHERE APPROPRIATE, HOW EXISTING FEATURES SUCH AS RIVERS, CANALS, STREAMS, LAKES, PONDS, WOODLAND, HEDGEROWS AND MATURE TREES HAVE BEEN INCORPORATED INTO THE LAYOUT AND PROTECTED DURING CONSTRUCTION.**

**Policy ENV4 Historic Parks and Gardens**

Delete the opening 4 lines of criterion (I) and replace with the following:

**DEVELOPMENT AFFECTING HISTORIC PARKS AND GARDENS INCLUDED IN THE REGISTER COMPILED BY ENGLISH HERITAGE OR ON THE DERBYSHIRE SITES AND MONUMENTS RECORD WILL ONLY BE PERMITTED WHERE:**

**(I) THERE IS NO MATERIAL ADVERSE IMPACT FROM THE DEVELOPMENT ON THE BUILT OR PLANTED ELEMENTS, WHICH CONTRIBUTE TO THE DESIGN, STRUCTURE OR DEFINITION OF THE PARK OR GARDEN, OR ADVERSE IMPACT ON THE VIEWS IN OR OUT OF THEM.**

**Policy ENV6 Green Belt**

Delete from paragraph B the word “**MATERIAL**” and substitute the word “**MAJOR**”

Delete from the Proposals Map the Green Belt allocation in respect of the land to the west of the Alvaston Bypass (Policy T11).

**Policy ENV7 Countryside**

Delete Policy and explanatory text.

**Policy ENV8 Land that contributes towards character and environmental quality**

Delete from the Proposals Map the ENV8 allocation in respect of land off Bantons Lane, Ticknall.

Add to the Proposals Map land at Duck Street, Egginton and Blacksmiths Lane, Newton Solney.

### **Policy ENV10 Derelict, contaminated or unstable land**

Delete the words “of archaeology” in paragraph 3, line 3 of the explanatory text and substitute with “of archaeological interest”.

### **Policy ENV13 Flooding**

Delete the words “which the Council will agree to show on the Proposals Map” from the last sentence of the first paragraph of explanatory text.

Insert after the words “Such conditions” in the last sentence of the third paragraph of explanatory text of the words “legal agreements and obligations”.

### **Policy ENV16 Energy Heat and Light**

Delete paragraph C and replace with:

**C. LIGHTING SCHEMES WITHIN NEW DEVELOPMENTS WILL BE PERMITTED ONLY WHERE THE AMOUNT OF LIGHT USED IS THE MINIMUM NECESSARY BOTH TO MEET THE NEEDS OF USERS OF THE DEVELOPMENT AND PROVIDE ADEQUATE SECURITY, AND GLARE AND LIGHT SPILLAGE FROM THE SITE IS MINIMISED.**

Add the following to the explanatory text:

‘When resources allow the Council will prepare additional guidance on renewable energy production.’

### **Policy ENV18 Archaeological and heritage features**

Delete from line 4 of the last paragraph of the explanatory text the sentence: “The site of a heavy anti-aircraft gun emplacement at Elvaston is currently being considered.”

### **Policy ENV19 Listed and other buildings of architectural and historic importance**

Delete from criterion (II) of paragraph A the word “OR” and substitute the word “AND”.

Delete criterion (III) of paragraph A and substitute:

**THE MERITS OF ALTERNATIVE PROPOSALS FOR THE SITE, INCLUDING THE EXTENT TO WHICH ANY REDEVELOPMENT WOULD PRODUCE SUBSTANTIAL COMMUNITY BENEFIT, OUTWEIGH THE HARM CAUSED BY THE LOSS OF THE HISTORIC ENVIRONMENT.**

### **Policy ENV20 Conservation Areas**

Delete from paragraph C the words '**BUILT DEVELOPMENT**' and replace them with the word '**BUILDINGS**' ;

Delete paragraph E and replace it with the words: '**REQUIRE THE DESIGN OF EXTENSIONS AND ALTERATIONS TO BUILDINGS TO COMPLY WITH POLICY ENV21(G).**'

Delete the last two paragraphs of explanatory text.

### **Policy ENV21 Design of new buildings**

After the first sentence insert the following:

**'IN THE CASE OF HOUSING DEVELOPMENT BUILDINGS SHOULD BE EASILY ADAPTABLE TO ENABLE OCCUPATION BY PEOPLE OF ALL AGES.'**

In the first paragraph after the word 'disability' add the following:

**'AVOID UNDUE ADVERSE IMPACT ON THE AMENITY OF OCCUPIERS OF NEIGHBOURING PROPERTIES,'**

Insert at the end of sub-paragraph B(II) the words: **HOUSING DEVELOPMENTS SHOULD NOT BE LESS THAN 30 DWELLINGS PER HECTARE NET.**

Delete sub-paragraph B (VI)

Delete from sub-paragraph C(II) the word "**OVERALL**" and insert at the end of that sub-paragraph the word "**NET**".

Delete sub-paragraph C(V).

Paragraph D (IV) delete the word '**DWELLINGS**' and replace with the word '**BUILDINGS**'

Insert after paragraph E a new heading '**F EXTENSIONS AND ALTERATIONS TO EXISTING BUILDINGS**'

followed by "**WITHIN CONSERVATION AREAS EXTENSIONS AND ALTERATIONS TO EXISTING BUILDINGS WILL ONLY BE PERMITTED WHERE THEY**" and insert the remaining text of paragraph E of Policy ENV20.

Continue with "**ELSEWHERE**" followed by the remaining text of paragraph ENV21F. Add the following sentence at the end:

## **“IN THE CASE OF A LISTED BUILDING POLICY ENV19C APPLIES”**

Incorporate the last two paragraphs of the explanatory text to Policy ENV20 into the explanatory text to Policy ENV21.

Delete from the penultimate paragraph of the explanatory text the sentence starting: “Conversions to residential use will be resisted...” and substitute:

“The use of existing buildings for other purposes will not be permitted unless the applicant has made every reasonable attempt to secure re-use for small firms or tourist activities, and the application is supported by a statement of the efforts which have been made.”

### **Add new Policy and explanatory text**

#### **Nottingham East Midlands Airport**

**TO ENSURE THAT DEVELOPMENT DOES NOT CAUSE A THREAT TO PUBLIC OR AIR TRAFFIC SAFETY OR INHIBIT OPERATION OF THE NOTTINGHAM EAST MIDLAND’S AIRPORT THE BOUNDARY OF THE PUBLIC SAFETY ZONE AND THE OUTER BOUNDARY OF AERODROME SAFETY AREAS ARE AS SHOWN ON THE PROPOSALS MAP.**

The Department of Transport has published updated Public Safety Zones as designated by the Civil Aviation Authority. These zones are defined as ‘areas of land at the ends of runways at the busiest airports within which development is restricted in order to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on take-off or landing.’ Circular 1/2002 expects the planning system to operate strict control over the number of people living, working or congregating in such areas.

The Office of the Department of Transport and the Deputy Prime Minister have jointly issued Circular 1/2003 which is accompanied by maps known as Aerodrome Safeguarding Maps. The maps identify areas where consultation must be carried out with the aerodrome operator regarding planning applications for:

- buildings, structures, erections and works over certain heights or which by virtue of its size, shape, location or construction materials may act as a reflector or diffractor of radio signals on which navigational, radio and telecommunication systems depend
- development that may cause birdstrike hazard
- wind turbine development
- other aviation uses.

Correspondence should be addressed to The Safeguarding Consultee, East Midlands International Airport, Castle Donington, Derby, DE74 2SA.

The safeguarding of such areas is neither the responsibility nor the proposal of the local planning authority. Further advice concerning the implications of such protected zones and areas can be found in the circulars themselves, their Annexes and from advice notes

published jointly by the Civil Aviation Authority, Airport Operators Association and the General Aviation Awareness Council.

## **TRANSPORT CHAPTER**

### **Policy T9 Car Parking**

Add car parking standards for Colleges of Higher & Further Education of 1 space per 2 staff and one space per 15 students to Appendix A.

### **Policy T10 Park and Ride**

Reword to read:

**LAND SHOWN ON THE PROPOSALS MAP IS PROTECTED FOR A NEW PARK & RIDE FACILITY AT THE JUNCTION OF THE A6 & THE A50 DERBY SPUR, BOULTON MOOR, PENDING FURTHER APPRAISAL OF TRANSPORTATION OPTIONS IN THE A6 CORRIDOR TO INFORM THE REVIEW OF THE DERBY JOINT LOCAL TRANSPORT PLAN.**

Reword the explanatory text as follows:

The Derby Public Transport Options Study, commissioned by Derby City and Derbyshire County Councils in May 2000, as part of the preparation work on the Derby Joint Local Transport Plan, recommends that further consideration be given to potential for a park & ride site at the end of the current Derby Southern Bypass to serve car commuters in the A6 corridor. Land at the junction of the A6 & A50 Derby Spur is therefore protected as a possible site to be investigated alongside alternatives within Derby. The facility would be likely to incorporate provision for the parking of approximately 600 vehicles together with associated infrastructure comprising bus bays, shelters and a building to serve operational, security and amenity needs. It is anticipated that a development of this kind could be accommodated on a site of up to 5ha. If work undertaken to inform the review of the Derby Joint Local Transport Plan shows that a facility is needed at this location, the land would be secured as part of a Section 106 Agreement. In the event that it is not needed at this location, an appropriate financial contribution toward its provision on an alternative site would be negotiated. An Environmental Impact and Transport Assessment would need to be submitted alongside a planning application for such a proposal. Substantial landscaping would be required to screen the facility and to protect the amenity of neighbouring land uses.

### **Policy T11 A6 Alvaston Bypass**

Delete the policy as the bypass is now complete and in use.

### **Policy T13 Hilton West Access Road**

Delete the policy as the road is now complete and in use.

## **HOUSING CHAPTER**

Add new paragraph to the introduction as follows:

‘Given its previously developed status the former Drakelow Power Station site offers longer-term potential to provide housing land as part of a mixed use development within the Swadlincote Sub-area beyond the current plan period. Meeting future housing need through the redevelopment of this site may include that arising from Burton on Trent but should take place only when appropriate infrastructure is available and if the site satisfies the sequential approach to the selection of land for sustainable development.’

Delete the table under the heading Table 1: Housing Land Supply and insert the following:

	Dwellings		
	Swadlincote Sub-Area	Derby Sub-Area	South Derbyshire
Structure Plan Requirement 1991-2011	5,500	6,500	12,000
Less dwellings completed 1991-2004	3,973	3,761	7,734
Dwellings under construction	269	240	509
Dwellings with planning permission expected to be built 2004-2011	891	570	1,461
Estimated Development on small brownfield sites and brownfield conversions 2004-2011	245	105	350
Shortfall to be made up by new allocations	122	1,824	1,946
New allocations	257	1,824	2,081
<b>Dwelling Supply 1991 – 2011</b>	<b>5,635</b>	<b>6,500</b>	<b>12,135</b>

### **Policy H1 Development of unallocated (windfall) land for residential purposes**

Delete reference to Egginton and Newton Solney in part A (III) and include them as “Serviced Villages” under part A(II).

Delete part B and the related explanatory text.

### **Settlement Boundaries**

Include all allocations within the appropriate settlement boundary.

Amend the Proposals Map to show a development boundary for Egginton and Newton Solney.

Provide development boundaries around the existing housing estates at Stenson Fields and Boulton Moor and include an appropriate reference in Policy H1A.

Amend the development boundary of Hartshorne to follow the rear boundary of the housing development on the site of the former bakery.

Reinstate the development boundary in the vicinity of Brook Farm, Repton, to that in the adopted Local Plan.

Include land at Egginton Road, Hilton within the settlement boundary.

**Policy H2 Brownfield sites within the urban area**

Delete policy, Table 2 and explanatory text and amend Proposals Map accordingly

**Policy H5 Willington Power Station**

Delete the policy and explanatory text and amend Proposals Map accordingly.

**Policy H6 Site of former MOD Depot, Hilton**

Amend the policy and explanatory text to read:

**THE UNDEVELOPED PARTS OF THE LAND SHOWN ON THE PROPOSALS MAP ARE ALLOCATED FOR HOUSING TO BE DEVELOPED AT A MINIMUM DENSITY OF 30 DWELLINGS PER HECTARE NET. THE MAJORITY OF THE DEVELOPMENT WILL TAKE PLACE IN ACCORDANCE WITH THE EXISTING LEGAL AGREEMENT ASSOCIATED WITH THE EXISTING OUTLINE PLANNING PERMISSION. IN RELATION TO THE DEVELOPMENT OF THE LAND SOUTH OF HILTON GARAGE, A LEGAL AGREEMENT WILL BE REQUIRED TO COVER AFFORDABLE HOUSING, OPEN SPACE AND RECREATIONAL PROVISION, EDUCATIONAL AND HEALTH PROVISION, AND THE RETENTION AND MANAGEMENT OF WILDLIFE INTERESTS.**

The bulk of this site is carried forward from the previous local plan which allocated the former MoD depot and land to the west of Lucas Lane for housing. At 31 March 2004 a total of 323 dwellings had been completed on the land to the west of Lucas Lane, but land for a further 47 dwellings remained undeveloped. At the same date, 824 dwellings had been completed, 164 dwellings were under construction, and planning permission had been granted for a further 395 dwellings on the former MoD depot. The allocation is carried forward for the permitted dwellings to be completed within the plan period. In addition, part of the former MoD depot to the south of Hilton Garage that was allocated for employment use in the previous local plan is now allocated for housing. It is capable of accommodating about 150 dwellings. An additional area of adjacent land on Egginton Road is also allocated which will provide a further 100 dwellings.

**Policy H7 Boulton Moor**

Amend the allocation to that shown on the DDLP Proposals Map.

**Policy H10 Affordable Housing**

Deleting part A and insert in its place:



**THE DISTRICT SEEK COUNCIL WILL THE PROVISION OF AFFORDABLE HOUSING WITHIN RESIDENTIAL DEVELOPMENTS HAVING REGARD TO LOCAL EVIDENCE OF NEED. THE PROPORTION OF AFFORDABLE HOUSING ON EACH SITE WILL BE DETERMINED THROUGH NEGOTIATIONS BETWEEN THE COUNCIL AND DEVELOPER, TAKING INTO ACCOUNT ALL FACTORS RELEVANT TO THE VIABILITY AND SUITABILITY OF THE SITE.**

Deleting the first sentence of part D and insert in its place:

**A PROPOSAL FOR AFFORDABLE HOUSING, ON LAND WITHIN OR ADJOINING AN EXISTING SETTLEMENT, THAT WOULD NOT NORMALLY BE RELEASED FOR DEVELOPMENT WILL BE PERMITTED PROVIDING THAT THE PROPOSAL:**

**New Policy and Explanatory Text**

**LAND OFF HILTON ROAD, ETWALL AS SHOWN ON THE PROPOSALS MAP, IS ALLOCATED FOR HOUSING TO BE DEVELOPED AT A MINIMUM DENSITY OF 30 DWELLINGS PER HECTARE NET. A LEGAL AGREEMENT WILL BE REQUIRED TO COVER AFFORDABLE HOUSING, OPEN SPACE AND RECREATIONAL, EDUCATIONAL AND HEALTH PROVISION, AND THE RETENTION AND MANAGEMENT OF WILDLIFE INTERESTS.**

The land in question will round off the development at Old Station Yard. The layout of the development should have regard to the limit of the floodplain for the Etwall Brook and any impact upon the wildlife area established as part of earlier planning permissions in the area.

**New Policy and Explanatory Text.**

**LAND AT STATION ROAD, MELBOURNE AS SHOWN ON THE PROPOSALS MAP IS ALLOCATED FOR HOUSING TO BE DEVELOPED AT A MINIMUM DENSITY OF 30 DWELLINGS PER HECTARE NET. A LEGAL AGREEMENT WILL BE REQUIRED TO COVER AFFORDABLE HOUSING, OPEN SPACE AND RECREATIONAL, EDUCATIONAL AND HEALTH PROVISION AND ANY NECESSARY MEASURES TO ATTENUATE NOISE FROM AIRCRAFT FLYING TO OR FROM NOTTINGHAM EAST MIDLAND AIRPORT.**

The principle of developing this site was originally established with the grant of planning permission for employment development. However, such permission is unlikely to be implemented. The site lies on the approach to and marginally adjoins the Conservation Area and care should be taken to ensure that the development takes this into account by way of a sensitively designed scheme. Regard must also be given in the design and construction of the properties to potential noise disturbance from the Nottingham East Midlands Airport.

### **New Policy and Explanatory Text**

**LAND AT HIGHFIELD HOUSE FARM, AS SHOWN ON THE PROPOSALS MAP, IS ALLOCATED FOR HOUSING TO BE DEVELOPED AT A MINIMUM DENSITY OF 30 DWELLINGS PER HECTARE NET. A LEGAL AGREEMENT WILL BE REQUIRED TO COVER AFFORDABLE HOUSING, OPEN SPACE AND RECREATIONAL, EDUCATIONAL AND HEALTH PROVISION, AND THE RETENTION AND MANAGEMENT OF WILDLIFE INTERESTS.**

The land in question will provide a sustainable extension of the Heatherton Village development within Derby City. Access shall initially be provided off the existing Callow Hill Way. The potential of the Hell Brook to form the focus of an open space and wildlife area should be maximised within the layout. Walking and cycling routes within the development should link to Heatherton Village Centre. The allocation of land in this area affords an opportunity to shape the development in partnership with the City Council through the preparation of supplementary guidance for Heatherton Village Phase II.

### **EMPLOYMENT CHAPTER**

#### **Industrial and Business Land Provision**

Add the following to the end of the second paragraph:

‘Redevelopment for employment use of land formerly used for power generation at Drakelow, is dependent upon the provision of appropriate infrastructure, in particular highway improvements to be identified in a Transport Assessment which, given the site’s location close to the administrative boundary must have regard to traffic implications in Staffordshire and Derbyshire. Regard must also be given to historical and ecological interests in the area.’

Delete the words ‘With the exception of land at the former Willington Power Station’ from the third paragraph.

Delete the table showing the employment land availability position in South Derbyshire as at 31<sup>st</sup> March 2002 and the explanatory paragraph and replace with the following:

#### **SUMMARY OF INDUSTRIAL LAND AVAILABILITY IN SOUTH DERBYSHIRE AT 31 MARCH, 2004**

	Area (ha.)		
	Swadlincote Sub Area	Derby Sub Area	South Derbyshire
Completions since 1 <sup>st</sup> April 1991	26.35	24.49	50.84
Under construction	20.28	3.40	23.68
Sites with planning permission	30.03	34.78	64.81
New land allocated without planning permission (Policy E1)	23.3	0.00	23.3