



South
Derbyshire
District Council
Community and
Planning Services

Appendix B

Schedule of Proposed Minor and Main Modifications to South Derbyshire Pre-Submission Local Plan Part 2



January 2017

South Derbyshire Changing for the better

This document details the Council's proposed minor and main modifications to the South Derbyshire Pre-Submission Local Plan Part 2. These modifications largely seek to update the document and improve clarity and presentation.

The modifications are proposed in light of representations received during the Pre-Submission Local Plan Part 2 consultation, together with information arising since the document's publication.

The document is split into two sections. The first list the minor modifications and the second lists the main modifications. The proposed modifications in both the minor and main modification sections are listed in the order they appear in the Pre-Submission version of the Plan. For each amendment, information on the proposed change and the reason for the change is given. Where new text is proposed it is shown in bold, where text is proposed for removal it has been struck through, and any comments are in italics.

- **Insertion of text**
- ~~Removal of text~~
- *For information*

The Schedule of Proposed Minor and Main Modifications is included as one of the Submission Documents for the purposes of the Examination.

Minor Modifications

Updates to paragraph numbers are not included within the modifications table, however will be made to reflect the proposed changes within this modifications document and will run in chronological order.

Modification Ref.	Document Page No.	Policy/ Paragraph	Modified text (deleted text shown as struck through , additional text shown as bold and SDDC comments shown in <i>italics</i>)	Reasons for modification	Source of modification (including representation no. if applicable)
Introduction					
M1	1	1.1	The Local Plan is being was prepared in two parts and sets the spatial strategy for the District up to 2028. It identifies development sites and contains policies for dealing with planning applications for a range of different types of development.	To update the plan	SDDC
M2	1	1.3	Informal consultation on the Part 2 Plan took place between 15 December 2015 and 12 February 2016. Following consideration of the responses received, consultation took place on the Draft Local Plan Part 2 between 20 June and 15 August 2016. The timeframe for the remaining stages leading to adoption is set out below: Pre-Submission Local Plan Part 2 Consultation – October 2016 Submission – December 2016 Public Examination – To be confirmed following submission to PINS Adoption – May 2017.	To update the plan	SDDC
M3	1	1.4	Once adopted , Part 1 and Part 2 of the Plan should be read as a whole, as more than one policy may apply. Furthermore, once adopted , Part 1 and Part 2 of the Plan will supersede the saved policies from the 1998 Local Plan.	To update the plan	SDDC
M4	1	1.5	The following pages set out the proposed non-strategic	To update the plan	SDDC

			<p>housing allocations and development management policies for the Local Plan Part 2, which, once adopted, will be used alongside policies in the Local Plan Part 1 in making decisions on planning applications. Where the same policy chapter headings exist within both parts of the Plan, the policy numbers within Part 2 continue on from those within Part 1. For example, the last policy within the Built and Natural Environment chapter of Part 1 Plan is BNE4, so the next policy within the Built and Natural Environment chapter within Part 2 is BNE5.</p>		
M5	1	1.7	<p>Like the Local Plan Part 1, Part 2 has been prepared following extensive consultation and participation from a wide range of individuals, interest groups, public service providers, infrastructure providers, investors, land owners and developers. Consultation has been undertaken in accordance with our published Statement of Community Involvement and, additionally, embedded the localism agenda being encouraged by the Government. A fuller explanation of how we have involved people in drawing up the Local Plan Part 2 can be viewed within the Consultation Statement at: www.south-derbys.gov.uk/localplanpart2</p>	To update the plan	SDDC
M6	1	1.8	<p>The Pre-Submission Local Plan Part 2 is supported by a robust and wide ranging technical evidence base. This includes a ‘Sustainability Appraisal’ of the likely significant social, economic and environmental effects of all the reasonable options considered, including the preferred strategy and policies. A Habitats Regulation Assessment (HRA) Screening Statement has also been prepared, which concludes that the Pre-Submission Local Plan Part 2 will not result in any significant harm to the River Mease Special Area of Conservation (SAC), or any other Natura 2000 site. This document forms part of the current Pre-Submission</p>	To update the plan	SDDC

			Local Plan Part 2 consultation.		
M7	1	1.9	The Consultation Statement completes the documents for consultation. This document sets out the consultation undertaken and summarises the responses received including those from the Draft Plan consultation.	To update the plan	SDDC
	1	1.10	Documents will be written that provide additional guidance for policies in both the Part 1 and Part 2 in the form of s Supplementary Planning guidance Documents (SPDs) . Details of the SPDs are set out in the Local Development Schemes along with the timetable for consultation and implementation.	To update the plan	SDDC
Housing					
M8	5	3.1	<ul style="list-style-type: none"> Policy S4 in Part 1 of the Plan requires 600 dwellings to be allocated as non-strategic sites as part of the overall housing target of at least 12,618 dwellings. 	Change to ensure consistency with Policy S4	Framptons (60) and Framptons on behalf of McGrath Family (061)
M9	6	H23A	<ul style="list-style-type: none"> A Landscape buffer to the north, east and south west to be implemented and enhanced ment made to the south. 	Change for clarity	SDDC and Howard Sharp and Partners on behalf of Providence Land (027)
M10	6	H23A	<ul style="list-style-type: none"> Public open space to be provided to the eastern western part of the site. 	Change to correct reference to west rather than east of the site.	SDDC and Howard Sharp and Partners on behalf of Providence Land (027)
M11	6	H23A	<ul style="list-style-type: none"> Use of 1.5 storey dwellings along the eastern and southern edges of the site in close proximity to the southern boundary 	Change for clarity	SDDC and Howard Sharp and Partners on behalf of Providence Land (027)
M12	6	H23A	<ul style="list-style-type: none"> An off-site affordable housing contribution to be made. 	Change to provide up to date information.	SDDC
M13	7	H23B	<ul style="list-style-type: none"> Site Character area A – no more than 4 dwellings per hectare (gross) 	Change for clarity	SDDC
M14	7	H23B	<ul style="list-style-type: none"> Site Character area B – no more than 6 dwellings per 	Change for clarity	SDDC

			hectare (gross)		
M15	7	H23B	<ul style="list-style-type: none"> Site Character area C – no more than 8 dwellings per hectare (gross) 	Change for clarity	SDDC
M16	7	H23B	<ul style="list-style-type: none"> A Landscape buffer implemented along the eastern and western boundary of the site implemented and enhanced 	Change to detail	SDDC
M17	7	H23B	<ul style="list-style-type: none"> No more than 3 dwellings on the frontage of site to Egginton Road Jacksons Lane 	Change to correct reference of the road reference.	SDDC
M18	8	H23C	<ul style="list-style-type: none"> Up to 430 dwellings 	Change to ensure consistency with Policy H23	SDDC and Pegasus on behalf of Harworth (011)
M19	13	H23I	<i>Title</i> Policy 23I: Land at Mount Pleasant Road, Repton	Change to ensure consistency with Policy H23	SDDC
M20	15	H23J	<ul style="list-style-type: none"> Introduction of a landscaping buffer to all boundaries (where appropriate) of the site with an enhanced buffer required along the southern and eastern boundary. A landscaping buffer to be implemented and enhanced on the south western area of the site. 	Change for clarity	SDDC
M21	15	H23J	<ul style="list-style-type: none"> Consideration of A detailed drainage issues strategy will be required 	Change for clarity	SDDC
M22	15	H23J	<ul style="list-style-type: none"> Consideration of topography and use of 1.5 storey dwellings in prominent parts of the site 	Change for clarity	SDDC
M23	18	H23M	<i>Title</i> Policy 23M: Land at Montracon, Woodville Swadlincote	Change for clarity	SDDC
M24	21	M25	i) There is an established existing essential need for an additional worker's dwelling; and	Change for clarity	SDDC
Built and Natural Environment					
M25	25-26	4.3 – 4.5	Proposals will be required to demonstrate that they are meet the Section A criteria. appropriate in the countryside. Examples of appropriate essential or unavoidable	Change following a recent appeal decision and clarity required.	SDDC

			<p>development in the countryside include forestry, agriculture, equestrianism and outdoor recreation and development allowed by other policies within the plan such as E7 and INF10 in Part 1 and H24, H25, H27 and H28 in Part 2.</p> <p>There may be other unforeseen circumstances development that could constitute unavoidable appropriate development in the countryside.</p> <p>In all cases however, it is necessary to ensure that development within the countryside should be integrated into the landscape sympathetically as possible with minimal impact. The design, layout (including density) and materials of the development should reflect the character of the countryside. In determining proposals for infill development, consideration will be given to whether the proposed scheme would result in the loss of an important gap between groups of housing.</p> <p>Should the development be considered as inappropriate within the countryside, then a further test will be applied through section B of the policy that considers the development's impact on a number of factors. The relationship to a settlement or settlements is important, as the Council want to avoid isolated unsustainable developments in the countryside.</p> <p>Where appropriate the consideration of valued landscape character and quality will be undertaken by using the factors set out in the GLVA 3rd Edition (or further editions) which form the basis of an LVIA:</p> <ul style="list-style-type: none"> • Landscape quality (condition) • Scenic quality 		
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			<ul style="list-style-type: none"> • Rarity • Representativeness • Conservation interest • Recreation value • Perceptual aspects • Cultural Associations 		
M26	30-31	BNE10	<p>Development that affects any heritage asset will need to ensure that development proposals contribute positively to the character of the built, historic and natural environment.</p> <p>The heritage assets and their settings include:</p> <ul style="list-style-type: none"> i) Conservation Areas ii) Scheduled Monuments iii) Listed Buildings iv) Registered historic parks and gardens v) Undesignated heritage assets on the local list <p>This will be achieved in the following ways:</p> <ul style="list-style-type: none"> • All applications being accompanied by a proportionate heritage assessment, prepared with the appropriate expertise to compile the assessment. The assessment which should describes an asset's significance, identify the impacts of the proposed work and provides clear justification for the works. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence. • Seeking to maintain local distinctiveness by sensitively contributing to the creation of places with high architectural and built quality using traditional materials and techniques where appropriate. • Requiring proposed developments affecting a heritage asset or its setting, including alterations and extensions 	Change for clarity	SDDC Gladmans Development Ltd (050) Nathaniel Lichfield and Partners on behalf of Commercial Estates Group (054)

			<p>to existing buildings, to demonstrate how the proposal has taken account of design, form, scale, mass, use of traditional materials and detailing, siting and views away from and towards setting of the heritage asset, in order to ensure that the design is sympathetic and minimises harm to the asset.</p> <ul style="list-style-type: none"> Any proposed development which impacts on archaeological remains will be required to be accompanied by an archaeological evaluation of the site and statement demonstrating how it is intended to overcome the archaeological constraints of the site. Development will be resisted which would result in disturbance to Scheduled Ancient Monuments or other known archaeological sites or harm their setting or significance. Where there is an exceptional need for development, measures will be undertaken to minimise impact and preserve the site in situ. The District Council will require public display and interpretation where appropriate. Any investigation and recording of a site as part of any works will be published and archived. Preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area would be through preservation or appropriate reuse and sensitive development, including enabling development,. Any works should be appropriate to the asset's significance, unless it can be demonstrated that substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. 		
M27	46	INF12	iv) Assessment of transport impact on the surrounding road network and pedestrian and cycle links.	An assessment that will be required when the school or schools is progressed	SDDC Derbyshire County Council (057)

Main Modifications

Modification Ref.	Document Page No.	Policy/ Paragraph	Modified text (deleted text shown as struck through , additional text shown as bold and SDDC comments shown in <i>italics</i>)	Reasons for modification	Source of modification (including representation no. if applicable)
Built and Natural Environment					
MM1	25	BNE5	<p>Outside of settlement boundaries (as defined in policy SDT1), land will be considered as countryside.</p> <p>A Planning permission will be granted in the countryside where the development is:</p> <p>i) appropriate for its location in the countryside essential to a rural based activity; or</p> <p>ii) unavoidable in the countryside; or</p> <p>iii) considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings, within small groups of housing.</p> <p>B If considered inappropriate by Development granted section A then planning permission will be granted in the countryside where it can be demonstrated that the development:</p> <p>i) will should not unduly impact on: landscape character and quality, biodiversity, best and most versatile land, and historic heritage assets.; and</p> <p>ii) is well related to a settlement or settlements; and</p> <p>iii) is not a valued landscape.</p>	Change following a recent appeal decision and clarity required.	SDDC
Retail					
MM2	37-38	RTL1	<p>E Outside of Defined Centres</p> <p>All retail proposals over 1,000 square metres gross will be</p>	Additional criteria to protect defined retail	SDDC

			<p>required to submit a detailed retail impact assessment</p> <p>E F Loss of Retail Loss of retail units in centres will be permitted where:</p> <p>i) The current use can be demonstrated to be no longer viable; and</p> <p>ii) The unit has been sufficiently and actively marketed for a range of retail uses over a 6 month period; and</p> <p>iii) The impacts arising from the resulting use do not cause an adverse effect on amenity, parking needs or highway safety.</p>	centres	
Infrastructure					
MM3			<p><i>New policy</i></p> <p>Policy INF 13 Southern Derby Area Development proposals and cross boundary collaboration will continue to be supported in the Southern Derby Area as shown on Map X for a mix of uses.</p> <p>In order to implement this development comprehensively and support the required infrastructure delivery, a joint development framework document will be prepared to ensure cross boundary collaboration between the Council, Derby City Council, Derbyshire County Council and developers. The development framework document will consider and/or identify delivery of:</p> <ul style="list-style-type: none"> • Policy H15 Wragley Way (LP1) • Policy E4 Infinity Park Extension (LP1) • The South Derby Integrated Transport Link (LP1 Policy INF4) • A new Local Shopping Centre (LP1 Policy H15 vii) • Green and Blue Infrastructure (LP1 Policy H15 ix) across the Southern Derby Area with consideration to 	Recent discussions with Derby City, Derbyshire County Council, Highways England and developers have made clear the benefit in producing a framework document to deliver the Southern Derby Area in an aligned manner.	SDDC Pegasus Planning (055)

		<p>Derby City's Green Wedge policy</p> <ul style="list-style-type: none">• Future housing and employment growth including a possible new secondary school on Lowes Farm.• An A50 junction at Deepdale Lane to serve the Southern Derby Area proposals <p>Explanation</p> <p>This policy is supported by the allocation of Wragley Way (H15) and Land at Sinfin Moor (E5) in the Local Plan Part 1 and the continued growth of Infinity Park in Derby City. In the interests of aligning the upcoming development opportunities it is important that consideration is given to the development in both administrative areas through an agreed framework document that can fully consider all the constraints and opportunities on the site to deliver the whole Southern Derby Area holistically. The document will be produced in collaboration with Derby City, Derbyshire County Council, relevant developers and landowners and Highways England.</p>		
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