

South Derbyshire Issues and Options

October 2022



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Introduction

South Derbyshire District Council has begun work on producing a new local plan for the District. Local Plans take time to produce – there are processes that need to be followed, evidence that needs to be collected and differing points of view that need to be reconciled.

Consultation is a key part of the process – it's your opportunity to get involved with your ideas about what the plan could include. This Issues and Options consultation is the first public consultation on what the new local plan should say about how the District should change up to 2039.

This consultation includes many questions, but you don't have to answer them all. Feel free to pick and choose – you can just answer the questions on the subjects that mean the most to you, on the other hand you might want to answer them all. Each chapter has Key Questions but again, you don't have to answer every Key Question. Extra Questions, which go into a little more detail, are included at the end of some chapters. Some additional information on certain topics is included within the appendices.

If you have any questions about this consultation, get in touch with us at local.plan@southderbyshire.gov.uk

Thank you.



Chapter 1 Background

The planning system provides a structure for managing the development and use of land. At a local level this structure is made up of local plans and neighbourhood plans, which both fall under the same formal term 'development plan'.

South Derbyshire's adopted Local Plan is primarily written in two parts and covers the period of 2011 to 2028.

Part 1 was adopted on 13th June 2016 and is the strategic element of the Local Plan. It sets the long-term vision, objectives, and strategy for the spatial development of South Derbyshire and provides a framework for promoting and controlling development. Strategic housing and employment sites are allocated, along with some development management policies to be used in determining planning applications.

The Local Plan Part 2 was adopted on 2nd November 2017. It allocates non-strategic housing allocations and contains detailed development management policies.

Overarching planning policy at the national level is set out in the National Planning Policy Framework (NPPF). This requires that Local Plans should be reviewed every five years to assess whether they need updating. On 12th August 2021 the Environmental and Developmental Services Committee (EDS), endorsed a full review of the Local Plan Part 1. This followed consideration of an assessment of the Part 1 policies, which highlighted a few areas which indicate that a full review of the Plan is necessary¹.

The 2022-2025 Local Development Scheme sets out a timetable for the production of the Local Plan Part 1 Review.

| Timetable | |
|--------------------------------------------------|------------------------------------------------------------|
| Stage | Date |
| Commencement of the process | July 2022 |
| Previous Consultations | Call for Sites – commenced September 2019 |
| Options Consultations (Regulation 18) | Issues and Options – summer 2022 Draft Plan – June 2023 |
| Proposed Submission Consultation (Regulation 19) | November 2023 |
| Submission to Secretary of State (Regulation 22) | Early Spring 2024 |
| Commencement of the Hearing Sessions | Late Spring 2024 |
| Adoption by Council | December 2024 |

This 'Issues and Options' paper is the first formal consultation in the plan making process (Regulation 18, Town and Country Planning Regulations 2012). Its purpose is to ensure that the Local Plan Review (throughout the document called the Emerging Local Plan) covers the right issues and suitable options, and that the approaches the Plan could take are considered.

¹ Public Item Number 8 of the following webpage contains the EDS Committee Report and Appendix regarding the Local Plan Review: [CMIS > Meetings](#)



What does this mean for Neighbourhood Planning?

Neighbourhood planning enables local communities to produce a plan to shape development and growth in their area. A Neighbourhood Plan forms part of the development plan and sits alongside the Local Plan. They must be in general conformity with strategic policies contained within the Local Plan and national planning guidance.

Once the Emerging Local Plan is adopted, it will supersede any parts of made neighbourhood plans which do not comply with the revised Local Plan. It is recommended that any new or developing neighbourhood plan take account of the Emerging Local Plan, as it is being developed.

Government's proposed changes to the Planning System

The Government has published a Levelling Up and Regeneration Bill, which seeks to change the way powers can be devolved to local authorities and will introduce reforms to the planning system. The Council will need to consider the implications of the changes in due course, as legislation and national guidance is updated. This may lead to options/ideas within this document no longer being relevant. However, the Government has made clear that Local Plan preparation should not be stalled as the Bill progresses through parliament and the NPPF is revised. Therefore, the Council intends to continue with the process of reviewing the Local Plan and will make any necessary changes to the Emerging Local Plan once new legislation and national guidance is in place.

Evidence Base

The Emerging Local Plan will need to be informed by evidence. The Council has begun to produce/update various parts of the Local Plan [evidence base](#). The Council will also need to update a number of key studies as part of the review process, including an Employment Land Review, transport studies, Strategic Flood Risk Assessment, and plan wide viability assessment.

Furthermore, the Emerging Local Plan will need to have regard to other strategies and documents produced by the Council and other partners, such as South Derbyshire's Corporate Plan, South Derbyshire's Economic Development Strategy, Derbyshire Economic Strategy Statement and Derbyshire Health and Wellbeing Strategy. An assessment of the evidence required is set out in the Sustainability Appraisal and Strategic Environmental Assessment Draft Scoping Report, which accompanies this consultation.

Have your say

This is your opportunity to feed into the Local Plan review at an early stage and help shape the future Plan. There are Key Questions and Extra Questions throughout the document. Please respond to the consultation using the online portal if at all possible.

The Council will endeavour to make paper copies of this document available to view within the following libraries (subject to libraries reopening/remaining open):

- Swadlincote Library, Civic Way, Swadlincote, Derbyshire DE11 0AD
- Melbourne Library, Assembly Rooms, High St, Melbourne, Derby DE73 8GF
- Etwall Library, Egginton Road, Etwall, DE65 6NB
- Burton Library, Riverside, Burton, DE14 1AH
- Sinfin (Community Managed) Library, Arleston Lane, Sinfin, DE24 3DS

Information regarding Derbyshire library opening times and operating restrictions can be found via the [Derbyshire Libraries webpage](#). For Burton and Sinfin Libraries see [Staffordshire Libraries](#) and [In Derby](#) webpages respectively.



Completed Representation Forms should be sent to:

- Post: Planning Policy, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, DE11 0AH
- Email: local.plan@southderbyshire.gov.uk

If you have any questions, please contact the Planning Policy Team at the above email address.

Please submit your comments by 5pm, Monday 5 December 2022.

What happens next?

The Council will review all the comments received and publish a Consultation Statement on the Council's website. The comments, along with technical evidence the Council is collecting, will help to prepare a Draft Local Plan, which will be published for further consultation.



Chapter 2 Scope of the Emerging Local Plan

Vision and Objectives

South Derbyshire is valued by different people for different reasons because there is so much the District has to offer. Many of our communities are based in rural villages, others within the urban areas, others still on the urban-rural fringe. Many communities feel rooted in the countryside and their village's unique architectural and environmental characteristics, whilst others look to urban areas and the services they offer. Communities value when the connections to industrial heritage are preserved and Wildlife Sites are protected. Businesses benefit from the strong transport links through the District and areas regenerated. Tourism can thrive, including that related to the National Forest.

Vision

A local plan has to provide a balancing act – a way to ensure that what is considered demonstrably special within an area is preserved, whilst facilitating necessary growth and development. Requirements for improvement in biodiversity – leaving the natural environment in a better state than when it was found – will need to be met whilst ensuring that job opportunities continue to keep pace with demand and businesses can grow and succeed. Areas and buildings of historic value need to be preserved whilst also being put to good use, and the challenges around climate change and the associated targets need to be met, which may mean supporting creative initiatives in the drive for carbon neutrality.

Objectives

The emerging Local Plan will deliver the mechanisms and policies to ensure that South Derbyshire continues to be an attractive district in which to live, to visit and invest. Positioned to the south of a 'top twenty' city with strong infrastructure links, economic opportunities, heritage and a mix of rural and urban areas, South Derbyshire has both much to offer and much to protect.

Looking ahead to 2039, the emerging Local Plan will establish the most appropriate distribution for sustainable housing and employment growth, responding to the further pressures related to climate change and public health, whilst also providing infrastructure and respecting and enhancing the District's character, landscape, heritage and natural environment.

Key Question 1: Do you have any comments on what should be contained within the Emerging Local Plan's Vision and Objectives?

Portrait of the District

The adopted Local Plan Part 1 includes a 'Portrait of South Derbyshire' which is largely replicated below. The Emerging Local Plan will have this portrait updated by new data and suggestions made through this consultation.

South Derbyshire is a rural district in central England covering an area of over 112 square miles. It adjoins and is heavily influenced by the city of Derby to the north, Burton upon Trent to the west and Ashby-de-la-Zouch to the east. The town of Swadlincote, in the south of the District, is the main urban centre with a population of around 35,000.

For many years the District has been the fastest growing in Derbyshire and is currently one of the fastest growing areas in England. Official forecasts anticipate the population increasing from the



current 109,500² to over 123,000 by 2035. The population is also becoming older and more diverse with implications for the types of housing, facilities and support services that will be needed in the future.

The District benefits from its central location in the UK and relatively good road, rail and air connections, although the south of the District is less well served in this respect. Transport links between the north and south of the District has seen some improvement but remains relatively poor; the Council will continue to take advantage of any opportunities to address this, including through the enhancement of public transport, as they arise.

Housing growth accelerated from around 2015 with a variety of developments across the area for example at Swadlincote, Hilton and on the fringes of Derby. Whilst popular, in some cases they have developed without sufficient day-to-day facilities. Generally, the quality of design reflects the standards of the day when such developments were planned. However, as planned further housing growth takes place there will need to be considerable improvements to make sure that the new places created are of the highest possible quality of design and, where appropriate, innovation, and help to combat climate change through efficient use of energy and water. Equally, easy access to jobs, services and facilities by a choice of means of travel including public transport will be vital, including in the rural areas.

The right amount and types of housing will need to be provided in the future to meet people's needs. House prices remain unaffordable for many in the District and recent house price rises are likely to increase the number of people unable to afford to buy or rent a home in the District.

The District as a whole enjoys relative prosperity, with low levels of unemployment, although a dichotomy of economic problems does exist across the District. However, the situation has generally improved as a result of successful regeneration initiatives. This process will continue through such proposals as the reclamation of poorly restored land in the Woodville area and through the provision of the recently opened Swadlincote - Woodville Regeneration Route providing better access to Swadlincote and traffic relief in Woodville.

The local workforce is largely low-skilled and the proportion with no qualifications is above average. The presence of further education institutions in Derby, Burton upon Trent and, more recently, in Swadlincote may present an opportunity to address this.

A relatively large proportion of the workforce is employed in manufacturing. Major companies that have been attracted to the area include Toyota Motor Manufacturing (UK) Ltd, JCB Power Systems Ltd, Nestle UK Ltd. and Bison Concrete Products Ltd. In recent years, significant inward investment has taken place on business parks at Dove Valley and Hilton in the north of the District and Tetron Point at Swadlincote. Much employment growth over the plan period is expected to take place outside the traditional industrial uses, shifting towards such sectors as health and social care, as well as tourism and leisure. Office based employment is also expanding nationally and the Council is seeking to grow this element of the local economy.

Whilst significant new shopping and leisure development has been attracted to Swadlincote town centre, the High Street is characterised by traditional small shop units which may not be ideally placed to attract conventional new retail occupiers. The need to maintain foot fall and a vibrant town centre is important and the Council will continue to work on major improvements to the public streets and spaces in the town.

The remainder of the District is predominantly rural with many villages of varying sizes. Considerable efforts have been made to conserve their character and some, such as Repton, Ticknall and Melbourne are of particular historic value. The villages and rural areas are attractive

² As estimated for 2020

https://www.nomisweb.co.uk/reports/lmp/la/1946157140/subreports/pop_time_series/report.aspx



places to live and important for tourism, but a key challenge for the Local Plan will be to ensure their sustainability by promoting the right amounts and types of development. Limited access to high-speed broadband is an issue in the north west and most southerly rural parishes of the District although there are plans for limited improvement through the Digital Derbyshire initiative.

Local heritage is an important part of the unique character of the area with 22 Conservation Areas, over 700 listed buildings, 20 Scheduled Ancient Monuments and five historic parks and gardens. These are safeguarded through a combination of careful design and grant schemes. There are threats, however, through new development and, in the case of the Scheduled Swarkestone Causeway, through regular damage from traffic.

Several major watercourses cross the District including the Rivers Trent, Dove, Mease and Derwent and approximately one fifth of the land area is within areas at risk of flooding.

South Derbyshire also contains numerous areas which are important for wildlife including the River Mease – a site of international importance – and a number of nationally recognised Sites of Special Scientific Interest (SSSIs), together with many sites of local value. The southern part of the District lies within The National Forest – one of the country’s most ambitious environmental initiatives. In addition to opportunities for further leisure and recreation, the Forest has potential for the creation of woodland based industries as well as a high quality environment for all types of new development.

Key Question 2: Does the spatial portrait of the District need further updating and if so, how?

Composition of the Emerging Local Plan

The adopted Local Plan is primarily written in two parts. The NPPF and Planning Practice Guidance (PPG) continues to facilitate this approach with the latter stating “Depending on the issues and opportunities that exist locally local planning authorities should, in consultation with their local community, consider the most appropriate way to plan for the needs of their area”³.

South Derbyshire has benefited from the two-part plan approach, not least with regard to maintaining a consistent five-year supply since the adoption of the Local Plan Part 1. It is anticipated that the Emerging Local Plan will continue with a two-part approach. It is anticipated that the Emerging Local Plan Part 1 will set the plan period, set the overall housing strategy for the District, identify how Derby City’s unmet housing need will split across the Derby Housing Market Area, allocate strategic housing sites, and allocate employment sites.

Certain policies within the adopted Local Plan Part 2 cross-refer to the Part 1 and as such, to avoid the risk of creating a ‘policy vacuum’, it is anticipated that most policies within the adopted Local Plan Part 2 will be reviewed alongside the Local Plan Part 1 and subsumed into the Emerging Local Plan Part 1.

It is anticipated that the Local Plan Part 2 review will incorporate non-strategic housing allocations, Policy BNE8 Local Green Space policy and retail policies RTL1 and RTL2. Whilst Policy SDT1 Settlement Boundaries and Development will be included in the Part 1 review due to its reference to Policy H1 Settlement Hierarchy, the settlement boundaries will be appraised through the Part 2 review and the policy maps updated accordingly.

There are issues and ideas within this consultation regarding certain policies that, at this stage, we consider will be dealt with during the Local Plan Part 2 review. Nevertheless, they are included in this document to seek your views should a decision be made in the future to incorporate any of

³ PPG Plan Making, Paragraph: 004 Reference ID: 61-004-20190315



these policies into the Emerging Local Plan Part 1, or to have a single Local Plan, or should a different approach be required due to changes to the statutory process and national policy.

The Council is in the process of preparing an [evidence base](#) to inform the Emerging Local Plan; the Derby HMA Boundary Study, Strategic Housing Market Assessment and Growth Options Study have been completed. Further evidence is underway including Derby City's Capacity Study, a Derbyshire Spatial Energy Study, a Gypsy and Traveller Accommodation Assessment and an Employment Land Study. A new Strategic Flood Risk Assessment will need to be undertaken. Your views are sought as to what further evidence should be commissioned or undertaken to support the Emerging Local Plan.

Sustainability Appraisal and Strategic Environmental Assessment

A significant regulatory requirement in the formation of this work is to subject emerging draft proposals and policies to Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). A SA is a process that is an integral part of developing the Plan, with the aim of promoting sustainable development through the integration of environmental, social and economic considerations. It is an ongoing process of assessment which is linked with plan-making itself and includes the publication of SA reports at key stages in the preparation of the Plan. Coinciding with this Issues and Options consultation, the Council is consulting on a Sustainability Appraisal and Strategic Environmental Assessment Draft Scoping Report.

The Draft Scoping Report sets out for initial consultation, particularly with the statutory environmental bodies and other key stakeholders, the following:

- A summary of the development plan and sustainability appraisal process
- A review of relevant existing plans, policies and programmes relevant to the future planning of the District;
- A summary of the evidence base upon which the Emerging Local Plan will be prepared;
- The issues which the Emerging Local Plan will seek to address
- A set of draft sustainability objectives against which proposals in the Emerging Local Plan can be assessed.

The purpose of the scoping stage is to set out proposals for conducting the SA, so that the SA itself tests the sustainability of the Emerging Local Plan using up to date information. The Scoping Report also establishes a methodology and framework for the assessment of the Emerging Local Plan and its alternatives at subsequent stages of the Plan preparation process. It also identifies the significant impacts that the assessment will need to address.

Your views are sought on the proposed scope of the Emerging Local Plan.

Key Question 3: Should the Emerging Local Plan be split into two parts?

Key Question 4: What should be classed as 'strategic' in terms of housing development within the Emerging Local Plan, for example what size of housing/employment site or impact on infrastructure?

Key Question 5: Have we identified the correct issues and is our methodology for assessing them, correct?

Key Question 6: What additional evidence does the Council need to obtain to inform the Emerging Local Plan?



Chapter 3 Housing Need and Strategy

The NPPF⁴ requires that:

“Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

- a) *housing (including affordable housing), employment, retail, leisure and other commercial development...”*

Therefore, the Emerging Local Plan needs to set out a development strategy that identifies:

- the **amount** of new housing development to be provided for, and
- **where** this development should go.

South Derbyshire’s Housing Requirement

The standard method for identifying the minimum housing need is set out by the Government in National Planning Practice Guidance⁵ and is the first step in deciding how many homes need to be planned for. Whilst use of the standard method is not mandatory, the Government makes clear that other methods may be used only in exceptional circumstances.

The method comprises a formula that calculates average projected growth in the number of households in the district over the next ten years (based on Government figures) and then applies an adjustment factor to take account of housing affordability in the local area (‘median workplace-based affordability ratios’ published by the Office for National Statistics).

For South Derbyshire this currently yields a figure of 536 net additional homes per annum, however, “The standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates”⁶.

Furthermore, the Council does not produce a Local Plan in isolation. During the production of the adopted Local Plan, the Localism Act and the NPPF introduced a requirement for local authorities to plan on a larger than local scale, known as a Housing Market Areas (HMA). Councils comprising an identified HMA were to work together to collectively meet the development needs of the HMA, particularly where those needs could not be wholly met within the relevant local authority boundary. Work was undertaken to establish that South Derbyshire, Amber Valley and Derby City formed one HMA, known as the Derby HMA.

During the production of the adopted Local Plan, it was established that Derby City could not accommodate all its housing need within its administrative boundary. Consequently, it was agreed that some of Derby City’s housing need would be met within South Derbyshire and Amber Valley. As a result, a marked step change in housing delivery can be seen since 2016; the number of

⁴ NPPF paragraph 20

⁵ <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

⁶ Planning Practice Guidance Paragraph: 010 Reference ID: 2a-010-20201216



completions per year delivered in South Derbyshire has been significantly higher than the need generated by using the standard method alone. Housing completions are set out in the table below:

Table 1: South Derbyshire Housing Completions 2011 - 2021

| Year | Affordable Homes Total | Completions Total (Gross) | Affordable Homes – percentage of gross completions | Completions Total (Net) |
|--------------|------------------------|---------------------------|----------------------------------------------------|-------------------------|
| 2011-2012 | 33 | 397 | 8.3% | 378 |
| 2012-2013 | 33 | 281 | 11.7% | 274 |
| 2013-2014 | 23 | 399 | 5.8% | 385 |
| 2014-2015 | 97 | 438 | 22.1% | 420 |
| 2015-2016 | 107 | 584 | 18.3% | 569 |
| 2016-2017 | 185 | 833 | 22.2% | 820 |
| 2017-2018 | 180 | 934 | 19.3% | 921 |
| 2018-2019 | 225 | 1230 | 18.3% | 1218 |
| 2019-2020 | 291 | 1292 | 22.5% | 1285 |
| 2020-2021 | 165 | 1035 | 15.9% | 1029 |
| Total | 1339 | 7425 | 18.0% | 7299 |

In May 2019 the [Derby Housing Market Area Boundary Study](#) was produced, which confirmed that South Derbyshire, Amber Valley and Derby City are still located within the same HMA. The three authorities continue to work closely on plan production under the legal Duty to Cooperate and the authorities signed a Statement of Common Ground to that effect in June 2020.

It is anticipated that a request will be made from Derby City Council, under the Duty to Cooperate, for South Derbyshire and Amber Valley to accommodate some of the City’s housing need for the Emerging Local Plan period. Whilst changes to the planning system are expected following the Levelling Up and Regeneration Bill, with the legal requirement of the Duty to Cooperate possibly replaced by a policy alignment test in a revised NPPF, there is an established history of planning across borders and in order to best meet overarching housing needs, this cooperation will need to continue.

Derby City’s Unmet Housing Need

The standard method for calculating minimum housing need in South Derbyshire, as described above, is applied throughout England but for the twenty largest urban centres in the country, there is a requirement to add a further 35% (uplift) to the local need figure. Included among these urban centres is Derby City, where the current net annual housing need with the 35% uplift applied, has been calculated as 1,255 net additional homes per annum.

As was the case for the adopted Derby City Local Plan, it is unlikely that there will be sufficient opportunities to accommodate the identified scale of housing growth within the City’s administrative boundary over the Emerging Local Plan period to 2039. Derby City’s capacity evidence will provide a starting point for considering how much of the need should be provided within the City and the extent of any surplus that might be accommodated by neighbouring HMA authorities.

Notwithstanding that the outcome of the Capacity Study is pending, together with any updated housing needs assessment for South Derbyshire, the following options for South Derbyshire’s housing requirement have been identified for consultation:



Option 1: Base the housing requirement on meeting the minimum requirement using the standard methodology in national planning guidance (currently 536 net additional homes per annum).

Option 2: Base the housing requirement on ensuring that Derby's unmet need is completely accommodated within the Derby HMA.

Option 3: Base the housing requirement on a wider range of evidence, acknowledging that it may not be appropriate for all of Derby's unmet need to be accommodated within the Derby HMA.

Key Question 7: Which option for establishing South Derbyshire's housing requirement do you support and why?

Key Question 8: Do you have a view on the proportion of Derby City's unmet need that South Derbyshire should take? Please provide comments and justification.

Strategic Cross-Boundary Issues

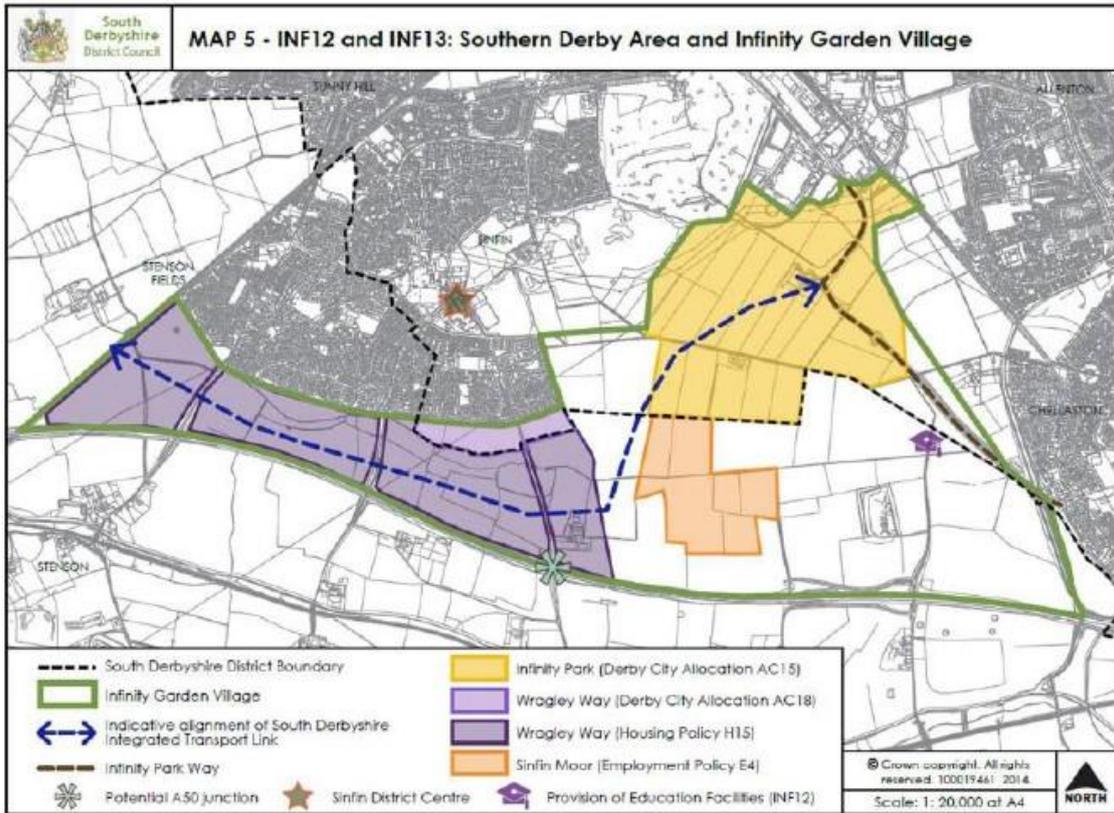
In formally commencing a full review of the Local Plan Part 1 in August 2021, the Council specifically authorised the inclusion of the Infinity Garden Village (IGV) and Freeport sites for detailed policy consideration as part of the review. It was recognised that the Emerging Local Plan would need to make decisions on these strategic planning matters that have implications beyond the District boundary – IGV spanning both South Derbyshire and Derby City and the Freeport South Derbyshire, Rushcliffe and North West Leicestershire.

Whilst the IGV and Freeport do not solely relate to housing, the implications of these schemes will have a bearing on the overall housing strategy and consequently have been included for consideration in this section of the document.

Infinity Garden Village

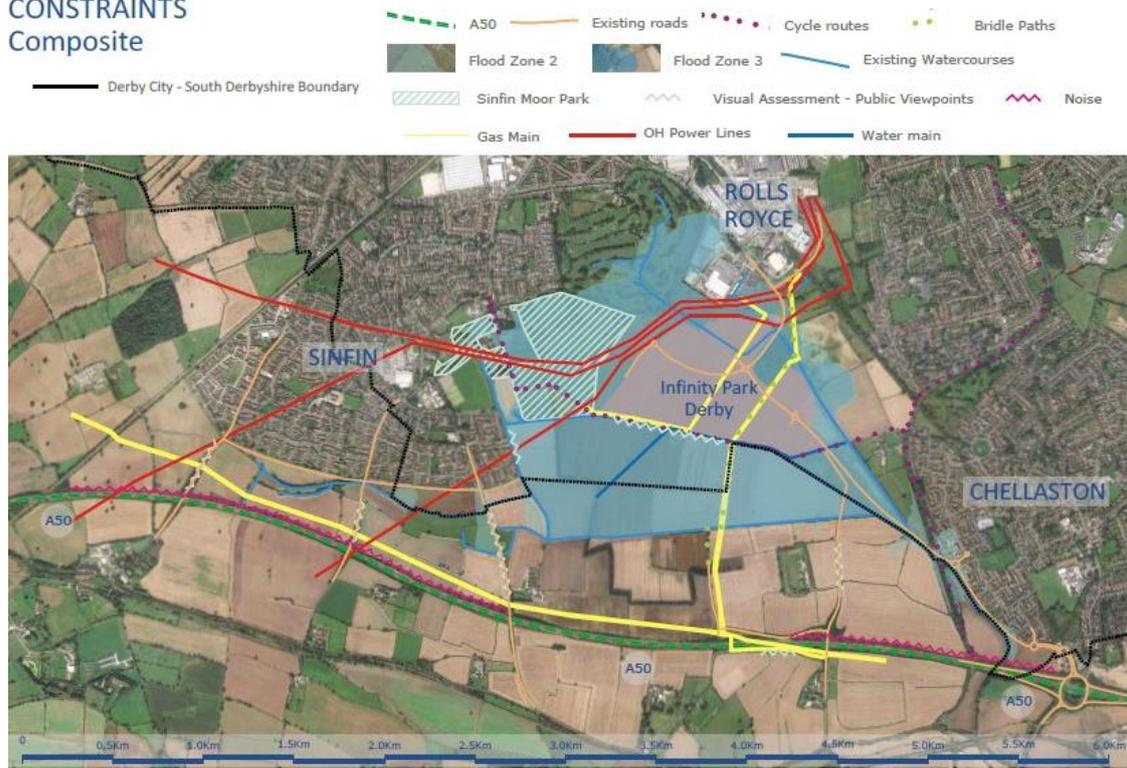
Policy INF13 of the Local Plan Part 2 defines the IGV and contains employment and housing development, a link road and new junction onto the A50, an expectation of a new secondary school site, green and blue infrastructure, and a requirement to undertake a Development Framework Document (DFD) to further clarify future development expectations. The IGV area is defined by the green boundary on the first map below, taken from the adopted Local Plan Part 2.

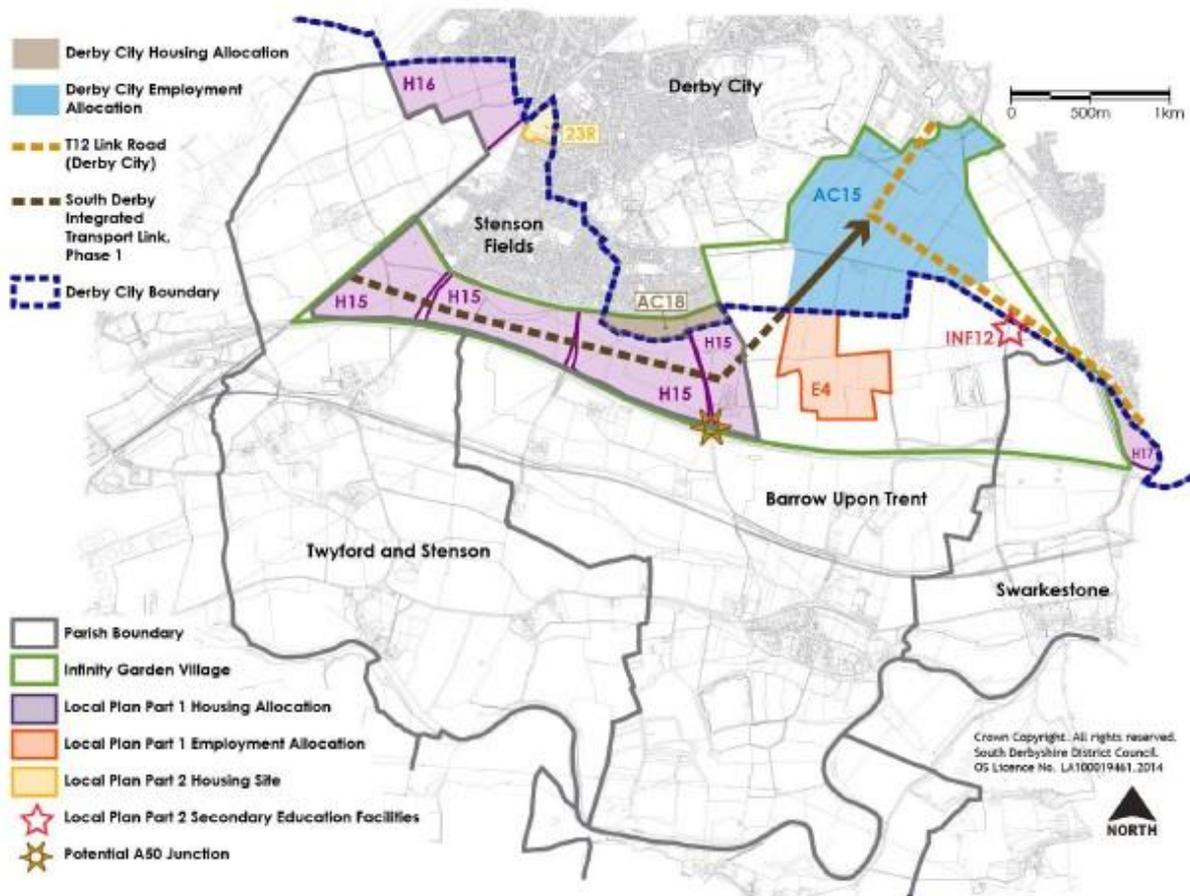




The DFD was published in 2020 and two annotated maps taken from that document are included below, further illustrating the areas of consented and allocated development:

CONSTRAINTS Composite





In 2021, Derby City Council led a successful bid for levelling up funding and work is underway through the Infinity Garden Village Liaison Group and other forums as to how public and private sector partners will work together to deliver this much needed infrastructure and other development within the IGV location. There is a planning application including the Local Plan Part 1 allocation H15 (as illustrated above) for 1,850 new homes which is nearing determination and it is anticipated that this application will be at planning committee during this Issues and Options consultation.

Key Question 9: Do you have any comments on the prioritisation of new infrastructure in this location as set out in the DFD including the new link road, school, health provision, and green and blue infrastructure?

Key Question 10: Do you have any suggestions as to how new employment and/or housing development, above that already allocated in existing Local Plans, can assist in the delivery of this infrastructure?

Key Question 11: Do you have any suggestions as to the quantity and location of new employment and housing land in this location?

Key Question 12: Are there any key locations to provide new, or enhance existing, green and blue infrastructure?

Key Question 13: Should the IGV development parameters be expanded beyond the area defined in Policy INF13 of the adopted Local Plan? If yes, what further development should the Emerging Local Plan include in this expanded location?



East Midlands Freeport

[The East Midlands Freeport](#) (EMF) was announced as a successful Freeport bid by the UK Government in March 2021.

[Freeports](#) are a Government programme that will play an important part in the UK's post Covid-19 recovery and contribute to the Government's levelling up agenda.

A Freeport is designed to attract major domestic and international investment. These "hubs of enterprise will allow places to carry out business inside a country's land border but where different customs rules apply. At a Freeport, imports can enter with simplified customs documentation and without paying tariffs. Businesses operating inside designated areas in and around the port can manufacture goods using the imports and add value before exporting again without ever facing the full tariffs or procedures. If the goods move out of the Freeport into another part of the country, however, they have to go through the full import process, including paying any tariffs."⁷

EMF straddles three East Midlands counties and includes three main sites: East Midlands Airport and Gateway Industrial Cluster in North West Leicestershire; the Ratcliffe on Soar Power Station site in Rushcliffe in Nottinghamshire; and the East Midlands Intermodal Park (EMIP) in South Derbyshire. The sites have strong existing road and rail freight infrastructure, connecting them to other parts of the country.

EMIP is located adjacent to the Toyota manufacturing plant. The intention through the Freeport bid is for the site to become one of the next generation of rail connected business parks. The proposed investment is intended to enable a significant modal shift from road to rail freight, reducing carbon emissions for businesses within the region. EMIP would also:

- Expand the national network of Strategic Rail Freight Interchanges.
- Provide 5.2 million square feet of modern manufacturing and distribution space.
- Provide accommodation for a variety of advanced manufacturers.
- Enable potential for production, storage and use of hydrogen.⁸

At this stage EMF is only provisional, until the outcome of the Freeport Business Case Assessment is released, which is expected in the autumn of 2022.

If the EMF is to be developed, the scheme would be considered to be a Nationally Significant Infrastructure Project (NSIP). Planning permission for NSIPs are not determined by Local Planning Authorities. Instead, the Planning Inspectorate conducts a formal examination of a proposal and makes a recommendation to the Secretary of State (SoS).

Although any application for EMF will not be determined by the Council, the Emerging Local Plan gives an opportunity to include a policy about the EMF. The Policy could set out expectations of what the Authority would expect from the site, such as minimising any adverse visual and noise implications, mitigation of flood risk, impacts on local road network and seeking improvements to walking and cycling links. This policy could then be taken into consideration when the SoS makes their final decision on any application submitted.

⁷ [East Midlands Freeport | UK's only inland Freeport \(emfreeport.com\)](#)

⁸ Summary from <https://www.emfreeport.com/east-midlands-intermodal-park-emip>





Image from: [East Midlands Freeport | UK's only inland Freeport \(emfreeport.com\)](http://emfreeport.com)

Key Question 14: Do you have any suggestions on priorities the Emerging Local Plan should set out to complement the Freeport development? This could include new green and blue infrastructure, energy production, sewerage infrastructure, new cycling and walking routes, new publicly accessible open space, lighting, drainage, flood and/or noise mitigation measures, particularly to the south of the site.

Key Question 15: Do you have any suggestions as to how new employment development at the Freeport site can assist in the delivery of any new infrastructure suggested in the previous question and/or an improvement to the rail infrastructure?

Key Question 16: Should any complementary uses be allocated adjacent to, or in the proximity of, the Freeport and if so, what?

Key Question 17: Should the Emerging Local Plan include a policy setting out expectations of local implications of the Freeport? If so, what should the policy include?



Housing Strategy and Distribution

Settlement Hierarchy

The NPPF places great importance on achieving sustainable development; it states that authorities should avoid isolated development in the countryside and emphasises the importance of minimising the length and number of journeys to work, shopping and leisure activities.

The adopted Local Plan contains Policy H1 'Settlement Hierarchy' which sets out the strategy for distributing growth outside of allocations over the plan period. Policy H1 directs larger developments to those settlements which offer a degree of self-containment in terms of availability of everyday services and facilities. It is anticipated that the principle of a Settlement Hierarchy will be incorporated into the Emerging Local Plan.

The [Methodology](#) for the existing Settlement Hierarchy assessed settlements which had a compact group (adjacent houses or only minor gaps in-between) of 25 or more dwellings and those settlements with 24 dwellings or fewer which contained a church. The methodology looked at the following services and facilities within settlements:

- Convenience shops
- Bus service
- Community Centre/Village Hall
- Primary School
- Doctors
- Dentist
- Train service
- Indoor and outdoor leisure
- Post Office
- Public House
- Library
- Employment

Further detail on the Settlement Hierarchy and this Methodology is set out in Appendix 3.

The long-term effects of the Covid-19 pandemic on travelling both to and for work, together with changes in shopping habits, have yet to be established. Some people are now working from home permanently, others have hybrid working arrangements and some have fully returned to their places of employment. The ability to meet virtually has reduced travelling for work in some instances and has widened employment opportunities for certain sectors; when there is only the need to travel occasionally to one's place of work, it is possible to live much farther away.

South Derbyshire is predominantly rural; the majority of settlements have limited employment opportunities and therefore for those where working from home is not practicable, there is a need to travel to work. Public transport helps provide access to employment opportunities elsewhere.

Following the analysis of the service and facilities within each settlement, five settlement categories were established:

- Urban areas
- Key Service Villages
- Local Service Villages
- Rural Villages



- Rural Areas

The level of services and facilities within individual settlements, and the District as a whole, changes over time. A review of the services within each settlement will need to be undertaken for the Emerging Local Plan. The qualifying criteria to define what is a Key Service Village, Local Service Village and Rural Village may therefore need to be revised based on this review. Nevertheless, your views are sought on the existing Settlement Hierarchy methodology as set out in Appendix 3.

Key Question 18: Do you have any comments on the methodology used to establish the existing Settlement Hierarchy?

South Derbyshire's Housing Strategy

The Council's adopted Local Plan spatial strategy focuses the majority of housing on the edge of Derby City, Swadlincote/Woodville and Burton on Trent (Drakelow), with some development also allocated within Key Service Villages.

The Emerging Local Plan must allocate enough sites to meet South Derbyshire's housing need. Notwithstanding the expected request to meet some of Derby City's housing need, the first step is to consider the reasonable options for distributing South Derbyshire's need within the District.

Fundamental to determining the location of new development is the existing availability and provision of infrastructure. Access to healthcare, schools and transport options remain primary concerns for local communities.

Another 'layer' for developing these options is the Settlement Hierarchy, which is established within Policy H1 of the adopted Local Plan, looking to deliver new development within existing settlements as far as possible. As explained above, the Settlement Hierarchy establishes five settlement categories. The position of a settlement within the hierarchy is based on the availability of services and facilities within each settlement.

Four options for housing distribution to meet South Derbyshire's housing need across the District have been developed.

Option 1: Urban Extensions – focus development adjoining existing urban areas

Option 2: Key Service Villages – focus development on these ten villages

Option 3: Dispersed development – focusing on both Key and Local Service Villages

Option 4: Create a new settlement or significant urban extension

At this stage only broad options for accommodating growth have been identified, not specific locations. It is acknowledged that various sub-options exist. It is possible that the spatial strategy which is promoted as part of the Emerging Local Plan will need to comprise of a combination of the options. Nevertheless, your view is sought on your preferred option for the distribution of South Derbyshire's housing need.

Key Question 19: What is your preferred option for housing distribution to meet South Derbyshire's housing need? Please provide comments and justification.

Key Question 20: Which locations within the District do you consider are best equipped to benefit from infrastructure that is already in place?



Notwithstanding the options for establishing the housing requirement, the issue arises as to how any amount of Derby City's unmet need should be geographically distributed within South Derbyshire. At this stage only broad options have been identified, rather than specific locations, as set out below:

Option 1: Edge of Derby City

Option 2: Edge of Derby and Key Service Villages accessible to Derby City

Option 3: Other – are there any other options for the location of Derby City's unmet need?

Your views are sought on your preferred option for the distribution of Derby City's unmet need.

Key Question 21: What is your preferred option for the distribution of Derby City's unmet need within the District? Please provide comments and justification, especially if you think option 3 is appropriate.

Planning for development beyond the plan period

Large scale housing developments, by definition, provide significant numbers of new dwellings. However, such strategic developments are invariably more complex to bring forward and can take a long time to build out.

The NPPF requires strategic polices to look ahead over a minimum of 15 years from adoption. However, national policy states *“Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery”* (NPPF, paragraph 22).

This approach would give clarity on where large-scale strategic growth is to be accommodated and help plan for the delivery of infrastructure required to support development in that area.

Key Question 22: Do you agree that the appropriate plan period for the Emerging Local Plan is 2022 – 2039?

Key Question 23: Do you think the Emerging Local Plan should set a vision for the District beyond the plan period? If so, what should it include?

Green Belt

The Green Belt is a long established and specific planning tool, which prevents the coalescence of settlements by keeping land permanently open. Two areas of Green Belt partly fall within South Derbyshire, the Nottingham-Derby Green Belt and the Burton-Swadlincote Green Belt.

The southern part of the Nottingham-Derby Green Belt lies within South Derbyshire in the northwest corner of the District, covering the villages of Elvaston, Thulston, Ambaston and to the edge of Shardlow. The Nottingham-Derby Green Belt surrounds the city of Nottingham to prevent it merging with Derby City and similarly prevents surrounding towns and villages from merging with each other.

The Burton-Swadlincote Green Belt covers the area between the two towns and prevents Burton upon Trent from merging with Swadlincote. The area cover predominantly greenfield land with some built up ribbon development at Stanton along the A444 and Bretby along the A511.



In accordance with the NPPF, the Council is committed to protecting Green Belt land unless exceptional circumstances can be fully evidenced and justified through plan preparation.

Key Question 24: Do you think the Council needs to undertake a Green Belt review to accommodate housing need within the District?

Smaller scale housing development

The Council will need to ensure that the Emerging Local Plan's housing strategy is deliverable, that a five-year supply can be maintained throughout the plan period and the Housing Delivery Test be met⁹. To help achieve this it is important to allocate sites in a variety of sizes. Large sites will deliver more homes and create opportunities to provide new infrastructure, however, they can take a long time to develop and over reliance on a small number of large sites could impact the Council's housing land supply if the delivery of one or more sites was delayed. Small scale developments are often constructed quicker and have less impact on local communities; however, they can put pressure on infrastructure and services if no additional facilities are provided.

Under Government policy¹⁰, Local Planning Authorities are expected to accommodate at least 10% of its housing requirement on sites no larger than one hectare, unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved. For example, if the Council is required to deliver 10,000 homes over the Local Plan period, 1,000 of those homes would need to be built on sites no larger than 1 hectare.

Your views are sought on the Council's options regarding small scale housing development.

Option 1: Allocate land for 10% of homes to be built on small sites – this approach is in line with the minimum Government requirement.

Option 2: Allocate land for more than 10% of homes to be built on small sites – this approach is above the minimum Government requirement

Option 3: Allocate land for less than 10% of homes to be built on small sites – this approach is below the minimum Government requirement and would need justifying.

Key Question 25: What is your preferred option regarding the percentage of new homes to be built on small sites? Please provide your reasons and justification.

Extra Questions

EX1: Do you have any evidence to contradict the Derby HMA Boundary Study's conclusion that the Derby HMA comprises Derby, South Derbyshire and Amber Valley?

EX2: What should a 30-year vision for the District include? Please bear in mind your selected options for housing distribution and provide comments and justification.

EX3: What should the Emerging Local Plan include regarding Infinity Garden Village?

EX4: Are there any other housing need/strategy issues and options that should be considered within the Emerging Local Plan?

⁹ Paragraphs 74 and 76 of the NPPF.

¹⁰ Paragraph 69 of the NPPF.



Chapter 4 Providing the right homes for everyone

In order to create and maintain sustainable communities, it is essential that an appropriate range of homes to help meet the identified needs of the District are delivered. The NPPF requires that Local Planning Authorities assess the size, type and tenure of housing need for different groups in the community (for example older people, people with disabilities, gypsy and travellers, people who wish to build their own home, students, families with children and so on) and this should be reflected in planning policies. The Council undertook a [Strategic Housing Market Assessment in 2020](#) to both inform decision making in relation to Policy H20 in the adopted Local Plan and the Emerging Local Plan.

The Council recognises that the affordability of housing is a crucial issue and will continue to enable the provision of affordable housing wherever it is viable.

This chapter will look at what the Emerging Local Plan can do to help provide the right housing and meet the needs of all.

Affordable Housing requirement

Affordable housing is defined as “housing for sale or rent, for those whose needs are not met by the [housing] market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)”¹¹. The NPPF allows the Council to seek affordable housing on developments of 10 or more dwellings, with a lower threshold¹² set for designated rural areas. However, the Council has discretion over the percentage of affordable housing required from housing developments.

The adopted Local Plan (Policy H21: Affordable Housing) seeks to secure up to 30% affordable dwellings on sites of over 15 dwellings. This was endorsed by a viability assessment carried out during the production of the Plan.

The 2020 [Strategic Housing Market Assessment \(SHMA\) Executive Summary](#) suggests “that the Council seeks to continue to request affordable housing contributions of 30% on sites of over 15 dwellings where viability allows. Furthermore, at Local Plan review, the Council should consider assessing (through viability testing) an increase in the level of affordable housing contributions to above 30% and at the same time reduce the threshold above which developments become eligible to contribute to affordable housing to 10 homes or more.” (p13).

Given the evidence in the SHMA, questions around both the threshold and the level of affordable housing to be provided are set out below. Issues around the need for developer profit and site viability are recognised, as too are the Plan’s aims, together with the ability to secure contributions towards other infrastructure requirements. Nevertheless, housing affordability continues to be pervasive issue and one that must be addressed through the Emerging Local Plan. This extends to ‘grown up children’ who wish to keep living in the same area they grew up, often to stay close to family, but who are priced out of living in the area.

¹¹ NPPF Annex 2 – Glossary <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

¹² ‘Threshold’ refers to the point at which a requirement would apply, so an affordable housing requirement threshold of 10 dwellings means that if 10 or more dwellings are proposed on a site, then a certain amount (whatever percentage is set – currently 30%) of those homes will need to meet the definition of an affordable home.



Your views are sought on your preferred option regarding the affordable housing requirement on sites of 10 homes or more:

Option 1: 30% as this remains a realistic requirement for affordable housing.

Option 2: The affordable housing requirement should be higher than 30%.

Option 3: A policy range, determined by set criteria, with a minimum of 30%.

Option 4: An alternative suggestion – please provide details.

Key Question 26: What is your preferred option regarding the affordable housing requirement on sites of 10 homes or more? Please provide reasons and justifications.

Key Question 27: Is there any reason why the threshold for affordable housing provision should not be lowered to 10 homes or more in the Emerging Local Plan?

Key Question 28: Do you have any evidence of affordable housing need in rural areas and/or a view on whether the threshold for contributions should differ?

Key Question 29: Should the affordable housing tenure breakdown be specified in Emerging Local Plan policy, or should a degree of flexibility be retained?

Key Question 30: Should a local exception policy be introduced to effectively reserve some affordable housing for those with family ties to an area? If so, what restrictions should the policy contain?

First Homes

Since the adoption of the Local Plan, the Government has introduced 'First Homes'. The Emerging Local Plan will need to be updated to reflect this change.

First Homes are a specific type of discounted market sale housing and meet the definition of affordable housing.

The Government has also introduced 'First Home exception sites'. This is a housing development that primarily delivers First Homes, which comes forward on land not located for housing in local or neighbourhood plans. First Homes exception sites cannot come forward, however, in designated rural areas¹³ or in the Green Belt. In designated rural areas, rural exception sites are the sole permissible type of exception site.

Housing to meet specific needs

The Government recognises that the need to provide housing for older people is critical¹⁴. The ageing population is going to be significant for South Derbyshire and consequently there is a need to build more homes that support ageing. Furthermore, it is important to provide homes that enable people of all ages and those with disabilities to live independently and safely.

The Emerging Local Plan will need to consider the need for and delivery of extra-care housing and independent living schemes, together with specialist housing for those of working age currently

¹³ As defined in Annex 2 of the National Planning Policy Framework

¹⁴ <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>



living in residential accommodation, for example those with special needs. The Emerging Local Plan should explore whether sites should be specifically allocated for their delivery. There are also various design standards that may be applied to certain schemes, such as HAPPI design principles and dementia design.

Key Question 31: How should extra-care and independent living schemes be provided through the Emerging Local Plan?

Key Question 32: How can the Emerging Local Plan provide for those of working age needing other specialist or supported housing?

Accessible and Adaptable Homes and Wheelchair User Dwellings

National policy allows local plans to use the Government optional technical standards for accessible and adaptable housing and wheelchair user dwellings, where the need for such properties exists. This allows local plans to identify what proportion of new dwellings should comply with these standards.

The Strategic Housing Market Assessment¹⁵ states that evidence justifies the Council seeking to increase the number of accessible and adaptable homes (known as M4(2) dwellings) by as much as viably possible and for 5-10% of new households to be wheelchair user dwellings (known as M4(3) dwellings). This reflects that a large number of existing homes are not suitable for wheelchair users, coupled with emerging need particularly arising from an ageing population.

It is expected that, following Government public consultation, that the standard for M4(2) will in due course form part of Building Regulations.

Key Question 33: Should the Emerging Local Plan ensure that at least a proportion of new homes are accessible and adaptable M4(2) and are wheelchair user dwellings M4(3)?

Key Question 34: Do you feel there is a need for more bungalows or single storey dwellings particularly designed to enable the elderly to live independently at home?

Self-Build and Custom Housebuilding

Legislation requires local authorities to keep and publish a register of individuals and community groups (associations of individuals) locally, who want to acquire land for self-build and custom-built homes. The Council also has a duty to provide plots equivalent to the number of people who have joined the register.

Within the adopted Local Plan, self and custom build housebuilding is incorporated into Policy H20 'Housing Balance'. *"The Council will also promote a mix of housing that is suitable and adaptable for different groups of people such as single occupiers, people with disabilities, people wanting to build their own homes and the ageing population of the District"*.

To date the Council is meeting the demand for plots on the self-build register through windfall developments. However, to help ensure that the Council continues to meet future demand, your views are sought on three options relating to self-build and custom-built homes.

Option 1: Require a proportion of homes on all larger development sites to be self-build and custom housebuilding.

¹⁵ South Derbyshire's 2020 Strategic Housing Market Assessment



Option 2: Allocate sites specifically for self-build and custom housebuilding

Option 3: Continue current policy stance

Key Question 35: What is your preferred option regarding self-build and custom house building and why?

Space Standards

The Government has introduced a '[Nationally Described Space Standard](#)' for new homes, which the Council is able to adopt if the need for an internal space standard can be justified.

Nationally Described Space Standards set out a minimum requirement for internal living space, reflective of the proposed occupancy of a new dwelling. It sets out the requirement for gross internal floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

In line with national guidance, work will need to be undertaken to establish a need for internal space standards, and consideration will need to be had on how imposing such standards will impact on the Plan's viability. At this stage, we are asking your views on whether you support the idea of imposing Nationally Described Space Standards.

Key Question 36: Should the Emerging Local Plan require all new homes to meet Nationally Described Space Standards? If not, why not?

Housing Density

The NPPF requires that planning policies should support development that makes efficient use of land, taking into account the need for different types of housing, local market conditions, viability, infrastructure requirements, local character and the importance of good design.

A shortage of land to meet identified housing needs is not anticipated, nonetheless, the Emerging Local Plan is the policy mechanism for ensuring that land is used efficiently. Furthermore, areas such as Swadlincote and the edge of Burton and Derby that are particularly well served by public transport can have parallels drawn with the NPPF requirement for if there were to be a shortage of land¹⁶.

Balanced against making the most efficient use of land 'at all costs' is ensuring that the character of South Derbyshire's villages is maintained and conserved. Historic villages developed over time often have open spaces within them. Some of these areas have been protected through the adopted Local Green Spaces Plan.

Key Question 37: Should the Emerging Local Plan include a policy on housing density?

Key Question 38: If it is determined that a housing density policy is required, should the Emerging Local Plan set different minimum density standards for urban areas (Swadlincote, edge of Derby and Burton on Trent) and Key Service Villages?

¹⁶ NPPF paragraph 125.



Key Question 39: Should the Emerging Local Plan include a specific infill policy and if so, what should it contain – for example should infill be restricted to meeting proven local need or by dwelling size? Please provide reasons and justifications.

Key Question 40: Should the Emerging Local Plan develop a policy that brings local flexibility to determining road widths on new developments?

Gypsy and Travellers

The adopted Local Plan sets out the requirement for a Gypsy and Traveller Site Allocations Development Plan Document (DPD). This will allocate pitches and plots to meet Gypsy and Traveller and Travelling Show people's need as identified in the most recent Gypsy and Traveller Accommodation Assessment (GTAA).

An updated GTAA has been commissioned and the Council still intends to provide a Gypsy and Traveller Site Allocations DPD, in addition to the Emerging Local Plan. The updated GTAA will also look at the need for moorings arising from boat dwellers.

Extra Questions

EX5: What types of homes do you think South Derbyshire needs?

EX6: How do you feel the housing market is working for you?

EX7: How has working from home changed the requirements in homes?

EX8: Is there a necessity for certain housing types to meet specific needs?

EX9: Should the Emerging Local Plan set a local eligibility criterion for First Homes (applicable for first three months of marketing) in addition to the national criteria? If so, what criteria should be included?

EX10: What approach should the Local Authority take in determining how proportionate a First Homes exception site is to the size of the settlement it is next to, for settlements both with and without a settlement boundary? What evidence should be required?

EX11: Should space standards be set for private outdoor space?

EX12: Are there any other issues or options relating to providing the right homes for everyone that the Council should consider?



Chapter 5 Economy

The District, located within the Midlands, is centrally located and well connected. The crossing of the A38 and A50 in South Derbyshire provides easy access to motorways and the East Midlands Gateway distribution park. East Midlands Airport, the second largest freight handling airport in the UK, is within minutes of a large part of the District.

The main employment centre in South Derbyshire is Swadlincote, with other employment centres being distributed throughout the remainder of the District, among the largest being the Toyota manufacturing plant at Burnaston and Dove Valley Business Park at Foston. In 2013/14 there was a significant new investment in the Nestle manufacturing facility at Hatton. Throughout the District the rural economy is supported by many small-scale enterprises.

Whilst a wide range of economic sectors are represented within South Derbyshire, a notable local feature is the relatively high percentage of people employed in manufacturing, particularly in relation to transport equipment and food and drink.

South Derbyshire is also in the heart of the National Forest. The National Forest provides opportunities for growth and development of small and medium sized business, facilitating farm diversification and new sources of employment in rural areas. Furthermore, the National Forest provides opportunities for the development of the visitor and woodland economies within the District¹⁷.

The Emerging Local Plan is required to “*set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration*” (NPPF paragraph 82). It should also identify the amount and type of employment required over the plan period and allocate sufficient employment sites to meet these needs.

Furthermore, the NPPF requires that planning policies are “*flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live -work accommodation), and to enable a rapid response to changes in economic circumstances*” (NPPF paragraph 82). This is poignant with regards to the uncertainty the impact of Brexit and the Covid 19 pandemic will have on South Derbyshire’s economy. The Emerging Local Plan will need to take account of this uncertainty and be flexible when dealing with arising issues.

An Employment Land Study is to be undertaken to establish both the quantity of employment land and the types of sites needed for the District, however at this stage we would like to hear your thoughts on South Derbyshire’s economy and future strategy.

Key Question 41: What type of employment space should the Emerging Local Plan prioritise?

Key Question 42: How can policies be made flexible enough to accommodate needs not anticipated, particularly as economic implications of the Covid 19 pandemic are still developing?

¹⁷ [South Derbyshire’s Economic Development Strategy 2016- 2020](#)



Employment Strategy

In preparing the adopted Local Plan it was agreed with the other HMA authorities that to achieve a sustainable balance of jobs and housing, the total employment land requirement for the HMA should be distributed between the Derby Urban Area (land within and adjoining Derby City) and the remainder of South Derbyshire and Amber Valley in proportion to the number of homes allocated to each of these areas. This recognised that employment sites within Derby would be highly accessible to South Derbyshire residents occupying homes within residential urban extensions adjoining the city. The resulting distribution of employment land provision is illustrated in the table below.

Table 2: Current Derby HMA Employment Land Distribution

| | Dwellings | % of Housing Growth | Employment Land (ha) |
|--------------------------------------|-----------|---------------------|----------------------|
| Derby Urban Area | 19,730 | 55.8 | 154.2 |
| Remainder of South Derbyshire | 6,754 | 19.1 | 52.78 |
| Remainder of Amber Valley | 8,870 | 25.1 | 69.3 |

The employment land needs of South Derbyshire have not yet been identified, pending the completion of an Employment Land Study.

In preparing the Emerging Local Plan, consideration will need to be given as to whether the employment land distribution strategy described above should be carried forward or whether an alternative approach should be followed.

The Emerging Local Plan must allocate enough sites to meet South Derbyshire's employment need. An early stage in this process is for the Council to consider the reasonable options for distributing South Derbyshire's employment need within the District. At this stage only broad options for accommodating employment growth have been identified. It is possible that the employment spatial strategy will need to comprise of a combination of these options, and it is acknowledged that various sub-options exist. There is also the Freeport proposal as set out in Chapter 3 above. Nevertheless, your view is sought as to the preferred option for the distribution of South Derbyshire's employment need.

Option 1: Focus on A50 corridor

Option 2: Focus on sites in/or adjoining urban areas

Option 3: Swadlincote focus

Option 4: Drakelow focus

Key Question 43: What is your preferred strategy (Option) for employment distribution and why?

Key Question 44: What, if any, circumstances should lead to South Derbyshire's employment need being met outside of the District?



Rural Businesses

The Government expects Local Plans to support sustainable growth and expansion of business within rural areas. To enable this, the adopted Local Plan Policy E7 supports the reuse, conversion and replacement of existing buildings and the development of new buildings for employment use in Rural Areas.

The Policy supports the diversification and expansion of business, both within and outside of settlement boundaries, provided they support the social and economic needs of the rural communities in the District.

Key Question 45: Is the current approach set out in Policy E7 (Rural Development) of the adopted Local Plan still the correct one?

Key Question 46: What are the barriers to working within rural areas?

Farming and Food Security

The impact of climate change on arable farming in the UK is already being felt. Agricultural land is classified into a range of categories, with areas with particularly 'good' soil classed as 'best and most versatile land'.¹⁸ Government policy sets out that local plans should contribute to and enhance the natural and local environment by "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of... best and most versatile agricultural land..."¹⁹

Key Question 47: Should the Emerging Local Plan include a policy regarding best and most versatile agricultural land and if so, what should it contain?

Tourism

The District has a diverse range of visitor attractions and things to do. The National Forest is a particular focus for tourism development within the District.

The adopted Local Plan supports tourism development; Policy INF10 supports the development of overnight accommodation and visitor attractions within or adjoining the urban area or Key Service Villages, or in other appropriate locations where identified needs are not met by existing facilities. Tourism development can be provided through the conversion or reuse of existing buildings, accommodation of a reversible and temporary nature, or sustainable well-designed new buildings where identified needs are not met by existing facilities.

Key Question 48: Should the Emerging Local Plan be more encouraging of tourism accommodation and tourist attraction development within the District? If so, how?

Protecting employment sites

Since the adoption of the Local Plan, changes have been introduced for how different planning uses are categorised and to the restrictions imposed on changing between different types of development, for example, between offices, retail uses and dwellings.

¹⁸ Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

¹⁹ NPPF Paragraph 174



The NPPF now requires that Local Planning Authorities take a positive approach to applications for alternative use of land which are not allocated in the plan but would help meet an identified need. Furthermore, of relevance both to this issue and to that of retail below, is the NPPF's policy on removing or restricting permitted development rights permitted development rights.

The adopted Local Plan seeks to protect employment sites from loss to non-employment uses. Should the Emerging Local Plan continue to seek to protect existing employment uses? Your views on this matter are sought.

Key Question 49: Should the Emerging Local Plan seek to protect existing employment sites from alternative uses?

Key Question 50: Should the Emerging Local Plan remove the permitted development rights and apply conditions on new employment permissions for both allocated and non-allocated sites to prevent their loss to other uses (i.e. to E(g), B2 or B8)?

Retail and Regeneration

Town and local centres play an important role in meeting retail needs and provide leisure and recreation. However nationally and prior to 2020, retail centres were already facing challenges due to changes in shopping habits, particularly the shift to online shopping. The Covid 19 pandemic has continued "to change consumer behaviour, as well as [change] where people travel to and visit in general, with the rise in online retail continuing to the detriment of physical stores²⁰". Research, however, has shown that within Derbyshire the pandemic has seen demand for independent stores; more localised centres hold up better than big cities and the decline in visits to retail/recreation is less evident in Derbyshire than compared to the UK²¹.

In line with the NPPF, the Emerging Local Plan will need to take a positive approach to town centres and retail centre growth, management, and adaption. Your views are sought on how the Council can achieve this.

The Emerging Local Plan will need to look at what additional retail space will be required to support the growth proposed within it and will also need to provide a flexible framework for town and retail centres to be resilient and adapt to changing requirements.

It is anticipated that the existing Retail Hierarchy will be carried forward into the Emerging Local Plan, with any necessary amendments required, including adding any proposed local centres required to meet need arising from proposed allocations.

National policy states that Local Plans should support a 'town centre first approach', directing main town centre uses (such as shops and restaurants) to designated centres. This element of the existing Local Plan policy should therefore remain unchanged in the Emerging Local Plan. There is an opportunity through the Emerging Local Plan to identify any areas in particular need of regeneration and put policies in place to improve those areas.

The NPPF requires that town centres and primary shopping frontages are defined. Policy RTL1 'Retail Hierarchy' sets Swadlincote's town centre boundary and primary frontage. Your views on the adopted boundary and primary frontage are sought.

²⁰ [Understanding the impact – An Analysis of Derbyshire's economy following the coronavirus outbreak](#), Page 30

²¹ [Understanding the impact – An Analysis of Derbyshire's economy following the coronavirus outbreak](#), Page 30





Retail

Key Question 51: What types of uses should be promoted in Swadlincote's town centre?

Key Question 52: If you think Swadlincote town centre boundary should be amended, please explain why and show your proposed changes on a map.

Key Question 53: If you think the primary frontages should be amended, please explain why, and show your proposed changes on a map.

Regeneration

Key Question 54: What do you consider to be the main regeneration challenges facing the District?

Key Question 55: Are regeneration challenges located in a particular area and if so, where?

Key Question 56: Do you have any suggestions as to the policies or allocations that would address these regeneration challenges?



Extra Questions

EX13: Has the Covid 19 pandemic impacted on any changes in employment need?

EX14: Should the Emerging Local Plan repeat the Retail Hierarchy within the adopted Local Plan?

EX15: What type of retail space should the Emerging Local Plan prioritise within new strategic allocations?

EX16: Should the Emerging Local Plan retain the lower threshold for when a Retail Impact Assessment for out of centre retail is required? If not, what should the threshold be?

EX17: How can the Emerging Local Plan provide a positive strategy for retail?

EX18: How can the Emerging Local Plan support the vitality and viability of Swadlincote town centre and other retail centres considering changes to the Use Class Order and Permitted Development?

EX19: Should the Emerging Local Plan seek to protect the loss of retail, despite the changes to the Use Class Order?

EX20: Should similar retail policies to that of Swadlincote's be applied to Key Service Villages?

EX21: Is there sufficient car parking within Swadlincote, key service villages and local centres?

EX22: Are there any other economy issues and options that should be considered within the Emerging Local Plan?



Chapter 6 Tackling the Climate Change Emergency

In July 2022, the temperature in the UK exceeded 40 degrees Celsius for the first time ever recorded. After a summer of heatwaves and drought, the effects of climate change are self-evident, and the Emerging Local Plan must plan its part in securing radical reductions in carbon dioxide emissions and encouraging renewable energy generation.

The Intergovernmental Panel on Climate Change (IPCC) *Special Report on Global Warming of 1.5 °C* highlighted the importance of reaching net zero CO² emissions by 2050 to avoid the worst impacts of climate change. A significant number of governments are now undertaking to reduce greenhouse gas emissions and achieve net zero. As of February 2022, 105 countries and the European Union have pledged to meet a net zero emissions target, with a further 31 under discussion. Including the UK, 17 countries have enshrined a target of carbon neutrality by 2050.

The UK has been a leading country in terms of climate change policy and carbon related reductions. The UK has made considerable progress, reducing emissions by 48% from 1990 levels, including a reduction of 3% between 2018 and 2019. This shift has mainly been achieved through renewable power deployment and a significant reduction in coal use. The UK also has a policy framework for climate commitments in the form of the Climate Change Act (2008).

In 2019, the UK became the first country to declare a Climate Emergency and a legal commitment to net zero greenhouse gas emissions by 2050. The Climate Change Act (as amended in 2019) also legally binds the UK to decrease carbon emissions by 100% by 2050, against the 1990 emissions baseline. In 2021, the UK Government adopted the Sixth Carbon Budget (2033 – 2037) to reduce emissions by 78% by 2035 below the 1990 emissions baseline. Achieving this target will require various actions, including that by the early 2030s, all new cars and vans and all residential boiler replacements and other buildings are low-carbon and largely electric. By 2040, all new trucks will be low-carbon.

Furthermore, UK electricity production is to be carbon neutral by 2035. Offshore wind energy production will be the principal contributor to the UK energy system. By 2050, low-carbon hydrogen energy will be almost as large as electricity production is today. By 2035, 460,000 hectares of new mixed woodland will need to be planted in order to remove CO² and to deliver wider environmental benefits. 260,000 hectares of farmland will need to shift to producing energy crops. Woodland cover is anticipated to increase from 13% to 18% of land area by 2050.

The Government's Net Zero Strategy was published in 2021 and establishes proposals to ensure the UK's homes and businesses are supplied with affordable, clean electricity by 2035. Most notably, the plan sets targets to decarbonise the UK energy system by 2035, as well as enhancing low carbon fuel supply, industrial carbon capture, a plan for decarbonising homes and workplaces, removing road fuel emissions, and investing in afforestation.

As one of the fastest growing districts in the country, South Derbyshire will need to make concerted efforts to reduce its carbon emissions, especially as it intends to reach net zero by 2030, having also declared a Climate Emergency. When responding to the changes to climate already underway, the NPPF refers to climate change adaptation, which are adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities. When attempting to prevent the worsening of climate change in the long-term, the NPPF refers to climate change mitigation as action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions, as considerations to be made in the planning process.



Indeed, climate change, including moving to a low-carbon economy, forms one of the three principle planning system objectives (environmental, social and economic)²². Given the multitude of future risks posed by climate change, including to public health, biodiversity, flooding and infrastructure, a combined adaptive and mitigatory approach must be taken in the planning process.

Additionally, the planning system is to support the transition to a low-carbon future in a changing climate, especially in terms of flood risk. This should be achieved through shaping places to result in radical reductions in greenhouse gas emissions, while encouraging the reuse of existing resources, including the conversion of existing buildings, as well as developing renewable and low carbon energy and related infrastructure²³.

In accordance with the Climate Change Act 2008, plans are also expected to consider long-term concerns relating to water supply, biodiversity, landscapes and overheating-related risks.²⁴ In this regard, new development is to avoid increased vulnerability to risks associated with climate change. When new development is permitted in vulnerable areas, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure and in ways that help to reduce greenhouse gas emissions, including location, orientation and design²⁵.

Renewable Energy

To improve the use and supply of renewable and low-carbon energy, local plans are to consider identifying suitable areas for such sources and supporting infrastructure where it would enhance their production, as well as to identify potential decentralised, renewable or low carbon energy supply systems²⁶. To achieve these objectives, local planning authorities are to consider developments outside areas identified in local plans or other strategic policies, such as community-led initiatives developed through neighbourhood planning²⁷.

When planning applications are submitted for renewable and low-carbon development, local planning authorities are not to require applicants to demonstrate overall need for renewable or low-carbon energy; it is acknowledge that such projects, even those small in scale, contribute towards lowering carbon emissions and that applications are to be approved if impacts are acceptable (with the exception of wind turbines and other wind energy projects which must satisfy specific criteria).²⁸

Nonetheless, once suitable areas have been identified in plans, local planning authorities are to anticipate that subsequent applications for commercial scale projects outside of the areas identified should demonstrate that the proposed location of the application satisfies the criteria used in identifying suitable areas²⁹.

²² NPPF, paragraph 8.

²³ NPPF, paragraph 152

²⁴ NPPF, paragraph 153

²⁵ NPPF, paragraph 154

²⁶ NPPF, paragraph 155

²⁷ NPPF, paragraph 156

²⁸ NPPF, paragraph 158

²⁹ NPPF, paragraph 158



Key Question 57: Do you support the development of the following renewable energy/low-carbon technologies in the District?

- 1. Electricity Generation:**
 - o Wind turbines
 - o Solar photovoltaics (solar panels), including:
 - i. ground-mounted, and
 - ii. roof-mounted installations, for example, on industrial or residential buildings
 - o Hydroelectric power
- 2. Heat Generation:**
 - o Solar Thermal
 - o Heat pumps, including ground, water, and air-source variants
 - o Energy from waste (EfW), including solid waste and biogas
 - o Bioenergy, including biomass and anaerobic digestion
- 3. Energy storage**
- 4. Energy networks:**
 - o Electricity networks
 - o Heat networks
- 5. Low-Carbon Mobility:**
 - o Electric vehicles
 - o Electric charging network

Please elaborate on any opportunities/constraints you can identify for such projects.

The Council, having declared a Climate Emergency and its intention to reach Net Zero by 2030, will be considering how to implement the recommendations of The Derbyshire Spatial Energy Study. The Study provides a spatial assessment of energy opportunities to support emerging local development planning and planning guidance across Derbyshire. It contributes to the 2019 Derbyshire Environment and Climate Change Framework, developed by Derbyshire County Council to initiate a collaborative approach to reducing greenhouse gas emissions and achieving net zero by 2050.

The Study provides an evidence base which will ensure better integration of energy system planning with the growing need to address and mitigate climate change at local and regional levels in Derbyshire.

The Emerging Local Plan should be looking to identify suitable areas for development of low carbon and renewable energy infrastructure, such as solar panels/farms or wind turbines, taking into account technology requirements, impacts on the local environment and the needs of local communities. As the technology around solar panels advances, there are increased opportunities for utilising the roof spaces of buildings, particularly large warehouses, to supplement solar energy generated through solar farms.

The Emerging Local Plan can also strongly encourage the use of on-site renewable energy for new developments, thereby reducing reliance on the national grid. Similarly, the installation of domestic renewables could be encouraged for existing developments.

Community Energy projects are a way for communities to reduce, purchase, manage and generate energy, using local knowledge of the opportunities and constraints to find energy solutions that both reduce carbon and benefit the local community. Further details are set out in Appendix 3.



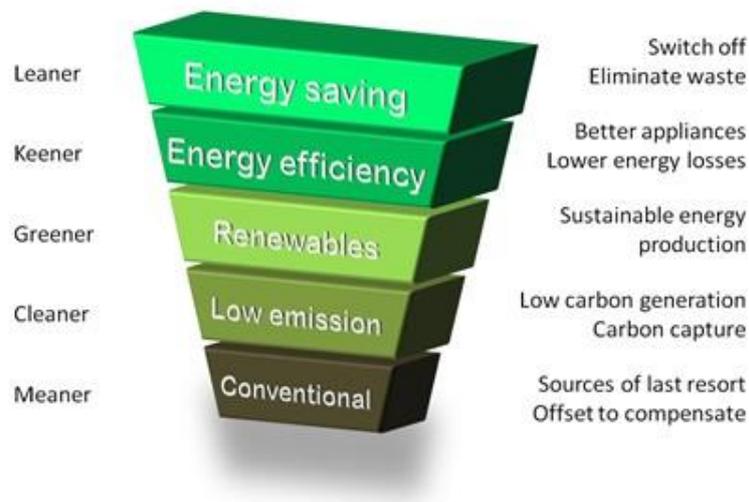
Key Question 58: Should the Emerging Local Plan allocate sites for renewable energy production, for example solar or wind energy, and if so, what types of locations would be appropriate?

Key Question 59: Should the Emerging Local Plan require all new development to include small-scale renewable energy generation on site?

Building Design and Construction

The Council has already developed several policies related to lowering carbon including policies S1 Sustainable Growth Strategy, SD3 Sustainable Water Supply, Drainage and Sewerage Infrastructure, SD6 Sustainable Energy and Power Generation and INF2 Sustainable Transport. However, it is acknowledged that following the declaration of a Climate Emergency and Net Zero objectives, together with the evidence in the Derbyshire Spatial Energy Study, that these policies will require revision and/or additional policies to be adopted. Furthermore, the adopted Local Plan does not include a policy specifically related to energy efficiency. The Emerging Local Plan can address this, potentially through a policy that reflects the Energy Hierarchy, which would seek to ensure that new development takes a holistic approach to reducing greenhouse gas emissions; a policy would embed the principles of the energy hierarchy into the approach of designing new buildings such as looking at fabric first, then reducing energy use before mitigating any remaining emissions. The sequential order of preference would be:

1. Minimising energy demand
2. Maximising energy efficiency
3. Utilising renewable energy
4. Utilising low carbon energy
5. Utilising other energy sources



Source: By Philip R Wolfe - Own work, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=24801433>

Key Question 60: Should the Emerging Local Plan introduce a policy based on the Energy Hierarchy?

See Appendix 3 for further background information.



Building Specifications

High levels of housing growth, coupled with the rural nature of the District and the relative inefficiency of existing building stock, will require the Council to be ambitious in the Emerging Local Plan in order to make a meaningful contribution towards meeting legally binding targets.

Local planning authorities can set requirements regarding sustainable building standards for homes and non-domestic buildings, whilst endeavouring to ensure that standards required by Building Regulations are not duplicated. The Emerging Local Plan could include a policy which expects new developments to incorporate passive design measures that reduce the need for artificial lighting, heating, cooling and ventilation systems, through siting, design, materials, layout and building orientation.

Key Question 61: How can the Emerging Local Plan best facilitate energy saving homes by including passive design measures?

Water Consumption

Current Building Regulations require that water consumption in new homes does not exceed 125 litres per person per day. The Council's current planning policy requires a figure of 110 litres per person per day. It is anticipated that this policy will continue into the Emerging Local Plan.

Trees

"Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change".³⁰ Trees absorb carbon dioxide and in addition help reduce the effects of a changing climate by improving air quality, enhancing biodiversity and natural flood management and can provide shade and contribute to urban cooling and micro-climatic effects, that can reduce energy demands in buildings.

The Committee on Climate Change recommended that overall woodland coverage in the UK should be raised from 13% to 19%³¹.

The Council's current planning policy seeks to ensure that trees, woodland, and hedgerows continue to provide a valuable contribution to the environmental quality of an area and that development proposals minimise the loss of trees, woodland, and hedgerows. In addition, development within the National Forest over a particular threshold is expected to incorporate tree planting and landscaping in accordance with National Forest Planting Guidelines. Given the importance of trees in controlling climate change, the Emerging Local Plan could mandate that sites outside of the National Forest include 10% tree planting, to be delivered on or off-site, depending on what would be appropriate to the local landscape character.

Where appropriate, planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible³². In delivering streets that are tree-lined, there are implications for highways design but specialist work has been

³⁰ NPPF paragraph 131

³¹ [Climate Change Committee, Land use: Reducing emissions and preparing for climate change \(November 2018\)](#)

³² NPPF, paragraph 131



undertaken to determine which species of trees suit highways, for example, their roots go down, rather than spread out.

Key Question 62: Do you agree that the Emerging Local Plan set out specific requirements for tree planting in new developments outside of the National Forest? If so, is 10% sufficient and should there be a minimum site size threshold to which the policy applies?

Biodiversity Net Gain

Biodiversity net gain (BNG) is an approach to development which means that habitats for wildlife must be left in a measurably better state than they were in before the development. Achieving BNG means that natural habitats will be extended or improved as part of a development or project. Development will be designed in a way that provides benefits to people and nature and reduces its impacts on the wider environment.

The [NPPF](#) states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures³³

Plans should... promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.³⁴”

The Environment Act sets out the following key components of mandatory biodiversity gain:

- Amends the Town & Country Planning Act
- Minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan;
- Habitat secured for at least 30 years via planning obligations or conservation covenants;
- Delivered on-site, off-site or via a new statutory biodiversity credits scheme; and
- National register for net gain delivery sites.³⁵

The provisions for BNG in the Environment Act (2021) are expected to be mandated in winter 2023. BNG is also required for Nationally Strategic Infrastructure Projects however this will not be introduced until after the Government has published a BNG statement(s) setting out the objective and how the requirement is to be met, including transitional arrangements.

Discussions with local wildlife organisations can help to identify appropriate solutions. Planning authorities need to make sure that any evidence and rationale supplied by applicants are supported by the appropriate scientific expertise and local wildlife knowledge.

When assessing opportunities and proposals to secure BNG, the local planning authority will need to have regard to all relevant policies, especially those on open space, health, green infrastructure,

³³ NPPF paragraph 174

³⁴ NPPF paragraph 179

³⁵ <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-faqs>



Green Belt and landscape. It will also be important to consider whether provisions for BNG will be resilient to future pressures from further development or climate change, and supported by appropriate maintenance arrangements.³⁶

To further increase the benefits of BNG, it can be delivered in such a way, where appropriate, to contribute towards urban shading and cooling and provide natural carbon storage together with local access to nature.

Key Question 63: Should the Emerging Local Plan require a greater target than the statutory 10% Biodiversity Net Gain? If yes, what percentage and why?

Key Question 64: Are you aware of any sites or land within South Derbyshire that may be available for habitat creation/enhancement to support Biodiversity Net Gain off-site provision?

Key Question 65: Should a policy be included in the Emerging Local Plan to ensure that Biodiversity Net Gain is delivered on sites within the District?

Sustainable Modes of Transport

The NPPF considers sustainable modes of transport as any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra-low and zero emission vehicles, car sharing and public transport.

The NPPF states that the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.³⁷

Within this context, applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and to facilitate access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. Among other considerations, applications should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.³⁸

The Emerging Local Plan will support infrastructure planning which prioritises low carbon travel options such as:

- Local planning and transport planning which encourages zero carbon transport such as walking, cycling, as well as low carbon alternatives, such as public transport and Ultra Low Emission Vehicles.
- Low carbon access, including provision of walking infrastructure, cycle paths and lanes, public transport and charging infrastructure.
- Planning policies which limit car use (e.g. car parking limitation or car-free developments) or limit specific high emissions vehicles from certain areas.

³⁶ Planning Policy Guidance, Paragraph 023

³⁷ NPPF, paragraph 105

³⁸ NPPF, paragraph 112



- Future local planning and infrastructure which supports the provision of Ultra Low Emission Vehicles and reduces reliance on private vehicles where possible.
- Inclusion of policy positions that require major new developments and regeneration areas to consider Electric Vehicles in structure appraisals as a part of the planning process, including charge numbers, types, costs, and network impacts.
- Supporting the integration of electric car charging in new developments and existing towns and villages.

Active Travel

There are several policies within the adopted Local Plan that aim to reduce transport related emissions by seeking to locate development in locations that would reduce the need to travel and enable travel by sustainable modes. It is anticipated that such policies will be continue into the Emerging Local Plan. The Emerging Local Plan should support enhancements to active travel routes;³⁹ active travel refers to modes of travel that involve a level of activity, for example walking and cycling, and have wide-ranging benefits from reducing carbon emissions, pollution and noise to improving physical and mental health.

Active travel⁴⁰ is currently included in part j Healthy Lifestyles of BNE1 Design Excellence however there is the opportunity for the Emerging Local Plan to go further to mandate the incorporation of active travel measures into the designs of schemes, including new and existing infrastructure.

Key Question 66: Do you support the inclusion of an active travel policy and what should the policy ensure as a minimum?

Key Question 67: Should planning applications for new buildings require access to low-carbon transport (i.e. the provision of walking infrastructure, cycle paths and lanes, public transport and charging infrastructure, etc). If so, what should the threshold be for such a requirement?

Electric Vehicle Charging Points

In March 2022 the Government released '[Taking charge: The electric vehicle infrastructure strategy](#)'. The strategy sets out the Government's vision and action plan for electric vehicle charging infrastructure within the UK. By 2030 the Government expects there to be around 300,000 public charge points as a minimum within the UK. The strategy states that sufficient charge points must be provided ahead of demand.

It is therefore expected that the use of electric vehicles will continue to increase within the future and consequently the provision of necessary infrastructure to accommodate such vehicles within the District is essential and necessary to help stimulate this change. The existing Local Plan does not contain any requirements regarding Electric Vehicle Charging Points. It is therefore anticipated that the Emerging Local Plan will include such a requirement from development (residential, commercial and retail and industrial).

Although the adopted Local Plan does not include a policy on Electric Vehicle Charging Points, the District Council is now conditioning the requirement of Electric Vehicle Charging Points on the

³⁹ [Active travel: local authority toolkit - GOV.UK \(www.gov.uk\)](#)

⁴⁰ [Active Travel Online Portal | Active Travel Information](#)



following developments. Your views on incorporating these requirements in the Emerging Local Plan are sought.

| Residential | Commercial/Retail | Industrial |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 1 charging point shall be provided per unit (house with dedicated parking) | 1 charging point for every 10 parking spaces (this may be phased with 5% provision initially and a further 5% trigger) | 1 charging point for every 10 parking spaces (this may be phased with 5% provision initially and a further 5% trigger) |
| 1 charging point per 10 spaces where the individual units have no allocated parking | | |
| To prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the local authority. | | |

Key Question 68: Should the Emerging Local Plan include an Electric Vehicle Charging Point Policy?

Key Question 69: Do you support the existing requirements for providing Electric Vehicle Charging Points used by the Council? If not, what requirements do you suggest and why?

Key Question 70: Should the provision of charging devices and spaces for ultra-low emission vehicles be required for new developments of a certain size? If so, what should this threshold be?

Key Question 71: Should the provision of charging devices and spaces for ultra-low emission vehicles be considered at the following locations throughout the District? If not, please elaborate.

- Major travel corridors, including A roads, motorways, and routes into Derbyshire from neighbouring population centres
- Existing transport infrastructure, such as petrol stations.
- High population density areas where electric vehicle uptake and charging demand are expected to be consistently high.
- Tourist locations and travel corridors.
- Locations with high or long-term parking requirements, such as airports, retail, and business parks.

Flooding

“Climate adaptation requires the radical re-making of places to respond to the complex and dynamic impacts of climate change... Because of its visible impact, flood risk is often the top priority of any adaptation strategy; but planning for flood risk is not always carried out with sufficient grasp of the long-term risks, nor of the opportunities to design resilient places. However, successful adaptation policy involves much more than simply addressing flood risk and has to take account of a range of severe and complex climate impacts.

Dealing with this reality requires holistic planning over the long term based on an understanding of how such changes will interact and affect people’s health and wellbeing. Building climate resilience requires an inter-organisational, inter-departmental local response in which the local development plan can be an integrating aspect. Above all, climate adaptation must be understood as the main



priority for long-term planning to secure climate resilience, and must be seen as being as important as meeting housing need⁴¹.

Key Question 72: How can the Emerging Local Plan go further to minimise losses through flooding?

Extra Questions

EX23: Are there other mechanisms to increase tree planting both inside and outside of the National Forest?

EX24: Should the Emerging Local Plan include a policy to encourage the installation of solar panels on existing buildings?

EX25: Should solar power infrastructure (either ground-mount or rooftop) be mandated for new developments (where deemed appropriate)? If so, for what size of development?

EX26: How can community scale renewable energy generation be facilitated through the Emerging Local Plan?

EX27: Should the District adopt energy efficiency standards over and above Building Regulations?

EX28: Should larger developments be required to meet energy consumption and emission targets? If so, what should the thresholds be for such a requirement?

EX29: Should the Emerging Local Plan set lower carbon emissions targets for new homes than set out by Building Regulations? If so, what target do you propose and why?

EX30: Should the Emerging Local Plan include local energy standards for non-residential buildings and/or introduce a BREEAM assessment?

EX31: In response to the Environment Act 2021, what low carbon heating requirements should be included in the Emerging Local Plan?

EX32: Do you support the continuation of the water consumption requirement (110 litres per person per day) within the Emerging Local Plan?

EX33: Do you have any other comments regarding Biodiversity Net Gain and the Emerging Local Plan?

EX34: What else can be done through the Emerging Local Plan to encourage a modal shift towards more sustainable modes of transport?

EX35: Are there any other climate change issues and options that should be considered within the Emerging Local Plan?

⁴¹ The Climate Crisis: A Guide for Local Authorities on Planning for Climate Change – TCPA/RTPI



Chapter 7 Built, Natural and Historic Environment

The District has a range of important natural and heritage assets, from designated wildlife sites and SSSIs to listed buildings and scheduled ancient monuments. The Authority Monitoring Report, which monitors the adopted Local Plan's policies, shows that the existing policies are generally working well in protecting the natural and historic environment. However, since the adoption of the Local Plan, the Environment Act has been introduced. The Emerging Local Plan gives opportunity to update the Plan to reflect any national policy changes (including new design requirements) along with the Environment Act.

Green Infrastructure

The NPPF considers Green Infrastructure as a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Green Infrastructure can embrace a range of spaces and assets that provide environmental and wider benefits. It can, for example, include parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees and 'blue infrastructure' such as streams, ponds, canals and other water bodies. References to green infrastructure in this guidance also apply to different types of blue infrastructure where appropriate⁴².

The Local Plan is one tool through which the planning system can identify and protect natural capital assets that provide multiple benefits, at a range of scales. For communities, these benefits can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, urban cooling, and the management of flood risk. These benefits are also known as ecosystem services.⁴³

Strategic policies can identify the location of existing and proposed green infrastructure networks and set out appropriate policies for their protection and enhancement. To inform these, and support their implementation, green infrastructure frameworks or strategies prepared at a district-wide scale (or wider) can be a useful tool. These need to be evidence based and include assessments of the quality of current green infrastructure and any gaps in provision.

The green infrastructure strategy can inform other plan policies, infrastructure delivery requirements and Community Infrastructure Levy schedules. In view of their potential scope and use, authorities need to collaborate with neighbouring authorities and stakeholders such as Local Nature Partnerships, Health and Wellbeing Boards and Local Enterprise Partnerships when developing green infrastructure strategies.⁴⁴

Key Question 73: Should the provision of allotments be required for larger developments (or payments in lieu where appropriate)? If so, what should the threshold be for such a requirement?

⁴² Planning Policy Guidance, paragraph 004

⁴³ Planning Policy Guidance, paragraph 005

⁴⁴ Planning Policy Guidance, paragraph 007



Key Question 74: Should green roofs and/or walls be required where appropriate? If so, what size of development should require such landscaping?

Key Question 75: Where appropriate, should development be required to consider urban cooling techniques/design? If so, what should the threshold be for such a requirement? Should this be considered primarily in Swadlincote or in other population centres?

Key Question 76: Should the Council adopt a policy relating to Blue Infrastructure? If so, please list the various features (excluding the River Mease) that may benefit from such a policy.

Key Question 77: Should the Council use developer contributions for Green Infrastructure? If so, do you have any specific suggestions as to what Green Infrastructure projects the Council should pursue?

Biodiversity Net Gain

When scrutinising biodiversity gain plans (on-site and/or off-site), the Council will expect submitted soft landscaping proposals and designs to reasonably offer a mosaic of habitat types appropriate to the location and prevailing landscape types, to suitably enhance biodiversity and wherever possible maximise the potential for offering 'nature-based solutions' such as carbon and air pollution sequestration, urban shading/cooling, flood alleviation and green space recreation.

Key Question 78: How should off-site biodiversity gain compensation measures be coordinated, located and inspected?

Key Question 79: Do you have any other comments regarding Biodiversity Net Gain and the Emerging Local Plan?

Local Nature Recovery Strategy

Local Nature Recovery Strategies (LNRS) are a new system of spatial strategies for nature, which will cover the whole of England. They are established by the Environment Act⁴⁵ and are designed as tools to drive more coordinated, practical and focussed action to help nature.

LNRS will support local action by consistently mapping important existing habitats and identifying opportunities to create or restore habitat. Developed through a collaborative approach, LNRS will also support the delivery of a Nature Recovery Network by acting as a key tool to help local partners better direct investment and action that improves, creates and conserves wildlife-rich habitat.

Each Strategy will, for the area that it covers: agree priorities for nature's recovery, map the most valuable existing areas for nature and map specific proposals for creating or improving habitat for nature and wider environmental goals.

The production of each LNRS will be evidence based, locally led and collaborative, to create a network of shared plans that public, private and voluntary sectors can all help to deliver. This will provide a locally owned foundation to developing and underpinning the [Nature Recovery Network](#); identifying the places which, once action has been taken on the ground, will enable the Network to grow over time. This will help achieve wider environmental objectives (like carbon sequestration to mitigate climate change or managing flood risk) and contribute to green economic recovery objectives.

⁴⁵ <https://www.legislation.gov.uk/ukpga/2021/30/section/104/enacted>



The Government anticipates that there will be roughly 50 LNRSs which together will cover the whole of England with no gaps and no overlaps. Precise boundaries will be established by Defra so that each and every LNRS covers an area that is both large enough to plan for nature recovery across landscapes and meaningful to local people. It is anticipated that in many cases there will be one LNRS per county (or equivalent) but individual geographies will be set according to an assessment of local circumstances.

A LNRS is being developed locally, with Derbyshire County Council leading on its implementation.

Key Question 80: Are there any sites or areas of land within South Derbyshire which you are aware of that would be important for inclusion within the Local Nature Recovery Strategy for Derbyshire? If yes, please list and provide reasoning where relevant.

Key Question 81: Are there any private or voluntary organisations who you believe would be important as collaborators within the Local Nature Recovery Strategy for Derbyshire? If yes, please list and provide reasoning where relevant.

River Mease

The River Mease is an important lowland clay river flowing through Leicestershire, Derbyshire and Staffordshire before it reaches the Trent between Lichfield and Burton upon Trent. It is designated as a Special Area of Conservation (SAC).

Despite its special status as a designated river for nature conservation, the condition of the habitats along its length has suffered over recent years; the species and habitats are under threat from pollution and poor water quality mainly due to high phosphorus levels and drainage works.⁴⁶

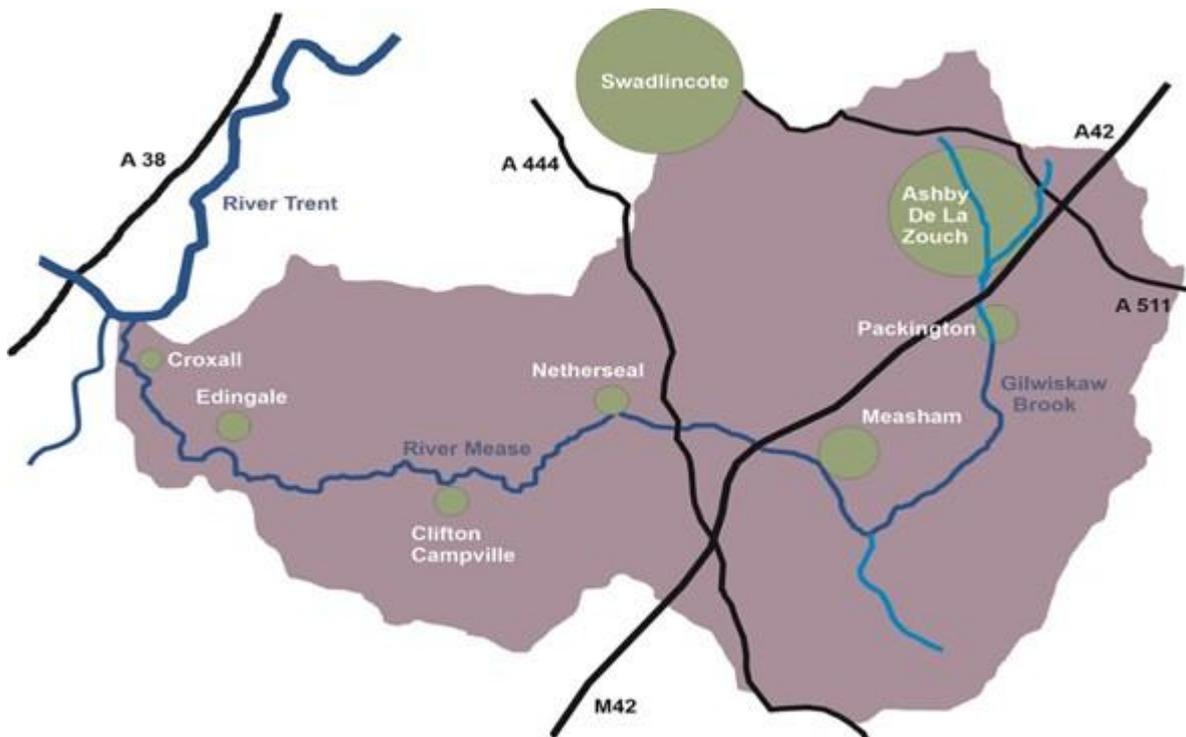
The importance of managing the amount of phosphorus within the River Mease SAC has directly affected the amount of development that can be permitted within the area. For South Derbyshire, Overseal, Netherseal, Lullington, Smisby and a small area in Boundary are affected. The Council is working with other partners on the River Mease Programme Board⁴⁷ to identify a number of bespoke projects to remove phosphate from the River Mease SAC and its tributaries.

Once identified, these projects will need to be funded by developers, as was the case with previous developer contribution schemes. In contributing to these works, developers will be able to ensure that the effects of their development on the SAC are fully mitigated by removing an amount of phosphate from the river equivalent to that which will be generated by their development, which in turn allows for continued growth.

⁴⁶ <https://www.rivermease.co.uk/>

⁴⁷ The River Mease Programme Board comprises of: The Environment Agency, Natural England, Severn Trent Water, North West Leicestershire District Council, South Derbyshire District Council and Lichfield District Council.





Source: [River Mease Catchment Project - Trent Rivers Trust](#)

Flood Risk

The NPPF requires that strategic policies should be informed by a Strategic Flood Risk Assessment (SFRA), and all plans should apply a sequential risk approach to the location of development.⁴⁸ The Council will be commissioning a new SFRA to inform the Emerging Local Plan. A SFRA is a robust evidence base for considering flooding, including any future increase as a result of climate change.

The risk of flooding informed the spatial strategy for the District within the adopted Local Plan, including the allocation of sites through a sequential approach. Development was predominantly located in areas within a low risk of flooding and further greenfield development within the functional floodplain was avoided along with other areas at flood risk.

The existing Local Plan also requires that any new development that could lead to changes in surface water flows or increase flood risk should be managed through the incorporation of Sustainable Drainage Schemes (SUDS)⁴⁹.

It is anticipated that the existing policy approach will remain largely unchanged subject to recommendations in the SFRA.

Key Question 82: Do you have any comments on the Local Authority's approach to Flood Risk as set out in the adopted Local Plan Policy SD2?

⁴⁸ NPPF Paragraphs 160 & 161

⁴⁹ "Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to: reduce the causes and impacts of flooding; remove pollutants from urban run-off at source; combine water management with green space with benefits for amenity, recreation and wildlife." (PPG Flood Risk and Coastal Change: Paragraph: 050 Reference ID: 7-050-20140306)



Key Question 83: What approach should be taken to development proposed within Flood Zone 3?

National Forest

The National Forest is a national designation which covers an area of 200 square miles and extends from Charnwood Forest in Leicestershire to Needwood Forest near Yoxall.

Development and planning continue to have a key role in the National Forest's creation. As of March 2017 "Since 1995, around 1,600 hectares of new green infrastructure have been secured through the planning system by way of on site tree planting, mineral and waste disposal site restoration and derelict land reclamation schemes or through financial contributions. This represents around 22% of the 7,270 hectares so far planted in the Forest"⁵⁰.

The NPPF states "*The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife...*"⁵¹

The adopted Local Plan contains a policy on the National Forest (INF8). The Policy expects all residential schemes over 0.5ha and industrial, commercial and leisure developments over 1ha within the National Forest, to incorporate tree planting and landscaping and only in exceptional circumstances will a commuted sum be agreed instead. The Policy also states that the Council will work with the National Forest Company and others to:

- "A ... ii) provide opportunities for diversification of the economy, especially in relation to the woodland economy and tourism, including overnight accommodation;
- iii) create an attractive, sustainable environment;
- iv) provide a range of leisure opportunities for local communities and visitors; and
- v) achieve 33% woodland cover in the National Forest."

It is likely that the existing policy approach will remain largely unchanged, subject to any update on the planting requirements made by the National Forest.

Key Question 84: Do you have any comments on the current approach to the National Forest?

Key Question 85: Could the National Forest policy be strengthened in any way?

Green Wedges

"Green wedges comprise the open areas around and between parts of settlements, which maintain the distinction between the countryside and built up areas, prevent the coalescence (merging) of adjacent places and can also provide recreational opportunities"⁵²

South Derbyshire's villages have their own architectural and characteristic identities, as well as their own individual communities. There are no green wedges in the adopted Local Plan. The Emerging Local Plan provides an opportunity to consider whether Green Wedges should be introduced within the District in order to protect villages where this sense of community may be threatened by

⁵⁰ [National Forest Guide for Developers & Planners: Summary](#)

⁵¹ NPPF paragraphs 160 & 161

⁵² [Planning Portal Glossary.](#)



coalescence. Evidence would need to be collected to establish the need and locations of any Green Wedges.

Key Question 86: Do you consider that Green Wedges should be introduced in South Derbyshire?

Key Question 87: If so, where do you suggest Green Wedges should be located?

Key Question 88: Does the existing Local Plan Policy BNE5 (Development in Rural Areas) do enough to protect the countryside for its own sake?

Heritage

The NPPF states that Heritage assets “are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”⁵³. The NPPF goes on to state that plans “should set a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats...”

The historic environment is central to the identity of South Derbyshire. There are:

- 22 Conservation Areas
- 22 Schedules Monuments
- 5 registered historic parks and gardens comprising Calke Abbey (Grade II*), Elvaston Castle (Grade II*), Melbourne Hall (Grade I), Swarkestone Hall (Grade II*) and Bretby Hall (Grade II)
- 714 listed buildings of which 48 are grade I and 48 are grade II*
- 16 entries on the Heritage at Risk Register in the District and 47 building and structures on the local at-risk register.

The adopted Local Plan contains two policies regarding the protection of heritage assets. BNE2 Heritage Assets sets out the Council’s overarching policy approach to conservation of heritage assets. This is supported by policy BNE10 Heritage, which details how applications affecting heritage assets will be considered. Policy BNE2 and BNE10 can be found in Appendix 2.

Key Question 89: Do you have any comments on the approach to Heritage assets in the adopted Local Plan?

Design

Since the adoption of the Local Plan, design quality is more strongly emphasised in national policy and new design requirements have been introduced. The Emerging Local Plan will need to reflect this.

National Policy now requires all Local Planning Authorities to prepare Design Guides or Codes consistent with the principles set out in the [National Design Guide](#) and [National Model Design Code](#). The Design Guide and Codes can be prepared at an area wide, neighbourhood or site-specific scale and should be prepared as part of a Local Plan or Supplementary Planning Document.⁵⁴

⁵³ NPPF paragraph 189

⁵⁴ NPPF paragraph 128, 129



Furthermore, Local Planning Authorities are now expected to develop design policies with local communities “so they reflect local aspirations and are grounded in an understanding and evaluation of each areas defining characteristics”.⁵⁵

Key Question 90: Should a Design Guide and/or Codes be prepared at an area wide, neighbourhood wide or site-specific scale?

Key Question 91: Should the Emerging Local Plan stipulate a minimum size for residential outdoor amenity space and if so, what should that be?

The NPPF states that “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:… e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”⁵⁶

Key Question 92: What measures should be used to determine whether the design of the isolated dwelling is of exceptional quality?

Extra Questions

EX36: Should the Emerging Local Plan or a subsequent SPD require developers to install the following ‘habitat bricks’ in all new housing developments:

- a. Small cavity nesting birds? (i.e. swift, house martins and sparrows). If yes, what ratio or percentage per total housing units and why?
- b. Bats? If yes, what ratio or percentage per total housing units and why?
- c. Invertebrates? If yes, what ratio or percentage per total housing units and why?

EX37: Should there be a minimum housing unit number per development for when the installation of ‘habitat bricks’ would be required? If yes, what should that minimum number be and why?

EX38: Should ‘habitat bricks’ be required as standard in any other development types? Please list and provide reasoning where appropriate.

EX39: Should the Emerging Local Plan or a subsequent SPD require developers to install ‘hedgehog highways’ in all new housing developments?

EX40: Should there be a minimum housing unit number per development for when the installation of ‘hedgehog highways’ would be required? If yes, what should that minimum number be and why?

EX41: Should ‘hedgehog highways’ be required as standard in any other development types? Please list and provide reasoning where appropriate.

⁵⁵ NPPF paragraph 127

⁵⁶ NPPF paragraph 80



Extra Questions

EX42: Are you aware of any sites or land that may be available for habitat creation/restoration to support any biodiversity net gain off site provision?

EX43: Do you consider Policies BNE2 and BNE10 provide a positive strategy for the conservation and enjoyment of heritage assets as required by the NPPF?

EX44: Could Policies BNE2 or BNE10 be strengthened in any way?

EX45: How can the Council effectively engage with your community regarding design for your area? Please state where you are from.

EX46: Are there any other Built, Natural and Historic Environment issues and options that should be considered within the Emerging Local Plan?



Chapter 8 Infrastructure

The Council understands how important the delivery of infrastructure alongside housing and economic growth is to create sustainable communities. Infrastructure includes transport, flood risk measures, education, health, leisure (open space, play areas, leisure centres, green infrastructure), other community needs (e.g., local centres, libraries), as well as the delivery of utilities (e.g., power, water supply, sewerage treatment works, communications technology).

The extent to which an area is served by existing infrastructure, and could be served by future development, is an important consideration in determining the location, quantity, and type of development.

New development should deliver the necessary infrastructure to support growth and should be delivered in a timely manner to ensure that existing services and transport infrastructure do not become overwhelmed.

The Council will work closely with statutory bodies (such as National Highways, County Highways Authority, Local Education Authority, NHS Derby and Derbyshire Integrated Care Board, NHS England, utility providers) and other public and private bodies, to ensure that the Emerging Local Plan is supported by infrastructure. This will require examining where gaps in existing infrastructure provision exist, the capacity of existing infrastructure to accommodate growth and identifying where new facilities will be needed, who will provide them and when. Cumulative as well as site specific impacts will be considered and addressed.

The Infrastructure Delivery Plan (IDP) will set out the critical new or improved infrastructure that is necessary to support the growth in the Emerging Local Plan. The IDP will identify the costs, funding sources, timescales, and delivery partners for the infrastructure.

Funding for infrastructure can come from a variety of sources including developer contributions (Section 106 Agreements and, if introduced by the Council, Community Infrastructure Levy⁵⁷), government grants/loans and organisations that have statutory powers and who charge customers e.g. utilities companies.

To date South Derbyshire does not have an adopted Community Infrastructure Levy, instead using Section 106 agreements. Section 106 agreements help secure the delivery of infrastructure and affordable housing that is required to mitigate the impacts arising from a development proposal. Developer contributions can only be sought where they meet the following tests:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development⁵⁸

Within the Planning for Future White Paper, the Government proposed changes to how Local Planning Authorities secure developer contributions. The Community Infrastructure Levy and Section 106 Agreements were proposed for removal and the introduction of a nationally set flat rate charge in the form of an Infrastructure Levy was proposed. Until any legislative change comes into force, the Council will continue to use S106 Agreements. However, it should be noted that the

⁵⁷ The Community Infrastructure Levy is a fixed charge which can be levied by local authorities on new development in their area

⁵⁸ [Regulation 122 of the Community Infrastructure Regulations 2010 \(as amended\)](#)



Emerging Local Plan will need to comply with any change in national policy, should this arise during its production.

The NPPF requires that local plans set out the contributions (on site or financial) expected from development. It is important however to have realistic expectations of what infrastructure can be provided through the Emerging Local Plan. The amount of on-site infrastructure and contributions that the Council can require from new development is affected by the financial viability of a scheme (what can be afforded given all the other costs associated with the development). The financial viability and the amount of infrastructure that can be afforded are affected by various issues, including: the cost of construction, the value of land being developed, the sale prices of completed development and the type and number of specific on-site requirements. The Government has set an acceptable level of developer profit at 15-20%⁵⁹.

The Council will be commissioning a viability assessment to ensure that the policy requirements of the Emerging Local Plan are at a level viable for development to be completed.

Key Question 93: Are there specific infrastructure issues, including in your local area, which we should be aware of, for example regarding health services, schools or road capacity?
Please state which settlement your comments refer to.

Existing Community Facilities and Open Space Sport and Recreation

The adopted Local Plan (Policy INF6) seeks to protect existing community facilities unless it is evident that there is no longer a need to retain the facility, or where a suitable alternative is made. Furthermore, Policy INF9 seeks to protect the loss of open space, sport and recreation facilities, stating that loss “will only be permitted in exceptional circumstances where an assessment shows that existing open space and facilities exceed the required level of provision, the loss would be compensated for through equivalent or better provision, or the development would involve the provision of alternative sport or recreation facilities for which there is a greater need”.

It is considered that this policy approach will likely continue through to the Emerging Local Plan.

Key Question 94: Do you agree with the current policy approach regarding the protection of existing community facilities and open space, sport and recreation?

Open Space and Leisure Provision

“Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.”⁶⁰

As part of the Emerging Local Plan, evidence will need to be collected on the need for open space, sport and recreation facilities and opportunities for new provision. The Emerging Local Plan will seek to address any identified shortfalls in open space and built leisure provision by securing new facilities within future developments and/or by securing funding for the delivery of new, or improvements to existing, open spaces.

Key Question 95: How has the pandemic altered your use of local open spaces?

Key Question 96: What type of outdoor open space and recreation facilities do you consider are most needed in the District?

⁵⁹ PPG Viability Paragraph: 018 Reference ID: 10-018-20190509

⁶⁰ NPPF, paragraph 98



Local Centres

New strategic residential development is commonly accompanied by local centres, aimed at meeting the day-to-day needs of the community. There can be a difference in both scope and feel between a local centre that has grown organically with a settlement over many years, and a new planned local centre with a set number of hectares reserved for shops and services to 'come on stream'. Furthermore, should a newer development grow further, the local centre can quickly become too small to fully meet the needs of the community it serves.

As already mentioned, changes in legislation have increased the flexibility to change between various uses without the need for express planning permission. Notwithstanding this flexibility, or indeed because of it, the issue is raised over how new communities can be best provided with local centres that stand the test of time.

Key Question 97: How can local centres be provided within strategic development in a way that also accommodates future change and population growth?

Extra Questions

EX47: Are the current protections for community facilities strong enough? Could the Emerging Local Plan go further and if so, how?

EX48: Are there any other infrastructure issues and options that should be considered within the Emerging Local Plan?



Chapter 9 Health and Wellbeing

There is a close relationship between planning and health. National policy requires that the local plan supports the creation of healthy and safe communities. Public Health England set out the wider determinants of health – a diverse range of social, economic and environmental factors which influence people’s mental and physical health⁶¹. These wider determinants are:

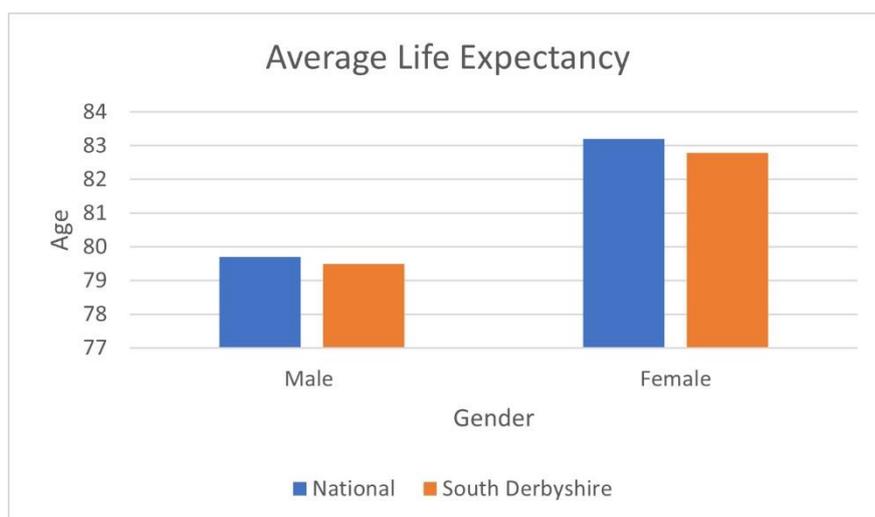
- The built and natural environment
- Education
- Income
- Work and the labour market
- Crime
- Social capital (community, social connections, isolation risk and a sense of belonging)

The adopted Local Plan helps contribute to healthy communities in several ways, including the provision and access to green spaces and community facilities; seeking to provide good quality housing; developing safe and accessible environments; and locating development in locations which reduce the need to travel and provides travel by sustainable modes. This chapter seeks to consider ways the Emerging Local Plan can further contribute towards healthy places and support and enable healthy lifestyles.

The Planning system does have a role to play in the provision of health infrastructure, for example GP surgeries, however, strategic infrastructure will be addressed by the Infrastructure Delivery Plan (IDP) and not considered in this chapter. The IDP will detail strategic infrastructure required to deliver growth planned within the Emerging Local Plan.

Some key health statistics for South Derbyshire are as follows:

- The life expectancy of males and females is slightly below the English average (Male – 79.5 years, national average 79.7 years; Females 82.8 years, national average 83.2 years).⁶²

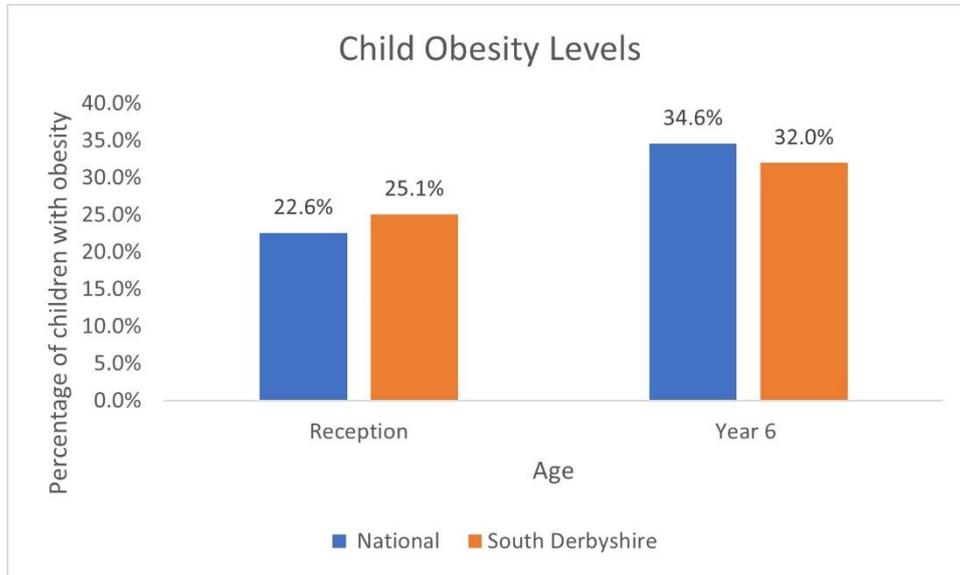


⁶¹ <https://www.gov.uk/government/publications/health-profile-for-england-2018/chapter-6-wider-determinants-of-health>

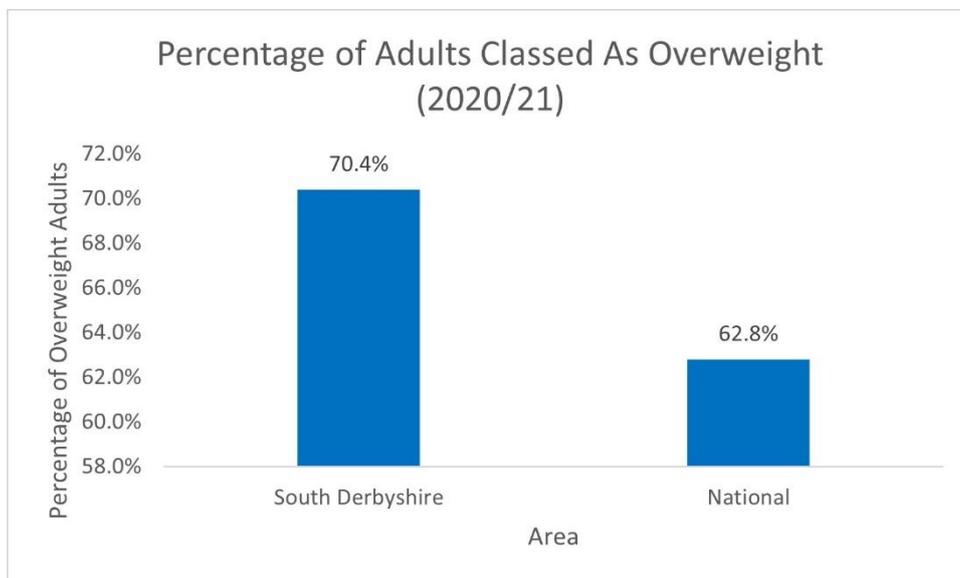
⁶² [Local Health - Data - OHID \(phe.org.uk\)](http://Local Health - Data - OHID (phe.org.uk))



- Child obesity rates (25.1%) are initially above the national average (22.6%), but child obesity rates decrease between reception and Year 6. By school Year 6 (final year of primary education), 32% of children are overweight or obese compared to the national average of 34.6%.⁶³



- The percentage of adults classified as overweight or obese is higher than the English average (70.4% compared to the national average of 62.8% (2020/21)).⁶⁴

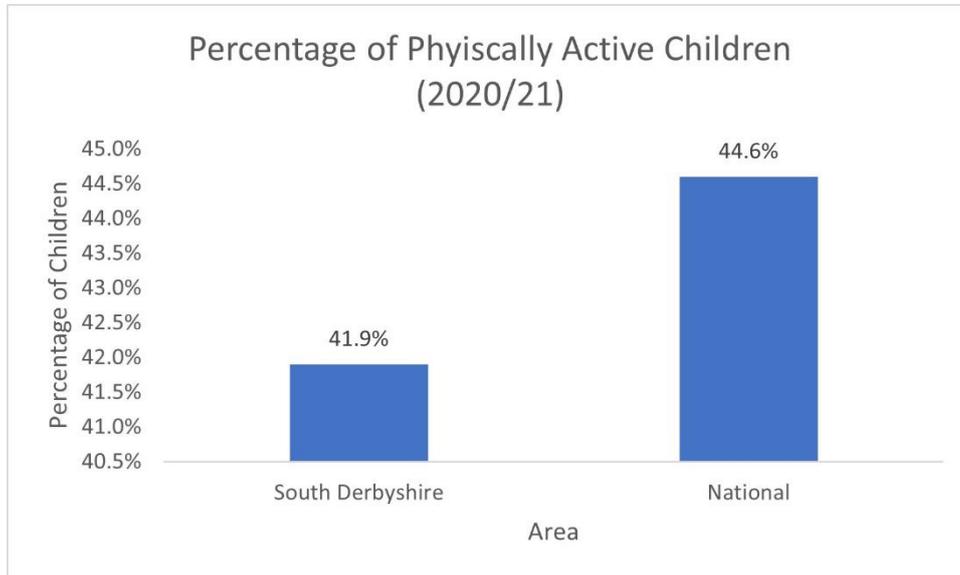


⁶³ [Local Health - Data - OHID \(phe.org.uk\)](https://phe.org.uk)

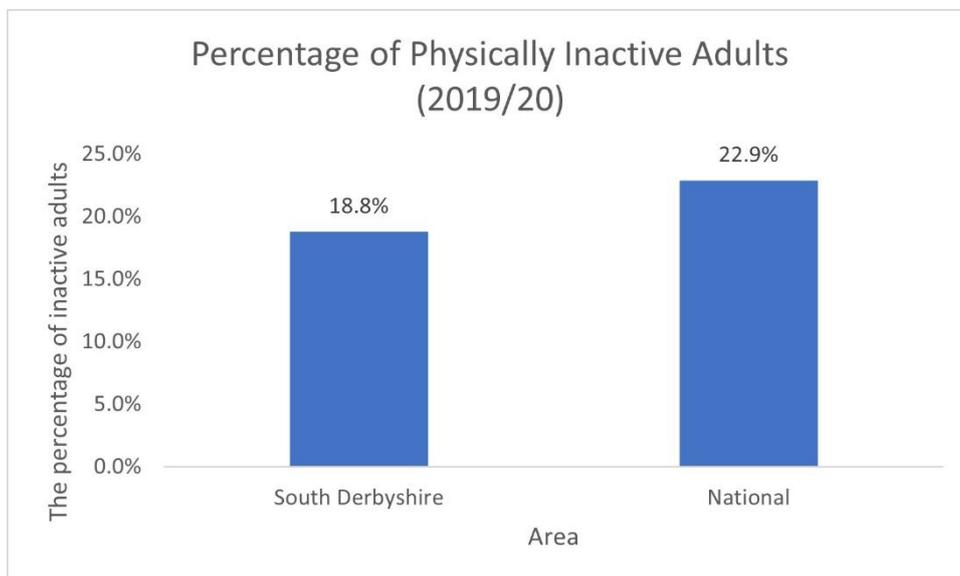
⁶⁴ [Public Health Outcomes Framework - Data - OHID \(phe.org.uk\)](https://phe.org.uk)



- The percentage of physically active children and young people is lower than the English average (41.9% compared to 44.6% nationally (2020/21)).⁶⁵



- The percentage of physically inactive adults is below the English average (18.8% compared to 22.9% nationally (2019/20)).⁶⁶

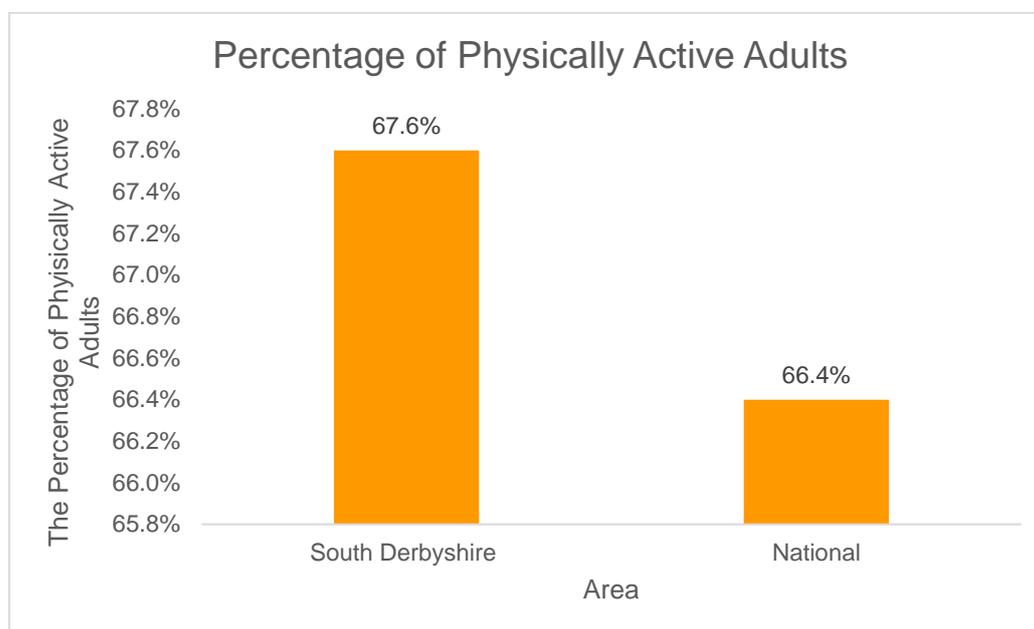


⁶⁵ [Physical Activity - Data - OHID \(phe.org.uk\)](https://phe.org.uk/data/physical-activity)

⁶⁶ [Physical Activity - Data - OHID \(phe.org.uk\)](https://phe.org.uk/data/physical-activity)



- The percentage of physically active adults is above the English average (67.6% compared to 66.4% nationally).⁶⁷



- The population of older people living in the District is set to increase between 2019 and 2028 by 28%.⁶⁸

Key Question 98: What do you feel your local community needs?

Key Question 99: What do you consider is required to make healthy places and enable healthy lifestyles?

Key Question 100: How can the Emerging Local Plan influence the wider determinants of health to improve health and reduce health inequalities?

Health and Wellbeing Policy

The adopted Local Plan contains a number of policies which impact upon health and wellbeing. The Plan also contains one paragraph within the design policy which directly relates to health:

BNE1 Design Excellence part J Healthy Lifestyle: “New development should address social sustainability issues, by supporting healthy lifestyles, including through the promotion of active travel, the provision of public open space, sports and other leisure facilities.”

The Emerging Local Plan gives an opportunity to include a strategic health and wellbeing policy. This policy would directly address health and wellbeing and seek to ensure that related issues are considered as part of a planning process.

⁶⁷ [Public Health Outcomes Framework - Data - OHID \(phe.org.uk\)](https://www.phe.org.uk/public-health-outcomes-framework-data)

⁶⁸ [South Derbyshire Strategic Housing Market Assessment, 2020](#), p86



Key Question 101: Should the Emerging Local Plan include a specific Health and Wellbeing Policy? Please provide reasoning.

Key Question 102: What do you think a Health and Wellbeing policy should include?

Health Impact Assessments

The Council could further bring health and wellbeing to the forefront of design by requiring a [Health Impact Assessment \(HIA\)](#) to be submitted alongside planning proposals above a certain size. A HIA is a process which ensures that the effect of development on health and health inequalities are considered and responded to during the planning process.

Key Question 103: Should the Emerging Local Plan require Health Impact Assessment for larger development proposals?

Key Question 104: What should the trigger for the requirement of Health Impact Assessment be?

Grow Your Own

Statistics show that obesity in adults and reception children within the District is higher than the national average. The NPPF states that planning policies should “*enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through ...access to healthier food, allotments...*”⁶⁹

The PPG adds: “*Planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Local planning authorities can have a role by supporting opportunities for communities to access a wide range of healthier food production and consumption choices*”⁷⁰

One way in which the Emerging Local Plan could help influence healthier food production within the District is by introducing a policy which would support people's ability to grow their own food, such as allotments.

Key Question 105: Should the Emerging Local Plan introduce a policy supporting ‘grow your own’ either on allotments or by another means? Please specify.

Key Question 106: Should the Emerging Local Plan require all major housing developments to provide allotments/food growing space?

Controlling takeaway uses

The PPG ‘Healthy Safe Communities’ states that planning policies can seek to limit the proliferation of particular uses where this is justified.

To help support opportunities for communities to access healthy consumption choices, the Emerging Local Plan could include a policy seeking to limit new hot food takeaways (where

⁶⁹ NPPF paragraph 92

⁷⁰ PPG, Healthy Safe Communities, Paragraph 004 ID:53-004-20190722



planning permission is required) where these would be in close proximity to locations children and young adults congregate, such as schools, play areas and open space.

The evidence of obesity in adults and young children is established, however, in order to introduce a policy that restricts the number and/or location of takeaways, evidence would be required as to the expected benefit of the policy.

Key Question 107: Would you support a policy which restricts takeaway uses within a particular distance of schools? Please provide comments and justification.

Key Question 108: If so, what distance do you suggest for restricting takeaways?

Key Question 109: What evidence do you think should be provided to support a controlling takeaway policy?

Active Design

Sport England have acknowledged that there is a close relationship between the design and layout of where we live and people’s health. Sport England’s report [Active Design: Planning for health and wellbeing through sport and physical activity](#), sets out 10 design principles for optimising opportunities for active and healthy lifestyles. The report acknowledges that “not all the Active Design Principles will be relevant or appropriate to all scenarios and settings, achieving as many of the Active Design Principles as possible will assist in optimising opportunities for active and healthy lifestyles” (page iv).

The Emerging Local Plan could look at incorporating the Active Design Principles into policy.

The 10 principles can be seen in the Diagram below.



Image from: *Active Design: Planning for health and wellbeing through sport and physical activity*, page iv



Key Question 110: Do you think the Emerging Local Plan should incorporate Active Design Principles?

Key Question 111: If so, is there a development size trigger in which the Active Design principles should be implemented?

Extra Questions

EX49: Are there any health and wellbeing issues for the District which you consider this document has not identified?

EX50: Are there any other Health and Wellbeing issues and options that should be considered within the Emerging Local Plan?

Finally...

Key Question 112: Are there any planning issues and options that you think we have missed in this consultation or are there any further comments you would like to make?



Appendix 1 - Summary of Questions

Key Question 1: Do you have any comments on what should be contained within the Emerging Local Plan's Vision and Objectives?

Key Question 2: Does the spatial portrait of the District need further updating and if so, how?

Key Question 3: Should the Emerging Local Plan be split into two parts?

Key Question 4: What should be classed as 'strategic' in terms of housing development within the Emerging Local Plan, for example what size of housing/employment site or impact on infrastructure?

Key Question 5: Have we identified the correct issues and is our methodology for assessing them, correct?

Key Question 6: What additional evidence does the Council need to obtain to inform the Emerging Local Plan?

Key Question 7: Which option for establishing South Derbyshire's housing requirement do you support and why?

Key Question 8: Do you have a view on the proportion of Derby City's unmet need that South Derbyshire should take? Please provide comments and justification.

Key Question 9: Do you have any comments on the prioritisation of new infrastructure in this location as set out in the DFD including the new link road, school, health provision, and green and blue infrastructure?

Key Question 10: Do you have any suggestions as to how new employment and/or housing development, above that already allocated in existing Local Plans, can assist in the delivery of this infrastructure?

Key Question 11: Do you have any suggestions as to the quantity and location of new employment and housing land in this location?

Key Question 12: Are there any key locations to provide new, or enhance existing, green and blue infrastructure?

Key Question 13: Should the IGV development parameters be expanded beyond the area defined in Policy INF13 of the adopted Local Plan? If yes, what further development should the Emerging Local Plan include in this expanded location?

Key Question 14: Do you have any suggestions on priorities the Emerging Local Plan should set out to complement the Freeport development? This could include new green and blue infrastructure, energy production, sewerage infrastructure, new cycling and walking routes, new publicly accessible open space, lighting, drainage, flood and/or noise mitigation measures, particularly to the south of the site.

Key Question 15: Do you have any suggestions as to how new employment development at the Freeport site can assist in the delivery of any new infrastructure suggested in the previous question and/or an improvement to the rail infrastructure?

Key Question 16: Should any complementary uses be allocated adjacent to, or in the proximity of, the Freeport and if so, what?



Key Question 17: Should the Emerging Local Plan include a policy setting out expectations of local implications of the Freeport? If so, what should the policy include?

Key Question 18: Do you have any comments on the methodology used to establish the existing Settlement Hierarchy?

Key Question 19: What is your preferred option for housing distribution to meet South Derbyshire's housing need? Please provide comments and justification.

Key Question 20: Which locations within the District do you consider are best equipped to benefit from infrastructure that is already in place?

Key Question 21: What is your preferred option for the distribution of Derby City's unmet need within the District? Please provide comments and justification, especially if you think option 3 is appropriate.

Key Question 22: Do you agree that the appropriate plan period for the Emerging Local Plan is 2022 – 2039?

Key Question 23: Do you think the Emerging Local Plan should set a vision for the District beyond the plan period? If so, what should it include?

Key Question 24: Do you think the Council needs to undertake a Green Belt review to accommodate housing need within the District?

Key Question 25: What is your preferred option regarding the percentage of new homes to be built on small sites? Please provide your reasons and justification.

Key Question 26: What is your preferred option regarding the affordable housing requirement on sites of 10 homes or more? Please provide reasons and justifications.

Key Question 27: Is there any reason why the threshold for affordable housing provision should not be lowered to 10 homes or more in the Emerging Local Plan?

Key Question 28: Do you have any evidence of affordable housing need in rural areas and/or a view on whether the threshold for contributions should differ?

Key Question 29: Should the affordable housing tenure breakdown be specified in Emerging Local Plan policy, or should a degree of flexibility be retained?

Key Question 30: Should a local exception policy be introduced to effectively reserve some affordable housing for those with family ties to an area? If so, what restrictions should the policy contain?

Key Question 31: How should extra-care and independent living schemes be provided through the Emerging Local Plan?

Key Question 32: How can the Emerging Local Plan provide for those of working age needing other specialist or supported housing?

Key Question 33: Should the Emerging Local Plan ensure that at least a proportion of new homes are accessible and adaptable M4(2) and are wheelchair user dwellings M4(3)?

Key Question 34: Do you feel there is a need for more bungalows or single storey dwellings particularly designed to enable the elderly to live independently at home?

Key Question 35: What is your preferred option regarding self-build and custom house building and why?



Key Question 36: Should the Emerging Local Plan require all new homes to meet Nationally Described Space Standards? If not, why not?

Key Question 37: Should the Emerging Local Plan include a policy on housing density?

Key Question 38: If it is determined that a housing density policy is required, should the Emerging Local Plan set different minimum density standards for urban areas (Swadlincote, edge of Derby and Burton on Trent) and Key Service Villages?

Key Question 39: Should the Emerging Local Plan include a specific infill policy and if so, what should it contain – for example should infill be restricted to meeting proven local need or by dwelling size?

Key Question 40: Should the Emerging Local Plan develop a policy that brings local flexibility to determining road widths on new developments?

Key Question 41: What type of employment space should the Emerging Local Plan prioritise?

Key Question 42: How can policies be made flexible enough to accommodate needs not anticipated, particularly as economic implications of the Covid 19 pandemic are still developing?

Key Question 43: What is your preferred strategy (Option) for employment distribution and why?

Key Question 44: What, if any, circumstances should lead to South Derbyshire's employment need being met outside of the District?

Key Question 45: Is the current approach set out in Policy E7 (Rural Development) of the adopted Local Plan still the correct one?

Key Question 46: What are the barriers to working within rural areas?

Key Question 47: Should the Emerging Local Plan include a policy regarding best and most versatile agricultural land and if so, what should it contain?

Key Question 48: Should the Emerging Local Plan be more encouraging of tourism accommodation and tourist attraction development within the District? If so, how?

Key Question 49: Should the Emerging Local Plan seek to protect existing employment sites from alternative uses?

Key Question 50: Should the Emerging Local Plan remove the permitted development rights and apply conditions on new employment permissions for both allocated and non-allocated sites to prevent their loss to other uses (i.e. to E(g), B2 or B8)?

Key Question 51: What types of uses should be promoted in Swadlincote's town centre?

Key Question 52: If you think Swadlincote town centre boundary should be amended, please explain why and show your proposed changes on a map.

Key Question 53: If you think the primary frontages should be amended, please explain why, and show your proposed changes on a map.

Key Question 54: What do you consider to be the main regeneration challenges facing the District?

Key Question 55: Are regeneration challenges located in a particular area and if so, where?

Key Question 56: Do you have any suggestions as to the policies or allocations that would address these regeneration challenges?



Key Question 57: Do you support the development of the following renewable energy/low-carbon technologies in the District?

6. Electricity Generation:
 - o Wind turbines
 - o Solar photovoltaics (solar panels), including:
 - i. ground-mounted, and
 - ii. roof-mounted installations, for example, on industrial or residential buildings
 - o Hydroelectric power
7. Heat Generation:
 - o Solar Thermal
 - o Heat pumps, including ground, water, and air-source variants
 - o Energy from waste (EfW), including solid waste and biogas
 - o Bioenergy, including biomass and anaerobic digestion
8. Energy storage
9. Energy networks:
 - o Electricity networks
 - o Heat networks
10. Low-Carbon Mobility:
 - o Electric vehicles
 - o Electric charging network

Please elaborate on any opportunities/constraints you can identify for such projects.

Key Question 58: Should the Emerging Local Plan allocate sites for renewable energy production, for example solar or wind energy, and if so, what types of locations would be appropriate?

Key Question 59: Should the Emerging Local Plan require all new development to include small-scale renewable energy generation on site?

Key Question 60: Should the Emerging Local Plan introduce a policy based on the Energy Hierarchy?

Key Question 61: How can the Emerging Local Plan best facilitate energy saving homes by including passive design measures?

Key Question 62: Do you agree that the Emerging Local Plan set out specific requirements for tree planting in new developments outside of the National Forest? If so, is 10% sufficient and should there be a minimum site size threshold to which the policy applies?

Key Question 63: Should the Emerging Local Plan require a greater target than the statutory 10% Biodiversity Net Gain? If yes, what percentage and why?

Key Question 64: Are you aware of any sites or land within South Derbyshire that may be available for habitat creation/enhancement to support Biodiversity Net Gain off-site provision?

Key Question 65: Should a policy be included in the Emerging Local Plan to ensure that Biodiversity Net Gain is delivered on sites within the District?

Key Question 66: Do you support the inclusion of an active travel policy and what should the policy ensure as a minimum?

Key Question 67: Should planning applications for new buildings require access to low-carbon transport (i.e. the provision of walking infrastructure, cycle paths and lanes, public transport and charging infrastructure, etc). If so, what should the threshold be for such a requirement?



Key Question 68: Should the Emerging Local Plan include an Electric Vehicle Charging Point Policy?

Key Question 69: Do you support the existing requirements for providing Electric Vehicle Charging Points used by the Council? If not, what requirements do you suggest and why?

Key Question 70: Should the provision of charging devices and spaces for ultra-low emission vehicles be required for new developments of a certain size? If so, what should this threshold be?

Key Question 71: Should the provision of charging devices and spaces for ultra-low emission vehicles be considered at the following locations throughout the District? If not, please elaborate.

- Major travel corridors, including A roads, motorways, and routes into Derbyshire from neighbouring population centres
- Existing transport infrastructure, such as petrol stations.
- High population density areas where electric vehicle uptake and charging demand are expected to be consistently high.
- Tourist locations and travel corridors.
- Locations with high or long-term parking requirements, such as airports, retail, and business parks.

Key Question 72: How can the Emerging Local Plan go further to minimise losses through flooding?

Key Question 73: Should the provision of allotments be required for larger developments (or payments in lieu where appropriate)? If so, what should the threshold be for such a requirement?

Key Question 74: Should green roofs and/or walls be required where appropriate? If so, what size of development should require such landscaping?

Key Question 75: Where appropriate, should development be required to consider urban cooling techniques/design? If so, what should the threshold be for such a requirement? Should this be considered primarily in Swadlincote or in other population centres?

Key Question 76: Should the Council adopt a policy relating to Blue Infrastructure? If so, please list the various features (excluding the River Mease) that may benefit from such a policy.

Key Question 77: Should the Council use developer contributions for Green Infrastructure? If so, do you have any specific suggestions as to what Green Infrastructure projects the Council should pursue?

Key Question 78: How should off-site biodiversity gain compensation measures be coordinated, located and inspected?

Key Question 79: Do you have any other comments regarding Biodiversity Net Gain and the Emerging Local Plan?

Key Question 80: Are there any sites or areas of land within South Derbyshire which you are aware of that would be important for inclusion within the Local Nature Recovery Strategy for Derbyshire? If yes, please list and provide reasoning where relevant.

Key Question 81: Are there any private or voluntary organisations who you believe would be important as collaborators within the Local Nature Recovery Strategy for Derbyshire? If yes, please list and provide reasoning where relevant.

Key Question 82: Do you have any comments on the Local Authority's approach to Flood Risk as set out in the adopted Local Plan Policy SD2?



Key Question 83: What approach should be taken to development proposed within Flood Zone 3?

Key Question 84: Do you have any comments on the current approach to the National Forest?

Key Question 85: Could the National Forest policy be strengthened in any way?

Key Question 86: Do you consider that Green Wedges should be introduced in South Derbyshire?

Key Question 87: If so, where do you suggest Green Wedges should be located?

Key Question 88: Does the existing Local Plan Policy BNE5 (Development in Rural Areas) do enough to protect the countryside for its own sake?

Key Question 89: Do you have any comments on the approach to Heritage assets in the adopted Local Plan?

Key Question 90: Should a Design Guide and/or Codes be prepared at an area wide, neighbourhood wide or site-specific scale?

Key Question 91: Should the Emerging Local Plan stipulate a minimum size for residential outdoor amenity space and if so, what should that be?

Key Question 92: What measures should be used to determine whether the design of the isolated dwelling is of exceptional quality?

Key Question 93: Are there specific infrastructure issues, including in your local area, which we should be aware of, for example regarding health services, schools or road capacity? Please state which settlement your comments refer to.

Key Question 94: Do you agree with the current policy approach regarding the protection of existing community facilities and open space, sport and recreation?

Key Question 95: How has the pandemic altered your use of local open spaces?

Key Question 96: What type of outdoor open space and recreation facilities do you consider are most needed in the District?

Key Question 97: How can local centres be provided within strategic development in a way that also accommodates future change and population growth?

Key Question 98: What do you feel your local community needs?

Key Question 99: What do you consider is required to make healthy places and enable healthy lifestyles?

Key Question 100: How can the Emerging Local Plan influence the wider determinants of health to improve health and reduce health inequalities?

Key Question 101: Should the Emerging Local Plan include a specific Health and Wellbeing Policy? Please provide reasoning.

Key Question 102: What do you think a Health and Wellbeing policy should include?

Key Question 103: Should the Emerging Local Plan require Health Impact Assessment for larger development proposals?



Key Question 104: What should the trigger for the requirement of Health Impact Assessment be?

Key Question 105: Should the Emerging Local Plan introduce a policy supporting 'grow your own' either on allotments or by another means? Please specify.

Key Question 106: Should the Emerging Local Plan require all major housing developments to provide allotments/food growing space?

Key Question 107: Would you support a policy which restricts takeaway uses within a particular distance of schools? Please provide comments and justification.

Key Question 108: If so, what distance do you suggest for restricting takeaways?

Key Question 109: What evidence do you think should be provided to support a controlling takeaway policy?

Key Question 110: Do you think the Emerging Local Plan should incorporate Active Design Principles?

Key Question 111: If so, is there a development size trigger in which the Active Design principles should be implemented?

Key Question 112: Are there any planning issues and options that you think we have missed in this consultation or are there any further comments you would like to make?

EX1: Do you have any evidence to contradict the Derby HMA Boundary Study's conclusion that the Derby HMA comprises Derby, South Derbyshire and Amber Valley?

EX2: What should a 30-year vision for the District include? Please bear in mind your selected options for housing distribution and provide comments and justification.

EX3: What should the Emerging Local Plan include regarding Infinity Garden Village?

EX4: Are there any other housing need/strategy issues and options that should be considered within the Emerging Local Plan?

EX5: What types of homes do you think South Derbyshire needs?

EX6: How do you feel the housing market is working for you?

EX7: How has working from home changed the requirements in homes?

EX8: Is there a necessity for certain housing types to meet specific needs?

EX9: Should the Emerging Local Plan set a local eligibility criterion for First Homes (applicable for first three months of marketing) in addition to the national criteria? If so, what criteria should be included?

EX10: What approach should the Local Authority take in determining how proportionate a First Homes exception site is to the size of the settlement it is next to, for settlements both with and without a settlement boundary? What evidence should be required?

EX11: Should space standards be set for private outdoor space?



- EX12: Are there any other issues or options relating to providing the right homes for everyone that the Council should consider?
- EX13: Has the Covid 19 pandemic impacted on any changes in employment need?
- EX14: Should the Emerging Local Plan repeat the Retail Hierarchy within the adopted Local Plan?
- EX15: What type of retail space should the Emerging Local Plan prioritise within new strategic allocations?
- EX16: Should the Emerging Local Plan retain the lower threshold for when a Retail Impact Assessment for out of centre retail is required? If not, what should the threshold be?
- EX17: How can the Emerging Local Plan provide a positive strategy for retail?
- EX18: How can the Emerging Local Plan support the vitality and viability of Swadlincote town centre and other retail centres considering changes to the Use Class Order and Permitted Development?
- EX19: Should the Emerging Local Plan seek to protect the loss of retail, despite the changes to the Use Class Order?
- EX20: Should similar retail policies to that of Swadlincote's be applied to Key Service Villages?
- EX21: Is there sufficient car parking within Swadlincote, key service villages and local centres?
- EX22: Are there any other economy issues and options that should be considered within the Emerging Local Plan?
- EX23: Are there other mechanisms to increase tree planting both inside and outside of the National Forest?
- EX24: Should the Emerging Local Plan include a policy to encourage the installation of solar panels on existing buildings?
- EX25: Should solar power infrastructure (either ground-mount or rooftop) be mandated for new developments (where deemed appropriate)? If so, for what size of development?
- EX26: How can community scale renewable energy generation be facilitated through the Emerging Local Plan?
- EX27: Should the District adopt energy efficiency standards over and above Building Regulations?
- EX28: Should larger developments be required to meet energy consumption and emission targets? If so, what should the thresholds be for such a requirement?
- EX29: Should the Emerging Local Plan set lower carbon emissions targets for new homes than set out by Building Regulations? If so, what target do you propose and why?
- EX30: Should the Emerging Local Plan include local energy standards for non-residential buildings and/or introduce a BREEAM assessment?
- EX31: In response to the Environment Act 2021, what low carbon heating requirements should be included in the Emerging Local Plan?



EX32: Do you support the continuation of the water consumption requirement (110 litres per person per day) within the Emerging Local Plan?

EX33: Do you have any other comments regarding Biodiversity Net Gain and the Emerging Local Plan?

EX34: Question: What else can be done through the Emerging Local Plan to encourage a modal shift towards more sustainable modes of transport?

EX35: Are there any other climate change issues and options that should be considered within the Emerging Local Plan?

EX36: Should the Emerging Local Plan or a subsequent SPD require developers to install the following 'habitat bricks' in all new housing developments:

- a. Small cavity nesting birds? (i.e. swift, house martins and sparrows). If yes, what ratio or percentage per total housing units and why?
- b. Bats? If yes, what ratio or percentage per total housing units and why?
- c. Invertebrates? If yes, what ratio or percentage per total housing units and why?

EX37: Should there be a minimum housing unit number per development for when the installation of 'habitat bricks' would be required? If yes, what should that minimum number be and why?

EX38: Should 'habitat bricks' be required as standard in any other development types? Please list and provide reasoning where appropriate.

EX39: Should the Emerging Local Plan or a subsequent SPD require developers to install 'hedgehog highways' in all new housing developments?

EX40: Should there be a minimum housing unit number per development for when the installation of 'hedgehog highways' would be required? If yes, what should that minimum number be and why?

EX41: Should 'hedgehog highways' be required as standard in any other development types? Please list and provide reasoning where appropriate.

EX42: Are you aware of any sites or land that may be available for habitat creation/restoration to support any biodiversity net gain off site provision?

EX43: Do you consider Policies BNE2 and BNE10 provide a positive strategy for the conservation and enjoyment of heritage assets as required by the NPPF?

EX44: Could Policies BNE2 or BNE10 be strengthened in any way?

EX45: How can the Council effectively engage with your community regarding design for your area? Please state where you are from.

EX46: Are there any other Built, Natural and Historic Environment issues and options that should be considered within the Emerging Local Plan?

EX47: Are the current protections for community facilities strong enough? Could the Emerging Local Plan go further and if so, how?

EX48: Are there any other infrastructure issues and options that should be considered within the Emerging Local Plan?



EX49: Are there any health and wellbeing issues for the District which you consider this document has not identified?

EX50: Are there any other Health and Wellbeing issues and options that should be considered within the Emerging Local Plan?



Appendix 2 – Adopted Local Plan Policies

The wording of Adopted Local Plan Policies can be found below.

Policy INF13 Southern Derby Area and Infinity Garden Village

Development proposals and cross boundary collaboration will be supported in the Southern Derby Area as shown on Map 5 for a mix of uses as part of the Infinity Garden Village development.

In order to implement this development comprehensively and support the required infrastructure delivery, a joint framework document will be prepared to guide the development and cross boundary collaboration between the Council, Derby City Council, Derbyshire County Council and developers.

The development framework document once approved will guide the delivery of the following development in support of the Infinity Garden Village proposal:

- Policy H15 Wragley Way (LP1)
- Policy E4 Infinity Park Extension (LP1)
- The South Derby Integrated Transport Link (LP1 Policy INF4)
- A new Local Shopping Centre (LP1 Policy H15 vii)
- Green and Blue Infrastructure (LP1 H15 xi) across the Southern Derby Area with consideration to Derby City's Green Wedge policy
- New secondary school (LP2 Policy INF12), the location of which is to be defined by the development framework document
- An A50 junction at Deepdale Lane to serve the Southern Derby Area proposals (LP1 Policy H15 iii)

Until the development framework document is approved, any necessary infrastructure required to deliver the comprehensive approach will be supported.

Policy E7 Rural Development

Development proposals which diversify and expand the range of sustainable employment activities on land outside of settlement boundaries will be supported by the Council provided they support the social and economic needs of the rural communities in the District.

The Council will support proposals for the re-use, conversion and replacement of existing buildings and development of new buildings where:

- i) It is supported by a sound business case;
- ii) The local highway network is capable of accommodating the traffic generated;
- iii) Development will not give rise to any undue impacts on neighbouring land;
- iv) It is well designed and of a scale commensurate with the proposed use
- v) Visual intrusion and the impact on the character of the locality is minimised.

Policy SD2 Flood Risk

- A. When considering development proposals in South Derbyshire, the Council will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a higher risk of flooding will only be considered where essential for regeneration or where development provides wider sustainability benefits to the community that outweigh flood risk.
- B. Development in areas that are identified as being at risk of flooding will be expected to:



- i) Be resilient to flooding through design and layout;
 - ii) Incorporate appropriate mitigation measures, such as on-site flood defence works and/or a contribution towards or a commitment to undertake and/or maintain off-site measures;
 - iii) Not increase flood risk to other properties or surrounding areas; and
 - iv) Not affect the integrity or continuity of existing flood defences
- C. Suitable measures to deal with surface water will be required on all sites in order to minimise the likelihood of new development increasing flood risk locally. Any developments that could lead to changes in surface water flows or increase flood risk should be managed through the incorporation of Sustainable Drainage Systems (SUDS), which mimic natural drainage patterns, unless this is not technically feasible, or where it can be demonstrated that ground conditions are unsuitable for such measures.
- D. The Council may require developers to restore culverted watercourses within regeneration or development sites to a natural state (i.e. break the channel out of culvert, remove redundant structures, replace/ improve existing structures to a restored watercourse profile) in order to reduce flood risk and provide local amenity and/or ecological benefits.
- E. To contribute to the enhancement of watercourses in accordance with the objectives of the Water Framework Directive, developers will be expected to work with the regulating authorities to develop watercourse restoration schemes.
- F. Proposals for flood management or other infrastructure offering improvements that lower the risk of flooding will be supported, subject to the proposal having no other adverse effects on local amenity and/or flood risk elsewhere. Where new flood related infrastructure is proposed opportunities for delivering environmental improvements including biodiversity gain and green infrastructure delivery should be fully considered by those delivering the project.

Policy BNE2 Heritage Assets

- A Development that affects South Derbyshire's heritage assets will be expected to protect, conserve and enhance the assets and their settings in accordance with national guidance and supplementary planning documents which the authority may produce from time to time.

These assets include:

- i) Conservation Areas
- ii) Scheduled Monuments
- iii) Listed buildings
- iv) Registered historic parks and gardens
- v) Undesignated heritage assets on the local list

- B Particular attention will be paid to:

- i) the heritage of the Trent Valley, including its prehistoric remains, ancient crossing points and the transport heritage of the Trent Navigation, Trent and Mersey Canal, and the railways;
- ii) the complementary relationship that exists in many cases between estate parklands and villages. Often they are integral parts of a conservation area, or form part of a conservation area setting. The management and care of these landscaped grounds is material to the character of the adjacent villages.
- iii) the industrial heritage of Melbourne, Shardlow, Swadlincote and Ticknall. Most of this historic industry has now gone, but the surviving structures and landscape evidence continue to exert a huge influence on the character of these places.



- C The Council will promote the respect for, and protection and care of, the historic environment by:
- i) developing a local list of undesignated heritage assets, covering the same categories as the designated assets in the national list, in accordance with the best practice guidance issued by English Heritage.
 - ii) considering the further use of Article 4 directions, reinforced through grant schemes where possible and enforcement action where necessary.
 - iii) periodic production and updating of conservation area appraisals and management plans.
 - iv) measures to tackle heritage “at risk”, including service of urgent works and repairs notices where necessary.
- D The District Council will work with private owners and developers to bring forward opportunities to secure the long-term future, sensitive use or re-use of under-utilised buildings, and the development of gap sites in conservation areas where development is beneficial to the character and appearance of the area. The District Council will also seek opportunities to improve public access to existing heritage features associated with new development schemes.

Policy BNE10 Heritage

Heritage Applications for development that affects heritage assets, as defined in Policy BNE2, will be determined in accordance with national policy for conserving and enhancing the historic environment. In particular the following will apply:

- all applications should be accompanied by a heritage assessment, prepared with the appropriate expertise, to a level of detail proportionate to the asset’s significance. The assessment should describe the asset’s significance, identify the impact of the proposed development and provide clear justification for the works. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence
- developments affecting a heritage asset or its setting, including alterations and extensions to existing buildings, will be required to demonstrate how the proposal has taken account of design, form, scale, mass, siting and setting of the heritage asset, in order to ensure that the proposed design is sympathetic and minimises harm to the asset
- the loss of buildings and features which make a positive contribution to the character or heritage of an area should be avoided through preservation or appropriate reuse, including enabling development
- any proposed development which impacts on archaeological remains will be required to be accompanied by an archaeological evaluation of the site and a statement demonstrating how it is intended to overcome the archaeological constraints of the site. Development will be resisted which would result in the loss of or substantial harm to Scheduled Ancient Monuments or other archaeological sites of equivalent significance. Development affecting non-designated archaeological sites will be assessed having regard to the scale of any harm and the significance of the site. In all cases measures will be undertaken to minimise impact and, where



possible, to preserve the site in situ. The District Council will require public display and interpretation where appropriate

- development that will lead to substantial harm to or loss of significance of any other designated heritage asset will be refused, unless it can be demonstrated that the development is necessary to achieve substantial public benefits that outweigh that harm or loss. Where less than substantial harm would result this will be considered against the public benefits of the proposal
- effects of the development on the significance of other non-designated heritage assets on the local list will be assessed having regard to the scale of any harm and the significance of the asset.

Policy SD2 Flood Risk

A When considering development proposals in South Derbyshire, the Council will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a higher risk of flooding will only be considered where essential for regeneration or where development provides wider sustainability benefits to the community that outweigh flood risk.

B Development in areas that are identified as being at risk of flooding will be expected to:

- i) Be resilient to flooding through design and layout;
- ii) Incorporate appropriate mitigation measures, such as on-site flood defence works and/or a contribution towards or a commitment to undertake and/or maintain off-site measures;
- iii) Not increase flood risk to other properties or surrounding areas; and
- iv) Not affect the integrity or continuity of existing flood defences

C Suitable measures to deal with surface water will be required on all sites in order to minimise the likelihood of new development increasing flood risk locally. Any developments that could lead to changes in surface water flows or increase flood risk should be managed through the incorporation of Sustainable Drainage Systems (SUDS), which mimic natural drainage patterns, unless this is not technically feasible, or where it can be demonstrated that ground conditions are unsuitable for such measures.

D The Council may require developers to restore culverted watercourses within regeneration or development sites to a natural state (i.e. break the channel out of culvert, remove redundant structures, replace/improve existing structures to a restored watercourse profile) in order to reduce flood risk and provide local amenity and/or ecological benefits.

E To contribute to the enhancement of watercourses in accordance with the objectives of the Water Framework Directive, developers will be expected to work with the regulating authorities to develop watercourse restoration schemes.

F Proposals for flood management or other infrastructure offering improvements that lower the risk of flooding will be supported, subject to the proposal having no other adverse effects on local amenity and/or flood risk elsewhere. Where new flood related infrastructure is proposed opportunities for delivering environmental improvements including biodiversity gain and green infrastructure delivery should be fully considered by those delivering the project.



Appendix 3 – Additional Information

Housing Need and Strategy

Settlement Hierarchy

The [Methodology](#) for the existing Settlement Hierarchy assessed settlements which had a compact group (adjacent houses or only minor gaps in-between) of 25 or more dwellings and those settlements with 24 dwellings or fewer which contained a church. The methodology looked at the following services and facilities within settlements:

| Criteria | Description |
|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Convenience Shop (capable of fulfilling day to day requirements) | Important in determining the sustainability of a settlement and for day-to-day needs, particularly for those without access to private transport |
| Bus Service | Provides residents with opportunity to travel to alternative locations by public transport. This is particularly important for those without access to private transport. For settlements to be considered to have a bus service within the Settlement Hierarchy, the service must be hourly or better for the majority of the day in the working week. |
| Community Centre/Village Hall | Provides a location for community activities and events and a base for local organisations. |
| Primary School | Play an important role in most settlements. They reduce the need for children to travel long distances to school and, where possible, are within walking distances for children. Only publicly funded schools are considered in this study as they are available to all. |
| Doctors | Access to doctors is important for health needs. Easy access is important for those without private transport or who struggle to use public transport |
| Dentist | Access to dentists is important for health needs. Easy access is important for those without private transport or who find using public transport difficult. |
| Railway Service | Provides residents with opportunity to travel to alternative locations by public transport. |
| Indoor and Outdoor leisure | Provides recreational facilities and community infrastructure. Indoor leisure includes: Leisure centres, swimming pools and indoor bowls. Outdoor leisure includes: Recreational grounds, football, tennis and cricket pitches, and skate parks (For indoor and outdoor facilities, those that are adjacent to the settlement have been included.) |
| Post Office | Have traditionally provided a valuable service to rural communities. They provide a range of financial and communication services. |
| Public House | Provide residents with a place to socialise. Pubs can often act as a focal point of a community. |
| Library (including mobile) | Provides an affordable access to literature and other media services and supports education. Derbyshire County Council run one mobile library that visits villages without a permanent library. |



| | |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employment | <p>Local employment opportunities may reduce people's need to travel by motor vehicle.</p> <p>Due to the rural nature of the District, the majority of settlements outside Swadlincote will not have a large amount of employment provision other than small scale employment such as staff within local shops, schools etc. Therefore, to assess settlements' access to employment, employment provision of over 1000sqm within 2km of a settlement was assessed.</p> <p><i>(Guidelines for Providing Journeys on Foot (2000) indicate that the maximum commuting distance for journeys on foot is 2 km.)</i></p> |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Whilst the services against which the settlements were measured were not weighted as such, greater precedence was given to two services: the convenience store and a bus service. These services are considered to be an essential start for a sustainable community. A convenience store ensures that day-to-day needs are met, and a good bus service ensures that more residents have access to a wide range of services and facilities outside their settlement and also reduces the need to travel by car.

Following the analysis of the service and facilities within each settlement, five settlement categories were established. The settlement categories and qualifying criteria can be seen in table below.

| Settlement Category | Description | Qualifying Criteria |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Urban Areas | These locations are either adjacent to Swadlincote or to two large scale urban areas within neighbouring authorities. They provide a range of higher order facilities and services and will be widely accessible by public transport. A large proportion of the District's growth will be located within this category. To qualify as an urban area, settlements must have a wide range of higher order facilities and services and a large population. | Wide range of higher order facilities and services |
| Key Service Villages | These are usually large and contain a wide range of services and facilities. They are considered to be the most sustainable locations for development outside of the urban areas. | Bus service and convenience store plus at least 7 other services |
| Local Service Villages | Usually, mid-size villages with some services and facilities, but fewer than the Key Service Villages. They could benefit from development of a local scale, but not the level of growth envisaged for Key Service Villages. | Bus service or convenience store and at least 5 other services* |
| Rural Villages | Typically have a small population and limited services and facilities. They cannot be classified as sustainable settlements and are therefore unsuitable for development of any significant | Limited services and Facilities |



| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| | scale. | |
| Rural Areas | Settlements with a very small population and limited or no services and facilities. They can include areas of ribbon development. Rural areas have not been assessed within the settlement hierarchy due to their population size (number of dwellings within the settlement) and do not contain enough services and facilities to be considered sustainable. | Limited or no services and Facilities |
| *If a settlement has a bus service and a convenience store, for Local Service Villages, one of these services can count towards one of the five other services required to qualify as a Local Service Village. | | |

Derby City’s Unmet Housing Need

The NPPF has been updated since the adopted Local Plan, nevertheless, it continues to advocate joint working between strategic policy-making authorities and states joint working should help determine whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. Consequently, this needs to be taken into consideration during the production of the Emerging Local Plan.

“Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere” (NPPF paragraph 26).

“..strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas...”⁷¹

Providing the right homes for everyone

First Homes are;

- Discounted by a minimum of 30% (can be 40% or 50%) against the market value;
- Sold to a person or persons meeting the First Homes eligibility criteria;
- On their first sale, have a restriction registered on the property title to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

The Government expects that at least 25% of all affordable dwellings delivered by developer contributions shall be First Homes. The Emerging Local Plan will need to meet this requirement.

To buy a First Home, purchasers need to meet the following national eligibility criteria:

- Be a first-time buyer;

⁷¹ NPPF paragraph 11b



- Individuals, couple, or group purchasers, should not have a combined annual household income exceeding £80,000 (£90,000 in Greater London) in the tax year immediately preceding the year of purchase;
- A purchaser should have a mortgage or home purchase plan (if required to comply with Islamic Law) to fund a minimum of 50% of the discounted purchase price⁷².

National guidance gives Local Authorities opportunity to set their own eligibility criteria in additional to national criteria. *“This may involve lower income caps (if this can be justified with reference to local average first-time buyer incomes), a local connection test, or criteria based on employment status... Authorities can therefore prioritise key workers for First Homes, and are encouraged to do so, especially if they have an identified local need for certain professions...”*⁷³ Your views are sought on this in Question EX9.

First Homes exception sites must be proportionate to the size of the settlement next to which they are proposed. The Government encourages local planning authorities to set out policies which specify their approach to determine the proportionality of First Home exception sites and the evidence required to assess this.

Economy

Some key employment statistics for the District are as follows:

Business demography

- In 2021 South Derbyshire had 3,800 enterprises (an enterprise can be thought of as the overall business, made up of all the individual sites or workplaces)⁷⁴. Since 2013 there has been a 9.8% increase in enterprises in the District.
- In 2020 9.4% of new business (as a percentage of active enterprises) were created, this is slightly lower than Derbyshire’s (9.7%) and also lower than England’s (12.1%) average⁷⁵.
- Most of the enterprises within the District employ 0-9 people (90.9%).⁷⁶
- Businesses operating in the Professional, Scientific and Technical sector are the most common in South Derbyshire, followed by construction⁷⁷.

⁷² Planning Practice Guidance First Homes, Paragraph: 007 Reference ID: 70-007-20210524

⁷³ Planning Practice Guidance First Homes, Paragraph: 008 Reference ID: 70-008-20210524).

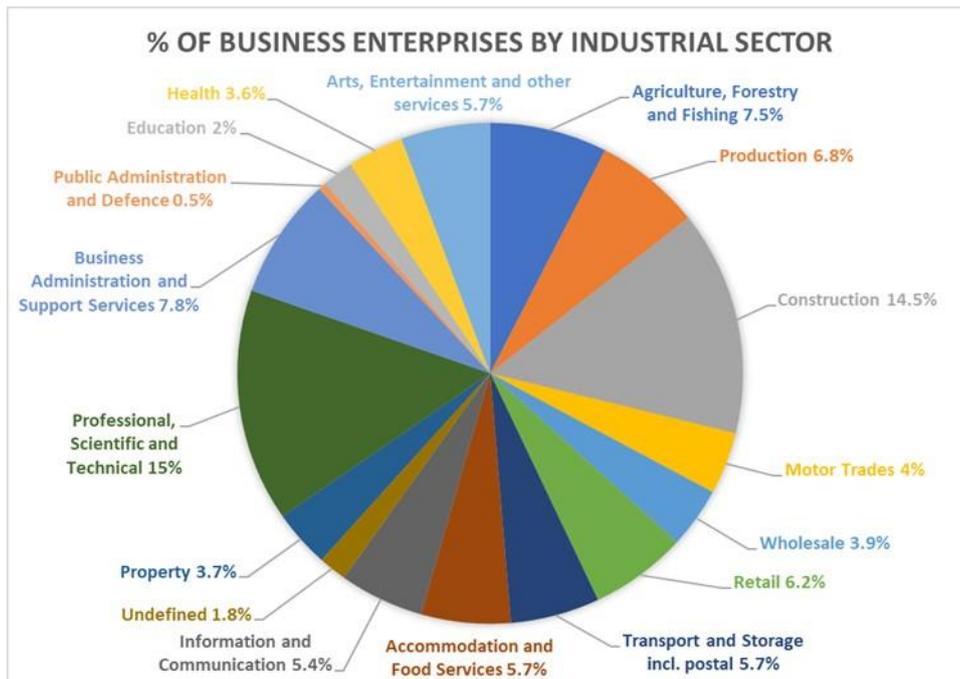
⁷⁴ [UK Business Counts, 2021, ONS \(NOMIS\) via Derbyshire Observatory](#)

⁷⁵ [Business Demography 2020, ONS, via Derbyshire Observatory](#)

⁷⁶ [UK Business: Activity, Size and Location 2021, ONS \(Via Derbyshire Observatory\)](#)

⁷⁷ [UK Business, Activity, Size and Location \(2021\) ONS \(NOMIS\), via Derbyshire Observatory](#)





Jobs and Employment

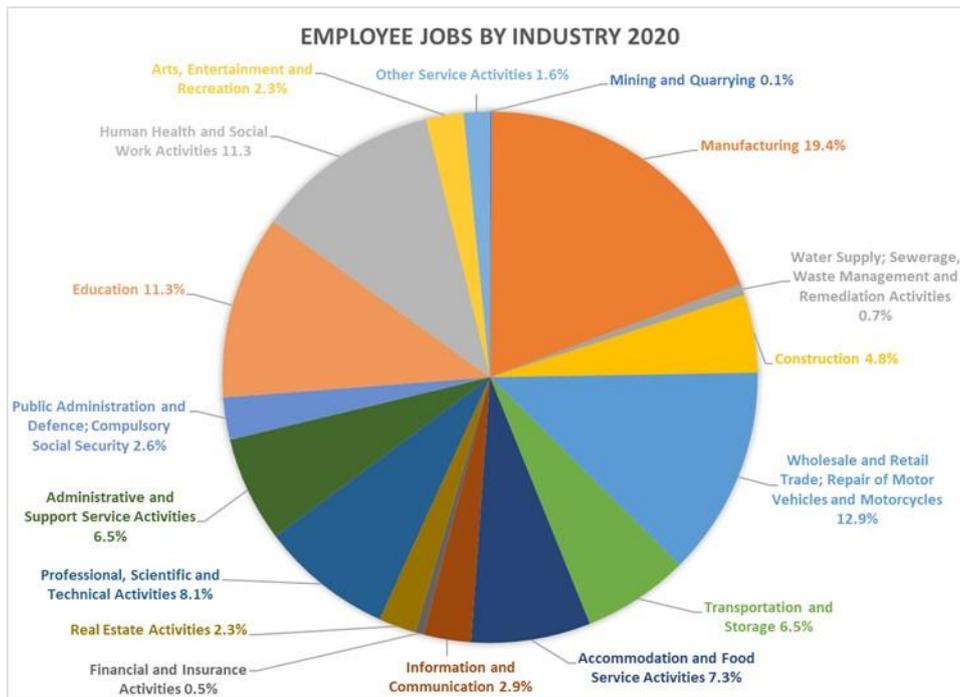
- The percentage of economically active residents employed within the District is higher than the British average (80.4% compared to 74.8 % nationally (January 2021- December 2021))⁷⁸
- 67.7% of the 31,000 people employed in South Derbyshire are full time and 32.3% are part time.⁷⁹
- Data from the 2011 census shows that 28,253 residents commute out of South Derbyshire to work, with the majority going to Derby, followed by East Staffordshire and 14,322 people travel into the District mainly from East Staffordshire followed by Derby.
- In terms of employee jobs by industry, manufacturing has the highest number of employees within the District (19.4%). This percentage is higher than the East Midlands and British averages (12.4 % and 7.9% respectively) (2020).⁸⁰

⁷⁸ [Source: ONS annual population survey via Nomis](#)

⁷⁹ [Source: ONS Business Register and employment survey via Nomis](#)

⁸⁰ [ONS Business Register and Employment Survey via Nomis](#)





Earnings

- The median male full time workers gross weekly pay for employees living within the District is higher than the East Midlands and nationally (£676.30 South Derbyshire, £613.40 East Midlands, £655.50 Great Britain (2021)).⁸¹
- The median female full time workers gross weekly pay for employees living in the District is higher than the East Midlands but lower than nationally (£548.10 South Derbyshire, £508 East Midlands, £558.10 Great Britain (2021)).⁸²

Jobs and skills profile

- 33% of South Derbyshire residents (aged 16-64) are qualified to NVQ Level 4 and above compared to 35.6% in the East Midlands and 43.5% nationally.⁸³
- 50.2% of residents of South Derbyshire are employed in higher level occupations (managers, directors, senior officials, and professional and technical roles) compared to 43.6% in the East Midlands and 49.7% nationally. However, there are fewer residents (12.1%) employed in administrative and secretarial and skills trade occupations (major groups 4-5) compared to 20.2% in the East Midlands and 19.0% in Great Britain, and more residents (19.7%) employed as process plant machine operatives and elementary operatives (major groups 8-9) compared to the East Midlands (18.8%) and Great Britain (15.1%).⁸⁴

⁸¹ [ONS annual survey of hours and earnings via Nomis](#)

⁸² [ONS annual survey of hours and earnings via Nomis](#)

⁸³ [ONS Annual Population Survey via Nomis](#)

⁸⁴ [ONS annual population survey 2021 via Nomis](#)



Protecting Employment Sites

Since the adoption of the Local Plan the Government has changed the way land is categorised within the Use Class Order. Since September 2020, B1 Business and its three sub use classes B1(a), B1(b) and B1(c), are now included within a new single use Class E 'Commercial, business and services', along with other uses. Changes between any use within Class E can take place without requiring planning permission. Consequently, previous B1 uses can now be turned into the following uses without permission: shops, financial and professional services, cafes/restaurants, indoor sports/fitness, medical health facilities and crèche/nurseries. In addition, Class E uses can be turned into a dwellinghouse (Class C3), subject to certain conditions and limitations, including prior approval.

The adopted Local Plan contains Policy E3 Existing Employment Areas, which seeks to protect existing employment uses (including previous use class B1(b) and B1(c)) from redevelopment, unless certain criteria can be met, including demonstrating that there is no demand of the site or premises for B1, B2 and B8 use. The NPPF now requires that Local Planning Authorities take a positive approach to applications for alternative use of land, which are not allocated in the plan, but would help meet an identified need.

Furthermore, of relevance both to this issue and to that of retail below, is the NPPF's policy on removing or restricting permitted development rights permitted development rights; paragraphs 53-54 state:

"The use of Article 4 directions to remove national permitted development rights should:

- where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)
- in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)
- in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so."



Retail

Policy RTL1 'Retail Hierarchy' of the adopted Local Plan sets out the Retail Hierarchy of the District.

RTL1 Retail Hierarchy

1. Town Centre – Swadlincote

2. Local Centres

Existing

- Castleton Park
- Church Gresley
- Newhall
- High Street, Woodville

Proposed

- Boulton Moor
- Chellaston Fields
- Drakelow
- West of Mickleover
- Wragley Way
- Highfields Farm

3. Other Centres in Key and Local Service Villages

- Aston on Trent
- Etwall
- Hatton
- Hilton
- Melbourne
- Overseal
- Repton
- Shardlow
- Willington
- Linton
- Coton in the Elms
- Findern
- Hartshorne
- Mount Pleasant
- Netherseal
- Newton Solney
- Rosliston
- Ticknall
- Weston on Trent

It is anticipated that the existing Retail Hierarchy will be carried forward into the Emerging Local Plan, with any necessary amendments required, including adding any proposed local centres required to meet need arising from proposed allocations.

National policy states that Local Plans should support a 'town centre first approach', directing main town centre uses (such as shops and restaurants) to designated centres. This element of the existing Local Plan policy should therefore remain unchanged in the Emerging Local Plan.



National Policy requires that Local Planning Authorities apply a sequential test to main town centre uses. Main town centre uses should be located in town centres where possible, then in edge of centre locations if suitable sites are not available. This approach taken in the adopted Local Plan should therefore remain unchanged within the Emerging Local Plan.

Out-of-centre retail development may still be allowed where it is supported by a Retail Impact Assessment. This is a way of assessing whether new development would harm the vitality and viability of existing centres. The nationally set threshold for requiring an Impact Assessment is 2,500sqm. The current Local Plan reduced the applicable threshold to 1,000sqm. Your views on continuing this approach into the Emerging Local Plan are sought.

The change in the Use Class Order in September 2020 incorporated A1, A2, A3 and A4 uses into a new Class E. This will inevitably result in the loss of town centre retail floor space to other uses within Class E and could also lead to the rise of residential uses within retail centres, as Class E uses can now be converted into a dwelling subject to conditions and limitations, with prior approval.

Adopted Policy RTL1 seeks to resist the loss of retail units subject to a list of criteria. However, due to changes to the use Class Order, this policy will no longer be able prevent various changes and retail units can be lost without the requirement for planning permission. This could make it difficult to manage the retail centres within the District; conversely it may be argued that the new Use Class Order provides swifter flexibility for town and retail centres to respond to changing circumstances.

Tackling the Climate Change Emergency

All developments are required to reduce carbon dioxide emissions through the following sequence of priorities, as set out in the energy hierarchy:

[New-Homes-Policy-Playbook-January-2021.pdf \(ukgbc.org\)](#)

Local Planning Authorities are however constrained by national legislation in respect of implementing policies which improve the energy efficiency of the fabric of a building. The Planning and Energy Act 2008 allows Local Planning Authorities to set energy performance standards above Building Regulations for non-housing development. However, for new housing or the adaption of buildings to provide dwellings, Local Planning Authorities can set a higher requirement by Building Regulations, up to the requirement of Level 4 of the Code for Sustainable Homes (approximately 20% above current Building Regulations).

In the 2019 Spring Statement, the Government committed that that by 2025, it would introduce a Future Homes Standard (FHS,) which would require new build homes to be future proofed with low carbon heating and world leading levels of energy efficiency. The Government consulted on two options, which would commence from 2020:

Option 1: 20% reduction in carbon emissions compared to the current standard for an average home built to Building Regulations 2013 Part L requirements. The Government anticipates that this could be delivered by very high fabric standards (typically with triple glazing and minimal heat loss from walls, ceilings and roofs).

Option 2: 31% reduction in carbon emissions compared to the current standard for an average home built to Building Regulations 2013 Part L requirement. The Government anticipates this could be delivered based on the installation of carbon-saving technology such as photovoltaic (solar) panels and better fabric standards, though not as high as in option 1 (typically double not triple glazing).



In January 2021 the Government published its response to the FHS consultation and reconfirmed the FHS and stated that it would not be implemented until 2025.

In addition, in January 2021 the Government published the Future Building Standards (FBS) consultation, this built on the FHS and presented the Government's ideas on energy and ventilation standards for non-domestic buildings. Among other things two options regarding non-domestic buildings were provided:

Option 1 - intended to deliver an average 22% improvement in CO2 emissions per building, compared to the current Part L standard, across the build-mix of non-domestic buildings. The Government expect this would typically be delivered by an increase in the efficiency of building services, and through on-site low carbon technology such as heat pumps or photovoltaic panels.

Option 2 - intended to deliver an average 27% improvement in CO2 emissions per building, compared to the current Part L standard, across the build-mix of non-domestic buildings. This is the Government's preferred option, and it is expected that this would typically be delivered by very high fabric standards, resulting in lower levels of heat loss from windows, walls, floors and roofs, improved services such as lighting, and low carbon technologies such as heat pumps or photovoltaic panels

In December 2021 the Government published its response to the FBS consultation and stated that it would not be implemented until 2025. Uplift to current Buildings would however come into effect in June 2022, where CO2 emissions for new homes shall be around 30% less than current standards and emissions from other new buildings, including offices and shops, must be reduced by 27%.

In the immediate term the Government has stated that they will not amend the Planning and Energy Act 2008, which means that local planning authorities will retain powers to set local energy efficiency standards. The Government however has stated that as uplifts to Building Regulations are made, and Future Homes Standard implemented "it is less likely that local authorities will need to set local energy efficiency standards in order to achieve our shared net zero goal"⁸⁵.

Community energy

Community energy covers aspects of collective action to reduce, purchase, manage and generate energy. Community energy projects have an emphasis on local engagement, local leadership and control and the local community benefiting collectively from the outcomes.

Community-led action can often tackle challenging issues around energy, with community groups well placed to understand their local areas and to bring people together with common purpose.

There are many examples of community energy projects across the UK, with at least 5000 community groups undertaking energy initiatives in the last five years. Examples of community energy projects include:

- Community-owned renewable electricity installations such as solar photovoltaic (PV) panels, wind turbines or hydroelectric generation.
- Members of the community jointly switching to a renewable heat source such as a heat pump or biomass boiler.
- A community group supporting energy saving measures such as the installation of cavity wall or solid wall insulation, which can be funded wholly or partly by the Green Deal.

⁸⁵ The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings Summary of responses received and Government response, p21



- Working in partnership with the local Distribution Network Operator (DNO) to pilot smart technologies.
- Collective purchasing of heating oil for off gas-grid communities
- Collective switching of electricity or gas suppliers.⁸⁶

Biodiversity Net Gain

The 25 Year Environment Plan published in 2018, set out how the UK Government intends to leave the environment in a better state than when it was inherited. In 2018, the Government consulted on making biodiversity net gain mandatory for new development through the planning system. These provisions will help to make biodiversity a prominent consideration in development. The Environment Act 2021 sets out the framework for biodiversity net gain requirements whilst leaving some detail to be provided through secondary legislation, policy, and guidance.

The Government will work with planning authorities throughout the transition period to assess how biodiversity net gain BNG is working in practice and what early refinements can be made to the approach introduced by the Environment Act.

Mandating BNG through the Environment Act 2021 and the secondary legislation that follows will establish a consistent set of requirements and necessary exemptions which give developers clarity as to how they can meet their net gain obligations.

The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures.

Planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity. An applicant may also propose measures to achieve biodiversity net gain through a unilateral undertaking. The work involved may, for example, involve creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Relatively small features can often achieve important benefits for wildlife, such as incorporating 'swift bricks' and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat.

Benefits could be achieved entirely on-site or by using off-site gains where necessary. Off-site measures can sometimes be secured from 'habitat banks', which comprise areas of enhanced or created habitats which generate biodiversity unit 'credits'.

The biodiversity gains and losses of a development will be measured in 'biodiversity units', using a metric which uses habitats as a proxy for biodiversity and calculates units by taking account of the type, extent and condition of habitats. Natural England has recently published biodiversity metric 3^[1] which, subject to further consultation and any further updates, is expected to be the metric specified for mandatory BNG.⁸⁷

New or improved habitat needs to be located where it can best contribute to local, national and international biodiversity restoration, including the Nature Recovery Network proposed in the 25

⁸⁶ <https://www.gov.uk/guidance/community-energy>

⁸⁷ Natural England (July 2021) Biodiversity Metric 3.0 <https://www.gov.uk/guidance/biodiversity-metric11calculate-the-biodiversity-net-gain-of-a-project-or-development>



Year Environment Plan, locally identified ecological or green infrastructure networks and biodiversity opportunity areas. Providing BNG close to where people live can improve access to nature and bring health and wellbeing benefits⁸⁸.

Sustainable Modes of Transport

Planning policies should, among other considerations: support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for major activities; be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned; identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development; and provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking.⁸⁹

Transport was the largest emitting sector in the UK in 2020 and road vehicles make up around 90% of transport emissions each year⁹⁰. On 18th November 2020 the Government announced the end of the sale of new petrol and diesel cars in the UK by 2030 and from 2035 all new cars and vans will be fully zero emission at the tailpipe⁹¹.

A typical battery electric car is estimated to save 65% of the greenhouse gas emissions of an equivalent petrol car⁹².

⁸⁸ Planning Policy Guidance, Paragraph 027

⁸⁹ NPPF, Paragraph 106

⁹⁰ Department for Business Energy and Industrial Strategy, 2020 UK Greenhouse Gas Emissions [2020 UK final greenhouse gas emissions statistics: one page summary \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/90412/2020-uk-final-greenhouse-gas-emissions-statistics-one-page-summary.pdf)

⁹¹ <https://www.gov.uk/government/news/government-takes-historic-step-towards-net-zero-with-end-of-sale-of-new-petrol-and-diesel-cars-by-2030>

⁹² [Ricardo-AEA for DfT \(2021\). Lifecycle Analysis of UK Road Vehicles.](#)



Appendix 4 – Useful Links

Amber Valley Borough Council Emerging Local Plan [Local Plan 2021 - 2038](https://www.ambervalley.gov.uk/local-plan-2021-2038)
([ambervalley.gov.uk](https://www.ambervalley.gov.uk))

Derby City Council Emerging Local Plan [Emerging local plan - Derby City Council](https://www.derby.gov.uk/emerging-local-plan)

Planning Policy for Traveller Sites [Planning policy for traveller sites - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/planning-policy-for-traveller-sites)

Planning Practice Guidance [Planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/planning-practice-guidance)

The National Planning Policy Framework [National Planning Policy Framework - GOV.UK](https://www.gov.uk/government/policies/national-planning-policy-framework)
(www.gov.uk)

The River Mease Partnership [Home - River Mease Partnership](https://www.rivermeasepartnership.co.uk/)

South Derbyshire Adopted Local Plan (2011-2028) [Adopted Local Plan | South Derbyshire](https://www.southderbyshire.gov.uk/adopted-local-plan)
[District Council](https://www.southderbyshire.gov.uk/adopted-local-plan)

South Derbyshire Local Plan Review Evidence Base [Local Plan Review Evidence Base | South](https://www.southderbyshire.gov.uk/local-plan-review-evidence-base)
[Derbyshire District Council](https://www.southderbyshire.gov.uk/local-plan-review-evidence-base)



Appendix 5 – Glossary

Active Enterprise: Is defined as a business that either has turnover or employment at any time during a particular period of time⁹³.

Affordable Housing: Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/ or is for essential local workers); and which complies with one or more of the definitions set out in the NPPF regarding:

- a) Affordable housing for rent
- b) Starter homes
- c) Discounted market sales housing
- d) Other affordable routes to home ownership: including shared ownership; relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent).

Authority Monitoring Report: The monitors the performance of South Derbyshire's planning policies and the extent to which we are meeting the targets within the Local Development Scheme

Biodiversity: The word 'biodiversity' comes from the term 'biological diversity'. It encompasses the whole natural world and living things, including plants, animals, microorganisms, bacteria from all ecosystems. This includes diversity within species, between species and of ecosystems.

Biodiversity Net Gain: Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.

Blue Infrastructure: Encompasses rivers, canals, wetlands and ponds, together with open areas of sustainable drainage systems, comprising of watercourses, swales and attenuation basins.

Community Infrastructure Levy: Is a levy that local authorities in England and Wales can choose to charge on new developments in their area. In areas where a Community Infrastructure Levy is in force, landowners and developers must pay the levy to the local council. The charges, set by the local council and independently examined, are based on the size and type of the new development. The money raised from CIL is used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.

Community Facilities: Facilities used by local communities for leisure and social purposes where the primary purpose of the facility is for the public benefit. Examples of community facilities would include, but not exclusively, village halls, community centres and meeting places, places of worship, cultural buildings, non-profit sporting facilities and play areas.

Conservation Areas: A conservation area is an area of special architectural or historic importance, the character of which it is desirable to preserve or enhance.

Consultation Statement: A document setting out who and how consultees have been consulted during the local plan preparation, a summary of the main issues raised by representatives and how responses have been taken into consideration during the plan preparation.

⁹³ [Business Demography 2020 ONS](#)



Design code: “A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area”⁹⁴.

Design Guide: A document providing guidance on how development can be carried out in accordance with good design practice.

Development Plan Document’s: Are planning policy documents which make up the Local Plan.

Enterprise: An enterprise is the overall business, made up of all the individual sites or workplaces.⁹⁵

Evidence Base: The information and data gathered by local authorities to justify the soundness of the policy approach within the Local Plan and supporting documents.

Green Belt: A statutory designation of land, which fundamental aim is to prevent urban sprawl by keeping land permanently open. The five purposes of Green Belt as set out in the National Planning Policy Framework are:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special characteristics of historic towns and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Green Infrastructure: The physical environment within and between cities, towns and villages. It is a network of multi-functional green spaces, including formal parks, open spaces, gardens, woodland green corridors and open countryside.

Green Wedges: “Green wedges comprise the open areas around and between parts of settlements, which maintain the distinction between the countryside and built up areas, prevent the coalescence (merging) of adjacent places and can also provide recreational opportunities”⁹⁶.

Gross Value Added (GVA): Total economic output measures the GVA of the economy due to the production of goods and services⁹⁷.

Gypsy and Traveller: “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”⁹⁸.”

⁹⁴ [NPPF Glossary](#)

⁹⁵ [UK Business Counts, 2021, ONS \(NOMIS\) via Derbyshire Observatory](#)

⁹⁶ [Planning Portal Glossary](#)

⁹⁷ [Derbyshire Observatory – Productivity](#)

⁹⁸ [Planning Policy for Traveller Sites, 2015, DCLG](#)



Gypsy Traveller Accommodation Assessment (GTAA): The appraisal of accommodation needs for Gypsy and Travellers and Travelling Showpeople.

Health Impact Assessment: Is a tool to identify and optimise the health and wellbeing impacts of planning.

Heritage Asset: A building or other structure of historic importance.

First Homes: Are a specific kind of discounted market sale housing and meet the definition of affordable housing.

First Home Exception Sites: This is a housing development that primarily delivers First Homes, which comes forward on land not located for housing in local or neighbourhood plans. First Homes exception sites cannot come forward however in rural areas or in the Green Belt.

Freeports: Are special areas within the UK's borders where different economic regulations apply.

Infrastructure: The network of communications and utility services such as drains, water, gas, electricity, roads and telecommunications required to enable the development of land. The term is also used to describe social and community services such as schools, public transport, shops and libraries.

Infrastructure Delivery Plan: Details the strategic infrastructure required in order to deliver the growth planned for within the Local Plan.

Listed Building: A building of special architectural or historic interest, considered to be of national importance.

Local Centre: A group of shops and services which generally serve the immediate local area.

Local Plan: A Development Plan Document, which plans for the future development within an administrative area, drawn up by local planning authorities in consultation with communities and other stakeholders.

M4(2) Accessible and Adaptable Homes: Is an optional technical standard which Local Authorities can require within policy, to help meet a identified need. M42 dwellings makes reasonable provision for most people to access the dwelling and incorporate features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users⁹⁹.

M4(3) Wheelchair user dwellings: Is an optional technical standard which Local Authorities can require within policy, to help meet an identified need. M4(3) dwellings makes reasonable provision for a wheelchair user to live in the dwelling and use and associated private outdoor space, parking and communal facilities that may be provided for the use of the occupants¹⁰⁰.

Main Town Centre Uses: “Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness

⁹⁹ [The Building Regulations 2010: Access to and use of Buildings M](#)

¹⁰⁰ [The Building Regulations 2010: Access to and use of Buildings M](#)



centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)”¹⁰¹.

National Design Model Code: “provides detailed guidance on the production of design codes, guides and policies to promote successful design.”¹⁰²

National Design Guide: The guide “illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice”.¹⁰³

Nationally Described Space Standards: Set out a minimum requirement for internal living space, reflective of the proposed occupancy of a new dwelling. It sets out the requirement for gross internal floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

National Forest: A national project for woodland creation, economic revival and tourism.

National Planning Policy Framework (NPPF): Document containing national policy on planning.

Nationally Significant Infrastructure Projects (NSIP’s): Are large scale developments (relating to energy, transport, water or waste). They require a Development Consent Order. This is how ‘planning permission’ is granted for such projects. The Secretary of State makes the final decision on NSIP’s.

Neighbourhood Planning: The Localism Act 2011 gave communities the power to established general planning policies for the development and use of land in a neighbourhood such as where new homes and offices should be built and what they should look like (within Neighbourhood Development Plan).

Open Space: All open space of public value, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity.

Permitted Development Rights: “Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application.”¹⁰⁴

Pitch (Gypsy and Traveller Site): A designated place for a family of Gypsies or Travellers to live.

Planning Practice Guidance: Provides guidance to supplement the content of the National Planning Policy Framework and is prepared and published by Central Government.

Plot: A designated space for the caravan(s) for a family of Travelling Showpeople.

Primary Frontage: Defined area where retail development is concentrated.

Rail Freight: The use of rail to transport goods.

¹⁰¹ [NPPF Glossary](#)

¹⁰² [National Design Model Code](#)

¹⁰³ [National Design Guide](#)

¹⁰⁴ [Government Guidance: When is permission required? paragraph: 016 Reference ID: 13-016-20140306](#)



Registered Historic Parks and Gardens: Are parks and gardens of historic interest in England. The register is managed by Historic England.

Renewable Energy: Energy produced by a sustainable source that avoids the depletion of earth's finite resources. Renewable energy sources include the sun, wind, ocean energy and biomass.

Retail Impact Assessment: Is required as part of an application for retail development outside of retail centres. It assesses whether new development would harm the vitality and viability of existing centres.

Rural Exception Sites: A site which would not normally secure planning permission for housing due to being outside of a settlement boundary but is allowed for development solely for affordable housing.

Scheduled Monument: Is a site that is legally protected because of its historical importance.

Secretary of State (SOS): Is the most senior Government Minister responsible for the work in his/her department. Department for Communities and Local Government are the department responsible for planning.

Section 106 Agreements: Is a legal agreement which Councils can be entered into with a developer where it is necessary to provide contributions to offset negative impacts caused by construction and development. Examples include the provision of affordable housing, new open space, and funding for school places.

Self-Build and Custom housebuilding: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual.

Sequential approach (sequential test): is a decision-making tool designed to steer new development to areas with the lowest risk of flooding, in preference to those areas at high risk of flooding.

Standard Method: This is a way of calculating the minimum number of homes expected to be planned for in an area that addresses household growth and historic under-supply.

Strategic Flood Risk Assessment (SFRA): Is a strategic assessment of flood risk which identifies flooding from all sources across the District.

Strategic Housing Market Assessment (SHMA): Analysis of the housing market advising on the types of housing need in different areas and the need for affordable housing.

Supplementary Planning Documents (SPD): Documents which add further details to policies in the Development Plan.

Sustainability Appraisal (SA): A systematic review of the District's Local Plan policies in order to evaluate their impacts on achieving sustainable development. The SA assesses the environmental, economic and social impacts of the Plan.

Sustainable Drainage Systems (SUDS): Are a sequence of water management practices and facilities designed to drain surface water in a manner that will provide a more sustainable approach than what has been the conventional practice of routing run-off through a pipe to a watercourse.



Sustainable Travel/ Sustainable Transport: Usually means walking, cycling and public transport, which is generally less damaging to the environment than use of the private car.

Travelling Showpeople: “Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily¹⁰⁵.”

Use Class Order: Puts land and buildings into various categories known as 'Use Classes'.

Viability Assessment: A tool used to ensure that planning policies and their cumulative costs do not undermine the deliverability of the plan.

¹⁰⁵ [Planning Policy for Traveller Sites, 2015, DCLG](#)

