



**South  
Derbyshire**  
District Council  
Community and  
Planning Services

# **South Derbyshire Regulation 22 Local Plan Part 2 Consultation Statement**



**January 2017**

South Derbyshire Changing for the better

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## Introduction

### 1.1 Purpose of the Document

This Consultation Statement sets out how South Derbyshire District Council has undertaken community consultation and stakeholder involvement in preparation of the Pre-Submission Local Plan Part 2.

The National Planning Policy Framework (NPPF) paragraph 155 sets out the Government's principle for community engagement;

*“Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made”.*

This Consultation Statement has been produced to fulfil the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. It forms the statement defined at Regulation 22 (c), comprising a statement setting out:

- i) which bodies and persons the local planning authority invited to make representations under Regulation 18,
- ii) how those bodies and persons were invited to make representations under Regulation 18,
- iii) a summary of the main issues raised by the representations made pursuant to Regulation 18,
- iv) how any representations made pursuant to Regulation 18 have been taken into account;
- v) if representations were made pursuant to Regulation 20, the number of representations made and a summary of the main issues raised in those representations; and
- vi) if no representations were made in Regulation 20, that no such representations were made;

Regulation 18 specifies the consultation Local Planning Authorities must undertake in the preparation of the Local Plan before it can proceed to the publication of its Pre-Submission Local Plan. Regulation 18 states:

- 18.** (1) A local planning authority must—
- (a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and

- (b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.
- (2) The bodies or persons referred to in paragraph (1) are—
- (a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;
  - (b) such of the general consultation bodies as the local planning authority consider appropriate; and
  - (c) such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.
- (3) In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1).

Regulation 20 relates to the representations regarding the Pre-Submission Local Plan consultation. Regulation 20 states:

- (1) Any person may make representations to a local planning authority about a local plan which the local planning authority propose to submit to the Secretary of State.
- (2) Any such representations must be received by the local planning authority by the date specified in the statement of the representations procedure.
- (3) Nothing in this regulation applies to representations taken to have been made as mentioned in section 24(7) of the Act.

Prior to the submission of the Local Plan Part 2, three consultations have taken place:

- Local Plan Part 2 (December 2015- February 2016)
- Draft Local Plan Part 2 (June – August 2016)
- Pre Submission Local Plan Part 2 (October- December 2016)

Between 14<sup>th</sup> October and 7<sup>th</sup> December South Derbyshire consulted on its Pre-Submission Local Plan Part 2. This sought representation on the soundness and legal compliance of the Pre-Submission Local Plan Part 2 and accompanying documents, in order to meet Regulation 19 of the Town and Country Planning (Local Planning ) (England) Regulations 2012. The second chapter of this document sets out how representations were sought at this stage, who was engaged in the process, how many representations were received and the main issues raised by the representations submitted.

Chapters three and four of this document describe how consultations under Regulation 18 were undertaken; outline who was consulted and how; present a summary of the main issues raised and explain how they have shaped the Local Plan Part 2. Chapters three and

four were previously published in South Derbyshire's Consultation Statement in October 2016.

In terms of who was invited to make representations under Regulation 18 and 19 consultations, all parties registered on the Local Plan consultation database were informed of the consultations (at each stage). The database includes the specified list of prescribed bodies set out in Regulation 4 of Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. At present the database has over 3000 consultees.

It should be noted that this document does not attempt to include every individual comment but does identify the main issues raised. It endeavours to summarise the issues raised, but reference should also be made to the summary of representations. Summaries of the representations received under the Regulation 18 stages of consultation can be found at: [www.ldf.consultations.south-derbys.gov.uk](http://www.ldf.consultations.south-derbys.gov.uk). Regulation 19 representations will be available shortly.

## **1.2 Statement of Community Involvement**

In March 2006, the Council adopted its Statement of Community Involvement (SCI), which sets out how the community and other stakeholders will be engaged in the preparation of the Local Plan and in development management matters.

The Town and Country Planning (Local Development) (England) (Amended) Regulations 2008 altered the stages of production of a development plan document (regulation 26, the Preferred Options stage, was removed), and now sets out two stages in which the Local Plan should be subject to consultation; Regulation 18, where issues and policy options are explored and Regulation 19, the formal consultation on the Pre-Submission Local Plan Part 2.

The Districts SCI was produced before the pre-2008 regulations, however its content is still considered to be consistent with the 2008 requirements.

The SCI proposes possible methods of consultation involvement and indicates the approach which will be used to involve the community in the preparation of the Local Plan. It also includes the approaches that may be used if it is believed to be beneficial and/or the resources are available. The Council has employed a range of consultation methods, which are considered to be consistent with SCI.

The following table is an extract from the SCI setting out the approaches the District Council will use to involve the community in the preparation of the Local Plan and its different documents(✓). It also indicated the additional approaches that may be used where it is believed that they would be beneficial and/or resources are available (P).

Method	Core & general policies			Development Plan Documents (e.g. area action plan)			Supplementary Planning documents	
	1	2	3	1	2	3	1	2
Making documents available for review at Council Offices and libraries	-	✓ *	✓ *	-	✓ *	✓ *	-	✓ *
Newsletter or leaflet available at local venues, e.g. supermarkets, surgeries	✓ *	P	P	✓ *	-	-	✓ *	-
Information sent to existing network of organisations and their newsletters	✓ *	P	P	✓ *	P	✓ *	✓ *	P
Press releases/articles in press	✓ *	✓ *	✓ *	✓ *	P	✓ *	✓ *	P
Exhibition/display in local area(s)	-	P	-	-	✓ *	-	-	P
Information and documents on website	✓ *	✓ *	✓ *	✓ *	✓ *	✓ *	✓ *	✓ *
Questionnaire survey	✓ *	-	-	✓ *	-	-	P	-
Public meeting/surgery	-	✓ *	P	-	✓ *	P	-	✓ *
Focus group with representatives of specific issue area	P	-	-	P	-	-	✓ *	P
Workshop with representatives of range of issues or interest areas	P	✓ *	-	P	✓ *	-	-	P
Participative planning activities	-	P	-	P	-	-	-	-
Community liaison group	P	P	P	P	P	P	P	P

The Local Plan Part 2 consultations were undertaken in accordance with the methods stated within the SCI.

In regards to making newsletters and leaflets available at local venues e.g. supermarkets, surgeries, during the Issues and Ideas consultation stage of the Local Plan Part 1 an attempt was made to distribute materials to local supermarkets. However this was unsuccessful as supermarkets were only willing to accept material from charities. Consultation documents were made available at South Derbyshire libraries during the consultations.

With regards to the Regulation 18 consultations and Pre-Submission Local Plan Part 2 consultation, the District Council undertook public meetings and formalised workshop events in the form of consultation/drop in events. It was considered that undertaking traditional public meetings, which are normally held for a specific short period of time, could affect the number of consultees who would attend the events and get involved.

Drop in events were held during the Regulation 18 consultations and the Pre-Submission Local Plan Part 2 consultation and were designed to be as flexible as possible, so that members of the public could turn up at any time during the event. They allowed consultees to read material on the consultation and discuss the consultation documents with officers on a one to one basis. In addition to this, during the Pre-Submission Local Plan Part 2, on 6 Thursdays during the consultation members of the public could turn up to the Council Office at any time between 9.30am and 2.00pm to discuss the consultation documents with officers on a one to one basis.

### **1.3 Duty to Co-operate**

Section 110 of the Localism Act 2011 introduced a 'Duty to Co-operate'. Local Authorities are required to work with neighbouring authorities and other prescribed bodies in preparing Development Plan Documents. They must "engage constructively, actively and on an on-going basis" during the preparation of Local Plans when they relate to strategic matters. Strategic matters are defined as development including infrastructure that "would have a significant impact on at least two planning areas".

A separate document setting out in detail how the Council has discharged its responsibility under the Duty to Co-operate is submitted alongside the Pre-Submission Local Plan Part 2. Discussions with neighbouring authorities have been ongoing and will continue to take place throughout the preparation of the Local Plan Part 2.

### **1.4 Local Plan Consultation stages**

A number of consultations have been carried out as part of the Local Plan process. The following table summarises the key stages of the development of the Local Plan Part 2.

<b>Stage in Local Plan Part 2</b>	<b>Consultation Period</b>
Local Plan Part 2	15 <sup>th</sup> December 2015 – 12 <sup>th</sup> February 2016
Draft Local Plan Part 2	20 <sup>th</sup> June 2016 - 15 <sup>th</sup> August 2016



Pre-Submission Local Plan Part 2	14 <sup>th</sup> October 2016 – 7 <sup>th</sup> December 2016 (deadline extended from 5pm on 25 <sup>th</sup> November 2016)
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## **2 Regulation 19 Consultation: Pre Submission Local Plan Part 2**

### **2.1 Introduction**

The purpose of the consultation was to meet Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation gave consultees a chance to comment on the soundness and legal compliance of the Plan, including its conformity with Duty to Co-operate.

The Pre-Submission Local Plan Part 2 and accompanying documents (including the Sustainability Appraisal and Consultation Statement) were consulted upon between 14<sup>th</sup> October 2016 and 7<sup>th</sup> December 2016

The consultation documents can be found at: [www.south-derbys.gov.uk/localplanpart2](http://www.south-derbys.gov.uk/localplanpart2)

### **2.2 Who was invited to be involved at this stage and how?**

Different methods of public consultation were used to maximise community and stakeholder engagement in the process. These included:

- a. All organisations and individuals including: statutory stakeholders, interest groups, developers, agents, Parish Councils/Meetings, South Derbyshire District Council and the local MP and other individuals on the Local Plan database, whom were sent a letter or email (where provided) and a copy of the Statement of Representations Procedure, which informed consultees of the consultation, how to find further information and how to make representations. In total 1357 emails and 1728 letters were sent (Appendix C1, C2, C3).

An additional letter/email and updated Statement of Representation Procedure was sent on 24<sup>th</sup>/25<sup>th</sup> October to all Parish Meetings/Councils and all other consultees on the Local Plan database. The consultees were informed that the Pre-Submission Part 2, with inserted paragraph numbers, had been reissued online and in libraries and were advised that the consultation deadline had been extended from 5pm on 25<sup>th</sup> November until 5pm on 7<sup>th</sup> December (C4, C5, C6).

All Parish Councils/Meetings were sent a paper copy of the Pre-Submission Local Plan Part 2, the Summary Leaflet and Representation Forms. On the 25<sup>th</sup> October 2016 the Parish Councils/Meetings were sent a paper copy of the Pre-Submission Local Plan Part 2 with paragraph numbers and summary leaflets and Statement of Representation Procedure with the new consultation deadline stated.

Four consultees responded to the consultation before the Pre-Submission Local Plan Part 2 had been updated to include paragraph numbers and the consultation

deadline extended. These consultees received a separate letter stating that due to this alteration they could replace their consultation response if they wished. However if no further response was received, their existing representation would be submitted to the Secretary of State, to be considered as part of a public examination by an Independent Planning Inspector (Appendix C7).

South Derbyshire Councillors did not receive a hard copy of the consultation documents as they are provided with hand held electronic devices, which enable them to view documents online.

- b. Reference copies of the Pre-Submission Local Plan Part 2 and accompanying documents together with summary leaflets and response forms to take away, were distributed to all South Derbyshire libraries, the District Council Main Reception and the following libraries outside of the District: Burton on Trent, Chellaston, Mickleover and Sinfen. Once the consultation deadline had been extended, the Pre-Submission Local Plan Part 2, with paragraph numbers, and summary leaflets, response forms and the Statement of Representation Procedure, indicating the new consultation deadline date, were distributed to these venues, replacing the existing documents of the same name.
- c. During the consultation period, the Pre-Submission Local Plan Part 2 consultation was advertised as part of a rolling presentation on screens in the Council Office's Main Reception. The presentation screen was updated with the extended consultation deadline (Appendix C8).
- d. A banner advertising the Pre-Submission Local Plan Part 2 consultation was uploaded on the home page of the District Council's website during the consultation period. A hotlink on this banner connected directly to the Pre-Submission Local Plan Part 2 webpage, which provided further information on the consultation and contained the consultation documents and response forms to download (Appendix C9).
- e. Response forms were produced soliciting responses concerning the soundness and legal compliance (including Duty to Co-operate) of the documents. These were available at all drop in events, all South Derbyshire libraries, the other libraries stated above and the District Council's Main Reception. They were also made available to download from the District Council's website (Appendix C10).
- f. Drop in events were publicised on the District Council's website and the consultation documents and response form were made available to view online or download.

Two drop in events were held, with the aim of reaching all sections of the community. Planning Officers were present to talk through the consultation and answer questions from members of the public and stakeholders. The drop in events took place at:

- Aston on Trent War Memorial Hall , Weston Road , Aston on Trent, DE72 2AS on 25 October 2016 between 2.30pm to 7.30pm; and

- Frank Wickham Hall, Portland Street, Etwall, DE65 5GH on 3 November 2016 between 2.30pm to 7.30pm

The drop in events included display boards explaining the purpose of the consultation, the proposed allocations and the purpose of settlement boundaries. They included a brief description of the Sustainability Appraisal and Consultation Statement (Appendix C12). Reference copies of the Pre- Submission Local Plan Part 2 and accompanying documents were on display, along with summary leaflets (Appendix C11) and response forms, which consultees could take away.

Furthermore on the below dates between 9.30am and 2pm at the Council Offices, members of the Planning Policy unit were available to answer questions regarding the consultation:

- Thursday 20<sup>th</sup> October
  - Thursday 27<sup>th</sup> October
  - Thursday 3<sup>rd</sup> November
  - Thursday 10<sup>th</sup> November
  - Thursday 17<sup>th</sup> November
  - Thursday 24<sup>th</sup> November
- g. The District Council issued a press release advertising the consultation and drop in events (Appendix C13). The press release was then reissued with the date of the extended consultation deadline (Appendix C14).
- h. A short URL Code was created for the District Council's webpage which set out information on the consultation. Once the consultation deadline had been extended, the webpage was updated to inform consultees of the new deadline. In addition the Pre-Submission Local Plan Part 2 with paragraph numbers and summary leaflets, response forms and Statement of Representation Procedure with the new consultation deadline date were uploaded onto the page, replacing the existing documents of the same name.
- i. Posters advertising the consultation and drop in events were sent to Parish Councils/Meetings and were displayed at the Council Offices (Appendix C15).

### **2.3 Number of representations made under regulation 20 and a summary of the main issues raised.**

In total 231 comments made by 76 respondents were received in response to the Pre-Submission Local Plan Part 2 consultation.

The number of comments made in relation to each policy was as follows:

Policy	Count		Policy	Count
SDT1	61		H25	1
H23	47		H26	1
H23A	4		H27	1
H23B	7		H28	2
H23C	7		BNE5	9
H23D	2		BNE6	1
H23E	2		BNE7	5
H23F	2		BNE8	7
H23G	14		BNE9	0
H23H	2		BNE10	7
H23I	2		BNE11	0
H23J	4		BNE12	2
H23K	1		RTL1	1
H23L	6		RTL2	1
H23M	2		INF11	0
H23N	1		INF12	5
H24	1			

In some instances a consultee did not mention a specific policy, but did reference the Habitat Regulations Screening, the Sustainability Appraisal or the Pre-Submission Local Plan Part 2. The number of people who responded in this way can be seen in the table below.

Plan element	Count
Pre-Submission Local Plan Part 2	12
Sustainability Appraisal	9
Habitat Regulations Screening	2

Regulation 22 (c)(v) states that in addition to setting out the number of representations received under Regulation 20, the statement should set out a summary of the main issues raised. Not all responses are summarised below, just the main issues.

## 2.4 What were the main issues raised?

### SDT1: Settlement Boundaries and Development

Some comments of support were received for policy SDT1. One consultee supported the approach to development set out in SDT1. Another generally supported the use of settlement boundaries to define the built limits of a settlement and distinguish between the built form of a settlement and the countryside. A further consultee stated that settlement boundaries are an effective mechanism to ensure that new housing development is provided in sustainable locations within and well related to settlements and provides clarity and certainty to the public and developers as to which land is within the built form of the settlement and which land is considered as countryside. The consultee added that the

overall methodology and approach to the definition of boundaries is considered a robust methodology.

In addition comments were received which specifically supported the settlement boundaries for Hilton, Overseal, Findern and Swadlincote Urban Area.

A large number of settlement boundary alterations were suggested through the consultation. The alterations have been suggested for a number of reasons including: that the site would meet the three strands of sustainable development; that due to the sustainability credentials of a settlement it was able to accommodate further growth; that additional sites are required to meet the District's housing requirement and that additional sites are required to meet one of the key objectives of the NPPF: to boost significantly the supply of housing and to comply with paragraph 55.

The suggested alterations include:

- Surprised that Egginton village boundary does not include land adjacent to 27 Main Street and land adjacent to 20 Main Street.
- The curtilages of Trentside and Cobster Cottage should be included within Swarkestone settlement boundary
- Milton settlement boundary should be extended to the north of the village to include land adjacent to 5 Main Street
- Stanton by Bridge settlement boundary should include land adjacent to Hollies Farm House and the Pippins, Ingleby Road.
- Lees settlement boundary should be extended to the north of the village, to include land adjacent to the School House and the curtilages of Lees Bank and Grange View.
- A settlement boundary should be drawn around the development sites at Drakelow Park and east of Rosliston Road, as well as the existing built limits of the village.
- SHLAA site S/0119 should be included within the settlement boundary of Shardlow.
- Extending the proposed allocation within Hilton to the north and including it within Hilton settlement boundary
- Include land to the rear of Marcelle House within Church Broughton settlement boundary
- Include land at Birch Trees Farm within Hilton Settlement Boundary
- Newton Solney settlement boundary should include all of the garden at Hillbank, 3 Bretby Lane
- The settlement boundary of Repton should remain as in the adopted Local Plan Part 1 and the first Draft Local Plan Part 2
- Include the curtilage of Askew Lodge within Repton settlement boundary
- Include land to the east of Burton Road within Rosliston settlement boundary
- Remove housing allocation H23G from the plan and Repton settlement boundary
- Include SHLAA site S/0039, along with the adjacent caravan and motorhome site within the Hilton settlement boundary
- Include SHLAA site S/0089 within Hilton settlement boundary.
- Include SHLAA site S/0108 within Melbourne settlement boundary (based on the reduced site boundary)
- Include land south of the Moonraker within Rosliston settlement boundary
- Include SHLAA site S/0062 within Aston on Trent settlement boundary.

- Include SHLAA site S/0134 and the existing ribbon development to the north of Burton Road within Repton settlement boundary.
- The housing allocation at Etwall is not justified, it extends the built form of the village further to the south and closer to the A50 and the land to the west of Egginton Road is available.
- Extend Hilton settlement boundary to include land that abuts the proposed allocation H23c.
- Extend Overseal settlement boundary to include land off Burton Road
- Reduce the proposed allocation H23L to bring the northern boundary of the site in line with the Scropton settlement boundary line to the east and west of the site. Scropton settlement boundary should then follow the northern outer boundary of the reduced H23L allocation.

Comments were received objecting to the use of settlement boundaries as proposed though Policy SDT1. The consultee stated that settlement boundaries are tightly drawn and therefore could arbitrarily restrict sustainable development from coming forward. This is not in accordance with the positive approach required by national policy and the presumption in favour of sustainable development. The consultee suggested that if settlement boundaries are used, they should be supported by clear criteria based policies to provide greater certainty and consistency on how the sustainability credentials of development proposal outside of these settlement boundaries would be assessed by the authority. The consultee suggested that Paragraph 2.1 should state “There is a presumption in favour of sustainable development, as detailed on Policy S2 (Local Plan Part 1). Settlement boundaries define the built limits of a settlement and distinguish between the main built form of a settlement and the countryside. Areas outside of the settlement are considered to be countryside”. Furthermore the consultee suggested that the following text should be included beneath the second paragraph of SDT1: “Sustainable development proposals adjacent to existing settlements will be permitted provided that any adverse impacts of doing so would not be significantly and demonstrably outweigh the benefits of development”.

In addition one consultee stated that the aim of the settlement boundary for Milton should be to preserve the spacing with the area known as the Orchard and that that should be ensured through the Local Plan either within or outside the settlement boundary. Furthermore the consultee stated that allocation H23G was now included within the Repton settlement boundary and that the rationale for the change seemed contrary to the aims of preserving the character of the village, particularly in regard to the impression on arrival from Milton.

### **H23: Non-Strategic Housing Allocations**

The majority of responses received about this policy were in regard to sites not allocated within the Plan. The sites suggested for allocation included:

- SHLAA site S/0040 Foston
- SHLAA site S/0036 Etwall
- Part of SHLAA site S/0126 Milton
- Part of SHLAA site S/0123 Stanton By Bridge

- SHLAA site S/0248 Swadlincote
- Site granted planning permission for 75 dwellings at Drakelow
- SHLAA site S/0119 Shardlow
- Weston Road, Aston on Trent
- SHLAA site S/0089 Repton
- Land off Station Road/Jawbone Lane
- Land at Seales Lane, Burton on Trent
- Winchester Drive, Linton
- SHLAA site S/0108 Melbourne
- SHLAA site S/0134 Repton
- Land south of Jacksons Lane, Etwall
- Station Road, Melbourne
- SHLAA site 0075 Shardlow
- SHLAA site 0076 Shardlow
- Land west of Egginton Road, Etwall
- Land off Burton Road, Overseal
- Allocation H23c should be amended to include adjacent land, extending north/north west and towards the A50.

The main reasons for suggesting additional sites are to ensure/enable the District Council to meet its objectively assessed housing need and to provide a sufficient choice and flexibility of housing sites to demonstrate a five year housing land supply. It was stated that some sites could underperform and a reliance on strategic sites would not deliver the necessary level of supply in the short term. Therefore allocating additional sites could help the plan deliver its minimum requirement. One consultee stated that the plan failed to substantiate the expectation that 600 dwellings could be delivered in the plan period. In addition some consultees referred to a new appeal decision indicating that the District Council no longer has a five year supply and therefore additional sites are required.

Further reasons were also provided for suggesting the allocation of additional/alternative, these include:

- The policy is not justified as a particular site is not included or the Plan fails to acknowledge the development opportunities on specific sites
- Key Service Villages can support growth or further growth
- The Plan fails to deliver enough sites in Rural Villages and Key Service Villages
- The Council should reconsider the distribution of growth within Etwall
- Site specific positives were identified
- Without a level 2 SFRA the Council's evidence base is inadequate to rule out development based on concerns over flood risk in Shardlow

Furthermore some suggestions to the wording of Policy H23 were made, these include:

- The policy for L: land north of Scropton Road, Scropton (S/0291) should state approximately 15 dwellings
- All 14 non-strategic housing allocations should be amended so that the text 'up to' is deleted and replaced with 'approximately'.

- The policy should make it explicit that any development proposals must have regard to future wider development opportunities on adjacent land and ensure that such opportunities are not stymied or limited by the forms of any development on the proposed allocations. Provision for future access and other connections from the proposed allocation into adjacent land should be made within any agreed layout.
- A criteria requiring developer contributions to education should be added

### **H23A: Moor Lane, Aston on Trent**

A total of four comments were received. One consultee supported the allocation, provided that the visual impacts of the development are suitably mitigated, and welcomed housing allocations where buffers between the site and open countryside and/or adjoining residential development were included and existing hedgerows retained. Another respondent whilst supporting the allocation, requested changes to the policy wording regarding the landscape buffer, location of open space and location of the 1.5 storey dwellings. A further consultee expressed support for the allocation in the hope that an adopted local plan would provide more certainty over future developments.

Furthermore one consultee stated that each of the 14 proposed housing allocations would have implications for primary education provision and that at the scale of the proposed allocation, additional pupils could be accommodated subject to expansion of the existing primary school via developer funding.

### **H23B: Jacksons Lane, Etwall**

This policy received a mixed response. One consultee supported the allocation. Another offered support provided that the visual impacts of the development are suitably mitigated and welcomed housing allocations which included buffers between the site and open countryside and/or adjoining residential development and existing hedgerows retained. A further consultee was pleased to see that the overall housing density was much reduced, that no buildings would be built in front of Etwall Grove and that there would be no vehicular access between the Part 2 allocation and the Part 1 allocation at Willington Road.

Another respondent had strong reservations concerning the vehicular access at the junction with Jacksons Lane and considered that the site would require considerable treatment in terms on noise barriers, to reduce noise to an acceptable level.

One respondent suggested amendments to the Policy:

- Approximately 50 dwellings
- Site A – character area approximately 4 dwellings per hectare (gross)
- Site B – character area approximately 6 dwellings per hectare (gross)
- Site C – character area approximately 8 dwellings per hectare (gross)
- A landscape buffer along the eastern boundary of the site implemented and enhanced
- No more than 3 dwellings on the frontage of site to Egginton Road.

In addition one consultee stated that SHLAA site S/0036 should be allocated for residential development as it performs better in the Councils Sustainability Appraisal than the chosen



allocation within Etwall, although such an allocation didn't need to be in lieu of site S/0284. Furthermore another consultee stated that each of the 14 proposed housing allocations would have implications for primary education provision. At the scale of the proposed allocation, additional pupils could be accommodated within an already planned extension of the existing primary school.

### **H23C: Derby Road, Hilton**

One consultee supported the allocation. Another expressed support provided that the visual impacts of the development are suitably mitigated and welcomed housing allocations that included buffers between the site and open countryside and/or adjoining residential development and existing hedgerows retained.

One respondent asked that the policy be amended to require the consideration of the impact of housing development on the notified interest features of Hilton Grovel Pits Site of Special Scientific Interest. Another said that the policy should be amended to indicate "up to 43 dwellings"; in order to conform with Policy H23.

A further consultee said that the site formed part of a wider parcel of land lying north of Derby Road and south of the A50 and considered that it was unsound to allocate only the small parcel of land as this undermined the proper planning of this area of Hilton. It was considered that it would be more sustainable to allocate a larger development area (see response to H23).

In addition one consultee stated that in defining the boundaries of the allocated site the Local Plan did not take account of opportunities on adjacent land that would assist in meeting housing needs and providing related infrastructure. The smaller site was less able to respond to the wider context; was limited in its potential to meet the needs of the wider settlement and potentially stymied future development opportunities. The objector considered that should the Inspector not be minded to agree that the allocation should be extended, then it would remain appropriate to designate the adjacent land as a 'reserve' site to be released should allocated sites not be developed or otherwise underperform. Furthermore Policy H23c should be amended to make it explicit that any development proposals must have regard to future wider development opportunities on adjacent land and ensure that these are not stymied or limited by the form of any development on the proposed allocation. Provision for future access and other connections from the proposed allocation into adjacent land should be made within any agreed layout.

Furthermore one consultee stated that each of the 14 proposed housing allocations would have implications for primary education provision and considered that additional pupils could be accommodated within the new primary school at Hilton.

### **H23D: Station Road, Melbourne**

Two comments were received. One supported the allocation, provided that the visual impacts of the development are suitably mitigated and welcomed housing allocations where they included buffers between the site and open countryside and/or adjoining residential

development and existing hedgerows retained. The other comment stated that each of the 14 proposed housing allocations would have implications for primary education provision. At the scale of the proposed allocation, additional pupils could be accommodated subject to expansion of the existing primary school via developer funding.

#### **H23E: Acresford Road, Overseal**

Two comments were received. One supported the allocation, provided that the visual impacts of the development are suitably mitigated, and welcomed housing allocations where buffers between the site and open countryside and/or adjoining residential development were included and existing hedgerows retained. The other comment stated that each of the 14 proposed housing allocations would have implications for primary education provision. At the scale of the proposed allocations in Overseal, additional pupils could be accommodated subject to the expansion of the existing primary school via developer funding.

#### **H23F: Valley Road, Overseal**

Two comments were received. One supported the allocation, provided that the visual impacts of the development are suitably mitigated, and welcomed housing allocations where buffers were included between the site and open countryside and/or adjoining residential development and existing hedgerows retained. The other comment stated that each of the 14 proposed housing allocations would have implications for primary education provision. At the scale of the proposed allocations in Overseal, additional pupils could be accommodated subject to the expansion of the existing primary school via developer funding.

#### **H23G: Milton Road, Repton**

One consultee supported the allocation and states that an application has been developed to fully accord with the site specific requirements of Policy H23G.

Another consultee supported the allocation, provided that the visual impacts of the development are suitably mitigated, and welcomed housing allocations where buffers were to be provided between the site and open countryside and/or adjoining residential development and existing hedgerows retained.

A further comment stated that each of the 14 proposed housing allocations would have implications for primary education provision. At the scale of the proposed allocations in Repton, additional pupils could be accommodated subject to a small expansion of the existing primary school via developer funding.

The majority of consultee responses were opposed to the allocation. The reasons for this included the following:

- Surprise and concern that planning permission has been sought on the site before the Local Plan Part 2 has been properly agreed.
- The Repton and Milton Neighbourhood Plan is currently in process of preparation and should be recognised in planning decisions. The emerging Neighbourhood Plan

clearly identified that the Parish did not want to extend the village boundary which would reduce the agricultural land between Milton and Repton

- The site was less optimal than others available within the District
- The proposal goes against guidelines laid out in the NPPF. The policy involves building on countryside by an extension of the village development boundary. This goes against SDDC's policy BNE5.
- Evidence has not been adequately presented to justify the choice of this site over others in the district and a justification given as to why changes to the village development boundary are proposed after extensive consultation had already been completed.
- It cannot be argued that the development is required on the basis of sufficient numbers allocated to achieve expected demand, when the Local Plan Part 2 exceeds the 600 dwellings required in Local Plan Part 1.
- Guidelines state that brownfield land should preferentially be developed, whilst protecting land of higher environmental and social value. There is considerable potential for this in South Derbyshire that had yet to be realised.
- The site fails to achieve the stated aims of SDDC of promoting development that is sustainable. The site is considerable distance from facilities and the presence of a hill would make the journey on foot difficult for those who find walking hard, leading to increased car travel.
- Car usage is a major and increasing problem in Repton and the development would exacerbate the situation.
- More development will aggravate the flooding issues near the junction with Monsom Lane.
- Building on the site will disrupt views of the historic centre of the village, which are only available from the public footpath running through the site.
- Repton had seen significant large scale development in the recent past. Further development would overstretch facilities and infrastructure.
- The site was outside of the settlement boundary before the change to Repton boundary.
- The allocation is contrary to the wishes of many residents of Repton. The many representations submitted in this regard had been ignored.
- The field had a big slope and any building would have a massive detrimental impact on the bungalows at Burdett Way and the privacy of residents.
- The field is an important open space crossed by a public footpath with views across the village.
- Repton has already had its fair share of development and the developments that have or are taking place appear more in line with urban development and were not in keeping with a more rural setting.
- The site fails to retain a key view of Repton, being the only clear view of the village from the east.
- All development is taking place on the Milton side of Repton which did not have the roads to cope with additional traffic, as opposed to the Burton Road side which had far better road access.

Some consultees suggested that the allocation should be removed and that the settlement boundary for Repton should revert back to the one agreed for Part 1 and the one included in the 1<sup>st</sup> Draft of Part 2.

#### **H23H: Mount Pleasant Road, Repton**

Two responses were received. One consultee was baffled as to why the site was under construction before the final consultation had taken place and stated that Repton had already had its fair share of development and the developments that had taken place appeared more urban and not in keeping with a rural setting. The consultee adds that all development is taking place on the Milton side of Repton which did not have the roads to cope with additional traffic, as opposed to the Burton Road side which had far better road access.

The other consultee stated that each of the 14 proposed housing allocations would have implications for primary education provision. At the scale of the proposed allocations in Repton additional pupils could be accommodated subject to a small expansion of the existing primary school via developer funding.

#### **H23I: Off Kingfisher Way, Willington**

Two comments were received. One supported the allocation, provided that the visual impacts of the development are suitably mitigated and welcomed housing allocations where buffers between the site and open countryside and/or adjoining residential development were to be provided, together with the retention of existing hedgerows.

The other comment stated that each of the 14 proposed housing allocations would have implications for primary education provision. The existing Primary School in Willington is limited. Additional pupils in this location could only be accommodated by displacing any pupils attending from out of normal area back to Hilton and Findern. However, most of the pupils attending are from within the normal area. Accommodating additional pupils at this location would therefore be difficult in the short term.

#### **H23J: Oak Close, Castle Gresley**

Four comments were received. One supported the allocation, provided that the visual impacts of the development are suitably mitigated, and welcomed housing allocations that included buffers between the site and open countryside and/or adjoining residential development, together with the retention of existing hedgerows.

Another comment did not object to the allocation, but had major concern for vehicular access. The consultee states that part of the road housing structure is terraced with no off road parking and suggested that consideration should be given to making Bass's Crescent, Cedar Road and Arthur Street one way.

The two further comments were regarding education. One consultee was concerned about the capacity of schools within the Linton Electoral Division, indicating that the primary schools were for the most bursting at the seams, including Linton, Overseal, Rosliston and Castle Gresley, where a large development at Oak Close was proposed. The other consultee

stated that each of the 14 proposed housing allocations would have implications for primary education provision. Accommodating additional pupils at this location in existing primary schools would be extremely difficult. Linton Primary School is the normal area school and is projected to be at capacity from increasing pupil's numbers in the existing population, as well as recently granted planning permission. Other nearby schools (Castle Gresley Primary School, St Georges Primary School, Church Gresley Infant and Pennine Way Junior School) are also approaching capacity. The proposed new primary school at Drakelow could provide some additional capacity in the wider school planning area but would not be delivered in the short term.

### **H23K: Midland Road, Swadlincote**

One comment was received regarding the allocation. The comment stated that each of the 14 proposed housing allocations would have implications for primary education provision. Accommodating additional pupils at this location in existing primary schools would be extremely difficult. Castle Gresley Primary School, St George's Primary School, Church Gresley Infant and Pennine Way Junior School are projected to be at capacity from increasing pupil numbers in the existing population. The proposed new primary school at Drakelow could provide some additional capacity in the wider school planning area but will not be delivered in the short term.

### **H23L: Land north of Scropton Road, Scropton**

One consultee supported the identification of the site for residential development, but suggested that the policy wording be amended to approximately 15 dwellings and the requirement of no more than 1.5 storey on the outer boundary of the site adjacent to the countryside be deleted.

Another consultee stated that the allocation at Scropton is not of a scale that would deliver affordable housing, is over 1200m from a bus stop and is not considered to deliver sustainable development to local service villages and rural villages. The consultee added that based on the Council's own scoring, SHLAA site S/0040 performs better in terms of sustainability objectives than the chosen allocation at Scropton. Given that the amount of development originally envisaged to be allocated to Local Service Villages/Rural Villages has been reduced from the Local Plan Part 2 December 2015 consultation, the Foston site could be allocated along with the Scropton site, whilst still pursuing the Council's strategy of directing the majority of growth to higher order settlements.

A further consultee supported the allocation, provided that the visual impacts of the development were suitably mitigated, and welcomed housing allocations where buffers between the site and open countryside and/or adjoining residential development were included, together with the retention of existing hedgerows.

One consultee stated that the 14 proposed housing allocations would have implications for primary education provision. At the scale of the proposed allocation, additional pupils could be accommodated within an already planned extension of the Heathfields Primary School at Hatton.

In addition one consultee objected to the extent of the northern part of the site allocation, suggesting that it be reduced and the northern boundary brought in line with the settlement boundary to the east and west of the site.

#### **H23M: Montracon Site, Woodville**

Two comments were received. One supported the policy for the consideration of providing further land for the local primary school at Swadlincote and the other stated that the 14 proposed housing allocations would have implications for primary education provision. The existing infant and junior schools are already at capacity and projections show increasing pupil numbers within the existing population. Additional school place capacity would be required in order to accommodate any level of development in this normal area.

#### **H23N: Stenson Fields**

One comment was received, stating that the 14 proposed housing allocations would have implications for primary education provision. At this scale, additional pupils could be accommodated within an already planned extension of the existing primary school.

#### **H24: Replacement Dwellings in the Countryside**

One comment was received, stating that policy H24 along with BNE6, H25, H26, H27 and H28, should help reinforce and support Policy BNE5 and its effective application to protect the countryside from harmful and inappropriate development.

#### **H25: Rural Workers Dwellings**

One consultee commented on the policy, stated that H25 along with BNE6, H24, H26, H27 and H28, should help reinforce and support Policy BNE5 and its effective application to protect the countryside from harmful and inappropriate development.

#### **H26: Residential Gardens within the Countryside**

One consultee commented on the policy, stated that H26 along with BNE6, H24, H25, H27 and H28, should help reinforce and support Policy BNE5 and its effective application to protect the countryside from harmful and inappropriate development. The consultee also stated that the majority of the suggested changes to the policy had been taken into account in the Pre-Submission Local Plan Part 2, through appropriate rewording and/or new text.

#### **H27: Residential Extensions and Other Householder Development**

One comment was received, stating that H27 along with BNE6, H24, H25, H26 and H28, should help reinforce and support policy BNE5 and its effective application to protect the countryside from harmful and inappropriate development.

#### **H28: Residential Conversions**

Two comments were received. One comment supported the policy, stating that it was in line with the National Planning Policy Framework and encouraging the re-use of vernacular and

farm buildings. The other comment stated that policy H28 along with BNE6, H24, H25, H26 and H27, should help reinforce and support policy BNE5 and its effective application to protect the countryside from harmful and inappropriate development.

### **BNE5: Development in the Countryside**

One consultee supported the principle of the policy, another welcomed the two stage criteria approach to the assessment of proposals in the countryside and another consultee supported the policy, stating that the policy is in accordance with the National Planning Policy Framework in respect of development in the countryside.

One consultee said that sites at Egginton met the criteria of policy BNE5. The consultee therefore hoped to have reassurance that any future planning applications might be looked upon favourably.

However there were objections to the policy. One consultee stated that the policy needed to specifically state that due regard would be given to protecting the green wedges in the City of Derby. Another stated that the policy was too vague and should specifically recognise the exception that needed to be made in respect of Traveller site provision (paragraph A should include a section of Traveller sites). And two consultees raised concern regarding the reference to 'valued landscape'. One stated that the term was too vague and such designation, whatever it was, should not be used to prevent all forms of development as is implied. Another respondent considered that there is inconsistency between the NPPF and policy: whilst it was correct to say that the NPPF seeks to protect and enhance valued landscapes (through paragraph 109), it was not correct to say that the Framework seeks to prohibit development in locations that may have an impact on such areas.

A further respondent expressed concern about the omission of a reference to the presumption in favour of sustainable development within the explanatory text, which they considered to be inconsistent with the NPPF. They consider that BNE5 is unjustified as the proposed settlement boundary of Repton does not include site S0134 and is therefore not the most appropriate strategy for the delivery of housing. Furthermore a consultee acknowledged section A and B of the policy, but considered that the District Council should draw settlement boundaries that would sufficiently identify a future supply of housing beyond the plan period, reducing the likelihood of sites coming forward in the countryside.

In addition changes to the policy wording and explanation were suggested. One consultee suggested that part B(i) of the policy should read "will not unduly impact on: landscape character, valued landscape, biodiversity, best and most versatile land, historic assets; and....". In addition two consultees suggested that paragraph 4.4 should read: "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 developments 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. However, through the presumption in favour of sustainable development in the NPPF and the policy in Part 1 of the plan sites will be considered favourably where it can be demonstrated that the benefits of development would significantly and demonstrably outweigh the harm".

### **BNE6: Agricultural Development**

One consultee stated that although of a local nature, BNE6 along with H24, H25H26, H27 and H28, should help reinforce and support policy BNE5 and its effective application to protect the countryside from harmful and inappropriate development.

### **BNE7: Trees, Woodland and Hedgerows**

One consultee supported the policy, noting that the majority of their suggested amendments made at the draft plan stage had been incorporated in the Pre-submission plan. Another consultee contended that part B of the policy was unsound, stating that national guidance did not apply an exceptional circumstances test to the felling of protected trees, groups of trees or woodland in conservation areas. Therefore the wording of the policy did not accord with national guidance: the policy was not effective because it could hamper the delivery of development and was not justified given that it did not provide the most appropriate strategy. A further consultee supported the principle of the policy but objected on the grounds that it did not currently apply to *all* tree, woodland and hedgerow removal. What constituted 'high value' had not been defined and in the majority of cases no replacement planting or other habitat improvements were required by the policy. In order to accord with paragraph 109 of the NPPF the policy should expect replacement planting or other enhancement works to occur on all sites.

### **BNE8: Local Green Space**

Two respondents raised objections to this policy. The first was on the grounds that any allocation for Local Green Space should be outlined within the Part 2. Removing sites from consideration at the Pre-submission stage renders that Part 2 not positively prepared when considered within the context of NPPF Paragraph 157, which states that the Local Plan should "identify land where development would be inappropriate, for instance because of environmental or historic significance".

The second objection requested that the Council give consideration to the deletion of the policy. As the Local Green Space did not form part of the Council's published evidence base, it was difficult to see how the proposed approach could be effective or justified – a statement of future intent rather than a well-evidenced policy.

### **BNE9: Advertisement and Visual Pollution**

No comments were received with respect to this policy.

### **BNE10: Heritage**

Two respondents commented on this policy. One objected on the grounds that whilst the policy broke down the various heritage assets, it made no distinction regarding the weight to be given to the different types of asset in the determination of planning applications. The NPPF highlighted that the more important the asset the greater the weight that should be attached to it. The respondent considered that the policy should be modified to ensure consistency with Policy BNE2: Heritage Assets.

The second consultee sought modifications to bullet points 4 and 5 to reflect National Planning Guidance. Bullet point 4 did not recognise that the weight to be given to an asset's



conservation directly related to the importance of the asset and bullet point 5 did not make clear that those non-designated heritage assets that were not of demonstrably equivalent significance to a heritage asset would not be subject to the 'substantial harm test'.

#### **BNE11: Shopfronts**

No responses were received in respect of this policy.

#### **BNE12: Former Power Station Land**

One consultee supported the policy and pointed out that the site allocated under Policy H6 of the Local Plan Part 1 could deliver substantial numbers of new homes and supporting development. Another supported the policy and considered that the inclusion of both the Drakelow and Willington former power station sites would provide more clarity and certainty to developers and the public on how the sites were to be developed in the future.

#### **RTL1: Retail Hierarchy**

One consultee supported the inclusion in the Policy of the retail hierarchy, but expressed fundamental concern that important elements of the retail impact test that were incorporated in the Policy in the Draft Local Plan Part 2 had not been carried forward in the Pre-Submission Local Plan. The respondent considered it important that Section B of the version of Policy RTL1 contained in the Draft Local Plan Part 2 should be included in the Pre-Submission Plan, to be compliant with paragraph 26 of the National Planning Policy Framework.

#### **RTL2: Swadlincote Town Centre Potential Redevelopment Locations**

One consultee pointed out that the postal collection and delivery service for the Borough was provided from Swadlincote Delivery Office, which formed part of the potential Civic Centre redevelopment area identified in the Policy. Royal Mail owned the freehold of this property and it was important that any future development proposals did not prejudice their operations. Should a development brief be prepared for the site they would welcome the opportunity to comment.

#### **INF11: Telecommunications**

No responses were received in respect of this policy.

#### **INF12: Provision of Secondary Education Facilities**

One consultee objected to the Policy as it remained unclear what amount of secondary education places were required to accommodate the District's housing and population growth, nor was it firmly established what the most appropriate strategy would be to deliver additional education infrastructure. The consultee did not object to the allocation of two sites for secondary schools as they agreed that at least one would be required to be delivered during the plan period and that the allocation of two sites would provide flexibility going forwards, however they considered that the site at Thulston Fields should be

identified as a “preferred option” in accordance with a County Council assessment. They also consider that the Pre-Submission Local Plan Part 2 should commit the site at Thulston Fields to be safeguarded for future removal from the Green Belt during the Plan Period as part of a Local Plan review.

Another respondent fully supported the policy, the background text and Proposals Map 5. They welcomed and supported the fact that their comments in respect of Draft Local Plan Part 2 had been taken into account.

A further consultee welcomed the support in the Plan to schools and supported the recognition for the requirement to provide additional secondary education facilities. The consultee welcomed the identification of two potential sites (Lowes Farm, and Thulston Fields), but considered that it would be helpful if the securing of developer contributions through S106 and Community Infrastructure Levy (CIL) were explicitly referenced within the document. Support was expressed for the principle of safeguarding land for the provision of new schools and the siting of schools within the allocated sites in locations that promoted sustainable travel modes for pupils, staff and visitors. The consultee states there was a need to ensure that developer contributions through the CIL were sufficient to cover the increase in demand for school places generated by development. When new schools were developed, local authorities should seek to safeguard land for any future expansion where demand indicates that this might be necessary.

### **3 Local Plan Part 2 (15<sup>th</sup> December 2015 – 12<sup>th</sup> February 2016)**

#### **3.1 Introduction**

The Local Plan is being prepared in two parts. The Part 1 was submitted to the Secretary of State in August 2014 and examination of the Plan took place in late 2014 and December 2015. Part 1 deals with strategic allocations and key policies, while Part 2 is concerned with smaller housing sites (known as non-strategic housing allocations) and more detailed Development Management Policies.

In December 2015 South Derbyshire District Council published its first consultation on the Local Plan Part 2.

The consultation sought views on six consultation documents:

- The Local Plan Part 2 which contained detailed development management policies.
- Appendix A: Settlement Boundary Topic Paper- which set the methodology for reviewing and establishing new settlement boundaries.
- Appendix B: Housing site options – which contains maps of the housing site options for the Part 2 Plan
- Appendix C: Housing site Pro-formas – which assesses the sites contained within the Strategic Housing Land Availability against a set of criteria.
- Appendix D: Local Green Spaces Topic Paper –which set the methodology for establishing Local Green Spaces
- Appendix E: Maps showing the location of Local Centres.

This initial consultation ran from 15<sup>th</sup> December 2015 until 12<sup>th</sup> February 2016. The consultation document and responses received can be found on the Councils website at: <http://www.ldf.consultations.south-derbys.gov.uk>.

#### **3.2 Who was invited to be involved at this stage and how?**

Different methods of public consultation were used to maximise community and stakeholder engagement in the process. These included:

- a. All organisations and individuals on the LDF consultation database (including Parish Councils and South Derbyshire's MP) were contacted by letter or email where provided, informing consultees of the purpose of the consultation, how to find further information and how to make representations (Appendix A1, A2, A3). In total 1138 emails and 1710 letters were sent.
- b. All South Derbyshire Parish Councils and Meetings were sent a paper copy of the consultation documents, summary leaflet and questionnaire.

South Derbyshire District Councillors did not receive a hard copy of the consultation documents. This is due to the provision of hand held electronic devices which enable Councillors to view documents online.

- c. Posters were distributed to all Parish Councils/ Meetings and libraries (Appendix A4)

- d. A reference copy of the Local Plan Part 2 consultation documents was available to view in South Derbyshire District Councils Main Reception along with summary leaflets and questionnaires to take away.
- e. Posters and reference copies of the Local Plan Part 2 consultation documents were available to view at all South Derbyshire Libraries and the following libraries outside of the District: Burton on Trent, Chellaston, Mickleover and Sinfen. Summary leaflets and questionnaires were also available to take away.
- f. During the consultation period the Local Plan Part 2 was advertised as part of a rolling presentation on screens in the Councils Office's Main Reception (Appendix A5).
- g. A banner advertising the Local Plan Part 2 consultation was uploaded on the home page of the District Councils webpage, during the consultation period. A hotlink on this banner connected directly to the Local Plan Part 2 webpage, which provided further information on the consultation and contained the consultation documents, summary leaflet and questionnaire to download (Appendix A6).
- h. Questionnaires were produced soliciting responses to the consultation documents. These were made available at all drop in events, all South Derbyshire Libraries (and the libraries outside of the District stated above), the District Councils Main Reception and to download from the District Councils webpage (Appendix A7).
- i. Drop in events were published on the District Councils website and the consultation documents, summary leaflets (Appendix A8) and questionnaire were available to view on-line or download.
- j. Eleven drop in events were held in various locations, with the aim of reaching all sections of the community. Planning officers were at the events to talk through the consultation and answer questions from members of the public and stakeholders.

The exhibitions included information panels explaining the purpose of the consultation, the purpose of Local Green Spaces, an explanation of settlement boundaries and the settlement boundary review, a brief overview of the proposed strategy for distributing housing within the part 2 and the housing options and a summary of the Part 2 policies (Appendix A9).

Reference copies of the consultation materials were on display, along with copies of the summary leaflet and questionnaire which consultees could take away with them.

The drop in events took place at the following venues.

- Old Post Centre, High Street, Newhall DE11 0HX on 8 January 2016 from 2.30pm to 7.30pm

- Goseley Community Centre, Hartshill Road, Woodville on 11 January 2016 from 2.30pm to 7.30pm
  - All Saints' Heritage Centre, Shardlow Road, Aston on Trent, DE72 2DH on 12 January 2016 from 2.30pm to 7.30pm
  - Rosliston and Cauldwell Village Hall, Main Street, Rosliston on 15 January 2016 from 2.30pm to 7.30pm
  - Repton Village Hall, Askew Grove, Repton, DE65 6GR on 18 January 2016 from 2.30pm to 7.30pm - Repton Parish Neighbourhood Development Plan Group will be displaying some information at the event
  - Church Rooms, adjacent to St George and St Mary's Church, Church Street, Church Gresley on 19 January 2016 from 3.10pm to 7.30pm
  - Frank Wickham Hall, Portland Street, Etwall, DE65 6JF on 21 January 2016 from 2.30pm to 7.30pm
  - Swadlincote Market, on 22 January 2016 from 10am to 2pm
  - Hilton Village Hall, Peacroft Lane, Hilton, DE65 5GH on 25 January 2016 from 1.30pm to 5.45pm
  - Melbourne Assembly Rooms, High Street, Melbourne on 27 January 2016 from 2.30pm to 7.30pm
  - Elvaston Village Hall on 28 January 2016 from 2.30pm to 7.30pm
- k. A short URL code was created for the District Council's webpage, which set out information on the consultation.
- l. The District Council issued a press release advertising the consultation and drop in events on 18<sup>th</sup> December 2015 and 6th January 2016 (Appendix A10 & A11)
- m. A statement regarding the Local Plan Part 2 was read out at the Area Forums to advice of the consultation dates and where information could be found.
- n. Contact was made with several stakeholders in the period before the consultation and during the consultation to inform them of the progress of the Part 2 Plan and seek their technical advice. These included the Environment Agency, Severn Trent and the County Council.
- o. A Local Plan Member Working Group was held on the 12<sup>th</sup> November 2015 and 23<sup>rd</sup> May 2016 with an update report regarding the first consultation taken to the Environmental and Development Services Committee on the 14<sup>th</sup> April.

### **3.3 What were the main issues raised?**

A total of 318 consultees responded, raising around 2,278 comments on all parts of the Local Plan Part 2.

This report provides a summary of the responses received and is split into the questions asked in the Local Plan Part 2 questionnaire. Not every consultee response has been summarised below, however the main responses received have been grouped together.

## **STD1: Settlement Boundary and Development**

### **Q1. Is the use of settlement boundaries the correct mechanism to direct appropriate development? Are there any other options?**

The majority of responses agree that settlement boundaries are the correct mechanism to direct appropriate development. Some however added a caveat to their response, the main one being: as long as the boundaries are enforced, due to development currently being granted outside of settlement boundaries. Other caveats include: settlement boundaries should be the starting point not the determinative; settlement boundaries are a sensible mechanism provided housing policy remains up to date; provided green spaces used for recreation/leisure/amenity/wildlife habitat is not lost and settlement boundaries should be subject to a routine monitoring and review process to take into account housing land supply variations or changes to government policy.

Furthermore it has been suggested that settlement boundaries should not be so tightly drawn, to allow some flexibility in the event that allocations fail to deliver, leading to failure to deliver a 5 year housing land supply.

Some consultees however do not agree that settlement boundaries are the correct mechanism to direct appropriate development. Reasons given for this include.

- Allows development in open spaces that should remain rural.
- Land outside of settlement boundaries are considered to be countryside. The world however is not as clear cut as this and whilst there may be many instances where a clear dividing line can be drawn, this is not one of them.
- Settlement boundaries do not provide officers with the flexibility required should housing number climb and are thus likely to require continually updates rendering them inefficient
- Would preclude otherwise sustainable development from coming forward
- Ineffective mechanism for directing appropriate development in the past, as development does take place outside the current boundaries.

An alternative mechanism to direct appropriate development was suggested – a criteria based policy. One consultee stated that a criteria based policy should seek to allocate land for residential development which is adjacent to the existing settlement boundary and can be demonstrated as meeting the three dimensions of sustainable development. However another consultee suggests that this approach provides less certainty in terms of the future development potential on sites adjoining settlement boundaries.

Another consultee suggests that the following wording should be used instead of the use of settlement boundaries “Sustainable development proposals adjacent to existing settlements will be permitted provided that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of development.”

### **How, where necessary, these issues were addressed**

The District Council intends to continue the use of settlement boundaries to direct appropriate development, for the settlements stated within the Settlement Boundary Topic Paper. The District Council considers that settlement boundaries provide certainty over where development is likely to be acceptable and can provide a strong premise for defining and protecting the countryside from unnecessary encroachment.

### **Q.2 Do you think we have identified the correct settlements to have settlement boundaries?**

The majority of the consultation responses either state they agree that the correct settlements have been identified to have settlement boundaries or agree with a particular settlement having a settlement boundary. Those settlements specifically mentioned include: Stanton By Bridge, Aston on Trent, Repton, Milton, Hartshorne, Melbourne, Kings Newton, Hilton, Church Broughton and Lees.

In addition one consultee stated they agree that Foremark should not have a settlement boundary.

Reasons given for agreeing with the identified settlement boundaries include: the settlements identified are of an appropriate size and location to warrant the provision of defined boundary; they have been fairly and objectively assessed in the evidence base; prevents ribbon developments and encroachments onto good agricultural land and general countryside; it is essential that small towns and villages keep their identities; it protects the rural village of Kings Newton from Melbourne; and are considered appropriate to have settlement boundaries.

However some (but few) consultees stated no to this question. Reasons given include, Aston on Trent is not really a Key Service Village, any development on the south west side of Linton will require an upgrade to sewage disposal facilities and where there is beautiful countryside as is the case in Linton it is totally inappropriate as would be devastating for the countryside, wildlife and local people.

Furthermore additional settlement boundaries have been suggested:

- Woodville to Hartshorne
- The Derby Urban Area

- All settlements should have defined boundaries
- Mercia Marina should either have its own settlement boundary or be included within the settlement boundary of Willington
- Any settlement identified by a name it has been known by historically is worthy of a boundary
- All settlements in rural areas should have a settlement boundary
- Acresford
- Foremark

Moreover amendments to existing settlement boundaries have been suggested, however these will be addressed within Q3.

A consultee also suggested that the explanation of the policy does not reference any potential implications of additional Part 2 housing allocations to be located on the edge of Derby and/or Burton on Trent in which event settlement boundaries are not proposed. Policy H22 indicates that between 150 and 300 dwellings will be directed to the urban areas, which at this stage may include edge of Derby and Burton (as well as Swadlincote), and so the policy or sub text requires clarification in this respect.

Additionally it has also been suggested by a few consultees that it is worth considering the boundaries of Ticknall conservation area in relation to the settlement boundary.

### **How, where necessary, these issues were addressed**

The District Councils intends to propose settlement boundaries for the settlements identified within the Settlement Boundary Topic Paper. The Council does not intend to establish settlement boundaries for any of the suggested settlements.

It is not considered appropriate to establish settlement boundaries for all settlements. Neither is it felt appropriate to establish boundaries for other reasons given such as settlements identified by a name it has been known by historically, all rural areas, Acresford and Foremark. It is not practical to draw settlements boundaries around more dispersed settlements as it may lead to the consequence of large areas falling within a boundary that is unsuitable for development. In terms of Acresford there are few dwellings within the settlement and the settlement is dispersed and with regards to Foremark the settlement is small scale. However development could still take place within these settlements, subject to compliance with the Local Plan Policies.

The land between Woodville and Hartshorne consists of ribbon development between the settlements and also detached from both settlements. It is considered unnecessary to establish a settlement boundary for this land as it does not logically form its own



settlement. Furthermore it is not considered necessary to establish a settlement boundary for the sustainable urban extensions on the edge of Derby City as they would not form established boundaries due to the not being able to include land within Derby City. The premise for boundaries in the District is that they are complete entities.

Principle 2 of the settlement boundary topic paper states that settlement boundaries do not always need to be continuous and more than one element of the settlement can be established. However Merica Marina is detached from Willington settlement boundary by approximately 1km. It is therefore not considered appropriate to include Merica Marina within Willington settlement boundary though a new policy just considering Marina Development has been included within the Plan to ensure that appropriate development is supported within Marinas. Also, it is not considered necessary or appropriate to establish a separate settlement boundary for the Marina.

In regards to the suggestion that the policy explanation needs updating, no change has been made. The settlement boundaries will be updated to include the allocations made within the Part 2 Plan.

### **Q3.Do you wish to suggest any changes to the proposed boundaries?**

A large number of alterations were suggested through the consultation. These include:

- i. Sites with planning permission should not be included within settlement boundaries
- ii. The National Forest at Swadlincote Woodlands should have a boundary also to include Bernard St, Frederick St, Granville St and Court Street, to stop further development.
- iii. Keep Rosliston boundary the same as the last plan.
- iv. The extension to the garden at Pinnins, Stanton By Bridge in 1984 is not included.
- v. Modification 3 in Egginton - the line ought to follow the existing rear boundary of the lane, or at the very least the boundary alignment to area 3 ought to be retained as shown on the 1998 adopted Local Plan.
- vi. Include land to the rear of Broughton Close within the Church Broughton Settlement Boundary.
- vii. Area 9 of Sutton on the Hill should include the 2 new houses granted planning permission (9/2014/0650) but exclude the adjoining paddocks and rear gardens of Field House, The Birches and Bank House.
- viii. Area 6 of Sutton on the Hill should change to reflect the creation of a new driveway to barn conversions (application number 9/2011/0312).

- ix. The settlement boundary at Repton's north west corner should include Tanners Lane at least up to and including 36 and 38 Tanners Lane and include the entire sports centre at Repton School.
- x. Include Bower Hill, Well Lane, within Repton settlement boundary.
- xi. Include the rear garden of The Old Hall, Etwall Lane, Burnaston
- xii. Area 6 Swarkestone – Include permission 9/2008/1021 which has commenced for a barn conversion and carport.
- xiii. The 1998 Local Plan includes an area Fronting London Road – the proposal deletes this land from the limits and sets its back on the opposite, northern side of the road. As drawn there is a defined line on the ground and therefore the principle is satisfied. It is not at all evident in any event why the boundary has to be taken to the opposite highway boundary.
- xiv. The development boundary of Findern should be amended to incorporate ribbon development at Burton Road and Doles Lane.
- xv. The Swarkestone settlement boundary should recognise the extent of the residential curtilage of Trentside Cottages.
- xvi. The Swarkestone boundary should tightly follow the residential boundaries of the properties as it does on east Trentside, not the line of the footpath.
- xvii. The boundary to the West of Trentside in Swarkestone should tightly follow the residential boundaries of the properties.
- xviii. Keep land to the south of Church Street, Netherseal within the settlement boundary
- xix. Netherseal settlement boundary should extend eastwards to 42 Church Street to encompass the adjacent paddock and the built form of Mill Farm.
- xx. Land at Church Lane, Newton Solney should be included.
- xxi. Areas 22(25 -87 Chellaston Lane) and 23 (agricultural buildings to the south of Chellaston Lane) of Aston On Trent should be included within the settlement boundary
- xxii. Houses on Sleepy Lane and further down Trent Lane, the full garden of 32 Trent Lane and the full garden and orchard at Kings Newton House, should be included within Kings Newton settlement boundary
- xxiii. Swadlincote Urban Area boundary should be amended to include land to the south of Station Street (i.e. land between Station Street and railwayline).

- xxiv. The settlement boundary of Hilton should be amended to align with the Local Plan Part 1 allocation (and now planning permission), as the western part of the proposed boundary does not precisely align with the allocation and permission.
- xxv. The settlement boundary for Willington should be amended to include the land granted planning permission for 60 units of holiday accommodation (9/2012/0027).
- xxvi. Willington Settlement Boundary excludes Derwent Court, Findern Lane, parts of Castleway, east of Fern Close and Wheatfield Court, which are part of the village.
- xxvii. Changes to the settlement boundaries to include additional housing sites in Repton.
- xxviii. Upon allocation the settlement boundary of Hilton should be extended to include Site S0023
- xxix. Include extension of Etwall Settlement boundary to include land east of Egginton Road.
- xxx. The proposed settlement boundary for Linton should include land at Cauldwell Road, Linton as an allocation for residential development.
- xxxi. The proposed settlement boundary should include land at Bond Elm, Melbourne as an allocation for residential development.
- xxxii. Charnwood and Blakefield House Jawbone Lane and the immediate land around are Kings Newton not Melbourne.
- xxxiii. Land to the north and haulage depot yard should be included within Kings Newton settlement boundary
- xxxiv. Existing housing to the east of settlement boundary at Station Road Melbourne should be included within the boundary
- xxxv. Land at Lambert House, land to the south of Smith Avenue, 172 Derby Road and land to the west of the housing development at Kings Newton Road should be included within Melbourne Settlement boundary
- xxxvi. Ticknall settlement boundary should include the dwellings on Main Street to the east of Calke Abbey entrance.
- xxxvii. Poplar Farm In Overseal has recently been granted planning permission and should be included within the settlement boundary
- xxxviii. The settlement boundary amendment at Repton (number 17) is fields not the properties gardens.

- xxxix. The curtilage of the Poplars, Newton Soleny, should be included within its entirety in Newton Solneys settlement boundary
- xl. The settlement boundary of Etwall should include SHLAA reference S0265
- xli. Include land at Marcella House, Church Broughton within Church Broughton settlement boundary
- xl.ii. Mount Pleasant should encompass the whole of Castle Gresley Parish and renamed as such.
- xl.iii. The boundary should include Priory Farmhouse and Cottage Farm, Cauldwell
- xl.iv. Move the proposed boundaries to the north west side of the Linton
- xl.v. The Aston on Trent settlement boundary (along with others) needs revising on order to allow the settlement to accommodate further sustainable housing growth.
- xl.vi. Reinstate the original boundary of Milton in the south eastern corner
- xl.vii. Ticknall Settlement boundary should include SHLAA site S0267.
- xl.viii. Hartshorne settlement boundary should be amended to include land to the rear of 43 Repton Road, where permission for 7 dwellings has been granted.
- xl.ix. If the settlement boundary is moved around SHLAA site S0017, can the boundary move around 13a Burton Road, Castle Gresley, instead of it sticking out on a limb, as it already separates the garden from the house.
  - I. Repton settlement boundary should include SHLAA sites S0116, S0101 and S0089
  - li. Rosliston settlement boundary should be amended to include SHLAA site S0175
  - lii. Swadlincote settlement boundary should be amended to include SHLAA site S0092
  - liii. Castle Gresley Parish Council believes the Parish Boundaries should be shown.
  - liv. Consideration should be given to the opportunity to accommodate development on land to the north of Derby Road, Melbourne through allocations and the settlement boundary should reflect the allocations.
  - lv. The proposed settlement boundary for Repton should be removed and a criteria based policy used.
  - lvi. The settlement boundary of Overseal should include SHLAA site S0250
  - lvii. The settlement boundary of Aston should include SHLAA site S0271 and S0272.
  - lviii. The settlement boundary of Hartshorne should include SHLAA site S0245

- lix. The settlement boundary of Shardlow should include land to the north of London Road, Shardlow, which benefits from an extant planning permission for a new farmhouse.
- lx. The existing curtilage of 83 London Road should be included within the settlement boundary.
- lxi. Include land at Ingleby Lane, Ticknall within Ticknall settlement boundary.
- lxii. The settlement boundary of Stanton by Bridge should remain the same as the existing settlement boundary at reference point 8.

### **How, where necessary, these issues were addressed**

Planning Policy officers reviewed the suggested alterations against the principles set out within the Settlement Boundary Topic Paper. Aerial photographs, the District Councils Geographical Information System Mapping, Google Street View and site visits, were used/undertaken when applying the principles.

Those suggested alterations which complied with Principle 1, 2 and 3 were included. For example, the SHLAA sites proposed as Part 2 allocations (Principle 3a) and all those sites with planning permission which are physically/functionally related to the settlement (Principle 3b) have been included within the relevant settlement boundary.

In addition suggestions which include land and curtilages of buildings which relate closely to the character of the built form have been included within settlement boundaries (Principle 3c). For example dwellings at Tanners Lane, Repton School sports facilities buildings and the dwellings at Well Lane, Repton, have been included within Repton settlement boundary as the land relates closely to the character of the built form (Principle 3c).

However those suggestions which did not comply with Principle 3 and complied with Principle 4 were not included within the settlement boundary. For example the houses at Trent Lane and Charnwood and Blakefield House Kings Newton have not been included within Kings Newton settlement boundary as they are physically detached from the settlement (Principle 4c). Similarly, the curtilage of Poplars, Newton Solney has not been included within the Newton Solney settlement boundary. If the curtilage was included and developed the site could have the capacity to detrimentally impact upon the form and character of the settlement (Principle 4a).

### **H22: Part 2 Housing Allocations**

#### **Q4. Do you have any comments regarding the proposed distribution of 600 dwellings across the District?**

Some comments of support have been received for the policy. A few consultees have suggested that the proposed distribution appears reasonable; another suggests they

support that the policy does not promote any development to settlements below rural village designation; a further consultee suggests that they agree with the strategy to allocate the additional housing across villages broadly in line with the existing size of the village and; an additional respondent suggests that the proposed distribution will deliver housing growth to locations which have the local services and facilities to support the growth and form local sustainable locations.

However some amendments to the policy have been suggested:

- It should be made clearer that the 150 dwellings distributed within the Local Service Villages and Rural Villages, should be first directed within the Local Service Villages, in preference to the Rural Villages.
- The Council should allocate in excess of the minimum level of development
- The upper range figures in each locational category should be used
- 600 dwellings should be a maximum number of dwellings, based on current infrastructure
- 850 dwellings should be the minimum figure taken forward
- 400 dwellings should be allocated within Key Service Villages
- A separate number of dwellings should be set for Rural Areas.
- Given the level of development allocated within Urban Areas within the Part 1, a lower level of development should be allocated within Part 2, allowing a higher level of growth to be allocated to Key Service Villages.
- The policy incorrectly identifies the range of houses to be delivered is between 500 to 850 dwellings rather than 450 – 850 dwellings.
- There is an unfair biased towards Key Service Villages

In addition it has been suggested that brownfield sites should be used and greenfield sites should not be built on and that development is needed where there is access to regular transport, primary and secondary school availability and availability of nearby shopping centres and the impact on existing local infrastructure needs to be a priority in the decision making process. Moreover it has been suggested that the proposed distribution appears to be developer driven rather than need/capacity of villages.

Furthermore some consultees have stated that existing development and allocations within the Local Plan Part 1 should be taken into account when allocating Part 2 housing sites.

Specific opposition was received for the following Strategic Housing Land Availability (SHLAA) sites S/0271, S/0271, S/0026 and S/0062 (Aston on Trent), S/0084 and S/0169 (Winshill), S/0113, S/0049 (Mickleover) and S/0152 (Hatton). Furthermore opposition to development within Swadlincote, Aston, Weston, Mickleover, Etwall, Hatton, Church Broughton, Hilton, Melbourne, Kings Newton, Dalbury, Lees, and Linton was also received.

However it has been suggested that the following settlements would be suitable for development; Swadlincote, Melbourne, Repton, Hilton, Etwall, Linton, Hartshorne, Rosliston, Overseal, Aston on Trent and Shardlow.

#### **How, where necessary, these issues were addressed**

The element of 600 dwellings is set through the strategic policy S4 in the Local Plan Part 1 to enable the delivery of non-strategic sites of less than 100 dwellings. The number is a minimum as the overall housing target is a minimum which has now been agreed by the Inspector as sound and legally compliant so it cannot be set as a maximum amount.

The sites that were consulted on are not all required in order to meet the requirement of at least 600 dwellings. Whilst a target was set per settlement hierarchy tier, this is also dependent on appropriate sites being found which is supported through work on the Sustainability Appraisal.

South Derbyshire has one main town in Swadlincote and the rest of the settlements are of a range of sizes none of which have services and facilities comparable to Swadlincote. The settlements can only be assessed against each other and ranked according to the number of services and facilities each one has and those in the higher tiers have more services as opposed to those lower down. Growth should be directed at the more sustainable locations in the District to be in line with the National Planning Policy Framework though allocations in lower tier settlements will be made if it is appropriate though at a low number of dwellings.

#### **Q5. Do you have any comments to make regarding the housing site options for Part 2 shown on the maps?**

A large number of responses were received in regards to this question. The majority of the responses received were either objections in regards to specific potential housing sites or objections to development within a specific settlement. A brief summary of the objections received per settlement is below:

##### **Aston on Trent**

General issues were raised in regards to development within Aston on Trent – the village school is oversubscribed and Chellaston Academy is at capacity, healthcare is at breaking point, traffic congestion is already a problem and further development will only add to the issues and there is already sewerage and drainage issues within Aston.

Specific comments regarding the Aston On Trent housing site options were also received:

S/0062 – Development of the site would; put excess strain on the local infrastructure; would close the gap between Weston and Aston, development of the site would destroy the wildlife in the woodland.

S/0061 – Development of the site would increase flood risk

S/0026 – Development of the site would affect the size of the village

S/0230 – Flooding on the site

S/0272 – The site is close to a nature reserve and near to a cemetery, development on the site would shatter the peace; the access road to the site is narrow

S/0271 –There is flooding on the site; Moor lane is a single track road; the surrounding houses are single storey; development of the site would lead to damaging hedgerows on the site; development of the site would extend the village.

S/0026 – Development of the site would be out of proportion to the current size of the village

S/0093 – Development of the site would be infill land and against the wishes of the village as stated in the village plan. There is existing flooding on the site.

### **Castle Gresley**

Some concerns regarding development within Castle Gresley were received: there is concern regarding foul flooding and risk of pollution; the amenities within the settlement are insufficient to cope with the existing development within the settlement; all sites will denude views of the landscape in particular views towards the scheduled ancient monument of Castle Knob, National Forest and distant horizon; Irrespective of the level of retention of trees and hedgerows, development will put further pressure on ecology, particularly where wildlife corridors are further constrained; the settlement has no schools, very overcrowded roads - especially the A444 and a single medical centre that is grossly oversubscribed.

Specific comments regarding the Castle Gresley housing site options were also received:

S/0239: there are no services connected to this land; the entry/exit to the site is from Oak Close which is already an heavily populated housing estate; the site contains a wealth of wildlife; development of the site will have a detrimental effect on the character of the village and on indigenous occupants identification with its rural nature; the site is arable land; the site is susceptible to water draining; the surface water from such development will further impact on the volume being directed to the White Lady which is at capacity; the infrastructure of the area is not suitable to sustain the growth of the development



S0147 - High risk of flooding on the site

S0017 - Access on to the highway is constrained; the site would have detrimental effects on the character of the village and on occupant's identification with its rural nature.

S0142, S0239 – The sites have highway issues; the sites would have detrimental effects on the character of the village and on occupant's identification with its rural nature.

S0098 – The site has some flood risk and is next to the recreation ground; the site would have detrimental effects on the character of the village and on occupant's identification with its rural nature.

S0097 - The best option for access and the area; there are a number of cars parked on the left hand side of the road – where will they part of the site is developed?; there would be noise pollution from construction of the site; the development would overlook properties; access to the site would cause disturbance for neighbouring properties; the site contains wildlife; the site would have detrimental effects on the character of the village and on occupants identification with its rural nature.

### **Church Broughton**

General comments were received regarding development within the village - Church Broughton has limited services – no shop, post office or other amenities, the bus service is once a week, boggy lane is very wet and the sewerage system is close to capacity.

Specific comments regarding the Church Broughton housing options were also received:

S/0189 – Access to the site is constrained; there is flooding on the site; development of the site would lead to the loss of greenfield sites

S/0043 – The site is not well related to Church Broughton and development of the site would be highly visible.

S0263 - This site is well outside of the village settlement boundary and we would not envisage that this site could be developed until after any potential development of S0054.

S0054 - There are flooding issues on the site and there is concern that development of the site would lead to development of S/0263 in the future.

S0264 - There is access to two roads from the site, but these would need some re-enforcement. The far southern part of this site is highlighted on the Environment Agency Flood Map and as such this particular section of the proposed site may not be suitable for development.

### **Dalbury**

It has been commented that Dalbury is only a Hamlet with no local school provision or bus route and lacks a main sewer. The road to the site is only a single track road and development of the site could cause danger on the roads.

### **Etwall**

Concerns received regarding development in Etwall include; traffic congestion is already in a problem; the bus service is not very good so residents will drive; Etwall Settlement area should not expand beyond the bypass, old railway line and the A50.

Specific comments regarding the Etwall housing site options were also received:

S/0265 – The site is outside a reasonable village boundary; however one consultee states the site should be considered only as an option for school expansion

S/0253 - The site would presumably affect the aspect of the nearby listed building so should have been considered unsuitable.

S/0036 - The site was refused at appeal

S/0063 - The site was refused at appeal

### **Findern**

It was stated that S/0010 and S/0228 would add considerable extra volume of water on Doles Brook, which could cause flooding and that S/0288 is within the countryside and is crossed by a footpath which would be spoilt if built around.

### **Foremark**

A consultee stated that the settlement is below rural village designation and there would be a clear conflict with Policy H22 if the site in Foremark was allocated. The settlement is not a sustainable location for future housing growth and the site has prominent woodland coverage.

### **Hartshorne**

One consultee suggested that site S0052 and S0215 should be Local Green Spaces and not allocated. The consultee goes on to add that site S/0233 and S/0208 are too large and would be a major intrusion in the countryside and that site S/0208 would cause additional traffic congestion on the road network.

## **Hilton**

It was stated that option S0014 to the southwest of the village is on the flood plain and does not seem a viable option. The other options would only add to a very large housing estate that has little infrastructure filling in green countryside up to and alongside the A50.

## **Lees**

Responses were received objecting to all the SHLAA sites within Lees. The reasons given include: development of the SHLAA sites will overwhelm the village; the sites lie outside the settlement boundary; development of the site will lead to the loss of countryside; new housing development has already taken place within the village; the existing infrastructure would not be able to cope; there is no mains gas within the village; there is only a demand response bus service; development would lead to the loss of wildlife due to decrease wildlife habitat; development would lead to more light and noise pollution and development would change the nature and character of the linear settlement.

## **Linton**

Consultees have stated that Linton is a village with few amenities, with a school at capacity and the local infrastructure would not be able to cope with additional development. It has also been stated that the sites would drain into the holding tanks of the pumping station on Colliery Lane which has difficulty coping currently and regularly overflows. It was stated that the people of Linton do not want the village to expand and the sites should stay as countryside.

## **Melbourne and Kings Newton**

The main comments received in regards to Melbourne and Kings Newton are that development of sites S/0225, S/009 and S/0226 would be detrimental to the effect of heritage assets and would lead to coalescence of Melbourne and Kings Newton.

It has also be raised by some consultees that the housing sites provide the potential to build a further 410 houses in Melbourne and this not sustainable. Existing housing commitments needs to be taken into account.

## **Mickleover**

Objections have been raised regarding the housing site options around the Mickleover area.

Concern has been raised regarding the impact development of SHLAA sites S/0113, S/0049, and S/0048 would have on the traffic congestion. One consultee states that the development should not be looked at in isolation in regards to impact on the highway network.

Another consultee states that development of the sites along Hospital Lane (S/0158, S/0113 and S/0048) will take away green belt land, spoil the Mickleover Cycle track green route and will develop the green space enjoyed by the residents of the Pastures Hospital Estate.

One consultee is concerned that if sites S/0013, S/0048 and S/0029 and S/0049 are allocated along with Hackwood Farm and Newhouse Farm (allocated within the Part 1 Local Plan), the existing community of Mickleover will be cut off from the local 'valued and cherished; green countryside'.

### **Milton**

The comments received stated that Milton is not a sustainable village and consultees have raised that the responses from Repton Neighbourhood Development Plan survey, did not demonstrate any appetite for development in Milton.

### **Overseal**

One consultee states that S/0022 will have impact on the local roads, S/0250 will dominate that size of the village and S0013 and S0053 floods and is a nature reserve. Another consultee states that S/0013 and S/0053 requires proper access to be suitable and S/0141 is acceptable.

### **Repton**

The comments received included; Repton has already taken growth within the Local Plan Part 1 and that the Neighbourhood Development Plan survey did not demonstrate any appetite for development within Repton and If development is to be forced onto Repton then the Neighbourhood Development Plan survey is clear that the sites should be limited to no more than 10 dwellings; the sites are too far away from the centre of Repton; any development would result in increased car usage on roads that are already very congested at certain times of the day; the village services would not be able to cope with further development

Specific comments were also received regarding the Repton housing site options:

S/0089 - Should be classified as inappropriate. It provides an important strategic gap between Repton core village and the hamlet of Mill Hill

S/0101 & S/0116 – Development would extend the Repton envelope; it is an area of natural beauty with wildlife; houses would overlook the dwellings in Burdett Way, as the proposed site is on an upward elevation; there are open areas within the local envelope that should be developed before extending the settlement boundary.

## **Rosliston**

A few consultees have raised concern about the impact development would have on a 'small national forest village'.

Specific comments were also received regarding the Rosliston housing site options: Particular concern has been raised regarding development of S/0274. Consultees have stated that the site is an important recreational community facility with the village. Rosliston Parish Council states that they have a licence to rent a large proportion of Strawberry Land Playing Field.

S/0262 – A consultee has stated that the development threatens the expansion of the village boundary into the National Forest area and another state the site is totally out of character of the village.

S/0177 – A consultee has stated that the entrance to the site would be onto a busy road.

## **Stanton Bridge**

One consultee suggested that if site S/0123 was considered suitable especially on addition to S/0124, the whole character of the village would change. In addition there would be increased traffic on what is a narrow, congested and poorly maintained road through the village.

## **Swadlincote**

It has been suggested by a consultee that most of the housing allocations should be within Swadlincote as it has good services, however it has been suggested by another consultee that further development within Swadlincote and Woodville would call chaos. Specific comments were received regarding the Swadlincote housing site options:

S/0208 and S/0248 would cause an increase in traffic. The settlement boundary would need to be expanded to include the site and local infrastructure is inadequate.

S/0105A should be avoided, there are accidents on the road known as 'Murder Mile' on a weekly basis and increase traffic should not be added to the road.

S/005 – The site is excessively large, would be a major intrusion into the open countryside between Hartshorne and Goseley Estate, would cause traffic congestion and would be unsustainable.

## **Ticknall**

The following comments have been received regarding development within Ticknall: the sites have flooding issues; the village doesn't have the services to accommodate growth and are overstretched; additional houses would be detrimental to the historic nature of Ticknall;

Ingleby Lane is very narrow; traffic speeds within the village area is an existing problem; the road system is not capable of handling further traffic increase; and development would comprise the footpaths through the sites.

### **Weston on Trent**

It has been suggested that development on sites S/0025 and S/0042 would be out keeping with the varied low density housing and open plan of Weston Village. Both proposed development sites will increase traffic and place additional strain on the very limited resource in the village and flood risk is a concern within the village.

### **Willington**

It has been stated by consultees that over the last 5 years the village has experienced housing growth; there is pressure on local facilities; further development would put pressure on the drainage infrastructure which is near to capacity; and the proposed sites are located outside of Willington settlement boundary and therefore should be protected from unnecessary encroachment.

### **Winshill**

A consultee stated that site S/0084 does not enhance Newton Solney and another stated that development of the site would be contrary to policy H1 of the Local Plan Part 1 and would be a strategic site.

However some responses were also received promoting particular SHLAA sites for allocation within the Local Plan Part 2, these include:

S/0123 North side of Church Close, Stanton By Bridge

S/0124 South side of Church Close, Stanton By Bridge

S/0260 Chestnut Avenue, Foremark

S/0011 Land off Ingleby Lane, Ticknall

S/0267 Land at Ashby Road, Ticknall

S/0019 Former Nursery, London Road, Shardlow

S/0216 Wyevale Garden Centre, Burton Road, Findern

S/0049 Land at A516/Staker Lane, Mickleover Derby

S/0023 Land off Derby Road, Hilton

S/0084 Land at Newton Road, Burton on Trent

S/0176 Breach Lane, Melbourne

S/0225 Bond Elm, Jawbone Lane, Melbourne

S/0265 Land north of Derby Road and east of the A516 Etwall

S/0036 Land at OS Part 1546, Derby Road, Etwall

S/0089 Adjacent to Mount Pleasant Road, Repton

S/0075 Land at Cowlshaw Close/ Aston Lane, Shardlow

S/0076 Land at Aston Lane, Shardlow  
 S/0245 Woodville Road between 53 and 67, Hartshorne  
 S/0271 Land off Moor Lane, Aston on Trent  
 S/0250 Land off Acresford Road, Overseal  
 S/0134 Burton Road, Repton  
 S/0253 Land at Willington Road, Etwall  
 S/0244 Land at Acresford Road, Acresford  
 S/0052 Land off A514 Main Street, Hartshorne  
 S/0062 Land to the east of Weston Road, Aston on Trent  
 S/0026 Valerie Road./ Chellaston Lane, Aston on Trent  
 S/0163 Land at 102 % 104, northern fringe of Derby Road, Aston on Trent  
 S/0040 Land at Uttoxeter Road, Foston  
 S/0248 Land west of Longlands Lane, Midway, Swadlincote  
 S/0175 Burton Road, Rosliston  
 S/0257 Land off Milton Road, Repton  
 S/0130 Land east of Milton Road Repton (the north west element of the site)  
 S/0051 – Land to the east of Rosliston Road South, Drakelow

In addition the following new (SHLAA) sites were submitted and promoted through the consultation:

S/0278 Land at Bower Hill, Well Lane, Repton  
 S/0279 The Old Hall, Etwall Lane, Burnaston  
 S/0280 Land the rear of 131 Woodville Road, Hartshorne  
 S/0282 Land off Kingfisher Lane, Willington  
 S/0283 Land south of Caldwell Road, Linton  
 S/0284 Land east of Egginton Road and north of Jacksons Lane, Etwall  
 S/0285 Land at Derby Road, Melbourne  
 S/0286 Land south of Church Street, Netherseal  
 S/0290 Bridge Farm, Barrow on Trent, Sinfin Lane, Derby  
 S/0291 Land north of Scropton Road, Scropton

#### **How, where necessary, these issues were addressed**

Comments on individual sites have been considered and the evidence used in assessing the site through the Sustainability Appraisal process. This has established the most suitable sites to recommend for allocation which will be further consulted on.

#### **Q6. Do you have any comments or further information on the housing site pro-formas?**

(i) A number of respondents ask for amendments to the site scoring in the proformas based upon:

- new information which was not included with the original SHLAA submission, e.g. proposals for affordable housing provision and/or accommodation for older and disabled people on particular sites.
- The identification of factual oversights, e.g. the primary school at Ticknall is not a state school as inferred by the SA comments in relation to sites within that village.
- Disagreement as to the interpretation of the SA criteria, e.g. it was felt by the Church Commissioners that the Council's interpretation of the value of new development in regard to reducing numbers of residents with no or lower level qualifications was too negative.
- Perceived discrepancy between the Council's written assessment of site performance against the SA criteria and the score awarded
- inconsistencies between the way the Council has interpreted particular criteria between one site and another, e.g. in relation to the availability of capacity at John Port School.
- Planning decisions made subsequent to the drafting of the latest version of the SA. E.g. in relation to site S0036, an appeal decision acknowledged that proposals for the site would enhance biodiversity and ecological value, contrary to the SA scoring.

(ii) A number of respondents take issue with the methodology employed in the following respects:

- In some cases information is not available or very subjective assessments are made. This leaves the process open to misinterpretation or manipulation.
- The scoring conventions are inappropriate and often make arbitrary assumptions e.g. some respondents take issue with the distance thresholds used in measuring the accessibility of services and facilities, arguing that 2km is the accepted walking threshold.
- Some of the key criteria are unclear, e.g. in relation to "will it reduce the number of people involved in accidents", it is not clear whether this refers to accidents in general or just road accidents;
- The inclusion of some of the key criteria is inappropriate, e.g. the availability of school places is a matter for the Local Education Authority and should not be regarded as a development constraint.



- There is no weighting of the key criteria to place greater emphasis on some over others, nor an overall score for each of the sites to allow an assessment of their relative suitability.

#### **How, where necessary, these issues were addressed**

All the points made by the respondent are addressed above and there are no outstanding issues raised that would lead to the conclusion that there is a need for a more fundamental review of the scoring system by refining or combining categories, as the respondent proposes.

(i)

- Where new information is provided that was not previously known to the Council this has in a number of cases lead to changes being proposed to the scoring.
- Factual oversights have been addressed by making amendments as necessary.
- Where SA criteria have been interpreted in a different way by the respondent and the Council, this has sometimes been due to the respondent not fully understanding the conventions that have been used. In such cases no changes have been proposed. In other cases the respondent has proposed a more appropriate interpretation of the criteria than that used by the Council and the written comments and/or scoring have been amended accordingly.
- Where the Council agrees that discrepancies exist between the written assessment of site performance against the criteria and the actual scoring, amendments have been made.
- Where there are inconsistencies in the comments and scores attributed to the same key criteria on different sites, these have been reviewed and amended accordingly.
- Where planning decisions subsequent to the latest draft of the SA contradict the site assessments, amendments have been made to the relevant comments and/or scoring.

(ii)

- To avoid any potential inconsistencies the individual criteria are scored in accordance with a standard set of conventions, set out at the back of Appendix C. These have been slightly amended for clarification, where necessary
- All the respondents' comments on the scoring conventions have been considered, but it has not been considered necessary to change the meaning of any of the conventions. However, where it is clear that development proposals for specific sites are inconsistent with the scoring standard assumptions, the conventions have

been set aside, e.g. where the site promoter has made it clear that affordable housing is proposed in a development of fewer than 15 dwellings.

- Where there is uncertainty as to the meaning of particular criteria, the wording of the scoring conventions have been reworded for clarification.
- In regard to the weighting of key criteria, the SA process is intended to provide a broad assessment of the sustainability of the sites under consideration. The approach to identifying allocations allows scope for factors other than those identified in the SA, to be weighed in the balance. These may include any mitigation that may be proposed by the developer; the cumulative impact of allocating more than one site in a particular location, or any wider community benefits that may be secured through allocating particular sites. The weighting of factors and the calculation of overall scores for individual sites could be misleading in that it would imply that there were no other determining factors in the choice of sites beyond those specifically identified in the SA.

## **H23: Infill**

### **Q7. Do you have comments on the scope and content of this policy?**

A mixed response was received regarding this policy, some in support of the policy, others objecting/raising concerns.

Comments received in support of the policy include:

- i. Policy seems reasonable
- ii. Very comprehensive
- iii. Appears to give protection outside settlement boundaries (some have added provided boundaries are enforced)
- iv. Provides suitable opportunities for limited infill of existing smaller areas of housing within the countryside.
- v. Small scale development is better use of land that would not otherwise be any use.
- vi. Two dwellings seems reasonable

Further caveat responses have also been received; these included yes, provided: the site can adequately house the dwellings; is in keeping the neighbouring properties and character; the curtilages of boundaries are appropriately identified.

Comments received raising concern/objections include:

- i. Only allowing infill development causes too much building being squashed into infill opportunities and inappropriate density development.
- ii. The policy doesn't make reference to appropriate scale or style of housing to fit in with the countryside and existing housing.
- iii. The policy is counter to the Governments aspiration established in the Framework that development which is sustainable should be approved without delay.
- iv. We should be building close to industry/jobs, not in countryside.
- v. Gap is a very indefinable word when applied to planning.
- vi. Development outside of settlement boundaries should not be restricted to infill – there will be opportunities for appropriate development which is sensitive to the local setting.
- vii. Should only be adopted in relation to the smallest group of houses (hamlets of no more than say 4/5 dwellings) and a wider use of settlement boundaries should be adopted.
- viii. The policy should clarify a small gap or small groups
- ix. Presumption in favour of development is contrary to protection of the countryside. Policy has no grounding in NPPF.
- x. The policy should be reworded to state “outside of settlement boundaries, new housing development will be permitted provided it represents the infilling of a small gap within small groups of housing”
- xi. In certain places, gaps between dwellings may make an important contribution to residential amenity, landscapes and townscape character, views etc. In such cases, infill development is less likely to be inappropriate. It would be helpful if Policy H23 and its supporting text made reference to the importance of these considerations

#### **How, where necessary, these issues were addressed**

The policy has been incorporated into BNE5 Development in the Countryside, though no changes to the policy wording have been made based on the comments received.

It is considered that an infill policy is consistent with Government policy. In addition it is considered that policy BNE1 of the Local Plan Part 1 deals with a number of the comments consultees raised. This Policy would be used in the determination of any proposed infill application along with the relevant infill policy or criteria. Policy BNE5 ensures that development contributes towards achieving continuity within the street scene is visually attractive, possess a high standard of architectural quality, respects important landscape,

townscape and historic views and vistas and development should respond to their context and has regard to valued landscape, townscape and heritage characteristics.

#### **H24: Replacement Dwellings in the Countryside**

##### **Q8. Is the policy sufficient to safeguard the countryside from inappropriate dwellings? (Please give reasons)**

The majority of consultees agree that the policy is sufficient to safeguard the countryside from inappropriate dwellings. Some however stated that the policy provides some protection and others have added a caveat to their response: Yes providing the design is in keeping with the area/environment and yes but replacement dwellings need to recognise the character of the existing buildings and not be architectural statements.

Some consultees however stated no to this question. The reasons provided include:

- i. No – because to SDDC housing is more important than the countryside, village life and existing residents wishes and needs
- ii. No. All of the above locations are greenfield sites and does not consider brownfields sites
- iii. Seems unlikely much evidence in Melbourne of developers running rings round planning regulations
- iv. No it clearly is not and you need to work harder to prevent ruining the countryside surrounding Linton

Furthermore amendments to the policy have also been suggested. Derbyshire County Council recommends that additional text could be included to ensure that replacement dwellings are sympathetic to the character of the area:

“iv) The scale, layout and design are sympathetic to the character of the area.

v) They are designed to minimise visual intrusion on the landscape through, sympathetic siting, design, materials and colour

Historic England suggests that a further criterion be added “the existing dwelling to be demolished is not of architectural or historic merit”.

In addition a developer has suggested concerns with the policy content/wording:

- There might be opportunities for a replacement dwelling with a larger form and bulk than the original to be accommodated on a different footprint to the existing dwelling and to either have the same or less impact on the character and appearance of the countryside.

- The policy refers to site and whereas the supporting statement refers to footprint, this needs clarification; however site is preferred to footprint.
- There should be no restriction on the subdivision of a replacement dwelling to provide an increase in the number of dwellings. The provision of replacement dwellings on more than “like for like” basis might provide a useful source of smaller, more affordable dwellings in the rural areas (assuming similar floorspace/form/bulk/permitted development limitations apply).

### **How, where necessary, these issues were addressed**

The policy explanation has been amended to state site, rather than footprint, to ensure that the policy and explanation are consistent.

It is considered that the policy already allows some movement of the location of the replacement dwellings, by the policy stating “the new dwelling has substantially the same siting as the existing”. In addition the policy does allow for a larger replacement dwelling as the policy “the form and bulk of the new dwelling does not substantially exceed that of the existing or that which could be achieved under permitted development”.

This policy is in regards to replacement dwellings. If an applicant proposes the demolition of an existing dwelling and the erection of two or more dwellings, other Local Plan policies will be used in the determination of any application.

Derbyshire County Councils wording has not been included within the policy. BNE1 of the Local Plan Part 1 ensures that, “New development should be visually attractive, appropriate, respect important landscape, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality”. Furthermore the policy wording has been amended to ensure that replacement dwellings are “not more intrusive in the landscape than that which it replaces”.

However to help protect Non-designated Historic Assets Historic England’s criterion has been added to the policy.

### **H25: Rural Workers Dwellings**

#### **Q9. Is the policy sufficient to safeguard the countryside from inappropriate dwellings? (Please give reasons)**

The majority of consultee respondents, that is over 71%, either agreed that the policy was sufficient to safeguard the countryside from inappropriate dwellings or were neutral on the subject. Some added a caveat to their response, sometimes in the form of a condition or criteria to be added to the policy, such as that the dwelling should not be able to be sold for residential purposes for at least 30 years, nor a change of use permitted.

8% of respondents felt that the policy was not sufficient to safeguard the countryside in this regard and stated no to this question; the reasons provided include:

- i. No. High density buildings and the pollution generated from it are no safeguard at all; in fact just the opposite.
- ii. No – given the choice we would rather you didn't build on our fields as many of us enjoy the wide range of wildlife, birds, insects, bats and mammals which roam freely and safely, killing off valuable sources of food for them.
- iii. No – not enough consultation with locals.
- iv. Seems unlikely based on recent experience.

One comment on behalf of a developer states that policy criteria iii) sets out a financial test which was part of Annex A of PPS7 yet does not now appear in Paragraph 55 of the NPPF. As such the Council needs to be satisfied that the policy approach is consistent with the NPPF. Two respondees commented that A iv) should not refer to “within the locality”, another that priority should be given to brownfield sites.

Amendments to the policy have been suggested and are summarised below.

- Derbyshire County Council recommends additional text to part B “They are designed to minimise visual intrusion on the landscape through sympathetic siting.”
- Suggestion that the condition be added that the dwellings can only be occupied by rural workers.
- A planning consultancy responding on behalf of different individuals stated that the wording of the policy was overly restrictive. They suggested that criterion i) was too restrictive in requiring an existing functional need, as some new enterprises would require an on-site presence from the outset. Furthermore if the need is genuine then to insist on a temporary rural workers' dwelling for the first 3 years is not necessary. Regarded criterion ii) a re-wording was suggested to remove reference to agriculture and forestry, or otherwise to provide further clarification that the policy applies to a wide range of rural enterprises. Regarding criterion iv) a re-wording was suggested to acknowledge that any existing dwellings on the unit or nearby also need to be suitable and available before they can fulfil the identified functional need.

#### **How, where necessary, these issues were addressed**

Regarding the consistency of criteria iii) of the policy with the NPPF, the wording has been amended to reflect the NPPF and now refers to the rural-based activity being sustainable, with the prospect of remaining so. In response to Derbyshire County Council's comment,

the phrase “to minimise visual intrusion” has been incorporated into the policy. Regarding including a condition restricting occupancy to rural workers, this had previously been included in the explanation to the policy but has now been moved to form part of the policy itself. Regarding the final bullet point above, where an on-site presence is required from the outset this is covered by temporary rural workers’ dwellings, and; reference to agriculture and forestry have been removed from the policy wording. That existing units would need to be suitable and available is self-evident.

## **H26: Residential Curtilages**

### **Q10. Do you have any comments on the scope and content of this policy?**

Over a quarter of respondents to this policy had no particular comment to make. A further 38% expressed support for the policy scope and content. Derbyshire County Council suggested a change to the explanation, due to most landscapes having been altered at some point, to: “However, it can also result in the unacceptable domestication of land in a rural landscape”. A planning consultancy suggested that the policy should refer to domestic gardens rather than curtilage, as “the latter is not a use of land and not always clearly identifiable”.

Other comments and suggestions included:

- i. Garden development should not be allowed where it impinges on historical open spaces.
- ii. The definition of unduly detrimental should be more clearly defined.
- iii. Changes of use should be in keeping with size and scale.
- iv. The key issue is non-intrusion into the Countryside.

### **How, where necessary, these issues were addressed**

The policy as revised refers to residential gardens in the Countryside, instead of residential curtilages, and the amendment to the explanation suggested by the County Council has been made. The policy has been simplified, no longer having three criteria, instead solely not allowing detrimental domestication of the Countryside.

## **H27: Development within Residential Curtilages**

### **Q11. Do you have any comments on the scope and content of this policy?**

Nine consultees stated no to this question and one just stated yes. The majority of the rest of the comments were in general support of the policy.

However one consultee is concerned the policy provides a mechanism for getting around restrictions on building in local fields and another states there should be higher specifications for accesses on the A roads.

In addition amendments to the policy have been suggested: the policy should deal with the urban-rural interface so that potential landscape and visual effects on the countryside are minimised; the policy should refer to land used as domestic gardens rather than curtilage as the latter is not a use of land and nor clearly identifiable and the policy might be strengthened by explicitly excluding separate granny flats in back gardens.

### **How, where necessary, these issues were addressed**

Two policy amendments have been made as a result of the consultee responses. The policy explanation has been updated to state that “Normally such development should be designed so as to fit in with the original dwelling and the street scene in general, minimise the landscape and visual effects on the countryside and designed without creating an overbearing effect and a loss of privacy”. And the words residential curtilage has been replaced with residential gardens.

With regard to the comments made about access on A roads, Policy INF2 of Part 1 of the Plan requires development to have safe and convenient access. In addition it is not considered that this policy provides a mechanism for getting around restrictions on building in local fields. Furthermore the policy has not been updated to explicitly exclude separate granny flats, as in some instances annexe accommodation will be acceptable and comply with the requirements of the policy and its explanation.

## **H28: Residential Conversions**

### **Q12. Do you have any comments on the scope and content of this policy?**

A mixed response was received regarding this question.

Comments of support for the policy include: this is a far better use of previously run down areas and buildings; the policy is consistent with the provisions of the NPPF which permits development in the countryside where the development would re-use redundant or disused buildings; agree its wording; reasonable; standard practice; policy A is agreed; agree there needs to be safeguards in place; the description is appropriate; and support the policy.

The most common concern regarding the policy is that it should support the demolition and rebuilding of existing buildings. Furthermore it has been suggested that extensions can make conversions suitable residential properties.

Other concerns/ suggestions made include:

- i. Section A should be amended to add ‘and the amenities of adjoining properties’.



- ii. Section A should be extended to include Rural Areas in order to encompass small rural settlements lacking a settlement boundary.
- iii. Permitted development rights should still apply.

In addition Natural England stated that where buildings are converted into residential units, it should be ensured that their potential impact as dwellings (including potential drainage issues) be considered against the SSSI Impact Risk Zone.

#### **How, where necessary, these issues were addressed**

The policy has not been amended to include ‘and the amenities of adjoining properties’, as Policy BNE1 h) sets out the requirement that development should not adversely affect the privacy and amenity of nearby occupiers.

In addition the element of the explanation which states permitted development could be withdrawn as a condition of approval for a dwelling, is to remain. Removal of permitted development rights will be assessed on a case by case basis and will be removed when necessary to maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

Furthermore no amendment to the policy has been made in regards to extensions, alterations and rebuilding as the proposal does allow for some alteration, rebuilding and or extensions to take place.

The policy has not been amended to explicitly state Rural Areas. For clarification the policy has been amended to states “Outside settlement boundaries the conversion.....”.

In regards to Natural England’s comment, no wording to the policy or explanation has been added, as the proposals would be considered against the SSSI Impact Risk Zone during the application process.

#### **H29: Non-Permanent Dwellings**

##### **Q13. Do you have any comments on the scope and content of this policy?**

Several respondents to this question provided a neutral response and a further few of support for the policy as it stood. Representations were received expressing opposition to, and for tighter regulation of, mobile homes and caravans together with the concern that non-permanent dwellings eventually become permanent dwellings. A representation was received strongly objecting to the policy on the grounds that it was being unreasonable and contrary to the proper functioning of Mercia Marina. The respondent suggested that the policy wording for criteria B state “further moorings within marinas for either leisure, tourism or residential use will be permitted where there is a proven demand and it is in keeping with the scale and character of the marina.”

Other comments and suggestions included:

- i. Should the policy also include other non-permanent structures such as tents, canvas structures and camping vehicles.
- ii. Either the policy or explanation may need to recognise that caravans are not usually designed or constructed to be in keeping with the character of an area.
- iii. Paragraph A of the policy needs to make clear that the restriction does not apply to traveller sites.
- iv. Temporary restrictions should be used and enforced.

#### **How, where necessary, these issues were addressed**

This policy has been replaced by BNE7: Marina Development. This policy sets out the criteria for granting: new marina development; further development or re-development of existing marinas, and; permanent berths.

#### **BNE5: Development in the Countryside**

##### **Q14. Is the policy sufficient to safeguard the countryside from inappropriate development?**

A mixed response was received in response to this question. Those providing an outright “no” to the question tended to qualify their answer with a comment that this was because too much development has taken place in the Countryside of late, that any development in the Countryside was not a good thing and/or that housing allocations tend to be on greenfield sites.

Just over a fifth of respondents replied with a yes to the question and considered that the policy was sufficient to safeguard the Countryside.

One house builder suggested that a third bullet should be added to say that “development within the Countryside will be permitted where it meets a demonstrable housing need without undue harm to the setting or wildlife.” Similarly, three developers/planning consultancies suggested that the policy is too restrictive, not in line with national policy and contrary to the Government’s ambition to boost housing supply. Derbyshire County Council by contrast states that BNE5 is fully supported and is in accordance with the requirements of the NPPF regarding development in the countryside. The County suggested changes to policy wording: that there should be an ‘and’ not an ‘or’ between i) and ii) and that B should be reworded with a greater emphasis on mitigation, landscaping and planting. A query was raised as to the definition of a “rural-based activity”.

Other comments and suggestions included the following:

- i. It is only the first part of the policy, A i) that is required.
- ii. The policy should specify which rural activities would be approved.
- iii. There should be greater protection for agricultural land.
- iv. Criteria i) is not consistent with the NPPF; soften or remove this criteria.
- v. Include a fourth point, “iv) it is supported by a Neighbourhood Development Plan”.
- vi. Concern that the phrase “appropriate for its location” does not provide enough policy direction.
- vii. The effectiveness of the policy is dependent on accurate settlement boundaries.
- viii. An additional section is required regarding traveller sites.
- ix. The policy should ensure all brownfield sites and allocations built before countryside.
- x. Greater protection is needed for hedgerows.
- xi. The policy should cross-refer to INF10.

**How, where necessary, these issues were addressed**

The Settlement Boundary policy, SDT1, is now specifically referred to in policy BNE5. Part A i) together with its reference to rural-based activities has been removed. A new Part B has been added to the policy to reflect the principle of sustainable development; this element of the policy sets out the circumstances in which development in the Countryside for ‘non-countryside uses’ would be acceptable, including consideration of whether this would be on best and most versatile land. Policy BNE 5 as revised now incorporates the previously proposed Infill Policy, H23. Examples of appropriate development in the Countryside are set out in the explanation to the Policy.

**BNE6: Recreational Uses in the Countryside**

**Q15. Does the policy provide sufficient scope for recreational uses whilst also safeguarding the countryside?**

- (i) Some respondents commented that there was no mention of footpaths or cycle routes in the policy and that potential housing sites would impair public rights of way.
- (ii) Others felt that the policy should seek to protect the amenity of adjacent buildings, conservation areas and the surroundings in general.
- (iii) CSJ Planning Consultants Ltd on behalf of Mercia Marina queries the need for the policy requirement that countryside recreation facilities be open and outdoor in nature. The National Trust seeks clarification as to the distinction between “visitor attractions”, as

referred to in emerging Local Plan part 1 Policy INF10 'Tourism Development' and "countryside recreation facilities" as referred to in this policy. There was a need to avoid any potential conflict between the two policies.

(iv) There is a suggestion that the policy should require that any development should be warranted. Another respondent considers that the policy should require that development be justified and suitable.

(v) Derbyshire County Council propose that the policy and explanatory text should refer to the protection of landscape character.

(vi) Concern is expressed about a potential policy loophole that might allow for noisy activities in inappropriate locations. Another consultee is concerned that odours be addressed in the policy.

(vii) One respondent considers that trees and land in the National Forest should be protected from development and that there should be no building there.

(viii) One respondent suggests that many footpaths could be re-designated as bridleways to keep horses and cyclists off the road.

(ix) Another respondent considers that the policy should be worded more forcefully to protect agricultural land.

(x) A respondent considers that the policy should be related to the equine population.

(xi) One respondent makes comments in regard to open space provision.

#### **How, where necessary, these issues were addressed**

(i) Public footpaths and cycle routes are addressed in the Local Plan Part 1 Policy INF2: "Sustainable Transport". No further action proposed.

(ii) The protection of amenity, local character and visual attractiveness is addressed in Local Plan Part 1 Policy BNE1 (e, g and h) 'Design Excellence'. The protection of heritage assets is addressed in the Local Plan Part 1 Policy BNE2 'Heritage Assets'. No further action proposed.

(iii) In regard to the suggestion that the words "open and outdoor in character" should be removed, it is considered that Local Plan Part 1 of Policy INF10, "Tourism Development", together with the proposed inclusion in Draft Local Plan Part 2 of Policy BNE5 "Development in the Countryside" provide sufficient control over this type of development and that Policy BNE6 can therefore be deleted.

(iv) In regard to the suggestion that development should be warranted, Draft Policy BNE5 indicates that it should be "appropriate". A more restrictive approach to development, as

would be implied though the use of such words as “warranted” and “justified” would be inconsistent with the National Planning Policy Framework para 28 , which takes a very positive approach to sustainable development in rural locations. No further action proposed.

(v) It is considered that Policy BNE6 can be omitted for the reasons given in point (iii), above. Policy BNE5 “Development in the Countryside” indicates that development should not unduly impact the countryside and landscape quality.

(vi) In regard for the potential to allow noisy activities in inappropriate locations and pollution in the form of odours, these matters are addressed in Local Plan Part 1, PolicySD1.

(vii) With regard to the protection of trees and land from development in the National Forest, it would be unreasonable to prevent building necessary to meet the housing, employment and other needs of the area. The approach to development and protection of trees is set out in Draft Local Plan Part 2 Policy BNE8 and to development within the National Forest in Local Plan Part 1 Policy BNE4 D. No further action proposed.

(viii) The Local Plan Part 1, Policy INF2 “Transport” does refer to the enhancement of public rights of way and this suggestion can be addressed within the context of this policy.

(ix) Protection of the best and most versatile agricultural land is addressed in the Local Plan Part 1 Policy BNE4. No further action proposed.

(x) Concerning the comment regarding the equine population it is proposed that Policy BNE6 be deleted for the reasons given in point (iii), above. Draft Policy BNE5 provides for appropriate development in the countryside provided that it would not result in unacceptable harm to valued landscapes.

(xi) Open space provision is addressed in the Local Plan Part 1 Policy INF9. No further action proposed.

## **BNE7: Agricultural Development**

### **Q16. Does the policy provide sufficient scope for agricultural development whilst also safeguarding the countryside?**

(i) One respondent expresses concern about permitted development rights relating to agricultural activity, particularly in regard to Conservation Areas, and asks whether this can be controlled. Another considers that the requirement that development be sited in close proximity to existing buildings, where possible, could lead to undesirable development in conservation areas.

(ii) There is concern from Castle Donington and Castle Gresley Parish Councils and several individual respondents that development could involve the loss of agricultural land. Two others believe that development should take place on brownfield sites.

(iii) Derbyshire County Council considers that in order to be acceptable the applicant may also need to consider additional landscape mitigation measures and proposals should also be appropriate to the local landscape character.

(iv) One consultee is concerned that the policy does not provide for alternative approaches to farming, such as permaculture design and land use.

(v) Hartshorne Parish Council considers that the buildings should be functional and not capable of conversion to dwellings in the near future.

(vi) Two consultees raise concerns about potential amenity impacts of agricultural development such as noise, odours and scale.

(vii) Melbourne Civic Society consider that the policy should be strengthened to exclude large sheds for intensive milk and livestock production due to landscape and animal welfare concerns.

(viii) One consultee asks whether the policy differentiates between agriculture and associated processes such as produce cleaning and packaging (i.e. manufacturing).

#### **How, where necessary, these issues were addressed**

(i) Permitted development rights in regard to agricultural activity are nationally prescribed in the General Permitted Development Order. Draft Policy BNE7 seeks to control development that lies outside these rights, but the point indicating that development should be “required” is now proposed for deletion, as its implementation would be impracticable. Any such development that would affect a Conservation Area would be subject to Local Plan Part 1 Policy BNE2 “Protection of Heritage Assets”.

(ii) Local Plan Part 1 Policy BNE4 E “Landscape Character and Local Distinctiveness” seeks to protect the best and most versatile agricultural land and this accords with the National Planning Policy Framework, para 112, which indicates that where development of agricultural land is necessary, poorer quality land should be used in preference to higher quality land. Whilst national policy requires that brownfield development be prioritised, there are few remaining brownfield sites in South Derbyshire and those which are suitable and available, such as the former Hilton Depot and the former Drakelow Power Station sites, have been identified for redevelopment in the Local Plan Part 1. A new policy is proposed for the Local Plan Part 2 (BNE13) addressing potential redevelopment on the part of the Drakelow Power Station site falling outside the Local Plan Part 1 housing and employment land allocations. It is proposed that the policy be strengthened by indicating that agricultural development should be suitable for its intended purpose; of an appropriate design and sited in proximity to agricultural buildings and by requiring that appropriate landscape mitigation be included.

(iii) Accepted. The Policy and explanation have been amended accordingly.

(iv) The policy approach embodied in the Local Plan Parts 1 and 2 seeks to accommodate necessary agricultural development, whilst recognising the intrinsic character and beauty of the countryside, in accordance with National Planning Policy Guidance. Policy H25 identifies the circumstances in which agricultural workers dwellings would be considered acceptable.

(v) To address this concern the proposed amended wording requires that new agricultural buildings should be suitable for their intended purpose.

(vi) The proposed policy, both in its original and amended form addresses the issue of scale. Noise, odours and other potential amenity impacts of development are addressed by policy SD1 of the Local Plan Part 1. No further action proposed.

(vii) National policy does not allow planning policy to militate against large agricultural buildings in principle. The proposed amended wording of the policy and explanation requires that appropriate landscape mitigation be provided to minimise landscape impact. Animal welfare concerns fall outside the remit of the local planning authority.

(viii) Manufacturing processes, such as those described, would be considered to represent industrial development and therefore would be considered in relation to policies contained in the employment chapter of the Local Plan Part 1.

#### **BNE8: Protection of Trees Woodland and Hedgerows**

##### **Q17. Do you think this policy provides for the adequate protection of trees, woodland and hedgerows within the District?**

A notable number of representations have been received regarding this policy (71 in total). Around a quarter of responses indicate that they support the policy. However many consultees indicated that they did not support the policy as drafted and the policy required amending to provide a greater level of protection or widen the scope of the policy to ensure that all trees and hedgerows are protected.

A notable number of representations have also been received regarding the previous wording of the policy which requires that 'there will be no unacceptable loss of trees, hedgerows and woodland. Many consultees thought this requirement lacked clarity and as a result weakened the policy.

A number of consultees considered that this this policy was unnecessary and sought to over regulate development. In particular there has been a suggestion that any reference to the UTAQS requirement to plant trees which contribute towards improving air quality. This response was on the basis that no air quality management areas are located in the district and hence this part of the policy is not justified.

Natural England have recommended that the policy make reference to ancient woodland and veteran trees. Whilst the Wildlife trust have indicated that the policy should protect

trees, woodland and hedgerow of biodiversity value, stating that broadleaved woodland and hedgerows are habitats of principal importance (UK BAP Priority Habitat types) and are material considerations within the planning process.

#### **How, where necessary, these issues were addressed**

The policy has been altered significantly to clarify its scope. The policy as now drafted has removed reference to unacceptable impacts and instead requires that losses of hedgerows, trees and woodland on development sites are minimised with layout and form of development informed by appropriate survey effort.

Greater detail on the felling of protected trees and important hedgerows has been included in the policy and requirements for replacement planting included in the policy where losses occur. A general requirement for biodiversity gain in line with NPPF requirements is also included in the policy

References to UTAQS have been removed and replaced with a simplified requirement for developers to consider the use of tree species in urban areas which are known to contribute towards improving air quality.

No changes have been made in respect of responses from Natural England or the wildlife trust. Veteran Trees and Ancient Woodland and priority habitats and species are protected in the Part 1 Local Plan within Policy BNE3 (Biodiversity). Any amendments along the lines proposed by these consultees would simply repeat the protections already provided in this strategic policy.

#### **BNE9: Local Green Spaces**

##### **Q18. Do you agree that the authority needs to designate Local Green Spaces?**

There was a proportionally large response to this question. Respondents had different reasons for feeling it important that Local Green Spaces be designated; for instance, for children to play safely, for the protection of environment, wildlife and public enjoyment, for the wellbeing and health of the population, or for preservation of the street scene. Over 92% of respondents expressed support for the designation of Local Green Spaces. Some respondents suggested areas for designation as part of their response. Natural England welcomed the policy and encouraged making the distinction between natural greenspace and open space in general. The Home Builders Federation pressed the importance of ensuring that Local Green Spaces were consistent with the definitions set out in the NPPF.

Other comments and suggestions included:

- i. Only as part of the overall plan. Don't listen to NIMBYs.
- ii. Allotment areas are not Local Green Spaces, as they don't contribute to the character of the area.



- iii. Yes; there are not enough public local green spaces.
- iv. Allotments are particularly vulnerable but are an important community asset.
- v. This is a vital provision of the Plan.
- vi. More consideration should be given to green spaces within Conservation Areas.

**How, where necessary, these issues were addressed**

A criteria-based approach reflecting the criteria set out in the NPPF has been undertaken in determining which sites to take forward for designation as Local Green Spaces. Allotments, Fields in Trust or areas with restrictive covenants are not being taken forward for Local Green Space designation as they are either protected in their own right or by other policies in the Local Plan.

**Q19. Of the Local Green Spaces proposed, are there any that you consider should not be designated?**

Of those who responded to this question, 55% did so to state that they did not consider that any of the proposed Local Green Spaces should not be designated as such. Several other respondents commented that if anything there should be more rather than fewer Local Green Spaces. Some sites however were suggested as not suitable for designation, these were:

- Weston on Trent
- Willington Village Hall
- Allotment, Blacksmith's Lane, Egginton
- The private gardens backing onto Melbourne Pool
- The proposed designation at Church Broughton
- Are allotments green spaces?
- North of Twyford Road, Willington has village green application pending.
- Ticknall Village Hall itself and car park.

Other comments included:

- Within the DUA, SDDC should allocate proper open spaces that are fully functional instead of a piecemeal approach.
- The Council need to ensure that the Local Plan designations align with national policy and that they are able to demonstrate the rationale behind such designation.

### **How, where necessary, these issues were addressed**

All of these comments have been taken into account when reviewing which Local Green Spaces to take forward for designation. Details of the proposed designations are within the Local Green Space Topic Paper.

#### **Q20. Are there other sites that meet the requirements of Local Green Space as set out in the NPPF and therefore should be included?**

Many sites were suggested by respondents for designation for Local Green Space. Ticknall Parish Council suggested a further eight sites/areas; Repton Village Society suggested four sites and the Parish Council, five; Castle Gresley Parish Council suggested five sites and two war memorials; Egginton Parish Council suggested three sites; Etwall Parish Council suggested three sites; Hartshorne Parish Council suggested two sites and Hartshorne Village Residents Association enclosed a map of sites; Rosliston Parish Council suggested Strawberry Lane Playing Field; Willington Parish Council suggested three further sites; Linton Parish Council suggested SHLAA site S0050, and Walton on Trent Parish Council suggested Walton Playing Field. Other individuals and organisations suggested other sites or reiterated the suggestions of these sites.

### **How, where necessary, these issues were addressed**

All of these sites have been considered when reviewing which Local Green Spaces to take forward for designation. Details of the proposed designations are within the Local Green Space Topic Paper.

#### **BNE10: Advertisements and Visual Pollution**

#### **Q21. Does the policy provide adequate protection whilst also offering sufficient flexibility to allow necessary development to which the policy refers?**

Over half of those who responded to this question felt that the policy provided adequate protection whilst allowing for necessary development. A few respondents commented to say that they do not appreciate billboards, seasonal advertisements or street clutter. A few respondents commented that temporary advertisements were fine, provided that they are removed after the relevant event. One local group felt that the policy was over-prescriptive and that the Part 2 should not seek to control advertisements.

Other comments and suggestions included:

- i. That the policy should include light and sound pollution.
- ii. A time limit should be placed on advertisements for new housing developments.
- iii. More stringent controls needed, particularly for temporary signs on farmland.

## **How, where necessary, these issues were addressed**

Reference to a relevant SPD has been moved from the policy itself to the explanation; in other respects the policy is unchanged.

### **BNE11: Heritage**

#### **Q22. Does this policy provide for suitable levels of protection, preservation and enhancement of heritage assets within the District?**

(i) Kings Newton Residents Association and some other respondents considered that the policy could provide more protection for the areas around heritage assets.

(ii) Repton Parish Council suggests that the policy should begin with “The Council will only grant permission....” Another respondent considered that the use of the words “will resist” suggests that the Council might be overly flexible.

(iii) Some respondents wish to see more depth and clarity to ensure that the heritage and conservation of important historical areas are preserved. There is a concern that the past efforts and documentation would be lost and replaced by the Local Plan part 2 policy, which could lead to a dilution of the protection towards conservation areas.

i(v) Gladman Developments object on the basis that no distinction is made in terms of the weight given to the protection of designated and non-designated heritage assets. The policy test that the Framework applies to the level of harm to designated heritage asset also differs to the approach set out in Policy BNE1. The National Planning Policy Framework states that if harm is substantial then the proposal needs to achieve substantial public benefits to outweigh that harm. If the harm is less than substantial then the harm should be weighed against the public benefits of the proposal including securing its optimum viable use. The Policy makes no such distinction and is therefore unsound. Para 135 of the Framework relates specifically to non-designated heritage assets and the policy test that should be applied in these cases is that a balanced judgement should be reached having regard to the scale of any harm and the significance of the heritage asset. Whilst section D of Policy BNE11 refers specifically to non-designated heritage assets it fails to make reference to the need for a balanced judgement to be made and is therefore unsound.

(v) Historic England does not consider that the policy provides appropriate levels of protection for heritage assets. It would be helpful to make policy reference to the information requirements needed for applications affecting heritage assets. Wording for an additional paragraph requiring the submission of heritage assessments is suggested. There is concern from Historic England, the National Trust and another respondent that the policy could be construed to suggest that ‘less than substantial harm’ is acceptable. It is suggested that references to substantial harm be deleted. Thomas Taylor Planning consider that the

policy should indicate how public benefits will be taken into account where less than substantial harm is involved. The supporting text to the policy could signpost that where harm is identified, the relevant tests as set out in the NPPF (133 and 134) will be used. B) listed buildings –the policy does not reference instances where development proposals may just affect setting (for example building in the grounds of a listed building). C) Conservation Areas – greater detail is required. D) Non-designated heritage assets - there should be more information in the supporting text about non-designated assets. F) the criteria are overly broad and should be amended.

(vi) Melbourne Parish Council and others consider that the policy needs to be more explicit about encouraging positive improvements to heritage assets, to promote restoration, enhancement and repairs. It also needs to be more explicit in preventing spoiling such sites by enabling adjacent car parking on verges.

(vii) The National Trust considers that criterion B - listed buildings should indicate that it is harm or loss to the significance of the asset which ought to be resisted. It would be helpful for the policy to protect the settings of conservation areas. (D) - Non-designated heritage assets - it may be preferable to use the terminology 'significance' rather than 'special interest' to align with the NPPF. (F) - historic parks and gardens - is couched negatively and may inhibit appropriate and sensitive development within registered parks.

(viii) One respondent considers that the policy should not restrict improvements which make buildings more environmentally friendly.

(ix) Thomas Taylor Planning considers that the policy should not seek to enhance non-designated landscapes as this represents a greater degree of control than is provided for in the National Planning Policy Framework.

#### **How, where necessary, these issues were addressed**

(i) The introduction of the policy (formerly Part A) refers to heritage assets and their settings, thereby addressing the concern expressed.

(ii) Although the reference to resisting harmful development remains in relation to Conservation Areas, the policy has been strengthened in other ways which are considered to help address the concerns expressed here (see below).

(iii) All relevant records continue to be held by the District Council and other bodies and can be referred to as appropriate. The policy has been strengthened in ways that will help to address the concerns expressed here (see below).

(iv) Concerns relating to the distinction between substantial and non-substantial harm are addressed through changes to the policy proposed in response to comments from Historic England and the National Trust (see below).

(v) The policy has been strengthened to address the concerns expressed as follows: including a sentence in the first section indicating that applications will be expected to be accompanied by a proportionate heritage assessment; by deleting all references to “substantial” harm; to refer to the settings of listed buildings; additional detail has been provided in relation to the character of Conservation Areas and the section on Historic Parks and Gardens has been amended in accordance with the wording suggested by Historic England.

(vi) Enhancement of heritage assets is referred to in overall terms in the first part of the policy and is also referred to specifically in regard to Conservation Areas, thereby addressing the concerns expressed.

(vii) The policy wording in relation to listed buildings has been amended to refer to proposals which would be harmful to the significance of the heritage asset. The wording of the section on historic parks and gardens has been amended in accordance with the suggestion from Historic England (see point (v)) and this change is considered to address the concerns expressed by the National Trust in this regard.

(viii) A balance needs to be struck in relation to such matters, but it is not considered that any change to the wording of the policy needs to be made to address this concern.

(ix) This aspect of the policy has been retained as it is considered that enhancement of the landscape is a laudable objective.

## **BNE12: Shopfronts**

### **Q23. Do you have any comments on the scope and content of this policy?**

There is general support for this policy. However, one respondent considers that there should be some recognition of light sources and their efficacy and illumination times due to their impact on the environs and Melbourne Civic Society considers that the policy may be over prescriptive.

#### **How, where necessary, these issues were addressed**

Consideration of illumination times can be considered within the terms of the policy as worded.

## **EDU1: Provision of Education Facilities**

### **Q24. Do you have any comments regarding this policy?**

A mixed response was received regarding this policy. Some consultees have stated their support for the policy and others have raised issues.

A large number of consultees have expressed the need for new educational facilities (primary and secondary) within the District and have stated that primary and secondary schools are at capacity. Schools specifically mentioned include Chellaston Academy, John Port Academy, Burton Schools, Melbourne Junior and Infant School, Linton and Coton in the Elms Primary Schools. Some consultees have raised concern that the policy does not make reference to primary school provision.

In addition further comments raising concern with the policy have been received, these include: the policy is vague; its inadequate; needs to be more robust than just the provision of an 800 place secondary school; the policy is overly prescriptive at this stage; there should be provision in the policy relating to the impact of development on existing schooling and the ability of children who already live in the area being able to attend the local school; the policy must take account of the impact of a super-sized secondary school on the daily lives of Etwall village particularly in terms of traffic.

It has also been suggested that a secondary school will have a major impact in the area where it is developed and therefore needs to be considered alongside other proposals/opportunities identified within the plans.

Furthermore specific locations and broad locations of a new secondary school were suggested, these include: Thulston Fields; Hilton or Mickleover; near Derby City; Midway area; the site should be accessible by public transport through Ticknall.

### **How, where necessary, these issues were addressed**

This policy has been drawn up in consultation with Derbyshire County Council who is statutorily responsible for providing school places to children within the District (and Derbyshire). The County Council need to identify a suitable site for a new secondary school and advise the District Council of the location so that it can be included in the policy. Due to the growth within South Derbyshire it is known that a new school will be required at a point in the future though the exact timing is dependent on the expansion of other schools within South Derbyshire and also Derby City.

The information within the policy includes what is known at this point in time as being required. A change to the policy has been included to ensure that the school site minimising any undue impacts on surrounding land uses and the wider environment which addresses some comments received during the consultation.

The provision of primary schools is not mentioned as many new primary schools are being provided across the District with the requirement set out within the relevant housing policy in the Local Plan Part 1. New schools are to be built at: Hilton, Boulton Moor, Wragley Way, New House Farm, Chellaston Fields and Highfields Farm and extensions made to several others. If a new school site was needed for a primary school that was not to part of a

housing site then the County could ask that a site is notified within the Local Plan which means that the site is protected from development for the period of the plan.

#### **RTL1: Swadlincote Town Centre**

##### **Q.25 Do you agree with the proposed town centre boundary, as identified on the town centre map?**

Support from a number of respondents to the proposed town centre boundary, although one considered that Hill Street should be excluded.

##### **How, where necessary, these issues were addressed**

The town centre boundary has been retained without alteration. The Hill Street area is considered to represent the eastern gateway to the town centre and has attracted investment in building frontage enhancements, with scope for further environmental improvement. The junction of Church Street and Hill Street is identified as an aspirational node and centre of activity in the Swadlincote Town Centre Vision and Strategy 2012. Furthermore, the north side of Hill Street lies within the Town Centre Conservation Area. Hill Street has therefore been retained within the town centre boundary.

##### **Q26. Do you agree with the primary and secondary frontages, as identified on the town centre map?**

Support from a number of respondents for the proposed primary and secondary frontages, although one considers that the whole of High Street should be primary frontage.

##### **How, where necessary, these issues were addressed**

It has been decided that the frontages identified as primary and secondary in the consultation document should all be identified as primary and that the policy should be amended to allow hot food takeaways (Use Class A5) in these locations as well as A1, A2, A3 and A4 uses to provide maximum flexibility, reducing the likelihood of vacant units along town centre frontages.

##### **Q27. Should there be a locally set threshold for the floorspace area at which a retail impact assessment is required with an application, or is the NPPF default threshold of 2500sqm appropriate?**

A clear majority of respondents felt that the use of the NPPF threshold was appropriate. One considered that whilst this was so, there needed to be some mechanism for supporting small traders.

##### **How, where necessary, these issues were addressed**

It is proposed that the NPPF threshold should be used.

**Q28. Do you have any further comments on the scope and content of this policy?**

One respondent requests that the policy include a reference to Community Assets

Derbyshire County Council requested an amendment to the policy Part B to indicate that development proposals on sites both on the edge of and outside the town centre be subject to an impact assessment, as per the NPPF.

Some respondents consider that there are too many charity shops on the High Street and that more commercial retail shops should be encouraged. One considers that too many charity shops and betting shops depress the area.

**How, where necessary, these issues were addressed**

Since the right to nominate and bid for Community Assets is not directly linked to planning policy, it is proposed that a reference be included as part of the introduction to the chapter.

Part B can be amended to indicate that sites both on the edge of and outside the town centre will be subject to an impact assessment.

The Council's overall strategy for retail in the town centre seeks to protect and enhance its vitality and viability through planning and other measures. However, General Development Order Use Class A1 does not distinguish between charity shops and other retail facilities and the Council therefore has no direct planning control in this respect. However, the policy does not provide for changes of use to betting shops, which occupy a separate use class, and is thus restrictive in this respect.

**RTL2: Local Centres and Villages**

**Q29. Does the policy identify the correct Local Centres and should they be listed in the policy?**

(i) One respondent considers that there is a clear conflict between creating new local centres and retaining small rural villages and Key Service Villages.

(ii) Another respondent does not believe that Repton can be claimed as a local centre, particularly since the opening of the new Co-op in Willington has impacted smaller retailers in both villages.

(iii) Melbourne Parish Council suggests that the policy could refer to the Neighbourhood Development Plan, where in existence.

(iv) Willington Parish Council and two respondents express concern that the policy does not identify local centres and that the Appendix E map for the Derby fringe is too small scale and has no key.



(v) A respondent is concerned that brownfield land should be used instead of greenfield land.

(vi) Another respondent considers that building should be kept to a minimum in rural villages and not allowed to take over from the village community and the vitality of the centres.

(vii) A respondent comments that Dalbury has no local services.

(viii) Planning and Design Group on behalf of Hallam Land Management acknowledge the aspiration for a new local centre at the Wragley Way strategic housing site and indicate that such is included within the emerging masterplan.

(ix) A respondent notes that the policy makes no reference to proposed development on land to the west of Mickleover.

(x) Willington parish Council is concerned that the policy makes no distinction between local centres, villages and key service villages and considers that there should also be some form of policy to assist the longer term viability / growth of key villages to ensure that they are able to continue to provide the services they currently offer to the wider community.

#### **How, where necessary, these issues were addressed**

(i) It is intended that all parts of the policy should be read together. Therefore proposals to establish local service centres as referred to in Part C of the policy, would need to be consistent with the requirements of Part A of the policy. It is proposed that the text be amended to clarify this point.

(ii) Repton is identified as a Key Service Village. The policy provides for the establishment of new retail facilities, whilst resisting the loss of established shops and pubs, where appropriate. This approach supports the continued provision of local retail facilities in villages such as Repton.

(iii) In regard to the suggested reference to the Neighbourhood Development Plans, it is proposed that the explanatory text be amended to indicate that they will be taken into account where they exist in relation to the potential loss of established facilities.

(iv) The existing and proposed local centres are identified in the explanatory text, but can also be referred to in the Policy itself. Amend the introduction to the policy accordingly.

(v) This is addressed in NPPF para 17. No further action required. Amend the map at Appendix E to show the locations of proposed local centres at a larger scale and to include a key.

(vi) The wording of the policy addresses these concerns in that it requires that development be consistent with the scale and function of the settlement or locality.

(vii) Noted. This has no bearing on the policy. No further action required.

(viii) Noted. No further action required.

(ix) As a local centre is proposed to be included as part of the development of the land to the west of Mickleover, this will be referred to in the policy. Amend policy and explanatory text accordingly.

(x) It is proposed that the policy be amended to distinguish between local centres and key service/local service villages. Policy for the long term viability and growth of key villages is reflected in the Local Plan Part 1 Policy H1, which identifies their position within the settlement hierarchy and indicates that development up to and including small strategic sites can be located here.

**Q30. Does the policy satisfactorily provide for the maintenance and enhancement of the viability and vitality of local centres and villages?**

(i) Some respondents are concerned that the policy makes no distinction between local centres, villages and key service villages and considers that there should also be some form of policy to assist the longer term viability / growth of key villages to ensure that they are able to continue to provide the services they currently offer to the wider community.

(ii) CAMRA considers that the assessment of viability should be more rigorous and fleshed out and propose a potential form of words to this end. They note that there is no mention of Assets of Community Value.

(iii) Dalbury Lees Parish Council, are concerned that the policy may lead to vacant buildings where no alternative facilities exist.

(iv) Etwall Parish Council support the policy

(v) Hallam Land Management and Turley Associates note that housing growth can help maintain and enhance the viability of local centres and villages

(vi) Hartshorne Parish Council note that the village has lost 2 shops in the past 45 years and there is no site for a new one.

(vii) One respondent says that the Council is not bothered about village life and considers that open spaces are for building on.

(viii) Two respondents are concerned that lack of viability can lead to the loss of facilities.

(ix) One respondents considers that villages are becoming too large and that village centres are dying due to lack of parking.

(x) One respondent thinks that developers will do as little as possible to enhance local areas, especially as much of what is expected of them is voluntary.

(xi) Willington Parish Council considers that the policy is vague in regard to local centres and villages and requests that there should be a policy to assist the viability/growth of key villages.

**How, where necessary, these issues were addressed**

(i) See response to Q29, point (x)

(ii) It is agreed that greater clarification as to the requirements for the assessment of viability would be helpful. It is also proposal. Also include a reference to Assets of Community Value in relation to the potential loss of established facilities. Amend lower case text accordingly.

(iii) The policy allows for a change of use where the current use is demonstrably unviable.

(iv) Support welcomed.

(v) Noted. No further action proposed.

(vi) Noted. The policy allows for the development of new facilities, but this is dependent on suitable sites being available.

(vii) The policy seeks the provision of new, and retention of existing, facilities. No further action required.

(viii) The retention of unviable facilities can result in vacant buildings, which represent an eyesore and a wasted resource that could otherwise be put to beneficial use. No further action proposed.

(ix) In most cases housing growth should lead to greater, rather than lesser patronage of such facilities, thus enhancing their viability. No further action proposed.

(x) It would be unreasonable to expect developers to provide shop and service accommodation where any occupying business could not operate on a profitable basis. No further action proposed.

(xi) See response to Q29(x)

**Q31. Do you have any further comments on the scope and content of this policy?**

(i) Parish of Repton Neighbourhood Development Plan is concerned that there do not appear to be any policies that are relevant to Key Service Villages.

- (ii) Repton Parish Council consider In areas where significant parking and traffic management issues exists, retail development should only be allowed when it can be demonstrated adequate provision is made to address these issues.
- (iii) One respondent considers that villages are potentially expanding too much.
- (iv) CAMRA asks that the Council consider adopting its model policy to be employed where existing pubs and other community facilities are in danger of being lost.
- (v) Dalbury Lees Parish Council considers that local centres should serve the areas they are in and so should be awarded on their own merits and not on the locality of the local centres nearby.
- (vi) Hartshorne Residents Association have an aspiration to open a community shop.
- (vii) Willington Parish Council and another respondent consider that traffic impacts of retail development should be taken into account.
- (viii) Melbourne Parish Council consider that there should be stress on the need to prevent unsustainable out of town retail developments.
- (ix) A respondent notes that whilst Etwall does not have the variety of retail activities of other service centres and has suffered losses since the opening of Aldi in Hilton. Lack of GP facilities in the village should not be underestimated.
- (x) Thomas Taylor Planning consider that the policy should make provision for other retail developments outside villages and local centres where they would represent diversification of the rural economy and agriculture.
- (xi) The suitability of a 2km walking threshold in considering the acceptability of proposals is queried.

**How, where necessary, these issues were addressed**

- (i) Reword policy to clarify approach to be taken in key service villages.
- (ii) This matter is addressed in the Local Plan Part 1 Policy INF2. No further action proposed.
- (iii) Village expansion, where it exists or is proposed, can often help to enhance the viability of existing shops and services, representing a community benefit. No further action proposed.
- (iv) The policy itself and the explanatory text can be amended to incorporate elements of CAMRA's model policy.
- (v) The location of local centres can potentially undermine the vitality and viability of nearby centres, depending on their scale and the extent of their catchment areas. Planning can

seek to ensure that local centres prosper by discouraging potentially harmful competition. No further action proposed.

(vi) The policy as drafted would allow for the establishment of a community shop in an appropriate location. No further action proposed.

(vii) Traffic impacts of development are addressed in Local Plan Part 1 Policy INF2.

(viii) Policy RTL1 (A) addresses this point. No further action proposed.

(ix) The extent of retailing facilities within any given settlement is influenced by a wide range of factors, which would need to be measured and carefully considered before any conclusions could be drawn. No further action proposed.

(x) Permitted development rights provide broad scope for the establishment of farm shops in appropriate circumstances. No further action proposed.

(xi) The reference to the 2km walking threshold was intended to apply in the case of the considering the availability of alternative comparable facilities where an existing facility may potentially be lost. However, this paragraph is considered unnecessary and can be deleted.

#### **INF11: Telecommunications**

##### **Q32. Does the policy provide enough protection whilst allowing enough scope to allow necessary telecommunications development?**

A little under half of respondents answered yes and considered that the policy provided the right balance between protection and allowing necessary telecommunications development. One respondent felt that the policy provided too much protection and that NIMBYism gets in the way of needed telecommunications development. Other respondents echoed this view and also stated that either mobile phone signal was not good enough where they lived, or that broadband speeds were not sufficient to work from home.

A few respondents felt that the policy did not provide enough protection, particularly with respect to health concerns or sensitive sites. That National Trust requested that the policy refer to all designated heritage assets rather than just Conservation Areas and Listed Buildings.

Other comments and suggestions included:

- i. All future development must incorporate fibre optic cable.
- ii. Telecoms companies should be obliged to install underground cabling.
- iii. The policy should include a requirement for an ICNIRP certificate.

- iv. The policy refers to mobile telecommunications but does not refer to other infrastructure needs such as highways, drainage and broadband.

**How, where necessary, these issues were addressed**

The policy as revised now specifically refers to designated heritage assets, rather than Conservation Areas and Listed Buildings. Two further criteria have been added to the policy; the first is to ensure that apparatus is located to complete or improve coverage and the second is to ensure that, where feasible, all cables and pipelines are placed underground. Reference is made in the explanation to infrastructure other than mobile telecommunications.

**Other comments**

**Q33. Should Part 2 continue with Part 1 policy numbering or start again?**

The overwhelming majority of responses to this question favoured continuation of policy numbering from the Local Plan Part 1.

**How, where necessary, these issues were addressed**

The numbering system adopted for the Local Plan Part 2 consultation document is consistent with this approach. No further action proposed.

**Q.34 Do you wish to make any other comments?**

- (i) Some respondents express concern that transport concerns such as highway congestion, narrow roads and parking are not addressed in the document.
- (ii) A number of respondents are concerned that the infrastructure required to support new development, such as health care, schools etc., may not be adequately addressed.
- (iii) A respondent asks that there be no more housing allocated to Linton. Affordable housing for families leads to pressure on the primary school. Linton Parish Council advises that the improvement of the sewage treatment site at Colliery Lane may be feasible through the provision of a second foul drain pipe.
- (iv) A number of respondents call for the Local Plan to be adopted as quickly as possible to protect the district against unplanned strategic scale development proposals and to ensure that all policy requirements can be applied.
- (v) One consultee considers that the Local Plan needs to provide stronger protection for the natural environment and should have a better evidence base ensuring that the cumulative

impacts of development in the Derby Urban Area are taken into account in relation to school place and open space provision and environmental protection.

(vi) One consultee identifies a need for more all-weather paths in the countryside.

(vii) Aston-on-Trent Parish Council ask that any development outside the Aston-on-Trent settlement boundary should be in keeping with the scale and character of the existing settlement and should not reduce the strategic gap separating the village from Weston-on-Trent. One respondent considers that the Aston Hall Hospital allocation contained in emerging Local Plan Part 1 Policy H8 was not based on sound evidence. Another considers that the housing sites identified for consultation in Aston-on-Trent are too many and too big as village services are overstretched and the roads are too small.

(viii) Barton Willmore acting for the Chamberlain family refers to a planning consent for a farmhouse to the north of Shardlow. They consider that the settlement boundary should be extended to include this site and that the Green Belt boundary should be amended to exclude the site.

(ix) Willington Parish Council expresses concern about the impact on the village of housing growth in terms of roads, schools, amenities and village character. They consider that there is a need for the introduction of traffic management and pedestrian access measures in the village. They draw attention to the uncertainty regarding proposals for a new power station and intermodal park in the area and believe there is a case for delaying any further development until the outcomes are known. Flood risk is a further area of concern in the south of the village. The pro-formas make no assessment of the effect of drainage to the Trent and associated flood risk. There needs to be an assessment of the cumulative impact of development. One respondent considers that It is misleading to say that Willington has had no new housing allocations as this does not take account of committed development.

(x) Mercia Marina say that the facility has developed into a sustainable location due to the variety of uses established and with planning consent on the site, including residential berths, and that it has developed into a small settlement.

(xi) Eon consider that there is a need for an additional policy to support the reuse of brownfield land and to ensure that the employment development target set out in emerging Local Plan Part 1 Policy S5 is met.

(xii) One respondent considers that protection should be provided for Government assisted forest areas, such as those found within the National Forest.

(xiii) Derbyshire County Council consider that a more detailed policy for managing development within the Green Belt may be appropriate. They also suggest that it may be appropriate to consider defining more detailed boundaries for the Green Belt. An individual respondent asks for consideration to be given to the review of the Green Belt boundary.

(xiv) Melbourne Parish Council and a number of individual respondents say that there needs to be greater acknowledgement of Neighbourhood Plans in the Part 2 Local Plan.

(xv) One respondent expresses concern regarding the capacity of the Etwall highway infrastructure to cope with current levels of traffic and parking. It is suggested that this could be partially alleviated by connecting the bottom of Willington Lane to the A50.

(xvi) One respondent asks that there be no more housing developments in the Swadlincote, Woodville and Hartshorne areas.

(xvii) The Home Builders Federation consider that there is uncertainty that the Objectively Assessed Housing Need for the Derby Housing Market Area can be met following the withdrawal of the Amber Valley Local Plan and that settlement boundaries may therefore be too tightly drawn. They consider that the Council should therefore reconsider its proposals as set out in emerging Local Plan Parts 1 and 2 and request that allocations contiguous with existing settlement boundaries be included within those boundaries. White Young Green acting for the Church Commissioners makes similar points about housing delivery.

(xviii) One respondent considers that the policies contained in the draft Local Plan Part 2 are too vague and open to interpretation.

(xix) One respondent asks that brownfield, rather than greenfield, sites be utilised.

(xx) Melbourne Civic Society considers that there should be an explicit policy discouraging solar arrays in the countryside and encouraging them on large buildings. They also consider that there should be a housing policy to encourage new zero carbon dwellings within settlement boundaries.

(xxi) Repton Neighbourhood Development Plan points out that residential development permitted at Longlands, Repton exceeds the numbers identified in the strategic allocation for that site. They say development must be limited to that identified in the Local Plan and that there was minimal consultation concerning the additional numbers at the planning application stage.

(xxii) One respondent considers that the document should address all types of infrastructure and not just telecommunications equipment.

(xxiii) One respondent considers that locations close to the District and County boundaries should have their needs jointly assessed and opportunities to address these addressed on a cross-boundary basis.

(xxiv) One respondent considers that the Local Plan Part 1 has been ineffective in limiting development and asks whether the same will be true of Part 2.



(xxv) One respondent expresses concern about the amount of house building that has happened in Hilton in recent times and planned for the future. Amenities are insufficient, as is access to open green spaces.

(xxvi) One respondent suggests that housing needs be met through the establishment of a new village or through small infill projects. There is a need for 1-3 bedroom houses, rather than 4-5 bedrooms.

(xxvii) One respondent considers that Local Plan Part 2 policies on heritage and conservation cover some points, but do not go far enough.

(xxix) Sport England recommends that consideration be given to the inclusion of a reference to “Active Design” in the Local Plan Part 2.

(xxx) Tetlow King Planning Ltd acting for Rent plus refer to their innovative housing model of discounted rented homes.

(xxxi) Two respondents ask whether there could be a more accessible version of the information presented in emerging Local Plan Part 2 as there is so much material it is difficult to find detail, which is significant when trying to form a judgement about something.

#### **How, where necessary, these issues were addressed**

(i) Transport matters are addressed in the Local Plan Part 1 policy INF2. No further action proposed.

(ii) The strategic housing allocation policies and Policy INF1 contained in the Local Plan Part 1 address supporting infrastructure provision. No further action proposed.

(iii) The Local Plan Part 2 proposes no new housing allocations at Linton. Linton Parish Council comments re. sewerage infrastructure noted.

(iv) The local planning authority is endeavouring to proceed to adopt Local Plan Parts 1 and 2 at the earliest opportunity.

(v) The policies affecting the Derby Urban Area and the policies upon which they are based have been prepared in close consultation with Derby City Council to ensure proper consideration of cross-boundary and cumulative impacts of policies and development proposals.

(vi) Proposals such as this can be considered in the context of the Local Plan Part 1 Policy INF2.

(vii) Development outside settlement boundaries would be considered in relation to Policy BNE5, the wording of which is proposed for amendment alongside other policies addressing

specific types of development. In relation to housing development, the policy requires that development should be restricted to the infilling of small gaps. The Aston Hall Hospital allocation formed part of the Local Plan Part 1 and does not represent part of this consultation exercise. The capacity of settlements to absorb further development has been taken into account in selecting housing allocation sites for inclusion in the Part 2 Local Plan.

(viii) The case referred to has been considered in relation to proposed policy SDT1: Settlement Boundaries and Development (see above). It is considered that there is no case for the amendment of the Green Belt boundary in this location. The fact that planning consent was granted for the proposed development indicates that it was not considered to be inappropriate development in a Green Belt location.

(ix) Local Plan Part 1 policy INF1 seeks to ensure that the infrastructure necessary to support or mitigate the impact of new development will be provided. Emerging Local Plan Part 2 Policy H23 identifies a site off Repton Road for the development of an additional 50 dwellings. However, as a non-strategic scale site any development here is unlikely in itself to have a significant impact on the village. Traffic management and pedestrian safety measures for Willington would be a matter for the local highway authority in the first instance, although there may be scope for securing developer contributions in future, should a suitable scheme be identified. The proposed power station already has the benefit of planning consent and any associated traffic impacts would be taken into account in considering the cumulative impact of any further development proposals with significant transport implications in or around the village. Any proposal for the development of an intermodal park would need to demonstrate through a Transport Assessment that it would not have unacceptable traffic impacts, again taking account of the traffic implications of other major consented development proposals in the area. The pro formas do take account of flood risk and the surface water drainage implications of new development.

(x) A new policy addressing marina development is proposed.

(xi) A new brownfield land development policy would be strategic in nature and it would therefore be inappropriate for inclusion in the Part 2 Local Plan. Furthermore, the Inspector has concluded that employment development target set out in Local Plan Part 1 Policy SD1 can be met. However, if a new policy is proposed to address redevelopment of the former Drakelow Power Station site to provide a basis for the consideration of proposals involving the redevelopment of land on this large brownfield site.

(xii) This matter is addressed by the Local Plan Part 1 Policy BNE8.

(xiii) It is considered that the National Planning Policy Framework provides sufficient detail for the consideration of development proposals within the Green Belt without the need for further local elaboration. It is considered unnecessary to define the Green Belt boundaries in more detail as the question as to whether or not a site has fallen within or beyond the

Green Belt designation has never arisen. There is not considered to be a need for a review of the Green Belt boundary as part of the Local Plan Part 2. No further action proposed.

(xiv) The relationship between Local Plans and Neighbourhood Plans is considered to be adequately explained in the National Planning Policy Framework without the need for further elaboration. There are references in the Local Plan Part 1 Introduction and Policy S2 to Neighbourhood Plans and the explanatory text accompanying Policy RTL3 (formerly RTL2) is proposed to be amended to refer to them in the context of the protection of established retail facilities. No further action proposed.

(xv) Transport matters are addressed by the Local Plan Part 1 Policy INF2. The suggested connection of Willington Road to the A50 would be a matter for the Highways Agency.

(xvi) National policy requires that the Council should plan to meet its housing needs through the Local Plan and in order to do so it will be necessary to accommodate new homes. The overall strategy for housing development is set out in the Local Plan Part 1, Policy H1 and has been accepted by the Inspector following consideration of all the evidence put before her. The policy establishes a settlement hierarchy, which is to be referred to in determining the location of housing development. Urban areas, including Swadlincote and Woodville, occupy the first tier of that hierarchy as they represent the most sustainable locations for new housing development. Hartshorne is identified as a Local Village, where a more restrictive approach is to be applied, commensurate with the scale of service provision within the settlement.

(xvii) The Planning Inspector has accepted the approach to housing provision embodied in Local Plan Part 1 and there is therefore no need to reconsider this. It is intended that allocated sites should be included within settlement boundaries.

(xviii) There is a need for a degree of flexibility in Local Plan policy as not all circumstances are predictable. There are often material considerations, not necessarily fully addressed by Local Plan policies, which need to be taken into account in decision making. A more rigid approach would be less capable of satisfactorily accommodating such cases.

(xix) There are few significant brownfield sites that are suitable for development available within the District. Where they exist, as at Drakelow Park and Hilton Business Park, they have been allocated in the Local Plan Part 1 for development (policies H6 Drakelow Park, H7 Hilton Business Park, H8 Aston Hall Hospital, E1 Tetron Point, Dove Valley Business Park, and Hilton Business Park). Furthermore, it is now proposed to include a policy in the Local Plan Part 2 to address any proposals that may come forward on the remaining area of the former Drakelow Power Station site during the plan period in the (see xi, above). It can be seen therefore that the Council is seeking to accommodate development on brownfield land as far as possible.

(xx) Emerging Local Plan Policy SD6 addresses renewable energy. However, to specifically exclude development as proposed would be contrary to national policy. There is a unified set of building standards and a requirement for Zero carbon homes would not be supported by Government policy, which does not allow for the introduction of local standards.

(xxi) This matter relates to Local Plan Part 1 rather than Part 2

(xxii) Provision of infrastructure other than telecommunications equipment is addressed in the Infrastructure chapter of the Local Plan Part 1.

(xxiii) Planning legislation requires that neighbouring local authorities and other public bodies work together to identify and address cross-boundary issues through the “Duty to Co-operate” and the emerging Local Plan Part 2 is being prepared in conformity with this requirement.

(xxiv) The Local Plan Part 1 has not yet been adopted and its effectiveness has therefore not yet been tested.

(xxv) Whilst the bulk of new housing development proposed for Hilton is addressed by Local Plan Part 1 Policy H7 , the emerging Local Plan Part 2 Policy H23 allocates land at Derby Road for a further 40 dwellings. The Council has sought to ensure the provision of new amenities to serve the expanded village, including a village hall, retail area, medical centre, expanded primary school, skate park and greenway linking to the countryside.

(xxvi) The possibility of establishing a new settlement was put forward during consultation on the then emerging Local Plan Part 1 “Options for Housing Growth” exercise and met with little public support. Emerging Local Plan Part 2 Policy H24 provides for small scale infill development in settlements. Local Plan Part 1 Policy H20 requires the provision of a mix of dwelling type, tenure, size and density.

(xxvii) Heritage and conservation related matters are also addressed by Local Plan Part 1 Policy BNE2.

(xxix) The principles of “Active Design” will be addressed in the proposed Design Supplementary Planning Document, which is linked to Local Plan Part 1 Policy BNE1.

(xxx) The Council will continue to monitor changes to planning policy at the national level and these will be taken into account in formulating Local Plan policy. At the present time the proposal to include this type of provision within the definition of affordable housing is only a proposal, rather than policy.

(xxxi) The Council seeks to ensure that the Local Plan Part 2 will be as accessible as possible, but the large volume of material is unavoidable as its production for consultation is a national requirement.

## **4 Consultation on the Draft Local Plan Part 2 (20<sup>th</sup> June - 15<sup>th</sup> August 2016)**

### **4.1 Introduction**

On 20<sup>th</sup> June 2016 South Derbyshire District Council published its second consultation on the Local Plan Part 2.

The consultation sought views on the following consultation documents:

- The Draft Local Plan Part 1 sets the proposed housing allocations and contains development policies
- Draft Sustainability Appraisal (SA) – has been prepared to accompany the Draft Local Plan Part 2 in accordance with national and European legislation. The SA assesses the environmental, economic and social impacts of the Plan.
- The Draft Consultation Statement – outlines the consultation work undertaken at each stage of the Local Plan preparation process and summarises the main issues raised.
- The Settlement Boundary Topic Paper – sets the methodology for reviewing and establishing new settlement boundaries
- The Local Green Spaces Topic Paper – sets the methodology for establishing Local Green Spaces

The consultation documents can be found on the Council's website ([www.south-derbys.gov.uk/localplanpart2](http://www.south-derbys.gov.uk/localplanpart2)) and the responses can be found at <http://www.ldf.consultations.south-derbys.gov.uk/>

### **4.2 Who was invited to be involved at this stage and how?**

Different methods of public consultation were used to maximise community and stakeholder engagement including:

- a. All organisations and individuals on the LDF consultation database (including Parish Councils and South Derbyshire's MP) were contacted by letter or email where provided, informing consultees of the purpose of the consultation, how to find further information and how to make representation (Appendix B1, B2, B3). In total 1382 emails and 1722 letters were sent. An additional letter/email was sent to all those on the Local Plan database to inform consultees of the incorrect naming of one of the drop in events (Appendix B4).
- b. All South Derbyshire Parish Councils and Meetings were sent a paper copy of the Draft Local Plan Part 2, summary leaflet and questionnaire.

South Derbyshire District Councillors did not receive a hard copy of the consultation documents. This is due to the provision of hand held electronic devices which enable

Councillors to view documents online.

- c. Posters were distributed to all Parish Councils/Meetings and libraries (Appendix B5)
- d. A reference copy of the Draft Local Plan Part2 consultation documents were available to view in South Derbyshire District Councils Main Reception along with summary leaflets and questionnaires to take away.
- e. Posters and reference copies of the Draft Local plan 2 consultation documents were available to view at all South Derbyshire Libraries and the following libraries outside of the District: Burton on Trent, Chellaston, Mickleover and Sinfin. Summary leaflets and questionnaires were also available to take away.
- f. During the consultation period the Draft Local Plan Part 2 was advertised as part of a rolling presentation on screens in the Councils Office's Main Reception (Appendix B6)
- g. A banner advertising the Local Plan Part 2 consultation was uploaded on the home page of the District Councils webpage, during the consultation period. A hotlink on this banner connected directly to the Local Plan Part 2 webpage, which provided further information on the consultation and contained the consultations documents, summary leaflet and questionnaire to download (Appendix B7).
- h. Questionnaires were produced soliciting responses to the consultation documents. These were made available at all drop in events, all South Derbyshire Libraries (and the libraries outside of the District stated above), the District Councils Main Reception and to download from the District Councils webpage (Appendix B8).
- i. Drop in events were published on the District Councils website and the consultation documents, summary leaflets (Appendix B9) and questionnaire were available to view on-line or download.
- j. Seven Drop in vents were held in various locations, with the aim of reaching all sections of the community. Planning officers were at the events to talk through the consultation and answer questions from members of the public and stakeholders.

The exhibitions included information panels explaining the purpose of the consultation, the proposed housing allocations, purpose of Local Green Spaces, and explanation of settlement boundaries and a summary of the Part 2 policies (Appendix B10).

Reference copies of the consultation material were on display, along with copies of the summary leaflet and questionnaire which consultees could take away with them.

The drop in events took place at the following venues:

- Repton Village Hall, Askew Grove, Repton - Wednesday 22 June 2016 from 2.30pm to 6.45pm
  - Hilton Village Hall, Peacroft Lane, Hilton - Monday 27 June 2016 from 1.30pm to 5.45pm
  - Aston-on-Trent Primary School, Aston-on-Trent, Long Croft - Tuesday 28 June 2016 from 5pm to 7.45pm
  - Frank Wickham Hall, Portland Street, Etwall - Thursday 7 July 2016 from 1.30pm to 6.15pm
  - Rosliston Village Hall, Main Street, Rosliston - Friday 8 July 2016 from 2.30pm to 7.30pm
  - Woodville, Goseley Community Centre - Tuesday 12 July 2016 from 2.30pm to 7.30pm
  - Swadlincote Market, The Delph - Friday 1 July 2016 from 10am to 2pm.
- k. A short URL code was created for the District Council's webpage, which set out information on the consultation.
- l. The District Council issued a press release advertising the consultation drop In events (Appendix B11)
- m. Articles publicising the consultation, including the drop events was published on 24<sup>th</sup> June 2016 and 1<sup>st</sup> July 2016 in the Swadlincote Times and July 2016 in Melbourne Village Voice (Appendix B12, B13, B14)
- n. Each drop in-event was announced on the day on Twitter (Appendix B15)
- o. The consultation on the Local Plan Part 2 was advertised as part of the chairs announcements at the Area Forums (Etwall, Newhall, Repton, Swadlincote, Melbourne and Linton)
- p. Local Plan Member Working Groups have been held on 30<sup>th</sup> September 2015, 12<sup>th</sup> November 2015, 23<sup>rd</sup> May 2016 and 13<sup>th</sup> September 2016. This is a cross party meeting to discuss the Local Plan content and progress which also includes the Director of Community and Planning and/or Planning Services Manager.
- q. The Planning Policy Manager attended two drop in events regarding Repton Neighbourhood Development Plan (Repton 28<sup>th</sup> June and Milton 29<sup>th</sup> June) and attended two meetings. The Planning Policy Manager has also attended several meetings with Melbourne Neighbourhood Development Plan, in which the proposed Neighbourhood Plans and the Local Plan Part 1 and 2 were discussed.

### **4.3 What were the main issues raised?**

A total of 184 consultees responded, raising around 808 Comments on all parts of the Draft Local Plan Part 2.

This section provided a summary of the responses received and is split into the questions asked in the Local Plan Part 2 questionnaire. Not every consultee response has been summarised below, however the main responses received have been grouped together.

#### **Settlement Development**

##### **Q1. Do you think we have identified the correct settlements to have settlement boundaries?**

The majority of consultation responses agree that the correct settlements have settlement boundaries. Reasons provided include: reflection of built up areas that already exist; the settlements selected are generally sustainable in terms of their location and access to services, public transport with potential for further development; Dalbury does not lend itself to a settlement boundary as it is a scattered collection of buildings; smaller and larger settlements have boundaries; and agreement has been received that Lees, Scropton, Hilton, Hartshorne, Overseal, Willington, Aston on Trent, Milton, Rosliston, & Etwall should have a settlement boundary.

However some consultees disagree that the correct settlements have settlement boundaries. The reasons for this include: all villages have a right to have green boundaries to other settlements (Woodville has no such boundary protection) and the latest proposal splits Swarkestone into two. In addition one consultee suggests that Mercia Marina should have its own settlement boundary or be part of Willington settlement boundary; a further respondent suggests that development at land west of Rosliston Road South, Drakelow should have a settlement boundary. And another states that rural communities are often focused in smaller settlements which also need an element of development to enhance and maintain their vitality.

Though not directly related to the question one consultee suggests that the settlement boundaries need to be fixed and protected, another suggests that the approach to settlement boundaries is supported (a presumption in favour of sustainable development within settlement boundaries, whilst land outside the boundaries will be regarded as countryside a more restrictive policy applies). And a further states that the principles used in the review/establishment of settlement boundaries are prescriptive in nature affording little scope for safeguarded or officer discretion, rather echoing planning consents or previously allocated sites. The consultee goes on to add that old Local Plan allocations not already under construction should be deemed undeliverable. And if the remit of settlement boundaries is intended to protect the countryside from unnecessary encroachment, the consultee would expect the defining principles pay greater regard to objective landscape and visual impact evidence in existing and commissioned.

Furthermore an additional consultee states that Policy SDT1 is not compatible with adopted



policy H1 which allows for up to 15 dwellings as exception housing in one form or another adjacent to settlement boundaries. Additionally a consultee suggests that for clarity the last sentence of SDT1 should include the words “and be subject to the requirements of Policy BNE5”.

### **How, where necessary, these issues were addressed?**

The District Council intends to propose settlement boundaries for the settlements identified within the Settlement Boundary Topic Paper. A settlement boundary for Drakelow has been established. The Council does not intend to establish settlement boundaries for any of the suggested settlements.

Principle 2 of the Settlement Boundary Topic Paper states that settlement boundaries do not always need to be continuous and more than one element of the settlement can be established. However Mercia Marina is detached from Willington settlement boundary by approximately 1km. It is therefore not considered appropriate to include Mercia Marina within Willington settlement boundary. It is not considered necessary or appropriate to establish a separate settlement boundary for a Marina.

In response to further comments received, due to the nature and form of Swarkestone it is appropriate to define the settlement into two elements. Principle 2 of the Settlement Boundary Topic Paper states that more than one element of a settlement can be established.

In regards to the comment that the settlement boundaries are prescriptive in nature affording little scope for safeguarding or officer discretion, policies within the Local Plan Part 2 allow development outside of settlement boundaries provided particular criteria is met. Allocations are made in order to address above the housing requirement and in some appropriate locations boundaries have been drawn flexibly. Furthermore it is considered that Policy SDT1 is compatible with Policy H1 which sets out the Settlement Hierarchy.

### **Q.2 Do you wish to suggest any changes to the proposed boundaries?**

Alterations to the Settlement Boundaries were suggested through the consultation. These include:

- The settlement boundary at Sutton Lane, Etwall should be amended to include the garden which has been in existence for over 40 years
- SHLAA site S/0284 in Etwall should not be included within Etwall settlement boundary
- SHLAA site S/0253 should be included within Etwall settlement boundary
- Askew Lodge should be included within Repton settlement boundary (SHLAA site S/0116)
- Include land at the edge of Egginton settlement boundary
- SHLAA site S/0265 in Etwall should be included within Etwall settlement boundary

- Land at Bond Elm, Melbourne should be included within Melbourne Settlement Boundary (SHLAA site S/0225)
- Land to the rear of Marcella House, Church Broughton should be included within Church Broughton Settlement Boundary
- All of SHLAA site S/0023 should be included within Hilton settlement boundary
- Overseal settlement boundary should extend around the whole of SHLAA site S/0250
- Aston on Trent settlement boundary should include SHLAA sites S/0272
- Ticknall settlement boundary should include SHLAA site S/0267
- Hartshorne Settlement Boundary should include SHLAA site S/0245
- The settlement boundaries are drawn to tightly, there is no opportunity for further growth in sustainable settlements
- The settlement boundary should remain as it is to protect wildlife and woodland
- SHLAA site S/0101 Repton should not be included within Repton settlement boundary
- Reduce or exclude SHLAA site S/0101 Repton.
- Land north of Ingleby Road should be included within Stanton By Bridge settlement boundary (part of SHLAA site S/0123)
- Include part of SHLAA site S/0130 within Repton Settlement Boundary
- Land east of Main Street should be incorporated into Milton Settlement Boundary (part of SHLAA site S/0126)
- Part of SHLAA site S/0108 should be included within Melbourne Settlement Boundary
- SHLAA site S/00062 should be included within Aston on Trent Settlement Boundary
- SHLAA site S/0271 should be removed from Aston on Trent Settlement Boundary
- SHLAA site S/0101 should be removed from Repton Settlement Boundary
- Part of SHLAA site S/0130 should be included within Repton Settlement Boundary
- Hilton settlement boundary should include land to the west of Lucas Lane and the south of the A5132
- SHLAA site S/0134 should be included within Repton Settlement Boundary
- SHLAA site S/0089 should be included within Repton Settlement Boundary
- SHLAA site S/0116 should be included within Repton Settlement Boundary
- Amend Etwall settlement boundary on the western side of Etwall to run along the Etwall Brook and along the southern boundary of the Taylor Wimpey planning application boundary (9/2015/0876).
- Include the whole garden at 41 Grove Close, Thulston – the boundary currently bisects the existing garden
- Remove the newly created gap between Trentside Cottages and Cobster Cottages
- Include the gardens at Trentside Cottages
- Give all villages the same boundary considerations

- SHLAA site S/0176 in Melbourne should be included within Melbourne settlement boundary
- Proposals to extend Repton settlement boundary is against the wishes of the majority of people of Repton based on the Neighbourhood Development Plan consultations.
- Some of the SHLAA sites for infill should be accepted S/0278, S/0181, S0209 (Repton)
- The inclusion of S/0154 in Rosliston could cause an unacceptable impact on the local character in terms of its siting, scale and site coverage which couldn't necessarily be mitigated to an acceptable level.
- SHLAA site S/0291 causes the settlement boundary of Scropton to protrude northwards well beyond existing buildings into open countryside. It may be best mitigated by withdrawing the boundary southward to be less visually and physically intrusive.
- Merica Marina should be included within Willington Settlement Boundary or have its own settlement boundary
- Settlement boundaries need to particularly take drainage issues into consideration
- The settlement boundaries should be drawn that will sufficiently identify a future supply of land which is suitable, available and achievable for housing over and beyond the plan period, reducing the likelihood of sites coming forward in the countryside.
- Rosliston settlement boundary should reflect the Reserved Matters application 9/2016/0615 on SHLAA site S/0015
- SHLAA site S/0175 should be included within Rosliston settlement boundary
- SHLAA site S/0050 should be included in Linton settlement boundary
- The northern part of SHLAA S/0189 should be included within Church Broughton settlement boundary
- SHLAA site S/0189 should be included within Church Broughton settlement boundary
- Part of site S/0032 not allocated within the Local Plan Part 1 can be included within Hatton settlement boundary
- Land adjacent to 63 Doles Lane, Findern should be included within Findern settlement boundary
- Land off Cockshut Lane and Derby Road should be included within Melbourne Settlement Boundary
- Land on the northern edge of Willington (north of Castle Way) should be included within Willington Settlement Boundary
- Land south of Ingelby Road should be included within Stanton By Bridge settlement boundary
- Consideration given to redrawing the settlement boundary ensuring the open aspects between properties – a characteristic of Milton

- Land at Moor Lane, Aston on Trent should not be included within the settlement boundary
- S0284 should not be included within Etwall Settlement boundary
- Further consideration should be given to development on sites adjoining existing settlement boundaries such as land 96-100 Derby Road and 80 Derby Road, Aston on Trent
- Land adjacent to 63 Doles Lane, Findern should be included in Findern settlement boundary

### **How, where necessary, these issues were addressed?**

Planning Policy Officers reviewed the suggested alterations against the principles set out within the Settlement Boundary Topic Paper. Aerial photograph's, the District Councils Geographical Information System Mapping, Google Street View and site visits, were use/undertaken when applying the principles.

Suggested alterations which comply with principles 1, 2 and 3 of the Settlement Boundary Topic Paper have been included within the settlement boundary. For example at Sutton Lane, Etwall an area of garden has been incorporated into the Etwall settlement boundary. The garden has been in existence for a number of years (a lawful development certificate was granted by the District Council, for the existing use of the land as garden) and relates closely to the character of the built form (Principle 3c) and therefore should development occur on this area it would not be detrimentally impact on the surrounding area.

Suggestions which did not comply with Principle 3 but complied with Principle 4 were not included within the settlement boundary due to it being inappropriate to include.

For example Local Plan Part 2 allocations continue to be included within the revised settlement boundaries, despite some consultees suggesting that allocations should not be included. This is due to Principle 3a of the Settlement Boundary Topic Paper. If allocations were not included, once constructed, the relevant settlement boundaries would be considered out of date. Without updating the boundaries, there would be limited worth in having boundaries where growth has occurred or was planned outside of them.

## **Housing**

### **Q3. Do you have any comments to make regarding the housing sites identified as allocations for Part 2 shown on the maps?**

A large number of responses were received in regards to this question. A brief summary of the comments received per allocation is below:

#### **A Moor Lane, Aston on Trent – around 40 dwellings**

- Concern about the allocation. Any application for this area must make suitable provision for drainage of the area as it gets very wet after rain.
- The site has poor access

- The site should not be allocated
- The surrounding buildings have a single storey covenant
- There are bats in the neighbouring trees which will be disrupted by the influx of new homes.
- The roads are already struggling –including there are traffic jams on Weston Road and Derby Road already
- The school is already struggling
- The infrastructure cannot cope with more housing.
- There are limited amenities within the village (1 shop and a post office) which is sufficient to support the as is, but cannot accommodate any expansion
- One the settlements charm is its size which will disappear if the development goes ahead
- Impact on the agricultural land and subsequent wildlife.
- Health provision is inadequate
- Recent wet weather caused flooding in the village. Drains struggled to cope with the run off from existing developments.
- The site is physically separated from Aston and as such relates more to the open countryside than to Aston
- There is an ordinary watercourse that crosses the site for which Derbyshire County Council, as lead Local Flood Authority should be consulted.
- Allocation is supported
- The site spends significant periods waterlogged
- Any development could affect the surrounding water table and increase flooding risk to the adjacent woodland and also jeopardise the ancient public right of way which runs adjacent to the site.

**B Jacksons Lane, Etwall – around 52 dwellings**

- Do not believe that the site is suitable for development. If development is considered feasible on the site there will be pressure to increase the number of dwellings on the site
- A professional noise survey has been undertaken for the site which shows current highway noise level well above acceptable levels outside habitable use.
- Believe that the reasons for refusal of application on site S/0006 may apply to this site (character of the site and its effects on the visual impression when entering/leaving the village)
- An archaeological investigation has revealed a late prehistoric enclosure on the site which is of regional importance.
- Not enough consideration has been given to the likely extra traffic coming from the large Willington Road development if these two developments are linked by road. There is already a real traffic problem at the junction of Main Street and Willington

Road; there is a real danger of a rat run being created for motorists heading south and east from the village using the route through Jacksons Lane.

- Development would put unsustainable pressure levels upon the infrastructure, education, transport access, medical facilities etc.
- Difficulty of providing safe access to Egginton Road – Highways Agency were not satisfied that a solution could be found to an earlier application
- Short distance of the site to the village centre, shops and schools. Government policy should ensure that new development provides inclusive and easy accessibility to shops, schools etc.
- The addition of phase 1 and 2 at Willington Road already fulfils the projected allocation for new housing needed for the locality
- What would the actual allocation be? The Part 2 proposes 52 dwellings however the previous application was for 98 dwellings.
- The site extends the built form of the village further to the south and closer to the A50. This is unnecessary given site S/0006 in Etwall is available to allocate.
- The site is physically separated from Etwall and as such relates more to the open countryside than to Etwall
- The allocation is supported – The site is visually well contained by the landform, landscaped boundaries and surrounding development. It is an accessible location and within easy walking distance of a range of local services and amenities.

**C Derby Road, Hilton – around 40 dwellings**

- The allocation is supported and the developer suggests that the site should accommodate around 43 dwellings.
- If a pedestrian crossing is being put in, this needs to be towards the centre of the village near the junction with Egginton Rd.
- A lot of property has been built in the village without thought being given to infrastructure or community
- Doctors is at capacity
- The entrance to the development should be sympathetic and existing hedgerows should be kept and maintained
- There should be traffic calming on Derby Road
- Development should discourage cars and encourage green spaces
- The site is physically well related to Hilton

**D Station Road, Melbourne – around 22 dwellings**

- The site reduces the distance between Kings Newton and Melbourne
- The site is acceptable
- The site relates more to the open countryside than to Melbourne
- Flood Sequential Test should be applied to the allocation

- Objection regarding infrastructure to proposed development – development will further impact on the excessive volume of traffic along Milton Land and Brook End in Repton and on Swarkestone Bridge
- Agree Melbourne has to support some of the additional housing requirements but feel the number of houses should be reduced

**E Station Road, Melbourne – around 24 dwellings**

- The site reduces the distance between Kings Newton and Melbourne
- The site is acceptable
- The site is completely isolated from residential development and as such relates more to the open countryside than to Melbourne
- Flood Sequential Test should be applied to the allocation
- Objection regarding infrastructure to proposed development – development will further impact on the excessive volume of traffic along Milton Land and Brook End in Repton and on Swarkestone Bridge
- Agree Melbourne has to support some of the additional housing requirements but feel the number of houses should be reduced

**F Acresford Road, Overseal – around 70 dwelling**

- The site would be served by a sewerage works that discharges to the River Mease Special Area of Conservation which is failing its water quality objectives
- The site relates to the open countryside more than Overseal. It is considered that the site does not relate well to the existing built form of the village
- Allocation is supported

**G Valley Road, Overseal - around 64 dwellings**

- The site would be served by a sewerage works that discharges to the River Mease Special Area of Conservation which is failing its water quality objectives
- The site relates to both the countryside and built form of Overseal

**H Milton Road Repton – around 40 dwellings**

- The site is well related to Repton
- The allocation is supported and the developers seek to develop part of the site based on the analysis of landscape and visual matter and identified constraints and opportunities of the site. The policy should therefore be for 34 dwellings.
- Traffic through the Repton is busy; more housing will make the situation worse. The roads are often gridlocked. The queues from Repton to Willington and back are dreadful. Development will further impact on the excessive volume of traffic along Milton Land and Brook End in Repton and on Swarkestone Bridge.
- Services are struggling to cope with increased levels of development; schools, healthcare, water/sewerage
- Unnecessary loss of natural green area when other options are available

- Drains from Askew House run diagonally across this field and are often a problem.
- Flooding in the area is a concern – Milton road has been awash with heavy rain, water from the proposed development will exacerbate this and could cause flooding in the downhill houses on Burdett Way. There has been flooding on Brookend and Pinfield Lane.
- There's a footpath through the site which would be lost if the site was developed
- The site is a significant distance from the centre of the village – causing problems for the less mobile wishing to access services locally
- Repton has had more than its fair share. With the further houses, 188 dwellings will be granted
- We do not need want or can sustain more housing
- The animals need room to roam safely away from the road
- We want a village not an estate
- Recent development are beginning to change the settlements character for the worse
- Repton cannot afford more housing until the traffic congestion is resolved
- The site has an abundance of wildlife – hares, pheasants, buzzards and a variety of butterflies. Green spaces are essential for the health and well-being of human beings as well as wildlife. These few wild green spaces are being eaten up by developers to the detriment of all
- Village is developing in a very lopsided way.
- The historic village and conservation is being expanded way beyond what is sustainable
- Inappropriate development of amenity land
- The Milton side of Repton is the only side being developed. Develop on Burton Road instead.
- Repton is in danger of merging with Milton
- Repton is a pretty village being ruined by over development and weight of traffic
- The site is clearly against the wishes of the majority of people in the Parish of Repton based on the responses from the Neighbourhood Development Plan consultation – residents want developments less than 10 houses.
- The site is elevated and prominent with a footpath crossing the site. Development could lead to the blocking of views of the historic centre of Repton, as well as an alteration of the character looking away from the centre due to the relatively elevated position of the site.
- Number of houses should be limited and in keeping with bungalows on Burdett Way
- The proposed development at Burdett Way/Milton Road is on very elevated land and would impact well into the skyline.



- An application for a new house in Askew House grounds was refused because it was outside the village envelope. This development is also outside the current village envelope.
- The site is of some historic interest being part of Askew Hill where field walking revealed sherds of pottery from a range of dates going back to Roman as well as worked flints – Neolithic or Mesolithic. The hill is also the site of a barrow. If the site is to be allocated, development work should be preceded by a thorough, planned, archaeological study involving proper geophysics, using more than one technique with excavation to explore anomalies found with the leads this generates followed by their conclusion.
- To be consistent with Repton Neighbourhood plan the site should be of 10 dwellings or less
- Milton Waste Water Treatment Works is at capacity
- The cumulative effect will involve further strain on the siting roads/necessitate the need for more shops/access routes/supermarkets that would significantly spoil the area
- The site is away from main facilities in the village
- The village is at danger of losing its character
- There's only one shop in the village meaning people have to travel outside to obtain more than the bare essentials
- It will suburbanise the entrance to Repton village from Milton with a large number of modern housing on both sides of the road
- Not clear that consideration has been given to light and noise pollution from development
- The site would lead to the loss of Grade 2 and 3a agricultural land
- The development of the site would comprise the social dimension of sustainable development, as development would not reflect the communities needs and support in respect of health, social and cultural well-being.
- The village is turning into a large suburban development project
- The village envelope should be preserved at all costs
- The allocation is supported
- The site is physically well related to Repton

#### **I Mount Pleasant Road, Repton – around 24 dwellings**

- Repton has had more than its fair share.
- We do not need want or can sustain more housing
- We want a village not an estate
- Unnecessary loss of natural green area when other options are available
- The cumulative effect will involve further strain on the siting roads/necessitate the need for more shops/access routes/supermarkets that would significantly spoil the area

- Repton cannot afford more housing until the traffic congestion is resolved
- Maintain the right of way through the site
- The inclusion of the site is supported as the site benefits from planning permission
- The village is turning into a large suburban development project
- Development on Mount Pleasant Road will see additional cars travelling down Pinfold Lane which will not be able to cater for further road traffic numbers
- Traffic through the Repton is busy, more housing will make the situation worse. The roads are often gridlocked. The ques from Repton to Willington and back are dreadful. Development will further impact on the excessive volume of traffic along Milton Land and Brook End in Repton and on Swarkestone Bridge
- The Milton side of Repton is the only side being developed. Develop on Burton Road instead
- The site relates more to the open countryside than to Repton and as such any development of the site would be visually disruptive and an unwelcome addition to the countryside.
- Support the allocation

**J Off Kingfisher Way, Willington – around 50 dwellings**

- Support limited housing allocations for Willington
- Kingfisher Lane may lie in Flood Zone 2
- Would appear that the junction of Kingfisher lane and Repton Lane may be substandard and that the requisite viability splays may be constrained by an existing substation on Repton Lane

**K Oak Close, Castle Gresley – around 55 dwellings**

- The land is in use as agricultural land and has been for the last 60 years or more. The consultee understands that the UK is trying to more self-sufficient, not build on land in use for food.
- There is an ordinary watercourse that cross the site for which Derbyshire County Council as Lead Flood Authority should be consulted upon
- The new built form would appear to be clearly detached from the main village, to the detriment of the intrinsic character of the local area.

**L Linton Road, Rosliston – around 20 dwellings**

- The proposal could cause an unacceptable impact on the local character in terms of its siting, scale and site coverage which couldn't necessarily be mitigated to an acceptable level
- Development of the site would obtrude into the open undeveloped area, extending the village into the countryside. The character would be transformed from an area of open undeveloped land that currently blends seamlessly in the open rural landscape to one occupied by built form.
- The site does not relate well to the existing built form of the village.

**M Linton Road, Rosliston – around 14 dwellings**

- There is a Tree Preservation Order on the site
- The removal of the existing buildings on the site may affect the site's economic viability
- The site relates more to the built form of Rosliston more than to the open countryside.

**N Midland Road, Swadlincote – around 57 dwellings**

- Records indicate that the site is at high risk of surface water flooding
- The site is adjacent to a former landfill site

**P Land north of Scropton Road, Scropton – around 10 dwellings**

- The site protrudes northwards well beyond the existing buildings into open countryside. The northern extent of the boundary would need careful mitigation on this rural interface and it may be best mitigated by withdrawing the boundary southward to be less visually and physically intrusive.
- Support is given to allocation of the site. However the proposed yield should be indicative only and the actual housing number should be established through a planning application. It is considered that 10 -15 dwellings could be accommodated on the site.
- The site lies within Flood Zone 3
- The development of the site is considered to be out of character with the existing linear residential development
- A Flood Risk Sequential Test will need to be undertaken

**Q Montracon Site, Woodville – around 60 dwellings**

- The site could easily accommodate a density of 99 units
- A small part of the site may be impacted by surface water flooding
- The site is partly located on a former landfill site

**R Stenson Fields – around 50 dwellings**

- The site is adjacent to the A38, however its proposed means of access remains unclear. Highways England would not support the site having direct access onto the Strategic Road Network and would be expected to be consulted in relation to detail proposals for the site given the potential for impacts in the integrity of the A38 itself.
- Objection regarding infrastructure to proposed development – development will further impact on the excessive volume of traffic along Milton Lane and Brook End in Repton and on Swarkestone Bridge

Furthermore it was suggested that the District Council need to allocate more housing than proposed within the Local Plan Part 2. Reasons given for this include to comply with the NPPF.

A number of responses were received promoting particular SHLAA sites and additional sites

for allocation within the Local Plan Part 2, these include:

- S/0176 Breach Lane, Melbourne
- S/0050 Off Windsor Road, Linton
- Land at Bond Elm, Melbourne
- S0245 Hartshorne
- S/0089 Adjacent to Mount Pleasant PH, Mount Pleasant Road, Repton
- S/0006 Land at Egginton Road, Etwall
- S/0134 Burton Road, Repton
- S/0116 Askew Lodge, Milton Road, Repton (as the red plan submitted)
- Include all of SHLAA site S/0023 (Land at Derby Road, Hilton), rather than the small section allocated (H23C).
- S/0175 Burton Road, Rosliston
- S/0189 Land of Boggy Lane, Church Broughton
- S/0046 Adjacent to 37 Valley Road, Overseal
- Land adjacent to 63 Doles Lane, Findern
- The land north of Derby Road/east of the A516, Etwall
- Land at Weston Road, Aston on Trent
- South of Carr Brook Way, Melbourne
- Land adjoining SHLAA site S/0284 in Etwall
- S/0248 Land west of Longlands Lane, Midway
- Land off Station Road and Jawbone Lane, Melbourne
- Part of site S/0034 in Hatton, which is not allocated within the Local Plan Part 1 should be allocated
- Site at 99-100 Derby Road and 80 Derby Road, Aston
- More of S/0023 Land off Derby Road, Hilton should be allocated
- S/0050 off Windsor Road, Linton
- S/0267 Land at Ashby Road, Ticknall
- Land to the rear of 43 Repton Road, Hartshorne
- S/0062 Land to the east of Western Road, Aston on Trent
- Land west of Lucas Lane and south of the A5132, Hilton
- Site granted planning permission at appeal in Drakelow (appeal reference APP/F1040/W/15/3014387)
- Land off Milton Road, Repton should be allocated
- S/0075 Land at Cowlshaw Close/Aston Lane Shardlow
- S/0076 Land at Aston Lane, Shardlow
- S/0036 Land at OS part 1547, Derby Road, Etwall
- S/0253 Land of Willington Road, Etwall
- S/0015 Land to the south west side of Main Street/Coton Lane, Rosliston
- S/0154 Land to the corner of Linton Road and Coton Lane, Rosliston

- Land to the rear of the Pastures, Repton

#### **How, where necessary, these issues were addressed?**

Comments on individual sites have been considered and the evidence submitted used in assessing the sites in the Sustainability Appraisal process. The Sustainability Appraisal assesses the sites against set criteria to help select the most suitable sites for allocation. This document also provides reasons for both sites proposed for allocation and those not proposed.

Land at Linton Road, Rosliston (S/0154) has been removed as a Local Plan proposed allocation following comments from Derbyshire County Council suggesting that development of the site would obtrude into an open undeveloped area, extending the village into the countryside and that the character would be transformed from an area of open undeveloped land that currently blends seamlessly in the open rural landscape to one occupied by built form. Consequently Land at Linton Road, Rosliston (S/0160) has also been removed as an allocation due in part to the removal of site S/0154 as it could affect the potential to connect the site with facilities and would also have some landscape impact. Through further evidence received, it has been established that there is a proposed removal of the public subsidy to the existing 2 hourly bus service which would further diminish public transport provision locally and undermine the sustainability of any additional growth. The Local Education Authority also raised concerns regarding any further growth in Rosliston due to the constrained capacity and site of the village primary school.

New sites submitted through the Draft Local Plan Part 2 have not been assessed within the Sustainability Appraisal due to the late stage of receipt of the sites within the Local Plan process and would not therefore allow for a full assessment and consultation to be undertaken. The new sites however have been entered into the SHLAA database and will be considered for allocation alongside the remaining SHLAA sites in a Local Plan review.

#### **Q4. Is it appropriate for all housing sites to be grouped together under one policy (H23), or should each site have its own separate policy?**

A mixed response was received to this question, with some consultees suggesting that housing sites should be grouped together under one policy and others suggesting the each site should have its own policy. Reasons provided for grouping the housing sites under one policy include: ensures consistency throughout; sufficient to assist in bringing forward non-strategic allocations; and it is unnecessary to provide a separate site specific policy - paragraph 173 of the NPPF states 'the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'.

Reasons provided for the housing sites to have separate policies include: it enables better control of development and infrastructure and it allows for greater levels of instruction in terms of what is expected to be delivered by each allocation; whatever the size of development, its impact will be different on different sites; each village has a different look and feel; certain sites are within the River Mease catchment and with a separate policy,

specific recommendations and guidance can be given; individual constraints and opportunities can be addressed through a more detailed policy framework tailored to the site concerned; and separate policies would reflect each site's individual nature.

In addition one consultee states that it is acceptable to group small non-strategic sites with shared constraints. Where sites have specific sensitivities then these might merit specialised policies. Furthermore another response states that it is considered appropriate for all housing sites to be grouped under a single policy, if the Council is not proposing any site specific guidance; and another suggests that a separate policy should be made between Greenfield and Brownfield sites given the different considerations for each type.

On a separate matter one consultee states that the key considerations are considered unnecessary. And another respondent states that the policy needs rewording to confirm that the criteria listed are the reason these sites have been chosen in preference to others.

#### **How, where necessary, these issues were addressed?**

Policy H23 will contain key considerations to be evaluated for each housing allocation followed by requirements per site, allowing for site specific requirements to be addressed.

In response to the comment that the policy needs rewording to confirm that the criteria listed are the reason these sites have been chosen over others. The Sustainability Appraisal sets out the reasons for allocating certain sites over others; this does not need to be included within the allocation policies.

#### **Q5. Do you have any comments or further information on the housing site pro-formas?**

Some generic comments were received regarding the site pro-formas and some site specific comments were received.

Generic comments received include:

- The assessment includes no weighting to support the choices made.
- We expect that 80% of the assessment would be the same for any site in one key village, it is the differences that are important
- Do not think that non car transport concerns and access to local services for people are addressed properly nor is the support for elderly residents included
- All pro-forma sites should consider the benefits of ecological networks which may equate to biodiversity opportunity areas and look at how they can incorporate priority habitat creation per Derbyshire Biodiversity Action Plan.
- Concern about the consistency and validity of the information used. It is unclear whether the information has been tested by SDDC or whether the information supplied by developers has been taken as the basis of the information
- The traffic light system appears to be confused and applied differently.

Site specific comments were received, as a general rule requesting changes to the scoring of the site proformas. The SHLAA site proformas specifically commented on include:

- S/0267 - Land off Ashby Road, Ticknall
- S/0011- Land off Ingleby Lane Ticknall
- S/0176 - Breach Lane Melbourne
- All the sites in Aston
- S/0265 – Land north of Derby Road and east of the A516, Etwall
- S/0225 – Bond Elm, Jawbone Lane, Kings Newton
- S/0248 - Land west of Longlands Lane, Midway, Swadlincote
- S/0271 – Land off Moor Lane, Aston on Trent
- S/0272 – Land off Moor Lane, Aston on Trent
- S/0023 – Land off Derby Road, Hilton
- S/0284 – Land east of Egginton Road and north of Jacksons Lane, Etwall
- S/0291 – Land north of Scropton Road, Scropton
- S/0257 – Land off Milton Road, Repton
- S/0108 - Land fronting Blackwell Lane, Melbourne
- S/0062 – Land to the east of Weston Road, Aston on Trent
- S/0203 – Land west of Station Road, Hatton
- S/0040 – Land at Uttoxeter Road, Foston
- S/0036 – Land at OS part 1547, Derby Road, Etwall
- S/0285 – Land at Derby Road, Melbourne
- S/0046 – Adjacent to Valley Road, Overseal
- S/0006 – Land at Egginton Road, Etwall
- S/0134 – Burton Road, Repton
- S/0089 – Adjacent Mount Pleasant Public House, Mount Pleasant Road, Repton
- S/0130 – Land east of Milton Road, Repton
- S/0123 – North side of Church Close, Stanton by Bridge

#### **How, where necessary, these issues were addressed?**

All comments have been reviewed (and reassessed if required) and changes made where they are in compliance with the assessment criteria. In addition where new/additional information has been provided or obtained (such as further information has come to light during a planning application), the Sustainability Appraisal proformas have been updated with the relevant information.

#### **H24: Replacement Dwellings in the Countryside**

##### **Q6. Is the policy sufficient to safeguard the countryside from inappropriate dwellings?**

A mixed response was received to this question. Some consultees stated no to this question, reasons given include: developers walk all over us, please stand up to them; the countryside around Woodville is being eroded and I would personally like to see reports on local wildlife

sighting; we no longer see hedgerows, foxes and house martins and Swift and Swallow numbers have declined; the report is actively encouraging the development of inappropriate dwellings in the countryside; there is no reference to the state of the existing dwelling – there should be a reason for a replacement.

However some consultees support the policy. One consultee suggested that the policy was well worded.

A respondent suggests that Criteria iii) should be relaxed as there may be cases where relocation through replacement might result in an overall improvement to the character and appearance of the wider landscape which might better safeguard the countryside from inappropriate development rather than replacement in-situ. And another consultee suggests that a point v) is required relating to the replacement of very small dwellings.

#### **How, where necessary, these issues were addressed?**

No changes to the policy have been made based on the comments received. It is considered that the policy already allows some movement of the location of replacement dwellings, by the policy stating “the new dwelling has substantially the same siting as the existing”.

Furthermore there is no need to create a separate criterion for very small dwellings, replacement of all dwelling sizes is covered by the policy and the policy does not need to require the reason for a replacement dwelling.

#### **H25: Rural Workers’ Dwellings**

##### **Q7. Is the policy sufficient to safeguard the countryside from inappropriate dwellings?**

The majority of respondents to this question agreed that the policy was sufficient to safeguard the countryside. Some stressed the importance of stipulating that the dwellings were only for rural workers. Two comments highlighted the need for affordable housing for young workers. Other comments reflected concern about the decline in local wildlife and the countryside being developed for housing in general. One respondent stated that clear cross-references to national planning policy should be made. Natural England emphasised that internationally and nationally designated sites should be taken into consideration, particularly those with drainage issues.

#### **How, where necessary, these issues were addressed?**

The request to ensure that no inappropriate dwellings significantly affect the notified features of any statutorily designated site is covered by policies BNE2: Heritage Assets and BNE10 Heritage. No change to the policy is being proposed at this stage.



## **H26: Residential Gardens within the Countryside**

### **Q8. Do you have any comments on the scope and content of this policy?**

The principle of the policy was generally supported. Derbyshire County Council suggested that a change be made to the policy explanation to reflect that most landscapes are not “unaltered”. One respondent stated that the policy needed to be enhanced but did not suggest how. A general concern about the loss of gardens to tarmac and concrete areas was expressed. Similarly, some of those expressing support for the policy did so on the proviso that development in the extended garden area was restricted. Concerns were also expressed regarding boundary treatments, both with regards to wildlife - how the use of fences hinders the movement of wildlife, with hedges being more appropriate, or with regards to aesthetics – with hedges or stone walls looking more in keeping with the countryside than fences.

### **How, where necessary, these issues were addressed?**

Changes have been made to the policy explanation to take account of the County Council’s comment regarding unaltered landscapes and to reflect the policy wording that it is detrimental domestication the policy is seeking to prevent.

## **H27: Residential Extensions and Other Householder Development**

### **Q9. Do you have any comments on the scope and content of this policy?**

Limited responses were received regarding this question. 6 consultees stated no to this question. One consultee agreed but recommended that site visits are made before any decisions are made; another stated as long as neighbouring properties are not affected and plan etc. conform to local directives; a further respondent suggests the policy should also consider where buildings are extended, their potential impact as dwellings (including potential drainage issues) be considered against the SSSI Impact Risk Zone and an addition consultee states that a clause should be added that suitable and appropriate parking commensurate with the size of the development must be provided.

### **How, where necessary, these issues were addressed?**

No changes to the policy have been made based on the comments received.

In response to some of the comments, site visits are always undertaken by the application case officer; policy and guidance within Supplementary Planning Documents will ensure that neighbouring properties are not detrimentally affected by development; and where appropriate Policy INF2 Sustainable Transport within the Adopted Local Plan Part 1 and guidance within Supplementary Planning Documents (regarding parking) will be used in the determination of householder applications.

Furthermore Policy BNE3 in the adopted Local Plan Part 1 contains requirements for proposals which could have a direct or indirect impact on SSIs. This issue is therefore looked

at during the application process and there is therefore no need to put a requirement in the policy.

## **H28: Residential Conversions**

### **Q10. Do you have any comments on the scope and content of this policy?**

Few responses were received to this question, however those that were received were of mixed opinions. 6 consultees states no to this question.

One consultee states that the policy was well worded, another stated it appears to be NPPF compliant and another respondent partly agrees with the policy, however states that many properties that are converted do need sympathetic rebuilding/and an extension to make them suitable properties for residential use. Although permitted development rights should still apply.

A further consultee states that paragraph B should be deleted as it conflict with paragraph 55 of the NPPF which specifically identifies the reuse of redundant or disused buildings as one of the few instances where isolated homes in the countryside might be acceptable. Another states the policy should also consider where buildings are converted into residential units, it should be ensures that their potential impacts as dwellings (including potential drainage issues) be considered against the SSI Impact Risk Zone.

And an additional respondent states as long as neighbouring properties are not affected and plans etc. conform to local directives and the planning issues should be made more people friends.

### **How, where necessary, these issues were addressed?**

No changes to the policy have been made based on the comments received.

In response to some of the comments any residential conversion will be assessed against policy BNE1 of the adopted Local Plan Part 1, which expects new development to be well designed and not have an undue adverse effect on the privacy and amenity of nearby occupiers.

In addition the element of the explanation which states permitted development could be withdrawn as a condition of approval for a dwelling, is to remain. Removal of permitted development rights will be assessed on a case by case basis and will be removed when necessary to maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

Furthermore no amendment to the policy has been made in regards to extensions and rebuilding, as the proposal does allow for some alteration, rebuilding and or extensions to take place. And Part B of the policy is to remain as it considered to be NPPF compliant. Moreover no wording to the policy or explanation has been added, as the proposal would

be considered against the SSI Impact Risk Zone during the application process.

## **Built and Natural Environment**

### **BNE5: Development in the Countryside**

#### **Q11. Is the policy sufficient to safeguard the countryside from inappropriate development?**

Mixed reviews were received regarding the policy. Some consultees stated yes to the question; one consultee states yes fields are protected; one consultee states the policy appears to be in keeping with the requirements of the NPPF and other states it is in accordance with the NPPF; two consultees welcome the reference to the presumption in favour of sustainable development within the explanatory text and support the District's aim to avoid isolated unsustainable development in the countryside; one consultee acknowledges the tests set out in section A and B of the policy which details where planning permission will be granted and another respondent supports the policy and states there is enough flexibility in the policy to supplement the support for marinas given in Policy BNE7, whilst protecting landscape character, biodiversity and best and most versatile land.

Another respondent agrees with the policy, as long as it is for forestry, agricultural or equestrian. The consultee feels outdoor recreation gaining planning permission will have an effect not only on the landscape but wildlife too, so each application needs to be strictly vetted.

However some consultees do not consider that the policy will safeguard the countryside from inappropriate development in the countryside. One consultee states no because the developers will buy anything for a large amount of money and the Council won't do anything about it. Another respondent states that the policy needs strengthening to say development in the countryside will not generally be granted, where no buildings already exist or where there is clear agricultural need. A further suggests that a clearer definition and clarification is needed as what is classed as countryside and the settlement boundaries and building adjacent to those boundaries. An additional consultee states that the policy should recognise the exception which needs to be made in respect of Traveller site provision and another states that infill should not be more than two houses and should not be allowed if it means the destruction of existing gardens to create the appearance of more dense housing.

Two consultees question what appropriate means and do not think the policy should set criteria for appropriate development. One of the states there should be a specific exclusion in BNE5 for land adjacent to settlement boundaries and a reference back to Policy H1. Furthermore it has been suggested that the Policy should include a definition of appropriate development which should include tourism and leisure development. In addition one consultee suggests that it would be clearer if 'it' in the first line in A was replaced by 'the development' and another states that the policy should include the same key considerations contained within Policy H23.

Moreover one consultee states that Part Bii) is overly restrictive, as forest-related development is unlikely to be related to a settlement. The consultee considers that a similar statement to policy INF10 'in other appropriate locations where identified needs are not met by existing facilities' should be included in the policy, especially for non-residential development.

Comments have also been raised regarding Biii) of the policy. One consultee states the section is too vague and should not be used to prevent all forms of development. Another suggests that this section should be deleted as flexibility is not given to development proposals affecting valued landscape. Another consultee states that if applicants have to demonstrate that landscape is not valued, this is onerous and counterproductive and does not allow for appropriate and well-designed development within valued landscape e.g. play equipment, signage, art installation etc. It has been suggested that section Bi) should read "will not unduly impact on: landscape character, valued landscapes, biodiversity, best and most versatile land, historic assets; and...." Furthermore another consultee suggests that the Council on its Proposals Map should set out the nature and extent of the valued landscapes.

#### **How, where necessary, these issues were addressed?**

In response to a consultee comment, the word 'it' within the first line of part A has been replaced with 'the development'. The policy has not been amended to specifically state that tourism and leisure development is an appropriate use within the countryside. However the policy explanation has been amended to clarify that development allowed by other policies could be considered appropriate development in the countryside, including policy INF10 Tourism Development within the Local Plan Part 1.

In response to comments received regarding forest-related development then the policy does require any change as that use would be determined under section A of the policy as appropriate which is clear in the policy explanation. The policy is therefore not considered to be overly restrictive. Furthermore the National Trust raised concern that the policy does not allow for play equipment, signage and art installation within a valued landscape. However, depending on the exact proposal, these developments could be considered to be appropriate development in the countryside and again would be dealt with under Part A of the policy.

Section Biii of the policy is to remain. It is considered to be appropriate and NPPF compliant.

In addition it is not considered that the policy needs to make special provision for Traveller sites. Policy H22 of the Adopted Local Plan Part 1 sets the criteria for determining planning applications for Gypsies and Traveler and Travelling Showpeople pitches/plots and Policy BNE5 will be used in the determination of applications where appropriate. Sites will be allocated through a separate development plan document as national guidance requires.

The Council does not intend setting the nature and extent of valued landscapes. The consideration of valued landscape will be undertaken during the application process using the factors set out in the GLVIA 3<sup>rd</sup> Edition (or further editions).

## **BNE6: Agricultural Development**

### **Q12. Does the policy provide sufficient scope for agricultural development whilst also safeguarding the countryside?**

A mixed response was received regarding the policy. It has been suggested by some that agricultural fields are being destroyed and being built on. However other consultees have stated yes to the question, and others have states yes with caveats. The caveats provided include; as long as construction of any buildings are in keeping with the surroundings and are warranted by the application; provided buildings are purely functional for the use proposed and not capable of conversion to dwellings in the near future; and depending upon how the policy is interpreted.

In addition one consultee states that the policy should also consider where any agricultural development takes place and that all environmental factors can be considered against the SSI Impact Risk Zone. Any agricultural development within the River Mease Special Area of Conservation Catchment should be considered in terms of whether it will cause likely significant effect and whether a Habitats Regulation Assessment would be required. Furthermore another respondee states that the policy should be re-worded to promote the preservation of agricultural land, or for any other use of the land to leave intact the option to revert to agricultural land.

### **How, where necessary, these issues were addressed?**

No changes to the policy have been made based on the comments received. In response to the comment buildings need to be in keeping with the surroundings and warranted by the application, the policy contains criteria (ii it is of an appropriate scale and design) which will ensure that the policy is in keeping with its surroundings and for applications to be assessed under this policy, the proposal must be for agricultural development.

Furthermore no wording to the policy or explanation has been added regarding SSIs, as the proposal would be considered against the SSI Impact Risk Zone during the application process. And no wording or explanation has been added regarding the River Mease Special Area of Conservation as the likely effect of the proposal on the River Mease Special Area of Conservation and whether a Habitats Regulation Assessment would be required, is a legal requirement and will be assessed through a planning application.

Moreover it is not reasonable to add a requirement that the land be reverted back to agricultural land.

## **BNE7: Marina Development**

### **Q13: Do you have any comments on the scope and content of this policy?**

The majority of respondees expressed support for this policy. One respondee suggested that the policy should be divided into two policies, thereby dealing separately with new and

existing marinas. One respondent questioned whether the policy was strong enough and whether the 51% threshold was appropriate; the policy tended to imply that large-scale marinas are acceptable. A Planning Consultancy commented that given many existing marinas have uncertain future viability, perhaps applicants should be required to prove the need and demonstrate that business plans are in place, to secure the marina's long term future.

The Environment Agency drew attention to the ambiguity regarding the Flood Risk Vulnerability Classification of 'water-based recreation which includes sleeping accommodation' in the current national guidance. The Environment Agency state that it may be a reasonable interpretation that permanent residential berths fall into the definition of 'More Vulnerable Development', which if sound would mean such development should not be permitted in the functional floodplain. The result being that marina development is appropriate for canal systems (that are not within the functional flood plain) but not river systems.

The Canal and River Trust have no objection in principle to the inclusion of a policy which supports new marina development, or appropriate expansion of existing marinas but express concern that the policy is lacking in clarity and purpose. They state that criterion iv) of Part A does not sit appropriately within Part A because demand is not a material planning consideration. However, if it is actually need, rather than demand, being referred to, then that is capable of being a material planning consideration. The Trust considers that it would be appropriate to include reference to proposals being acceptable in terms of navigational safety and availability of water resources in the development management criteria in Part A. The Trust further states that there appears to be conflict between Parts B and C, and that the final paragraph of the explanation is unclear.

One respondent contends that the 51% requirement for berths for leisure/tourism use is not justified, rather the onus should be put on the applicant to demonstrate the need for either residential or leisure moorings, at any time. The respondent suggests that the second sentence to criteria C be deleted.

### **How, where necessary, these issues were addressed?**

Water-based recreation that excludes sleeping accommodation is classified as 'water-compatible development'. Marinas and wharves are also classified as 'water-compatible development'. This does leave ambiguity regarding water-based recreation that includes sleeping accommodation with regard to its vulnerability classification and the development to which Policy BNE7 relates. The Environment Agency made further policy suggestions including making the development safe in terms of flood risk, however flood risk is already covered by Policy SD2 of the Local Plan Part 1.

Following consideration of all the responses regarding Policy BNE7 the Authority consulted further with the Canal and River Trust. The Trust were of the opinion that once the Policy had been modified in the light of the responses detailed above, the Policy did not add further detail to that already covered by Policy INF10 in the adopted Local Plan Part 1. As such, the Trust recommended the deletion of Policy BNE7 and the Authority agrees with this

recommendation.

#### **BNE8: Protection of Trees, Woodland and Hedgerows**

##### **Q14: Do you think this policy provides for the adequate protection of trees, woodland and hedgerows within the District?**

The majority of respondents to this question expressed their support for, and the importance of, trees, woodland and hedgerows. One expressed support for the policy as it is. Four respondents singled out the hedge the runs along Moor Lane. Some felt that the policy did not provide adequate protection because development on greenfield sites would still take place. A Parish Council requested that the term 'unacceptable loss' be quantified, which is taken to mean that 'minimise the loss' should be quantified.

Derbyshire County Council suggested that the amenity value of trees be made reference to, both in the policy text and the explanation. The County Council also comments on the wider benefit of trees than simply improving air quality, such as improved drainage and providing shade, and also recommends not identifying specific tree species in the policy but rather keeping planting in keeping with the urban or rural character. Natural England recommends consideration of ancient woodland, aged and veteran trees. A Planning Consultant responding on behalf of a developer considers that an excessive period of management could be imposed upon developers due to the policy's requirement for "new planting... to be adequately managed to reach full maturity". In addition, the respondent considers that the requirement for net biodiversity gain is inconsistent with the NPPF.

##### **How, where necessary, these issues were addressed?**

Reference to trees, woodland and hedgerows of high value will be included in the policy text and reference made to the need for new tree planting to be appropriate for the urban or rural character of the area. The explanatory text will be amended to include a definition of 'full maturity' in the context of the policy. The policy wording will be amended to ensure references to net biodiversity gain are consistent with the NPPF. Ancient woodland and veteran trees are protected under Policy BNE3: Biodiversity in the Local Plan Part 1.

#### **BNE9: Local Green Spaces**

##### **Q15. Of the Local Green Spaces provided, are there any that you consider should not be designated?**

Objections were received to land at Kendrick's Close, Hartshorne; land adjoining Melbourne Pool from Penn Lane; land north of the river at Willington; The Millfield, Shardlow; and Mitre Fields, Repton. At High Street, Repton a request was made to amend the boundary to avoid a private garden.

##### **How, where necessary, these issues were addressed?**

Landowners of the proposed Local Green Spaces were contacted directly and asked for their

views on the proposed designation of land in their ownership in a concurrent consultation. Following the response to this consultation, further work on which Local Green Spaces should be taken forward in the Plan is required. As such, the policy wording has been amended to allow for a Local Green Spaces to be detailed in a forthcoming Development Plan Document.

**Q16. Are there other areas that meet the requirements for Local Green Spaces that you wish to see designated? Please state how the area is special to the community e.g.; beauty; historic significance; recreational value; tranquility or; richness of wildlife.**

Sites that had been previously suggested through the first Part 2 consultation tended to be reiterated at this stage. Respondees also expressed support for designations already included within the Draft Plan.

**How, where necessary, these issues were addressed?**

As set out above, the policy will be amended to allow for Local Green Spaces to be detailed in a forthcoming Development Plan Document. This will facilitate the collection of further evidence on how each proposed Local Green Space is demonstrably special to the local community it serves.

#### **BNE10: Advertisement and Visual Pollution**

**Q17. Does the policy provide adequate protection whilst also offering sufficient flexibility to allow necessary development to which the policy refers?**

The majority of respondents considered that the policy does strike the right balance between protection and necessary development. One respondent commented that advertisements are often left in place well beyond the date of the event they are advertising, and made the suggestion that adverts should be removed within one month. Another respondent commented that whilst individually such structures do not give rise to significant harm to the public realm, cumulatively they can cause significant harm.

**How, where necessary, these issues were addressed?**

No specific change to the policy wording was requested through the consultation and none is being proposed at this stage. In response to the comment that advertisements are left in place beyond the date of what is being advertised, there are existing regulations determining that such advertisements should be taken down within a specified time.

#### **BNE11: Heritage**

**Q18. Does the policy provide for suitable level of protection, preservation and enhancement of heritage assets within the District?**

The majority of respondents expressed support for the policy however four consultees, including planning consultancies and the National Trust, commented that the policy was not



in compliance with the NPPF, particularly with regard to the requirement to balance harm and loss with (public) benefit, depending on the significance of the heritage asset, as set out in paragraphs 132 – 135 of the Framework. One Parish Council states that the policy does not give a total level of protection for heritage assets and their settings, and is concerned with the allowance of any infill development affecting the setting of heritage assets. Comment was also made that it would be easier if the first section of the policy were broken up with numbering or bullet points.

**How, where necessary, these issues were addressed?**

Changes have been made in order to ensure compliance with the NPPF with regard to the circumstances in which it is acceptable to permit harm to or loss of heritage assets. The policy structure has been altered and the policy wording sets out that development that affects any heritage asset will need to ensure proposals contribute positively to the character of the built, historic and natural environment.

**BNE12: Shopfronts**

**Q19. Do you have any comments on the scope and content of this policy?**

Comments received in response to this question reflected that the appearance of shop fronts within heritage assets are of importance to the community and that such a policy in the Plan is supported. No changes to the policy were requested through the consultation and none are being proposed at this stage.

**How, where necessary, these issues were addressed?**

No specific change to the policy wording was requested through the consultation and none is being proposed at this stage, however the structure of the policy has been amended to assimilate it with that of other policies in the Plan.

**BNE13: Former Power Station, Drakelow**

**Q20. Do you have any comments on the scope and content of this policy?**

A range of comments were received regarding this policy, including nine consultees who stated no to the question.

One consultee states that they supports the policy however states that the last paragraph of the supporting text incorrectly refers to SD3 in the Local Plan Part 1 instead of SD6. Another respondent welcomes the policy however requests policy wording changes to require this document to be produced and submitted with any substantial planning application being made. The consultee suggested two wording options:

‘Development will be supported for Use Class B1, B2, B8 and energy purposes to assist in the regeneration of previously developed land at the Former Drakelow Power Station. An agreed development framework document between the developer and the Council will

be produced and submitted in advance of any major planning application made.'

Or

'An agreed development framework document between the developer and the Council will be produced and submitted within 12 months of the Local Plan Part 2 being adopted to guide development of the site over the plan period.

The existing Drakelow Nature Reserve will be retained to its current extent.'

A further consultee states as long as the nature reserve and wildlife corridors are protected, at least this mainly brownfield site is being developed. And another suggests that the opportunity should be taken for a further review into the long term use of the site for mixed uses.

An additional respondent stated that the redevelopment of the site should ensure Drakelow Nature Reserve is fully protected, but is enhanced through the creation of a buffer zone or creation of complementary habitats close to the reserve.

Moreover a consultee states that the policy should ensure that a buffer is included in any masterplan between the development area and the Nature Reserve to minimise the impact of development on the Nature Reserve and also provide an area with public access to discourage and provide an alternative to, access to the Nature Reserve by new occupiers.

In addition one respondent suggests the policy should incorporate Green Infrastructure and priority habitat as part of the overall development, taking into consideration of the existing Drakelow Nature Reserve and the potential for ecological networks.

Furthermore one consultee suggests that the plan should have a policy regarding the possible development at Willington Power Station, along the same lines as BNE13.

#### **How, where necessary, these issues were addressed?**

The policy explanation has been reworded to state that an agreed framework between developer(s) and the Council will be submitted with any major planning application and not all applications, as the policy previously stated.

Moreover the policy has amended to strengthen the protection of the Nature Reserve and introduce the creation of buffer zones as suggested by a consultee. The Policy now states 'The existing Drakelow Nature Reserve will be retained to its current extent along with the creation of a buffer zone'. Further comments regarding Green Infrastructure are not felt necessary and are covered by other policies in the Plan.

In response to the comment received and further consideration by the Council, it is agreed that consideration should be given to the other former power station in the District. Accordingly, the policy has been renamed to remove the reference just to Drakelow and now includes an element regarding development at the former Willington Power Station.

## **Retail**

### **RTL1: Swadlincote Town Centre**

#### **Q21. Do you agree with the primary frontages, as identified on the town centre maps?**

Three consultees stated yes to this question, one of which stated they appear to be the existing primary shopping frontages.

#### **How, where necessary, these issues were addressed?**

No changes to the policy have been made based on the comments received.

#### **Q22. Do you have any further comments on the scope and content of this policy?**

Few comments were received regarding this policy. Seven consultees stated no to this question with one stating I have seen how Swadlincote Centre has developed and it is all for the good. A further consultee supports the policy.

#### **How, where necessary, these issues were addressed?**

No changes to the policy have been made based on the comments received.

### **RTL2: Swadlincote Town Centre Redevelopment Sites**

#### **Q23. Do you have any comments regarding the identified town centre redevelopment sites?**

The County Council expressed their support for the policy and for the separating out of Policy RTL2 from Policy RTL1. Another respondent supports the policy with the exception of site 1, which includes the Civic Offices and leisure centre, stating that the policy should provide further detail including where the civic functions and leisure centre would be relocated to. One respondent, whilst expressing support for the improvement of semi-derelict land raised concerns over already stretched parking provision, especially if the car park is then redeveloped for another use. The respondent also stated that Green Bank leisure centre needs to be kept, and parking provided for it.

#### **How, where necessary, these issues were addressed?**

No change to the policy wording is being proposed at this stage.

### **RTL3: Local Centres and Villages**

#### **Q24. Does the policy identify the correct local centres?**

None of the comments received stated that the local centres identified were incorrect. It was confirmed through a consultation response that provision for a new local centre is included within the emerging master plan for the Wragley Way housing site. One

respondee stated that the local centres identified appeared to be the most sustainable centres in terms of proximity to population centres and access to shops, services and employment. Another respondee highlighted that may eventually be relevant for the developments west of Mickleover, at Pastures, Etwall and Hilton.

**How, where necessary, these issues were addressed?**

No changes to the policy have been made based on the comments received. Policy RTL3 is to be included within Policy RTL1.

**Q25. Does the policy satisfactorily provide for the maintenance and enhancement of the viability and vitality of local centres?**

Support for this policy was expressed by all respondents with the exception of Melbourne and Kings Newton Action Group, who raised concerns regarding the adequacy of infrastructure within Melbourne including parking and congestion on Derby Road, which some retailers feel is detrimental to the viability of the businesses. One respondee expressed that Swadlincote town centre had been enhanced but did not know if similar initiatives were in place for Woodville.

**How, where necessary, these issues were addressed?**

No changes to the policy have been made based on the comments received. Policy RTL3 is to be included within Policy RTL1. Sustainable Transport, including parking provision, is covered under Policy INF2 in the Local Plan Part 1.

**Q26. Does the policy satisfactorily provide for the maintenance and enhancement of shopping and service provision in Key Service Villages and Local Services Villages?**

The majority of responses to this question agreed that the policy was satisfactory for its aims. Some respondents reflected on the retail provision in Repton as being inadequate for the amount of development, both existing and proposed. One comment was received regarding the need for off-street parking provision to be included with retail developments.

**How, where necessary, these issues were addressed?**

No changes to the policy have been made based on the comments received. Parking provision is dealt with under Policy INF2 of the Local Plan Part 1.

**Q27. Do you have any further comments on the scope and content of this policy?**

Two respondents, including Repton Village Society requested that off-street parking be requested for retail developments. One respondee commented that all outlying villages should be allocated the provisions of Policy RTL3.

### **How, where necessary, these issues were addressed?**

No changes to the policy have been made based on the comments received. Parking provision is dealt with under Policy INF2 of the Local Plan Part 1.

### **Infrastructure**

#### **INF11: Telecommunications**

#### **Q28. Does the policy offer enough protection whilst providing sufficient scope to allow necessary telecommunications development?**

The majority of consultation responses received were in support of the policy as it is. One respondent referred to the unsightly nature of installing telecommunications development. A Parish Council requested the minimisation of visual intrusion arising from such development and requested that the Policy include reference to ICNIRP certificates. Another comment was regarding the slow broadband capability provided by telephone exchanges. Melbourne Civic Society responded to the question with a 'no', stating that there should be consultation with local bodies such as Parish Councils and amenity societies before broadband cabinets are installed in sensitive locations such as Conservation Areas.

### **How, where necessary, these issues were addressed?**

No change to the policy wording is being proposed at this stage. Should any application for telecommunications development be forthcoming, parish councils will be directly notified and any individual or group will have the opportunity to respond during the consultation on the application.

#### **INF12: Provision of Education Facilities**

#### **Q29. Do you have any comments regarding this policy?**

Some consultees have raised school capacity issues (in Etwall, Melbourne and Repton). Two consultees have stated that in the Repton Area, land has been built on which could be used for school expansion and one respondent states that the protection of space for primary schools needs to be addressed. In addition consultees have stated that the policy makes no reference to Primary Schools.

In addition it was stated that the policy needs to be implemented quickly and new education facilities before new estates would be a good idea.

Furthermore one consultee comments that it is right to plan for a new secondary school and the pupils attending should reflect the local demographics, for example the rural nature of the district; another states that this should be linked to areas of population growth and significant house building. And a further respondent states that a further consultation on the need for a secondary school should be widely and appropriately targeted, the consultation was not widely known.

In regards to the exact location of a secondary school, one consultee asks whether Melbourne would be a good place for an additional secondary school and another states that Wragley Way is not suitable. A further consultee states that wherever the secondary school is, the children in the outlying villages should still go to Chellaston Academy. In addition one consultee supports the policy however suggests the wording of the policy be amended to:

“Land will be allocated for education provision by the Local Education Authority or other statutory provider. The site(s) at (location to be confirmed) will be:

- I. For a minimum 800 pupil place secondary school;
- II. Of a minimum of 10 hectares; and
- III. Designed and laid out so to minimise and undue impacts in surrounding land uses and the wider environment”

#### **How, where necessary, these issues were addressed?**

Derbyshire County Council is statutorily responsible for providing school places to children within the District (and Derbyshire). The County Council has identified the suitable sites for a new secondary school at Thulston Fields, Boulton Moor and Lowes Farm, Chellaston. The proposed wording suggested by the County Council including the locations of the secondary school forms for basis of Policy INF12. In order for the County Council to reach this point they have undertaken consultations on several site options including Melbourne.

The provision of primary schools is not a part of the policy as many new primary schools are being provided across the District with the requirement set out within the relevant housing policy in the Local Plan Part 1. New schools are to be built at: Hilton, Boulton Moor, Wragley Way, Newhouse Farm, Chellaston Fields and Highfields Farm and extensions made to several others. If a new school site was needed for a primary school that was not part of a housing site or a site large enough to warrant a school (normally around 600 dwellings), Derbyshire County Council notify a site within the Local Plan, protecting the site from development for the plan period.

#### **Q30. Do you wish to make any other comments?**

Objections and concerns have been raised regarding development on sites not allocated within the Local Plan Part 2. These include sites at:

- Land of Mill Street, Coton in the Elms
- S/0064 – Land east of A511, Burton Road, Upper Midway, Swadlincote
- S/0208 - Land at Sandcliffe Road, Swadlincote
- S/0248 – Land west of Longlands Lane, Midway, Swadlincote
- S/0026 – Valerie Road/Chellaston Lane, Aston on Trent
- S/0062 – Land to the east of Weston Road, Aston on Trent
- S/0285 - Land at Derby Road, Melbourne

- Mickleover area
- Dalbury
- Concern raised about sites S/0226, S/0225, S/009, S0108 regarding outstanding applications or appeals
- S/0285 – Land at Derby Road, Melbourne
- S/0271 – Land off Moor Lane, Aston on Trent
- S/0176 – Breach Lane, Melbourne
- S/0020 – Land adjacent to The Homestead, Weston Road, Weston on Trent
- S/0026 – Valerie Road/Chellaston Lane, Aston on Trent
- S/0062 – Land to the east of Weston Road, Aston on Trent

In addition a range of additional comments were received including the following:

- Feel all developments are being considered and consent given despite local concerns and opinions
- Don't forget the path to nowhere between the Foss Road development and the Lily Garden development linking Hilton village east to west and north to south. This would improve the quality of life in Hilton
- It is considered that more detailed development management policy for assessing new development within the Districts Green Belt may be appropriate in the Part 2 and it may be appropriate to consider defining more detailed boundaries of the Green Belt
- Lynnhurst, Newhall should be removed from the Green Belt.
- It would be helpful if proposed Designated Local Green Spaces, settlement boundaries and site allocations were shown on the same map.
- Consider that the crossing of Sinfin Lane by carriageway way to the Employment Allocation at Sinfin Moor is not necessary
- How the Local Plan Part 2 will impact on road infrastructure and will road improvements and modifications will be made? There is no mention of transport and traffic
- A degree is needed to answer the questions
- Need buses in Repton
- What happening to the Health Centre in Repton
- South Derbyshire roads, schools and medical facilities need to be upgraded before extra housing is considered.
- Seven Trent Water have no specific comments to make
- For an area whose potential sustainability is linked to the National Forest the opportunity to link this as a theme across policies feels lost. For example could be an area that really promotes eco-housing and innovative developments and minimises identikit houses.

- The Part 2 Plan should include a policy on the Southern Derby Area (a cross boundary growth area to meet the housing and employment land needs of both South Derbyshire and Derby City throughout the present plan period and beyond) which recognises the interrelationship between the strategic allocations and infrastructure provision.

**How, where necessary, these issues were addressed?**

No changes to the Local Plan Part 2 have been made based on the comments received.

In response to some of the comments made, the Local Plan Part 2 is not proposing to allocate any of the sites discussed within the other comments questions.

In regards to Green Belt comments, it is considered that the National Planning Policy Framework and Policy S8 of the Local Plan Part 1 provide sufficient detail for consideration of development proposals within the Green Belt, without the need for a further Part 2 policy. Whilst the Part 2 initially set out to consider Green Belt anomalies, following initial work, it was clear that it was unnecessary to review the Green Belt boundaries given the disproportionate amount of resource that would be required in order to undertake the process. Specific comments have been received on a couple of sites with regards to minor green belt changes which have been considered but there is no reason or policy support to make those changes.

In response to concern regarding road infrastructure and improvements and service provision such as schools and medical facilities, it is considered that any Part 2 housing site will not need to provide significant infrastructure to enable development to proceed. However during the planning application process, contributions will sought towards healthcare, education, open space as well as other requirements where appropriate. Furthermore during the Local Plan process County Highways and the Highways Agency have been consulted, and during any subsequent planning application County Highways will be consulted. This will ensure that the housing sites satisfactorily meet transport/highways requirements.

The Local Plan Part 1 Proposals Map will be updated into include the Part 2 allocations and settlement boundaries.

In regards to the National Forest comment, the Local Plan Part 1 contains Policy INF8 which seeks National Forest Planting over developments of a particular size and BNE1 which expects all new development to be well designed.

Regarding the employment allocation at Sinfin Moor, this was allocated within the Local Plan Part 1 and no further policy requirements are needed within the Local Plan Part 2. Regarding paths within Hilton, policy can only request improvements which assist/are essential to the development of the site.