

South Derbyshire Local Plan Part 2 Examination

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Nicola Sworowski
Planning Policy Manager
South Derbyshire District Council

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By email via the Programme Officer

Dear Miss Sworowski,

Modifications to the South Derbyshire Local Plan Part 2

As indicated at the conclusion of the examination hearings on 27 April 2017, I am writing to confirm the need for further main modifications to make the South Derbyshire Local Plan Part 2 (SDLPP2) sound.

We discussed a number of main modifications required to Policies SDT1, H23-H28, BNE5, BNE7-12 and RTL1-2 and their explanatory text to ensure consistency with national policy and the SDLPP1 and effectiveness in day-to-day decisions on planning applications. I confirm I have received a first draft of the Council's suggested wording for these modifications, which I will respond to separately, including the scope of changes required to Policy BNE10 on Heritage.

In addition, in the light of the discussions at the hearing, I consider that main modifications are required to Policy INF12 in respect of the provision of secondary school facilities and that changes will be necessary to the proposed modification for Policy INF13 for the Southern Derby Area, in order to comply with the criteria for soundness, as explained below.

Policy INF12 – Provision of Secondary Education Facilities

Two sites are proposed to provide for future secondary school provision to support housing growth on the southern side of Derby. Whilst I acknowledge the case put forward to justify the need for both sites, the land at Thulston Fields lies within the Green Belt, where a new school would constitute 'inappropriate development' under paragraph 89 of the National Planning Policy Framework (the Framework). Paragraph 87 of the Framework makes clear that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. I note Council feels that 'very special circumstances' exist. However, this can only be tested by means of a planning application, when all of the evidence would be available to allow for the harm to the Green Belt to be weighed against other considerations, as required by paragraph 88 of the Framework. If land at Thulston Fields needs to be allocated for a secondary education facility, then the Green Belt boundary would need to be altered, which paragraph 83 of the Framework makes clear should only be done in 'exceptional circumstances'. Both the District and County Council appear to acknowledge this would need to take place as part of a wider review of Green Belt boundaries around Thulston Fields and Boulton Moor, which would be

better considered in a future review of the Local Plan. I agree with this view. In the meantime, the existence or otherwise of 'very special circumstances' to justify a secondary school at Thulston Fields as 'inappropriate development' in the Green Belt would be a consideration for the District Council via a planning application process, in the light of all of the necessary evidence. Accordingly, in order for the Plan to be consistent with national policy and therefore sound, Policy INF12 will need to be modified to remove the proposed allocation at Thulston Fields.

We also discussed the need to review and reduce the site area at Lowes Farm to around 10 hectares to meet the stated requirement in this location. It was also highlighted at the hearing that the site at Lowes Farm shown on Map 5 was not in the same location as the site for a secondary school identified on the masterplan attached to the expression interest for Infinity Garden Village.

Proposed Policy INF13 - Southern Derby area

The Council wishes to include a policy in the SDLPP2 to guide the development of Infinity Garden Village. Whilst not required for soundness, I recognise such a policy would provide greater certainty and help ensure the comprehensive delivery of the scheme and the strategic infrastructure necessary to support it. However, as drafted the proposed policy and explanatory text also prejudices the need for additional housing or employment land beyond that which is provided for in Part 1 of the Plan. If this is required to meet the growth needs of either South Derbyshire or Derby City, then this would need to be brought forward through an early review of Part 1 of the Plan, based on a review of the OAN and housing requirement for the HMA. I also do not consider this could be done via an Area Action Plan, as suggested in evidence and at the hearing, since an AAP would not be a district-wide development plan document required for the review of housing and employment needs. If included as drafted I consider the proposed new Policy INF13 would render the Plan unsound. Accordingly, the wording of the proposed policy should be amended to reflect this.

Policies Map

Some of the modifications will require changes to the Policies Map as proposed. As you will know the Policies Map is not a development plan document and therefore cannot be subject to main modifications. This will be for the Council to modify in accordance with the main modifications discussed above. To that end the change to the settlement boundary for Swadlincote to incorporate whole of the Policy H2 site should be treated as a minor or additional modification. However, there are a number of maps within the body of the Plan which form part of the expression of the relevant policies. Where these are to remain within the Plan and they are subject to modification e.g. the site boundary for land at Derby Road, Hilton (Policy 23C) and the site for secondary education at Lowes Farm, they should form part of the main modifications.

Next Steps

On this basis, I would invite the Council to provide a complete set of main modifications for my consideration, together with a timetable for public consultation. Prior to consultation the Council will need to undertake any further Sustainability Appraisal work necessary to support the main modifications in line with the Regulations.

I have also noted that the Council wishes to publish additional or minor modifications. As these are not a matter for the Examination, they should be placed in a separate schedule to the main modifications for consultation purposes.

I look forward to hearing from you.

Yours sincerely,

Mike Hayden

INSPECTOR