



South Derbyshire
District Council

South Derbyshire District Council



South Derbyshire Sustainability Appraisal

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**SA Report
Addendum**



South Derbyshire District Council

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1.0 INTRODUCTION

- 1.1** On 24th May 2019 South Derbyshire District Council ('the Council') submitted the South Derbyshire Local Green Spaces Proposed Submission Plan (referred to hereafter as the Local Green Spaces Plan (LGSP)) for independent Examination by a Planning Inspector appointed by the Secretary of State for Housing, Communities and Local Government. A Sustainability Appraisal (SA) incorporating the requirements of the Strategic Environmental Assessment (SEA) regulations was submitted alongside the Local Green Spaces Plan. This report is an Addendum to that SA Report highlighting the main changes to the previously submitted Local Green Spaces Plan and the likely significant effects that could arise as a result of changes identified during the Examination. The Previously submitted SA report and this Addendum should therefore be read together.
- 1.2** The Examination hearing for the Local Green Spaces Plan took place on 12th September 2019. Following the conclusion of the hearing, the Inspector issued closing comments as well as later post hearing advice (dated the 30th September 2019). This advice chiefly considered the 'Soundness' of the Plan particularly in respect of the inclusion of a site in Melbourne (identified in the Proposed Submission Local Green Spaces Plan as site 84 and referred to as 'The Bowling Green, Castle Street, Melbourne'. Specifically the Inspector identified that in respect of site 84 there is some existing protection (within policies already included in the Adopted Part 1 Local Plan) for both a facility of this nature and the community activities hosted at the Centre. As such, the Inspector concluded that designation as LGS would not bring any additional local benefit and concluded that to achieve soundness, it should be removed from the LGSP.
- 1.3** Following the decision to remove site LGS84 the Council was also made aware that the site in Weston on Trent (referred to as LGS144: King's Mill Lane, adjoining the primary school) shared many similarities to site 84 being a facility used by the local community but receiving some protection from existing local plan policy, in private ownership though leased to the Parish Council on a short lease and subject to an objection by the landowner. In light of these facts the Council have concluded that continuing to seek site designation would undermine the soundness of the Plan.
- 1.4** In addition to the deletion of sites LGS84 and LGS144, minor changes have also been made to Policy LGS1 (Development on Local Green Spaces) and to a small number of other proposed sites following advice offered by the Inspector during the Examination which has prompted the Council to review all proposed sites to ensure that circumstances have not changed since sites were first identified.

The proposed main modifications to the Plan that are considered in this Addendum Report are:

- A minor change to policy LGS1 (Development on Local Green Spaces) to ensure this policy is read in conjunction with Policy BNE8 (Local Green Space) Included in the Adopted Part 1 Local Plan
- To remove, in its entirety, Site LGS84 (the Bowling Green, Castle Street) from the Plan.
- To remove in its entirety, Site LGS144 (King's Mill Lane, adjoining Primary School) from the Plan
- An amendment to LGS149 (Catherine Jonathon Playing Field) to remove an area of land that does not form part of the playing field and is in private ownership
- An amendment to LGS93 (East of High Street and South of Askew Grove) to remove an area of private land
- An Amendment to site LGS159 (Walton Playing Field) to remove the 'General Playing Field' area that forms part of Walton Primary School.
- An amendment to LGS116 (East of the Hayes) to remove an area of private garden from the proposed designation.

- Amendments to sites LGS2 (Aston Drive) and LGS5 (Springwood Farm Road) to remove areas in use as private garden.

SA work previously undertaken

- 1.5** The Council has previously carried out Sustainability Appraisal to accompany earlier iterations of the emerging Local Green Spaces Plan. The table below lists the iterations of the Local Green Spaces Plan that have been produced and consulted on by the Council, as well as the accompanying SA work that was undertaken at each stage.

Table 1.1 Iterations of the Local Green Spaces Plan and accompanying SA work

Plan Making Stage	SA work
Site nomination consultations undertaken as part of the preparation of the Part 2 Local Plan (December 2015, and June 2016)	Local Green Space Broad Options Appraisal As part of Part 2 Local Plan Sustainability Appraisal)
Further consultation on potential Local Green Space sites (June 2017)	Not applicable
Work Commences on Local green Spaces Plan (Spring 2018)	
	Consultation on the Sustainability Appraisal Scoping Report and methodology for site selection (May 2018)
Draft Local Green Spaces Plan (October 2018)	Interim Sustainability Appraisal Report – Draft Local Green Spaces Plan (October 2018)
Proposed Submission Local Green Spaces Plan (February 2019)	Sustainability Appraisal Report. Proposed Submission Local Green Spaces (February 2019)

- 1.6** The most recent full SA Report (referred to by this Council as the Main Report) for the Local Green Spaces Plan is therefore the February 2019 SA Main Report which relates to the Proposed Submission publication version of the Plan. The report described in detail the approach that has been taken to site selection and the SA process; the likely effects of implementing the Plan (including in respect of adopting policies and designating preferred sites) and the reasons for selecting or not selecting sites. Further detail on the full scope of the Sustainability Appraisal Report published in 2019 is set out in Section 1.13 of that report.
- 1.7** In addition to the Main Report the Council also published Technical Appendices that outlines the comments received during consultation on the scope and format of the proposed appraisal and the results of policy appraisals and site appraisals which were undertaken by the Council. As previously outlined, this SA Addendum should be read in conjunction with the February 2019 SA Main Report. It is not intended to represent an ‘SA Report’ in the context of the SEA Regulations, which requires the presentation of certain information in the SA Report. It is not appropriate, proportionate or in the interests of effective consultation to repeat all this information in the Addendum.

Habitat Regulations Assessment

- 1.8** The Council has not updated its HRA screening Assessment in light of the proposed modifications to the Plan. Only a single site is located in the catchment of the River Mease Special Area of Conservation (SAC). This site (LGS168 Linton Orchard) is not subject to any proposed amendments and no additional sites located within the catchment of the Mease or that could interact with the SAC are proposed.

2.0 SUSTAINABILITY APPRAISAL FINDINGS - POLICY AMENDMENTS

- 2.1 The Council has proposed to amend policy LGS1. The purpose of this amendment is to improve how readers will interpret this policy by providing a more direct link to the Local Green Space Policy included in the Part 2 Local Plan. To achieve this additional text (in red) has been added to the previously proposed policy as follows:

POLICY LGS1: DEVELOPMENT ON LOCAL GREEN SPACES

Development, **which is in accordance with Policy BNE8**, will be supported on local green spaces where it will not unduly affect the openness and essential quality of the space, with particular consideration given to scale, design and location of the proposal.

Proposals should demonstrate consideration of how they will:

- A. Protect, restore and enhance biodiversity and/or access to biodiversity
- B. Improve community cohesion through considerations such as increased social activity.

- 2.2 Having reviewed the previous assessment included in the February 2019 Sustainability Appraisal Main Report it is considered unlikely that the addition of further text to the policy as outlined would give rise to any materially different environmental, economic or social effects. This is because the additional text would not necessarily change how the policy is interpreted in decision making given that legal case law¹ and planning guidance published by PAS² both indicate that the Plan should be read as a whole and officers and Councillors of the Council would be aware of the two policies and how they relate. However, it is a matter of fact that the parent policy (Policy BNE8 – Local Green Space) to the Local Green Spaces Plan is set out in the Part 2 Local Plan, which is published as a separate document. On this basis it is accepted that in the absence of a clear cross reference to this parent policy, Policy LGS1 as previously written may be taken by some readers as providing a far more supportive approach to growth in areas subject to a Local Green Space designation than this parent policy or the Planning Policy Framework intends. For the sake of clarity, it is in this instance accepted that it would be useful for Policy LGS1 to cross reference Policy BNE8.
- 2.3 Given that this amendment to policy is for the sake of clarity only and will not change how the policy is interpreted during decision making no amendments to the policy appraisal included in the Technical Appendices or Section 6 of the Main Report (which summarises likely effects of this policy) are required.

¹ Gladman Developments Ltd v Canterbury City Council [2019] EWCA Civ 669 – 16 April 2019

² Local Plan Route Mapper and toolkit published by PAS

3.0 SUSTAINABILITY APPRAISAL FINDINGS – SITE DELETIONS AND AMENDMENTS

LGS84 (the Bowling Green, Castle Street, Melbourne).

- 3.1 The Council is proposing to **remove** this site from the Local Green Spaces Plan.
- 3.2 As highlighted by the Inspector within the Post Hearing Letter this site is already afforded some protection from development by its location within the Melbourne Conservation Area and is also subject to the South Derbyshire Local Plan Part 1 (2016) Policy INF9, which sets out that the loss of sports facilities will only be permitted in exceptional circumstances, and where alternative provision is made. Additionally, Local Plan Policy INF6 seeks to protect existing community facilities. Therefore, there is some protection for both a facility of this nature and the community activities hosted at the Centre. As such, designation as LGS may not bring any additional local benefit.
- 3.3 Furthermore it should be noted that this site is in private ownership with the landowner indicating that there is only two years left on the lease with no certainty, at present, that it will be renewed. On this basis the Council accepts that this site does not currently not conform with paragraph 99 of the Framework which requires that Local Green Spaces designations should be capable of enduring beyond the end of the plan period, (i.e. 2028).
- 3.4 The Planning Inspector concluded in her Post Hearing Letter that *“it has not been clearly evidenced that the site is demonstrably special to the local community and its longevity in community use is uncertain, the designation of this site would not be consistent with national policy. Therefore, to achieve soundness, my advice is that this site be removed from the LGSP”*.
- 3.5 Given the above it is clear that this site should have been ruled out from consideration during the stage 1 assessment. To this end the text included in Table 7.1 of the February 2019 Sustainability Appraisal in respect of site LGS84 ought to have stated:

Site Reference	Site Name	Reason for Progression to Stage 2 or exclusion
84	The Bowling Green, Castle Street, Melbourne	Site is protected by policy INF9 and INF6 of the Adopted Local Plan and is not capable of enduring beyond the end of the Plan period in 2028.

- 3.6 Given that this site would not pass the first stage of the appraisal process any further reference to the site either within the Plan or February 2019 SA Main report would need setting aside.
- 3.7 The removal of this site from the Local Green Spaces Plan would be unlikely to lead to significant environmental, economic or social impacts given the small scale of the site, and the existing protections afforded this site resulting from its location within the Melbourne Conservation Area and given the protections afforded this site by Policy INF9 (Open Space Sport and Recreation) and INF6 (Community Facilities) already outlined.
- 3.8 For the avoidance of doubt any reference to the Site LGS84 in Section 8.10 of the February 2019 SA Main Report and Appendix 4 of the Sustainability Appraisal Technical Appendices (also published in February 2019) would be deleted. An updated Map identifying sites in Melbourne and Kings Newton is set out at Appendix 1 of this Addendum and supersedes that included at Section 8.10 of the SA Main Report published in February 2019.

3.9 Following removal of this site from the Local Green Spaces Plan there remains 6 Local Green Spaces Proposed in Melbourne and 2 Local Green Spaces proposed in Kings Newton.

LGS144 (King’s Mill Lane, adjoining Primary School)

3.10 The Council is proposing to **remove** this site from the Local Green Spaces Plan.

3.11 Consistent with site LGS84 this site is already afforded some protection from development by Policy INF9. This policy sets out that the loss of sports facilities will only be permitted in exceptional circumstances, and where alternative provision is made. It is also protected from many types of built development by virtue of the fact it is located outside of the settlement boundary for Weston on Trent. Therefore, there is some protection for a facility of this nature already and designation as a LGS may not bring any notable additional local benefit.

3.12 Furthermore it should be noted that this site is in private ownership with the landowner indicating that it is subject to an annual rolling lease that can be terminated at relatively short notice. On this basis the Council accepts that this site does not conform with paragraph 99 of the Framework which requires that Local Green Spaces designations should be capable of enduring beyond the end of the plan period, (i.e. 2028). For this reason the Council considers that the Inspectors comments in respect of LGS84 would apply in respect of this site also. That is *its longevity ‘in community use is uncertain, the designation of this site would not be consistent with national policy.*

3.13 Given the above it is clear that this site should have been ruled out from consideration during the stage 1 assessment. To this end the text included in Table 7.1 of the February 2019 Sustainability Appraisal in respect of site LGS144 ought to have stated:

Site Reference	Site Name	Reason for Progression to Stage 2 or exclusion
144	King’s Mill Lane, adjoining Primary School	Site is protected by policy INF9 of the Adopted Local Plan and is not capable of enduring beyond the end of the Plan period in 2028.

3.14 Given that this site would not pass the first stage of the appraisal process any further reference to the site either within the Plan or February 2019 SA Main report would need setting aside.

3.15 The removal of this site from the Local Green Spaces Plan would be unlikely to lead to significant environmental, economic or social impacts given the small scale of the site, and the existing protections afforded this site resulting from its location outside of the settlement boundary and given the protections afforded this site by Policy INF9 (Open Space Sport and Recreation) already outlined.

3.16 For the avoidance of doubt any reference to the Site LGS144 in Section 8.10 of the February 2019 SA Main Report and Appendix 4 of the Sustainability Appraisal Technical Appendices (also published in February 2019) would be deleted. An updated Map indicating that this site is proposed for deletion from the emerging Plan is set out at Appendix 1 of this Addendum and supersedes that included at Section 8.18 of the SA Main Report published in February 2019.

LGS149 (Catherine Jonathan Playing Field, Egginton)

3.17 It is proposed to remove an area of land to the west of the playing field which is in private ownership with no public access.

3.18 The February 2019 SA Main Report records the performance of the site against the SA Framework as follows:

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 149: Catherine Jonathan Playing Field	✓	--	✓	✓✓	✓✓	✓✓	✓	--	✓	✓	?	✓✓	✓	✓

3.19 Having reviewed the site proforma set out at Appendix 4 of the Local Green Spaces Sustainability Appraisal Technical Appendices (February 2019) and the summary table at 8.2 of the SA main Report the removal of the triangle of land to the west of the playing field would not affect the performance of the site against the SA Framework. This is because the substantive benefits associated with this site are related to that part of the site used as a playing field rather than that part which is in private ownership. An updated map superseding those presented in Map 2 of the SA Main Report (February 2019) and the SA Proforma for Site 149 (Catherine Jonathan Playing Field) included in Appendix 4 of the February 2019 Technical Appendices is set out at Appendix 1 of this Addendum.

LGS93 (East of High Street, South of Askew Grove, Repton)

3.20 It is proposed to remove an area of land to the north of the public right of way which crosses the site east to west to exclude a piece of land in private ownership.

3.21 The site proforma included in the 2019 SA Technical Appendices records the performance of the site against the SA Framework as follows:

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 93 East of High Street and South of Askew Grove	✓	--	--	--	✓✓	--	--	--	✓	✓	--	--	✓✓	✓✓

3.22 Having reviewed the site proforma set out at Appendix 4 of the Local Green Spaces Sustainability Appraisal Technical Appendices (February 2019) and the summary table at 8.11 of the SA Main Report, it is considered that the removal of land to the north of the public footpath which crosses

the site would not affect its overall performance against the SA Framework. This is because the greatest benefits associated with this site relate to its accessibility and its contribution to the setting of the village conservation area. However all public access is on the land to the south of the footpath, whilst the conservation area extends over the whole of the site. The removal of the northern area would therefore have no impact in respect of accessibility, whilst the retention of land to the south would continue to contribute to preserving historic character in that part of the site retained.

- 3.23** An updated map superseding that presented in Map 11B of the SA Main Report (February 2019) and the SA Proforma for Site 93 (included in Appendix 4 of the February 2019 Technical Appendices) is set out at Appendix 1 of this Addendum.

LGS159 (Walton Playing Field, Walton upon Trent)

- 3.24** It is proposed to remove an area of land used as the Walton Primary School General Playing Field. The area was fenced off from the remainder of the field in 2017. Walton Primary Schools moved from being in Local Education Authority control in 2019 and is now part of the John Taylor Multi Academy Trust. Given these recent changes the Council no longer considers it appropriate to designate that part of the field permanently used by the school as it could stymie potential future uses of the school site.

- 3.25** The site proforma included in the 2019 SA Technical Appendices records the performance of the site against the SA Framework as follows:

	Biodiversity and geodiversity	High quality places	Health and well-being	Educational achievement	Accessibility	Infrastructure	Economic growth	Vibrancy and viability	Built environment.	Brownfield land and natural resources	Pollution	Climate change and flood risk	Historic environment and heritage assets	Landscape and townscape character
Site Ref 93 East of High Street and South of Askew Grove	✓	--	✓	--	✓✓	--	--	--	✓✓	✓	--	--	✓✓	✓✓

- 3.26** Having reviewed the site proforma set out at Appendix 4 of the Local Green Spaces Sustainability Appraisal Technical Appendices (February 2019) and the summary table at 8.17 of the SA main Report, it is considered that the removal of land now defined as the general playing field for the village school would not affect its overall performance of the wider playing field (i.e. remaining designation) against the SA Framework. This is because the greatest benefits associated with the site relate to the accessibility of the community accessible playing field and its contribution to the setting of the village conservation area and the built environment.

- 3.27** It is worth noting that land which now forms the schools ‘general playing field’ and proposed for removal from the Plan may still receive some protection from inappropriate development as a result of its location within the Walton on Trent Conservation Area.

3.28 An updated map superseding those presented in Map 22 of the SA Main Report (February 2019) and the SA Proforma for Site159 (included in Appendix 4 of the February 2019 Technical Appendices) is set out at Appendix 1 of this Addendum.

Other sites subject to limited boundary changes

3.29 In addition to sites identified above minor changes have been to the boundaries of the following sites.

- LGS2 Aston Drive, Midway, Swadlincote
- LGS5 Springwood Farm Road, Midway, Swadlincote
- LGS116 East of the Hayes, Findern

3.30 The changes to these sites are limited in extent and effectively correct the boundaries of submitted sites to exclude small areas in use as private gardens. The limited boundary changes proposed have been reviewed and due to their limited scale and nature of the proposed sites would have no environmental or other effects compared to those previously outlined through the Sustainability Appraisal. Nonetheless an updated map superseding that presented in Map 4 of the SA Main Report (February 2019) and the SA Proforma for Site 116 (East of the Hayes) (included in the February 2019 SA Technical Appendices) is included in this Addendum at Appendix 1. Similarly an updated map for sites in Midway Swadlincote is included in Appendix 1 of this Addendum. This replaces Map 17 of the SA Main Report (February 2019) and the maps included in the SA Proformas for Sites 2 (Aston Drive) and 5 (Springwood Farm Road) included in the February 2019 SA Technical appendices.

4.0 MITIGATION

4.1 Given the limited extent of the changes proposed to the Local Green Spaces Plan no further changes to policies LGS1 or LGS2 or other consequential mitigation is proposed.

5.0 CONCLUSIONS AND NEXT STEPS

Conclusion

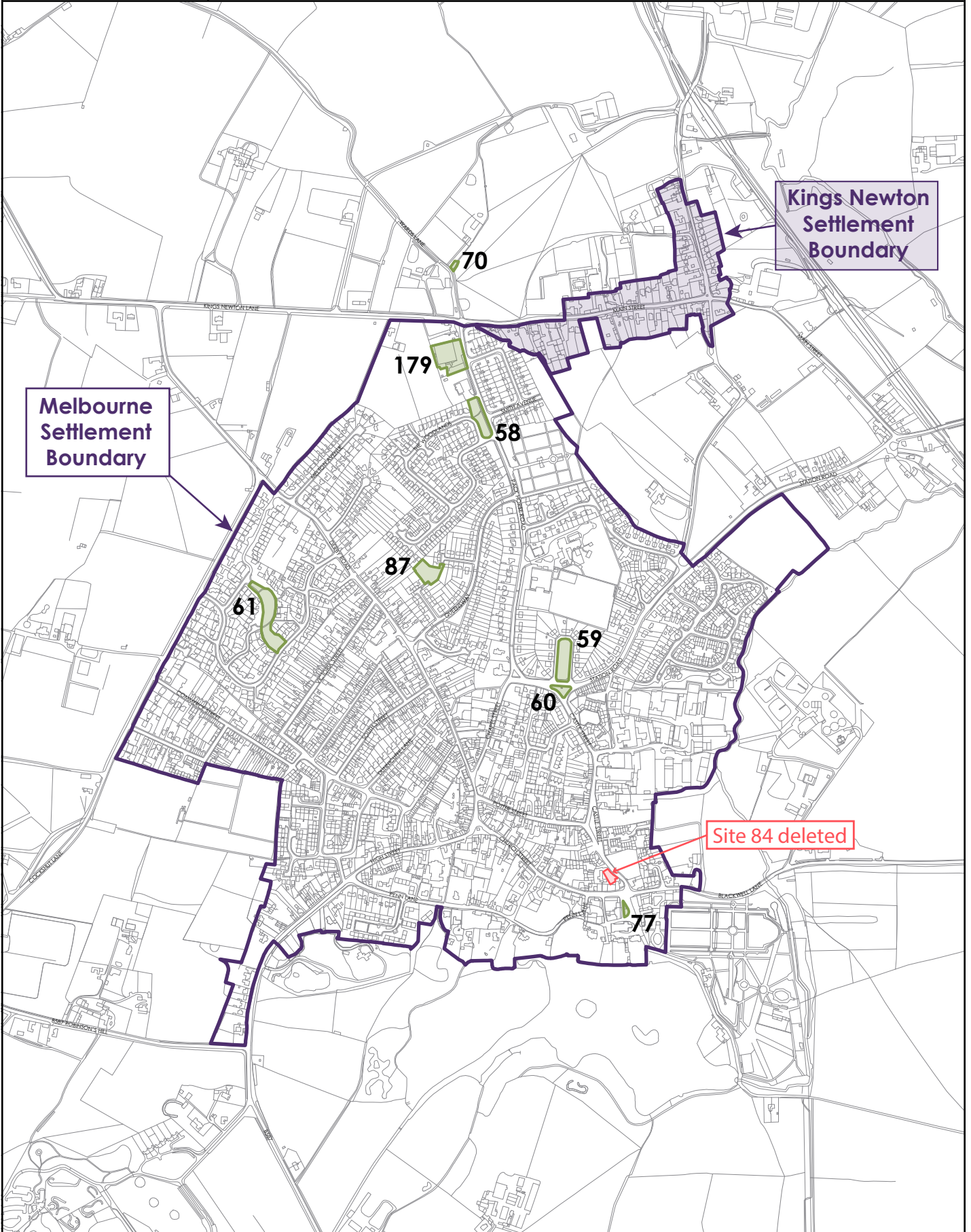
- 5.1** The changes proposed to the Local Green Spaces Plan have been made following its Examination on the 12th September 2019. These changes consist of an amendment to Policy LGS1 to ensure that this policy is tied to the main Local Green Space Policy (BNE8) included in the Adopted South Derbyshire Part 2 Local Plan, the deletion of sites 84 and 144 (the Bowling Green, Castle Street, Melbourne and King's Mill Lane, Weston on Trent) and various changes to the boundaries of other sites, the most notable of which are LGS93 (East of High Street and South of Askew Grove), LGS149 (Catherine Jonathan Playing Field) and LGS159 (Walton Playing Field).
- 5.2** None of the changes to the Local Green Spaces Plan following this Examination will give rise to likely significant effects on the environment, or will have significant economic or social impacts.
- 5.3** Nonetheless the proposed changes will make the Local Green Spaces Plan 'Sound' and ensure that only sites are designated that meet the requirements of the National Planning Policy Framework and the criteria for designation agreed by the Council at its Environmental and Development Services Committee in April 2018.

NEXT STEPS

- 5.4** A copy of the updated Plan and this SA addendum will be available for consultation alongside the proposed Modifications Plan for a six week period. Following this the Council will consider responses received during consultation period and will submit these and this Addendum to the Inspector for Examination.



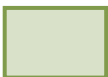
Local Green Spaces in Melbourne & Kings Newton



Melbourne Settlement Boundary

Kings Newton Settlement Boundary

Site 84 deleted



Local Green Space

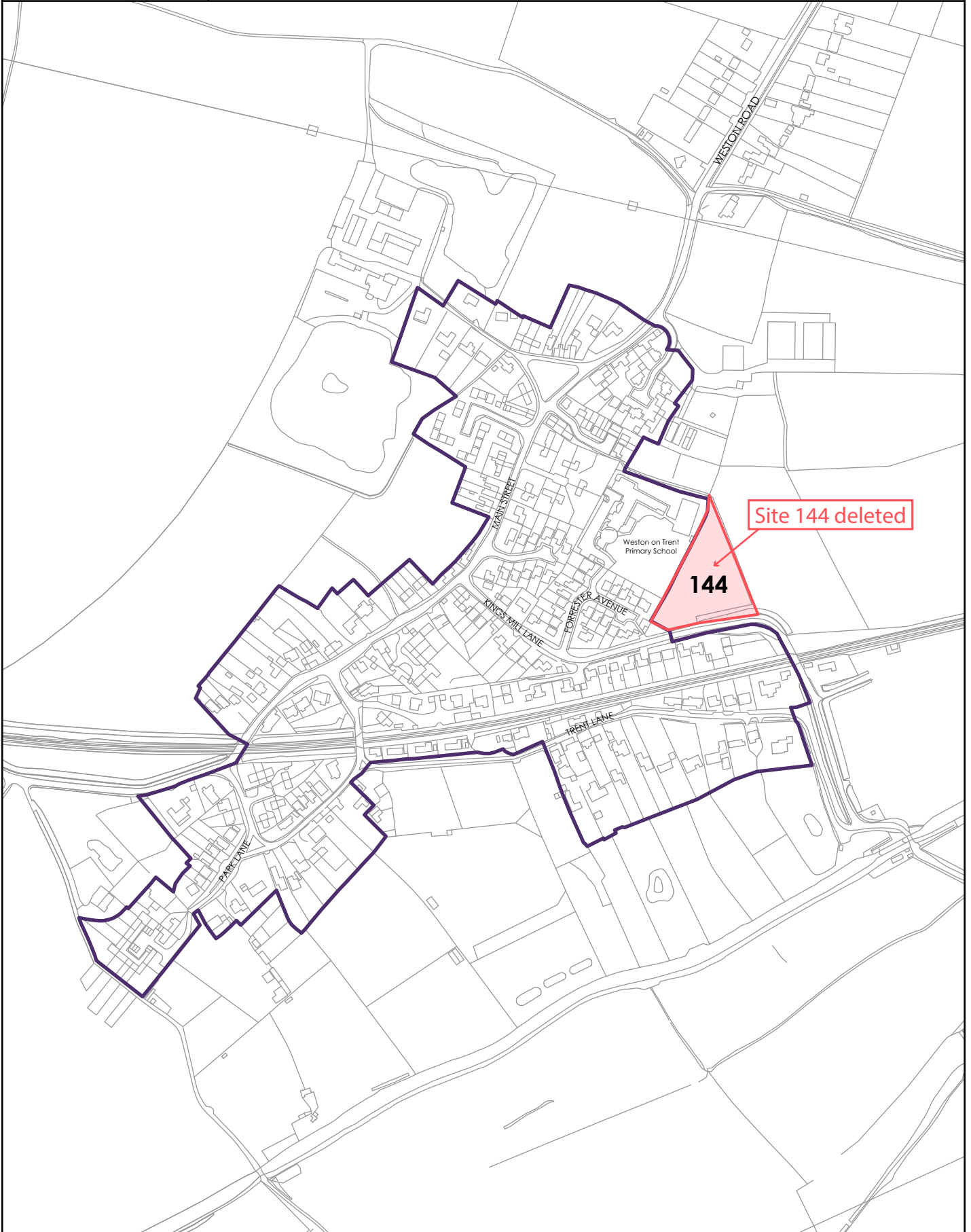


Settlement Boundary





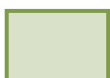
MAP 23: Local Green Spaces in Weston on Trent



Site 144 deleted

144

Weston on Trent Primary School



Local Green Space

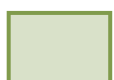
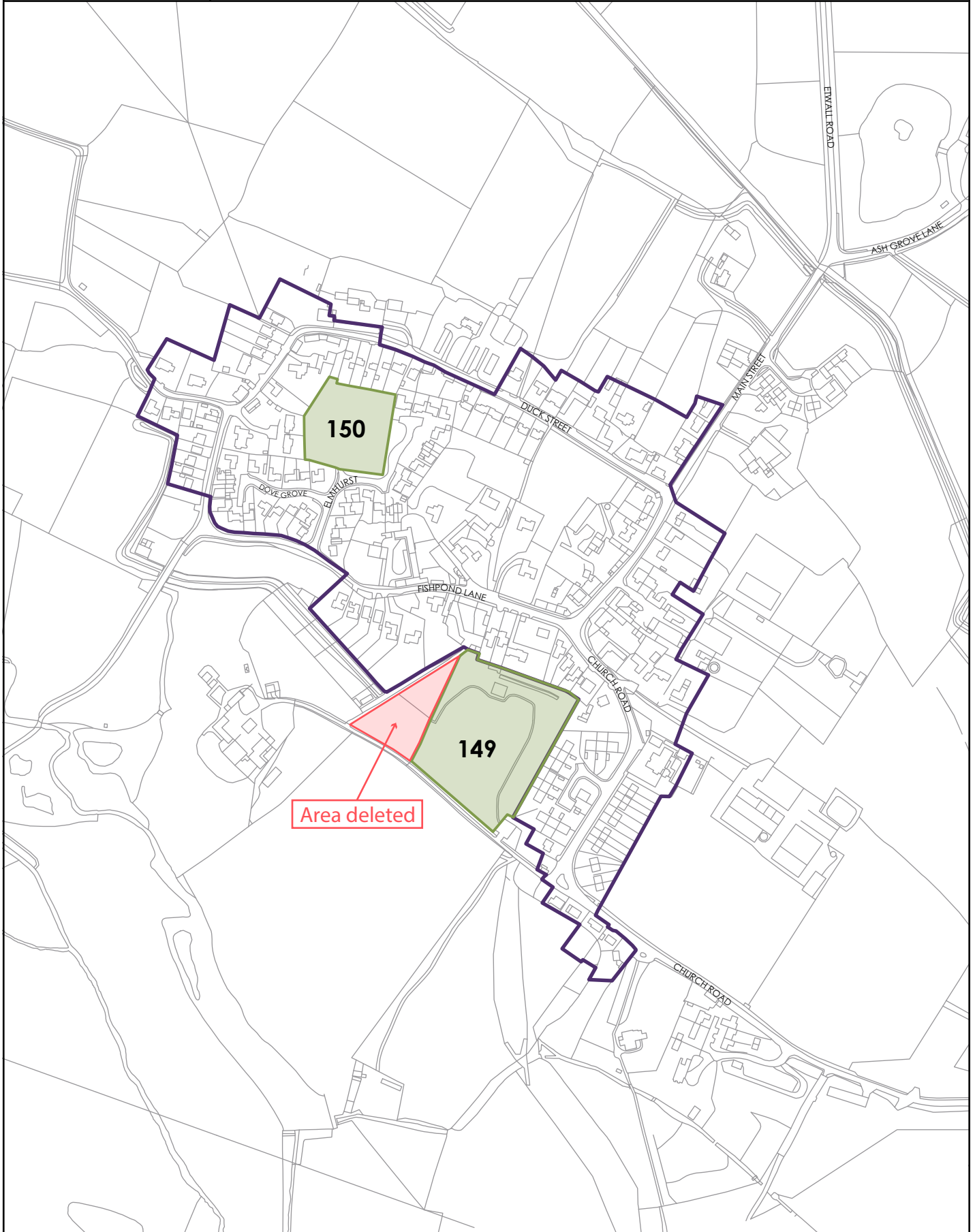


Settlement Boundary





Local Green Spaces in Egginton



Local Green Space



Settlement Boundary

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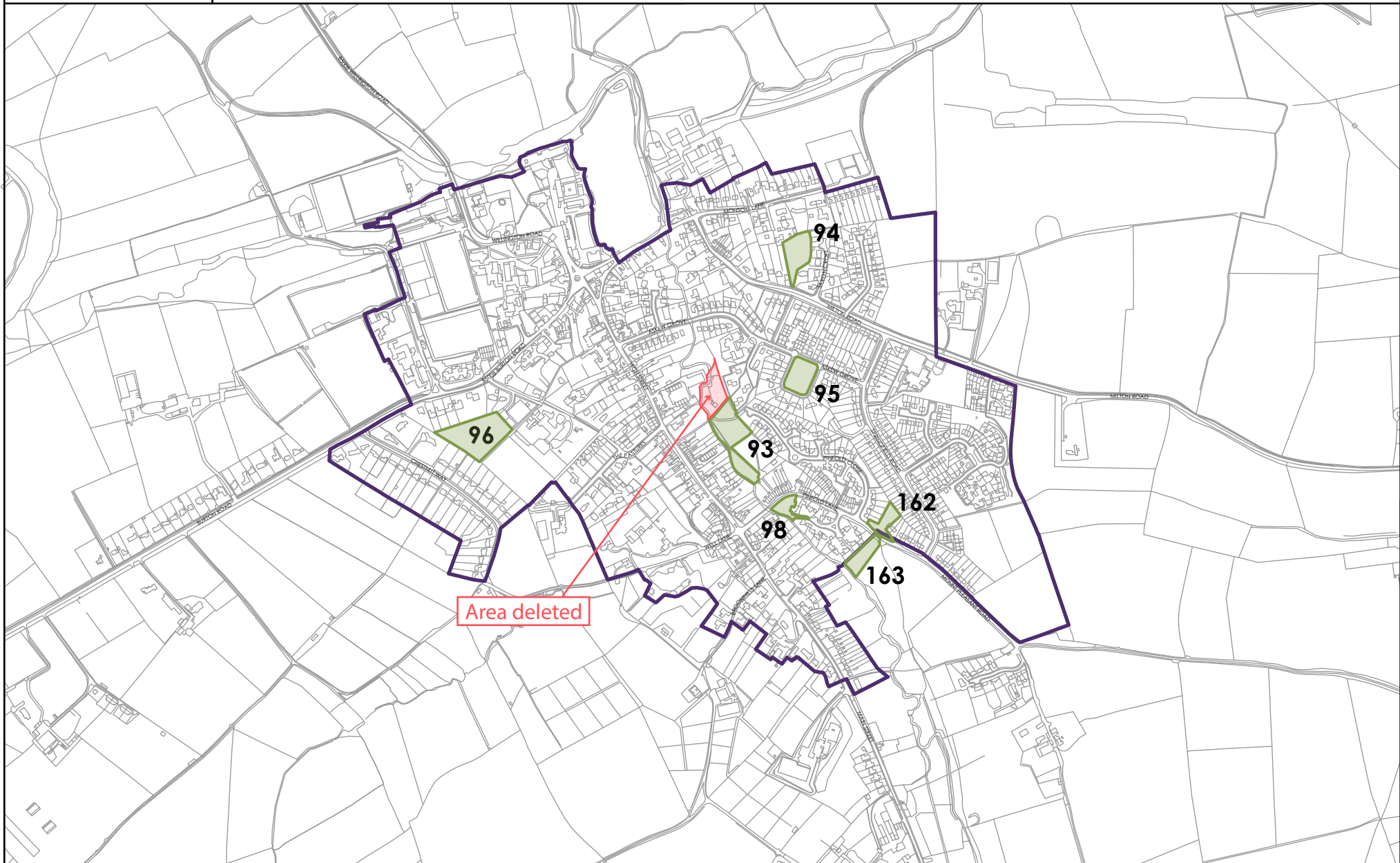
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NORTH



Local Green Spaces in Repton



Local Green Space



Settlement Boundary

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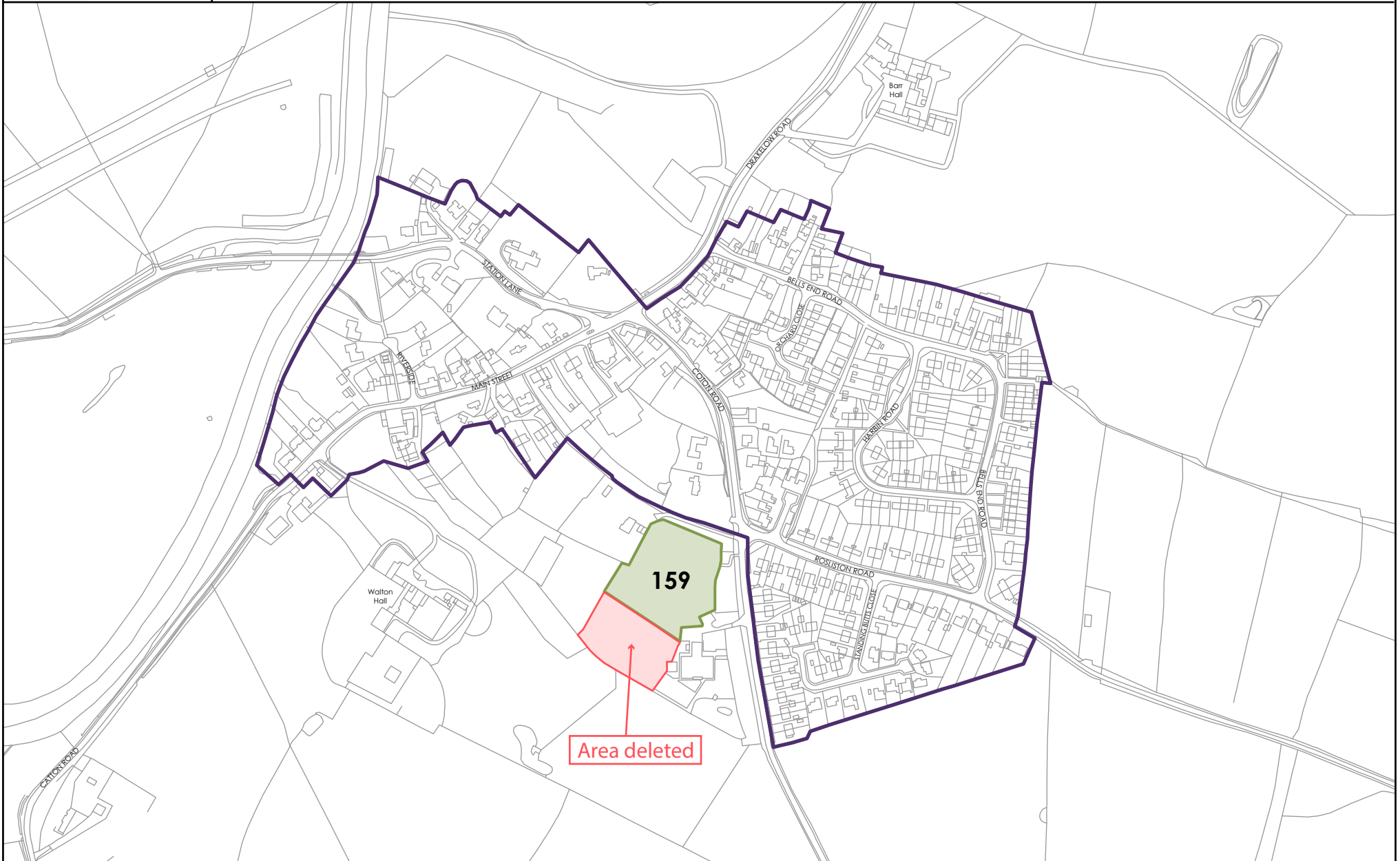
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Local Green Spaces in Walton on Trent



Local Green Space

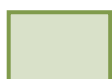
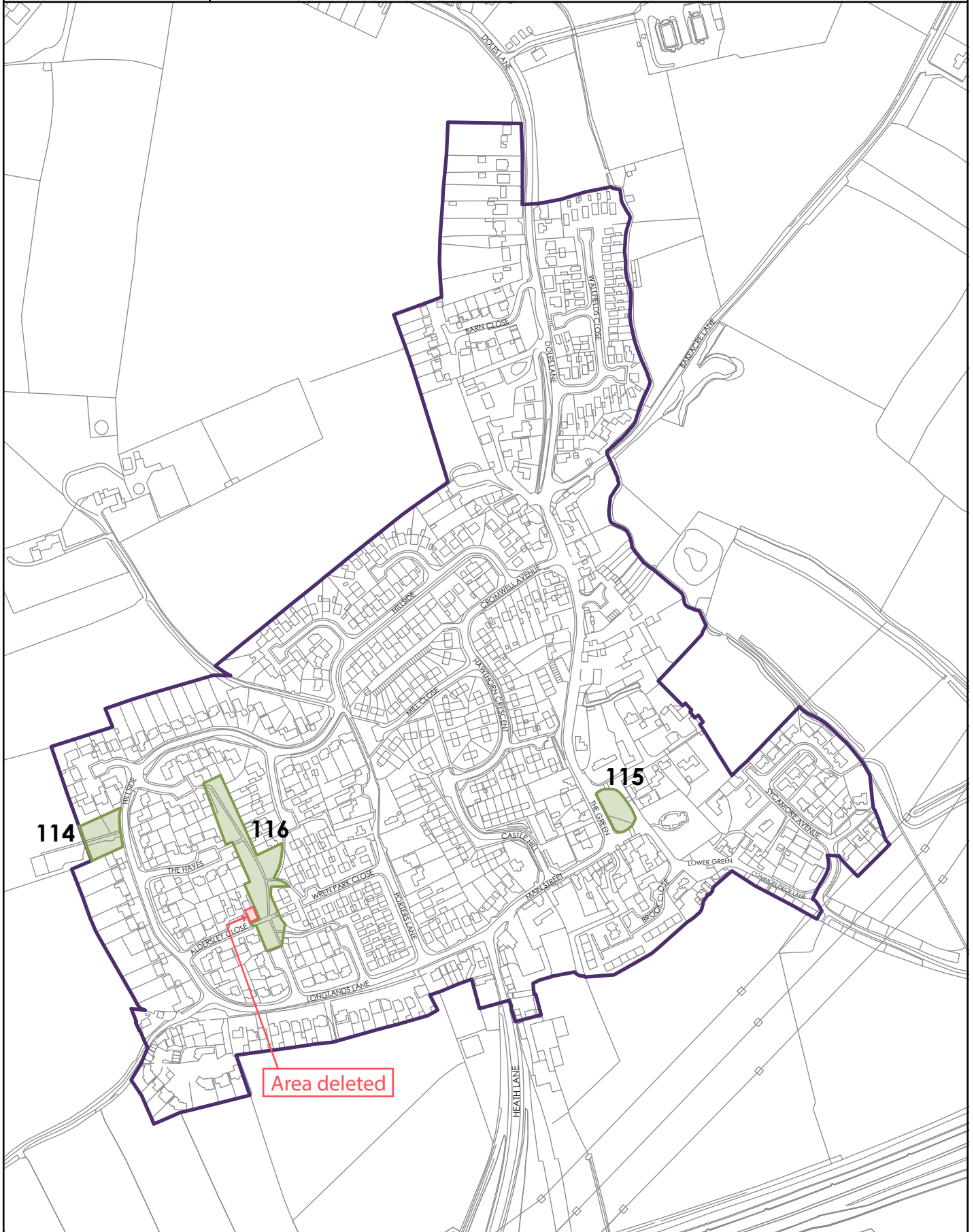


Settlement Boundary





Local Green Spaces in Findern



Local Green Space



Settlement Boundary

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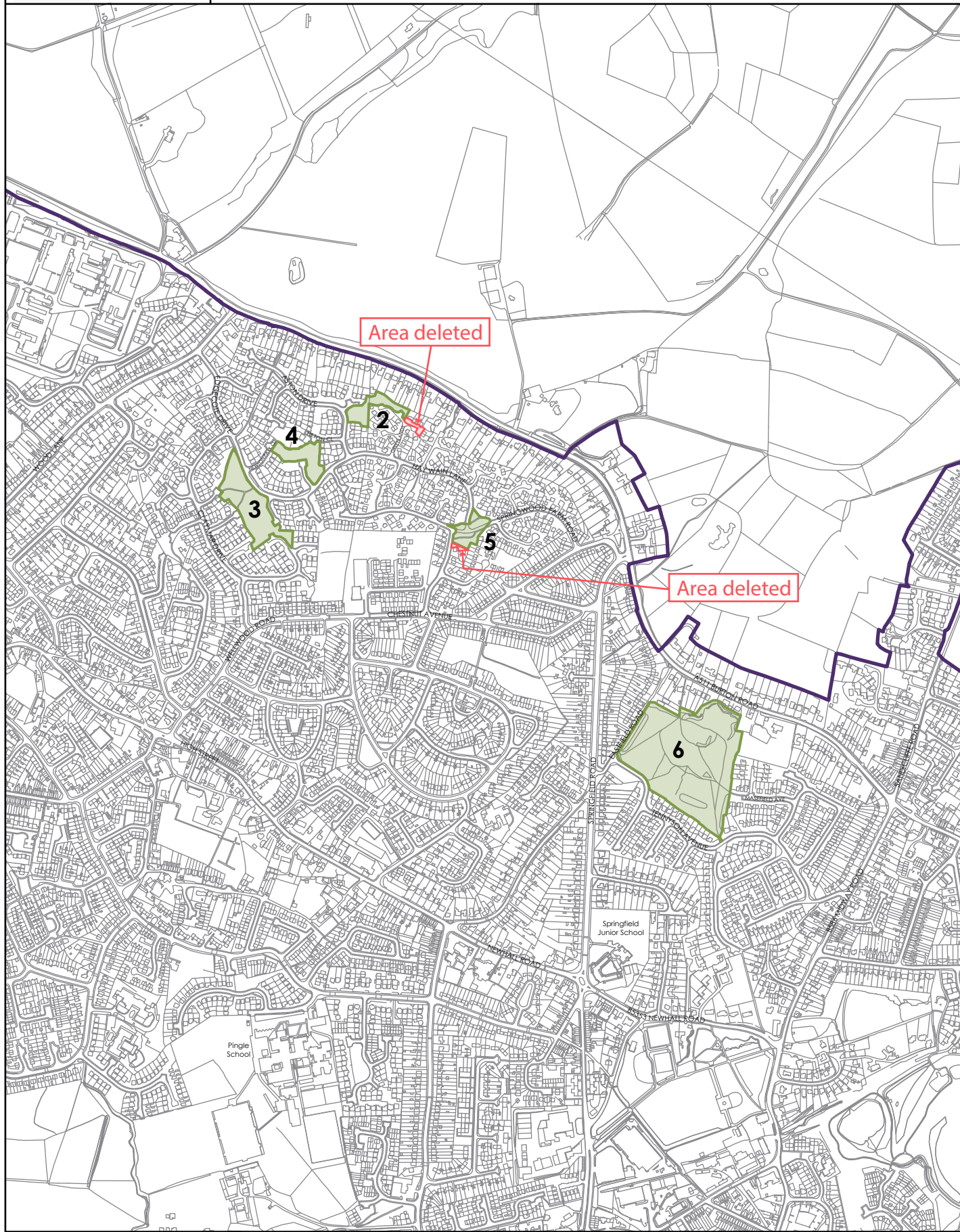
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Date: Oct 2019





Local Green Spaces in Midway, Swadlincote



Local Green Space



Settlement Boundary

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Date: Oct 2019



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