# Question 9: Do you have any comments to make regarding the Draft Local Plan policies?

## Chapters 1:Introduction, Chapter 2: Portrait, Chapter 3: Vision

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Dity to Cooperate Body/Statutory Consultee** | | | | | |
| 1243623 | Derbyshire County Council | Derbyshire County Council | 1.24  CHAPTER 1 | Other comments S 1.24 – “existing policies within part 1 have been significantly strengthened to include further requirements to tackle and mitigate climate change, flood risk, enhance biodiversity and build on the need for green infrastructure in developments …”. This approach is welcomed. | Noted.  No suggested amendments to the vision. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | 2.1 | S 2.1. It is positive that “low carbon” is identified as a new employment growth sector, but it may be use spelling out in more detail what this could include. | ?? Appears to be 2.11.  Noted.  The Spatial Portrait is a description of the characteristics of the district. In the context of the chapter, the existing reference is considered sufficient. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | 2.15  PORTRAIT | S 2.15. Renewable energy generation is important to emphasise. Equally important is the need for energy storage to balance grid requirements. | Agree – comments added to spatial portrait. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | 3.1 | 4.1. “Three quarters of the District is in agricultural use, but farmers and those in related businesses are facing increasing pressure to consider diversification.” This could include highlighting the opportunity for improvement management of land for biodiversity, flood prevention and carbon sequestration, including the generation of income by providing these services. This would strengthen connection of farming activity to delivery of other objectives of the local plan. | Noted. No change.  The key issue set out in this bullet point highlights the amount of land in agricultural use (Bullet point 9). Whilst this bullet point refences the amount of land within farming and the increasing need to diversify, the current text is sufficient and a more detailed reference to types of diversification is not considered necessary. |
| **National Organisation** | | | | | |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | REV1 | Yes. See below for comments on: • Policy REV1: Review of the Local Development Plan • Policy S4: Housing Strategy • Policy S8: Green Belt • Policy H1: Settlement Hierarchy • Housing Site Policies • Policy H21: Affordable Housing • Policy SD2: Flood Risk • Policy SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure • Policy BNE1: Design Excellence • Policy BNE3: Biodiversity • Policy INF1: Infrastructure and Developer Contributions • Policy INF2: Transport • Policy INF7: Blue and Green Infrastructure  Policy REV1: Review of the Local Development Plan  Although HBF welcomes the inclusion of this policy and the Council’s explicit commitment to an immediate review of their Local Plan, we would suggest further wording may be helpful to address the fact that a Plan Review does in itself nothing to help to address the any shortfall in housing delivery in the short, or possibly even medium term. A Plan Review also does nothing to address the unmet housing need of Derby. It is the granting of planning permission and the delivery of new homes that is needed to address any under delivery.  The HBF would highlight the following policy wording from Bedford, which clearly sets out how the failure of the Council to deliver the anticipated Plan Review in a timely manner, this would render this Plan’s policy out of date from a development management perspective. HBF would suggest such an approach may help ensure housing delivery on the ground, in South Derbyshire.  In South Derbyshire’s Plan, Criteria A Plan makes the commitment to a “comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan.” HBF strongly supports this approach. It is important for the Council to have an up to date Plan and as such the commitment to an immediate update to the new South Derbyshire Plan supported. Criteria B states that “On adoption of the Part 1 Review Plan, SDDC will publish a new Local Development Scheme to set out the timescales for completion.” HBF are concerned that the timeframe from the completion of the Review of the Local Plan remains unclear at this time. We would prefer for a clear timeframe for the review to be set out in the Local Plan policy, and not to some future time. Criteria C states that “The review will be submitted for examination within five years of the adoption of the Part 1 Review Plan. HBF suggests this is far too long. A New Plan should be adopted within five years, not merely submitted to PINS within this time. In order of the plan to remain up to date, as a minimum the Plan should be submitted to PINS within two years. HBF suggest the policy should set out targets dates for Reg 18 and Reg 19 consultation as well as submission to PINS, with clarity on what would happen if these targets were no achieved.  HBF do not support the inclusion of policies within a Local Plan that merely triggers a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy, on its own, does nothing to address the housing crisis or undersupply of homes. We are in the midst of a housing crisis, and the government is committed to delivering 1.5 million new homes by the end of this Parliament. Monitoring is an important part of the plan. If monitoring shows the Council is not delivering the housing needed the Council should be required to take action to address this under supply. HBF would suggest explicit reference is made to the actions that the LPA can and would take in the case of under-delivery. There are other more effective and immediate measures that could be introduced into policy that would enable the Council to address housing under deliver, much more quickly than would be possible through the production of another plan, or plan review. The review policy should therefore both set out the commitment and timetable for the preparation of the next Plan, and set out monitoring and actions that would occur relating to the delivery of this revised South Derbyshire Local Plan. | Noted. No change.  The HBF support the inclusion of the policy but consider that the timescale for adoption of a full replacement plan is too long and would prefer dates for Reg 18 and Reg 19 included.  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review. Whilst the HBF consider additional text to set out dates for Reg 18 and Reg 19 should be included and a replacement plan in a much shorter timescale, the LPA consider the intention is clear and that need at the time will dictate the timetable. Since the Consultation closed the NPPF was published with transition arrangements specifying a deadline of 12 March 2025 which will result in a significant acceleration in the preparation of the Local Plan. |
| **Landowner or Developer** | | | | | |
| 1243639 | Carden Group | Carden Group | REV1 | 2 Policy REV1: Review of the Local Development Plan Our Comments 2.1 Carden recommends that, rather than pursuing an immediate review, the Council should initiate a comprehensive plan review now. This approach would enable the Council to address not only Derby City's unmet housing needs but also broader strategic objectives in a holistic, sustainable, and forward-thinking manner. Proposed Modifications 2.2 We recommend that this policy and the immediate review be removed entirely. Instead, the Council should focus its efforts on strategically planning for the entire district without delay. | Disagree - No change  Cardon Group do not agree with the policy and consider the LPA should initiate a comprehensive rather than partial plan review now.  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. |
| 1243616 | Marrons Planning on behalf of Miller Homes | Marrons Planning | REV1 | 2.3 POLICY REV 1: REVIEW OF THE LOCAL DEVELOPMENT PLAN  2.3.1 Draft Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption. Paragraph 1.45 confirms that consideration of future development at Swadlincote, services villages and other rural areas will be considered through the comprehensive plan review, rather than through the current review.  2.3.2 The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over a suitable time period and across the District as a whole rather than just the part adjacent to Derby is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF.  2.3.3 In relation to Derby’s unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance (PPG) that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates.  2.3.4 Draft Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it.  2.3.5 In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan including failure of the Duty to Cooperate and ineffective because it does not set out the scope of a future review, nor any consequences should not be progressed. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. |
| 1243636 | Marrons on behalf of Ainscough Strategic Land | Marrons on behalf of Ainscough Strategic Land | REV1 | 2.3 POLICY REV 1: REVIEW OF THE LOCAL DEVELOPMENT PLAN 2.3.1 Draft Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption. Paragraph 1.45 confirms that consideration of future development at Swadlincote, service villages and other rural areas will be considered through the comprehensive plan review, rather than through the current review. 2.3.2 The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over a suitable time period is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF. 2.3.3 In relation to Derby’s unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance (PPG) that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates. Draft Policy REV1 seeks to do exactly that which the PPG says is unacceptable; substituting effective joint working on an ongoing basis with an early review mechanism. 2.3.4 Draft Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it. 2.3.5 In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan, including failure of the Duty to Cooperate, and ineffective because it does not set out the scope of a future review, nor any consequences should the early review not be progressed. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243594 | Marrons on behalf of 2012 Partnership Homes Ltd | Marrons on behalf of 2012 Partnership Homes Ltd | REV1 | 2.3 POLICY REV 1: REVIEW OF THE LOCAL DEVELOPMENT PLAN 2.3.1 Draft Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption. Paragraph 1.45 confirms that consideration of future development at Swadlincote, services villages and other rural areas will be considered through the comprehensive plan review, rather than through the current review. 2.3.2 The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over a suitable time period and across the District as a whole rather than just the part adjacent to Derby is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF. 2.3.3 In relation to Derby’s unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance (PPG) that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates. 2.3.4 Draft Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it. 2.3.5 In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan including failure of the Duty to Cooperate. It is ineffective because it does not set out the scope of a future review, nor any consequences should it not be progressed. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243650 | Marrons on behalf of Davidsons regarding their Melbourne Site | Marrons on behalf of Davidsons regarding their Melbourne Site | REV1 | 2.3 POLICY REV 1: REVIEW OF THE LOCAL DEVELOPMENT PLAN 2.3.1 Draft Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption. Paragraph 1.45 confirms that consideration of future development at Swadlincote, services villages and other rural areas will be considered through the comprehensive plan review, rather than through the current review. 2.3.2 The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over a suitable time period and across the District as a whole rather than just the part adjacent to Derby is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF. 2.3.3 In relation to Derby’s unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance (PPG) that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates. 2.3.4 Draft Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it. 2.3.5 In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan including failure of the Duty to Cooperate and ineffective because it does not set out the scope of a future review, nor any consequences should not be progressed. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243658 | Marrons on behalf of Davidsons regarding their Newton Solney Site | Marrons on behalf of Davidsons regarding their Newton Solney Site | REV1 | 2.3 POLICY REV 1: REVIEW OF THE LOCAL DEVELOPMENT PLAN 2.3.1 Draft Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption. Paragraph 1.45 confirms that consideration of future development at Swadlincote, services villages and other rural areas will be considered through the comprehensive plan review, rather than through the current review. 2.3.2 The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over a suitable time period and across the District as a whole rather than just the part adjacent to Derby is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF. 2.3.3 In relation to Derby’s unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance (PPG) that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates. 2.3.4 Draft Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it.  2.3.5 In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan including failure of the Duty to Cooperate and ineffective because it does not set out the scope of a future review, nor any consequences should not be progressed. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243653 | Marrons on behalf of Brackley Properties (Burnaston Cross) | Marrons on behalf of Brackley Properties (Burnaston Cross) | REV1 | 2.3 POLICY REV 1: REVIEW OF THE LOCAL DEVELOPMENT PLAN 2.3.1 Draft Policy REV1 states that development of a comprehensive South Derbyshire District Local Plan will begin immediately following the adoption of the Part 1 Review Plan. It also specifies that this comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption. Paragraph 1.45 further clarifies that future development in Swadlincote, service villages, and other rural areas will be addressed through the comprehensive plan review, rather than in the current partial review. 2.3.2 The proposed use of an early review mechanism to defer addressing strategic housing economic needs over a suitable time period and across the District as a whole rather than just the part adjacent to Derby is unjustified. There is no reason why strategic development needs for the District and wider Functional Economic Market Area (FEMA) cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF. 2.3.3 Draft Policy REV1 aims to commit the Council to an early review of the current Plan; however, it fails to define the scope or nature of that review and does not specify any consequences if the review timelines are not met. Critically, economic land needs and allocations should be assessed on a District-wide basis, selecting the best-performing sites through an objective process. However, it appears the Council has predetermined that housing needs during the plan period are best addressed by site allocations on Derby’s edge, and this approach has seemingly been extended to economic land as well, with the exception of the proposed allocation at the former Drakelow Power Station. 2.3.4 Given the above, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Draft Plan and ineffective because it does not set out the scope of a future review, nor any consequences should it not be progressed. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1242645 | Emery Planning on behalf of Strategic Land Group Ltd | Emery Planning on behalf of Strategic Land Group Ltd | REV1 | 9. Policy REV1: Review of the Local Development Plan  9.1 Draft Policy REV1 sets out that a plan making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. For the reasons set out in our response to other policies in the plan, particularly our submissions in relation to Policy S1, we consider that a full review of the Local Plan (taking into account the likely increased in South Derbyshire’s local housing need) can and should be undertaken now. Whilst it is commendable that South Derbyshire is seeking to allocate land to meet Derby’s unmet needs, South Derbyshire should also be planning to meet its own needs now.  9.2 Without prejudice to our case that a full review should take place now, we consider that the commitment to submitting a review for examination within five years of the adoption of the Part 1 Review Plan is not ambitious enough. Plans need to be reviewed every 5 years in any event. Given the need for a review to meet South Derbyshire’s housing needs, including the likely increase in local housing need, we consider that the Council should be aiming to submit the review for examination within 2 years of the adoption of this plan | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243202 | Marrons Planning on behalf of William Davis Homes | Marrons Planning | REV1 | POLICY REV 1: REVIEW OF THE LOCAL DEVELOPMENT PLAN  2.3.1 Draft Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption. Paragraph 1.45 confirms that consideration of future development at Swadlincote, services villages and other rural areas will be considered through the comprehensive plan review, rather than through the current review.  2.3.2 The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over a suitable time period and across the District as a whole rather than just the part adjacent to Derby is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF.  2.3.3 In relation to Derby’s unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance (PPG) that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates.  2.3.4 Draft Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it.  2.3.5 In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan including failure of the Duty to Cooperate and ineffective because it does not set out the scope of a future review, nor any consequences should not be progressed. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243213 | Marrons Planning on behalf of Northern Trust | Marrons Planning | REV1 | POLICY REV 1: REVIEW OF THE LOCAL DEVELOPMENT PLAN  Draft Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption. Paragraph 1.45 confirms that consideration of future development at Swadlincote, services villages and other rural areas will be considered through the comprehensive plan review, rather than through the current review.  The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over a suitable time period and across the District as a whole rather than just the part adjacent to Derby is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF.  In relation to Derby’s unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance (PPG) that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates.  Draft Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it.  In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan including failure of the Duty to Cooperate and ineffective because it does not set out the scope of a future review, nor any consequences should it not be progressed | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243197 | Savills on behalf of Diocese of Derby | Savills | REV1 | Policy REV 1: Review of the Local Development Plan  Our client questions why SDDC is seeking to still progress with a revised Part 1 Review Plan on the expectation that it will immediately undertake plan-making for the production of a comprehensive South Derbyshire District Local Plan, as proposed within draft Policy REV1. Our client considers that it would be beneficial for SDDC to simply progress with a single Local Plan which takes account of the proposed changes to the NPPF and allocates sufficient land to meet the South Derbyshire housing need for the next Local Plan period, along with cross-boundary housing need arising from the Derby City administrative area.  The changes to the national planning system which have been proposed through the recent consultation on the revised National Planning Policy Framework (“NPPF”) identify that if the emerging Local Plan has not reached Regulation 19 stage one month after the publication of the final version of the NPPF then the new NPPF will need to be followed and the output of the new Standard Method will need to be used a basis for determining the housing requirement.  It is noted that SDDC is proposing to consult on the Regulation 19 Proposed Submission Plan in early 2025. Based on the current expected timescales for the publication of the final version of the NPPF it is currently considered to be unlikely that the Regulation 19 consultation will take place within one month of this publication milestone and therefore SDDC would need to plan to meet the output of the new Standard Method. The output of the proposed new Standard Method calculation would result in an annual housing need for South Derbyshire of 606 dwellings compared to the housing need calculated by the current standard method of 507dpa.  The current NPPF requires Local Planning Authorities (LPAs) to plan for, and allocate sufficient sites to deliver, the strategic priorities of the area2 and identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against the LPA’s housing requirement. The recent NPPF consultation proposed to retain these principles.  In this regard it is considered to be procedurally necessary to produce a new Local Plan which clearly meets the housing need for South Derbyshire, as calculated by the revised Standard Method, within the most appropriate locations within South Derbyshire to benefit the existing communities within South Derbyshire. In doing so it would arguably be more effective and efficient for SDDC to produce a comprehensive South Derbyshire Local Plan from the outset, to provide certainty and demonstrate at the earliest opportunity that it has an up-to-date deliverable Development Plan that can achieve the NPPF, allocation and land supply requirements, rather than produce a revised Part 1 Local Plan and immediately review this upon adoption. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF.  The finalised NPPF states at Para 234 that Plans which meet Reg 19 by the 12th March 2025 may continue to use the previous NPPF as a basis for policy. |
| 1243209 | Marrons Planning on behalf of Wain Estates | Marrons Planning | REV1 | POLICY REV 1: REVIEW OF THE LOCAL DEVELOPMENT PLAN Draft Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption. Paragraph 1.45 confirms that consideration of future development at Swadlincote, services villages and other rural areas will be considered through the comprehensive plan review, rather than through the current review.  Wain Estates is concerned that the Local Plan Review may be deemed to be unsound in its current format. The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over a suitable time period and across the District as a whole rather than just the part adjacent to Derby is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF.  In relation to Derby’s unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance (PPG) that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates.  Draft Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it.  In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan including failure of the Duty to Cooperate and ineffective because it does not set out the scope of a future review, nor any consequences should it not be progressed. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period.Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243226 | Marrons Planning on behalf of Redrow Homes | Marrons Planning | REV1 | POLICY REV 1: REVIEW OF THE LOCAL DEVELOPMENT PLAN Draft Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan’s adoption. Paragraph 1.45 confirms that consideration of future development at Swadlincote, services villages and other rural areas will be considered through the comprehensive plan review, rather than through the current review.  The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over a suitable time period is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF.  In relation to Derby’s unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance (PPG) that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates. Draft Policy REV1 seeks to do exactly that which the PPG says is unacceptable; substituting effective joint working on an ongoing basis with an early review mechanism.  Draft Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it.  In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan, including failure of the Duty to Cooperate, and ineffective because it does not set out the scope of a future review, nor any consequences should the early review not be progressed. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1238831 | Savills on behalf of Midland Land Portfolio Limited (MLPL) | Savills | REV1 | Policy REV 1: Review of the Local Development Plan MLPL questions why SDDC is seeking to still progress with a revised Part 1 Review Plan on the expectation that it will immediately undertake plan-making for the production of a comprehensive South Derbyshire District Local Plan, as proposed within draft Policy REV1.  The changes to the national planning system which have been proposed through the recent consultation on the revised National Planning Policy Framework (“NPPF”) identify that if the emerging Local Plan has not reached Regulation 19 stage one month after the publication of the final version of the NPPF then the new NPPF will need to be followed and the output of the new Standard Method will need to be used a basis for determining the housing requirement.  SDDC is proposing to consult on the Regulation 19 Proposed Submission Plan in early 2025. Based on the current expected timescales for the publication of the final version of the NPPF it is unlikely that the Regulation 19 consultation will take place within one month of this publication milestone and therefore SDDC would need to plan to meet the output of the new Standard Method. The output of the proposed new Standard Method calculation would result in an annual housing need for South Derbyshire of 606 dwellings compared to the need calculated by the current standard method of 507dpa.  The current NPPF requires Local Planning Authorities (LPAs) to plan for, and allocate sufficient sites to deliver, the strategic priorities of the area2 and identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against the LPA’s housing requirement3. The recent NPPF consultation proposed to retain these principles.  In this regard it is considered to be procedurally necessary to produce a new Local Plan which clearly meets the housing need for South Derbyshire, as calculated by the revised Standard Method, within the most appropriate locations within South Derbyshire to benefit the existing communities within South Derbyshire. In doing so it would arguably be more effective and efficient for SDDC to produce a comprehensive South Derbyshire Local Plan from the outset, to provide certainty and demonstrate at the earliest opportunity that it has an up-to-date deliverable Development Plan that can achieve the NPPF allocation and land supply requirements, rather than produce a revised Part 1 Local Plan and immediately review this upon adoption. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF.  The finalised NPPF states at Para 234 that Plans which meet Reg 19 by the 12th March 2025 may continue to use the previous NPPF as a basis for policy. |
| 1243222 | Pegasus on behalf of Harworth Group Land at Site E Cadley Park | Pegasus on behalf of Harworth Group Land at Site E Cadley Park | REV1 | Policy REV1: Review of the Local Development Plan 1.11. Policy REV1 states that Plan making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. Paragraphs 1.43 -1.51 provide the explanation for the Policy: “Part 1 review will assist with meeting Derby’s unmet housing need” and “the adoption of the Part 1 review will allow the strategic allocations (STRA1, STRA2, STRA3) to attract investment, carefully ensure appropriate infrastructure is delivered on site, expedite the development of relevant planning applications and ensure these locations grow as sustainable communities as soon as possible”.  1.12. Further comments on the Spatial Strategy for South Derbyshire are set out below and these comments highlight that South Derbyshire Local Plan Part 1 is not positively prepared because it does not provide sufficient deliverable and developable housing sites with sufficient flexibility to meet the housing needs of the District.  1.13. In stating that the Local Plan will be immediately reviewed (Policy REV1) the document essentially acknowledges that the Local Plan Part 1 that is being prepared will be out-of-date immediately. This is clearly unsatisfactory.  1.14. Paragraphs 1.43 to 1.51 of the Draft Local Plan refer to a Housing Implementation Strategy and Flexibility with paragraph 1.50 listing measures to be taken if circumstances change – including “Identifying alternative site(s) in general accordance with the spatial strategy and hierarchy of settlement.”. The measures listed are the antithesis of pragmatic and positive planning as they defer decisions about the location of new development that could reasonably be made during the preparation of this Local Plan. The positive approach would be to anticipate the changes and to use evidence to address these pragmatically in a planned way. This representation acknowledges the changing context in terms of the revised standard method and unmet need across the Derby Housing Market Area (HMA), and sets out how existing evidence can be used to plan against this changing backdrop.  1.15. Regulation 18 is an early stage in the process and it is important to have the positive approach at the outset. Instead of proposing to immediately review the Local Plan Part 1, the Council has the opportunity between now and Regulation 19 draft of the Local Plan, to prepare a positively prepared plan. There are different choices about how this could be taken forward, but whatever approach is taken, the Plan should include a sufficient amount and range of specific deliverable and developable sites to meet the development needs of the district. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243534 | Pegasus Group on behalf of Cameron Homes Limited-Land s of Cauldwell Road Linton | Pegasus Group | REV1 | Policy REV1: Review of the Local Development Plan 2.3. Draft Policy REV1 sets out that the Plan making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. This is essentially acknowledging that the Local Plan being prepared will be out-of-date immediately upon its adoption. This does not represent positive planning.  2.4. The supporting text for Draft Policy REV1 (Review of the Local Plan) states that “Part 1 review will assist with meeting Derby’s unmet housing need” and “the adoption of the Part 1 review will allow the strategic allocations (STRA1, STRA2, STRA3) to attract investment, carefully ensure appropriate infrastructure is delivered on site, expedite the development of relevant planning applications and ensure these locations grow as sustainable communities as soon as possible” (Paragraphs 1.43 -1.51).  2.5. In seeking to allocate only strategic sites, with a long lead in time for delivery, it is not considered the draft Local Plan has been positively prepared. This will not provide sufficient deliverable and developable housing sites in the short and medium term to meet the housing needs of the district.  2.6. Paragraphs 1.43 to 1.51 of the Draft Local Plan refer to a housing implementation strategy and sets out an approach to flexibility. Paragraph 1.50 lists measures to be taken if circumstances change – including “Identifying alternative site(s) in general accordance with the spatial strategy and hierarchy of settlement.”. The measures listed in paragraph 1.50 are the antithesis of pragmatic and positive planning as they defer decisions about of the planning of new development that could reasonably be made during the preparation of this Local Plan. The positive approach would be to anticipate the changes in circumstance and to use evidence, to be pragmatic and to plan for them.  2.7. One such key change in circumstance relates to the Government’s revised standard method for calculating housing need and the implications that this will have across the Derby Housing Market Area. As Amber Valley is currently in examination and Derby City is constrained, it is reasonable to make assumptions around apportionment, given that South Derbyshire, is the only other partner in the Housing Market Area. There is existing jointly commissioned evidence, with the Sustainability Appraisal work, that could be used and allow the Council to address needs in the Housing Market Area.  2.8. Regulation 18 is an early stage in the process, and it is important to have the positive approach at the outset. Instead of proposing to immediately review the Local Plan, the Council has the opportunity between now and Regulation 19 draft of the Local Plan, to prepare a positively prepared plan. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243546 | Pegasus on behalf of Cameron Homes Land at Moor Ln Aston on Trent | Pegasus on behalf of Cameron Homes Land at Moor Ln Aston on Trent | REV1 | Policy REV1: Review of the Local Development Plan 2.3. Draft Policy REV1 sets out that the Plan making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. This is essentially acknowledging that the Local Plan being prepared will be out-of-date immediately upon its adoption. This does not represent positive planning.  2.4. The supporting text for Draft Policy REV1 (Review of the Local Plan) states that “Part 1 review will assist with meeting Derby’s unmet housing need” and “the adoption of the Part 1 review will allow the strategic allocations (STRA1, STRA2, STRA3) to attract investment, carefully ensure appropriate infrastructure is delivered on site, expedite the development of relevant planning applications and ensure these locations grow as sustainable communities as soon as possible” (Paragraphs 1.43 -1.51).  2.5. In seeking to allocate only strategic sites, with a long lead in time for delivery, it is not considered the draft Local Plan has been positively prepared. This will not provide sufficient deliverable and developable housing sites in the short and medium term to meet the housing needs of the district.  2.6. Paragraphs 1.43 to 1.51 of the Draft Local Plan refer to a housing implementation strategy and sets out an approach to flexibility. Paragraph 1.50 lists measures to be taken if circumstances change – including “Identifying alternative site(s) in general accordance with the spatial strategy and hierarchy of settlement.”. The measures listed in paragraph 1.50 are the antithesis of pragmatic and positive planning as they defer decisions about of the planning of new development that could reasonably be made during the preparation of this Local Plan. The positive approach would be to anticipate the changes in circumstance and to use evidence, to be pragmatic and to plan for them.  2.7. One such key change in circumstance relates to the Government’s revised standard method for calculating housing need and the implications that this will have across the Derby Housing Market Area. As Amber Valley is currently in examination and Derby City is constrained, it is reasonable to make assumptions around apportionment, given that South Derbyshire, is the only other partner in the Housing Market Area. There is existing jointly commissioned evidence, with the Sustainability Appraisal work, that could be used and allow the Council to address needs in the Housing Market Area.  2.8. Regulation 18 is an early stage in the process, and it is important to have the positive approach at the outset. Instead of proposing to immediately review the Local Plan, the Council has the opportunity between now and Regulation 19 draft of the Local Plan, to prepare a positively prepared plan | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243194 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited | Pegasus Group | REV1 | Policy REV1: Review of the Local Development Plan  2.3. Draft Policy REV1 states that Plan making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. Paragraphs 1.43 - 1.51 provide the explanation for the Policy: ‘Part 1 review will assist with meeting Derby’s unmet housing need” and “the adoption of the Part 1 review will allow the strategic allocations (STRA1, STRA2, STRA3) to attract investment, carefully ensure appropriate infrastructure is delivered on site, expedite the development of relevant planning applications and ensure these locations grow as sustainable communities as soon as possible’.  2.4. Immediately reviewing the Local Plan implies it is anticipated to be ‘out of date’ in planning terms as soon as it is adopted, and this is clearly unsatisfactory and does not constitute positive plan-making in accordance with the National Planning Policy Framework (NPPF).  2.5. Paragraphs 1.43 to 1.51 of the draft Local Plan set out the housing implementation strategy and approach to flexibility with paragraph 1.50 listing measures to be taken if circumstances change to ensure that required housing and employment needs will still be met during the plan period including ‘Identifying alternative site(s) in general accordance with the spatial strategy and hierarchy of settlement’. Whilst the inclusion of measures to respond to issues with meeting housing need is welcomed, paragraph 5.51 sets out that the measures listed will be facilitated by the comprehensive review policy. This defers decisions about the location of allocations for new residential development in the district which need to be made now to avoid a lack of housing land supply in the coming years until a new comprehensive plan came be prepared.  2.6. The current proposed approach is clearly unsatisfactory as it does not use the evidence base to pragmatically assess, allocate and deliver new homes in the borough in a planned manner contrary to the NPPF (paragraph 31 and 32) which states all policies should be underpinned by up to date-evidence. Our client is particularly concerned regarding the inadequate evidence contained within the Sustainability Appraisal as set out in the Spatial Strategy section of these representations below. These representations acknowledge the changing context in terms of standard method and unmet need across the Derby Housing Market Area (HMA) and set out how existing evidence can be used to plan against this changing backdrop resulting in suitable residential allocations for the entire plan period.  2.7. A positive approach to plan-making is required from the outset in accordance with the NPPF. The Council has the opportunity before the Regulation 19 consultation stage to include a sufficient amount and range of specific deliverable and developable sites to meet the development needs of the district instead of proposing to immediately review the Local Plan | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | REV1 | Policy REV1: Review of the Local Development Plan 2.3. Policy REV1 states that Plan making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. Paragraphs 1.43 -1.51 provide the explanation for the Policy: ‘Part 1 review will assist with meeting Derby’s unmet housing need” and “the adoption of the Part 1 review will allow the strategic allocations (STRA1, STRA2, STRA3) to attract investment, carefully ensure appropriate infrastructure is delivered on site, expedite the development of relevant planning applications and ensure these locations grow as sustainable communities as soon as possible’.  2.4. Immediately reviewing the Local Plan implies it is ‘out of date’ in planning terms and this is clearly of concern to our clients given the Site’s allocated status at Policy STRA1: Infinity Garden Village Mixed Use Allocation as discussed in detail below.  2.5. A positive approach to plan-making is required from the outset in accordance with the NPPF. The Council has the opportunity before the Regulation 19 consultation stage to include a sufficient amount and range of specific deliverable and developable sites to meet the development needs of the district instead of proposing to immediately review the Local Plan Part 1. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1244535 | Pegasus on behalf of Harworth Group Cadley Lane | Pegasus on behalf of Harworth Group | REV1 | Policy REV1: Review of the Local Development Plan 2.3. Policy REV1 states that Plan making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. Paragraphs 1.43 -1.51 provide the explanation for the Policy: “Part 1 review will assist with meeting Derby’s unmet housing need” and “the adoption of the Part 1 review will allow the strategic allocations (STRA1, STRA2, STRA3) to attract investment, carefully ensure appropriate infrastructure is delivered on site, expedite the development of relevant planning applications and ensure these locations grow as sustainable communities as soon as possible”.  2.4. Further comments on the Spatial Strategy for South Derbyshire are set out below and these comments highlight that South Derbyshire Local Plan Part 1 is not positively prepared because it does not provide sufficient deliverable and developable housing sites with sufficient flexibility to meet the housing needs of the District.  2.5. In stating that the Local Plan will be immediately reviewed (Policy REV1) the document essentially acknowledges that the Local Plan Part 1 that is being prepared will be out-of-date immediately. This is clearly unsatisfactory.  2.6. Paragraphs 1.43 to 1.51 of the Draft Local Plan refer to a Housing Implementation Strategy and Flexibility with paragraph 1.50 listing measures to be taken if circumstances change – including “Identifying alternative site(s) in general accordance with the spatial strategy and hierarchy of settlement.”. The measures listed are the antithesis of pragmatic and positive planning as they defer decisions about the location of new development that could reasonably be made during the preparation of this Local Plan. The positive approach would be to anticipate the changes and to use evidence to address these pragmatically in a planned way. This representation acknowledges the changing context in terms of the revised standard method and unmet need across the Derby Housing Market Area (HMA), and sets out how existing evidence can be used to plan against this changing backdrop.  2.7. Regulation 18 is an early stage in the process and it is important to have the positive approach at the outset. Instead of proposing to immediately review the Local Plan Part 1, the Council has the opportunity between now and Regulation 19 draft of the Local Plan, to prepare a positively prepared plan. There are different choices about how this could be taken forward, but whatever approach is taken, the Plan should include a sufficient amount and range of specific deliverable and developable sites to meet the development needs of the district. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243233 | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | Rev1 | 1.13. Policy REV1 states that Plan making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. Paragraphs 1.43 -1.51 provide the explanation for the Policy: “Part 1 review will assist with meeting Derby’s unmet housing need” and “the adoption of the Part 1 review will allow the strategic allocations (STRA1, STRA2, STRA3) to attract investment, carefully ensure appropriate infrastructure is delivered on site, expedite the development of relevant planning applications and ensure these locations grow as sustainable communities as soon as possible”. 1.14. Further comments on the Spatial Strategy for South Derbyshire are set out below and these comments highlight that South Derbyshire Local Plan Part 1 is not positively prepared because it does not provide sufficient deliverable and developable housing sites with sufficient flexibility to meet the housing needs of the District. 1.15. In stating that the Local Plan will be immediately reviewed (Policy REV1) the document essentially acknowledges that the Local Plan Part 1 that is being prepared will be out-of-date immediately. This is clearly unsatisfactory. 1.16. Paragraphs 1.43 to 1.51 of the Draft Local Plan refer to a Housing Implementation Strategy and Flexibility with paragraph 1.50 listing measures to be taken if circumstances change – including “Identifying alternative site(s) in general accordance with the spatial strategy and hierarchy of settlement.”. The measures listed are the antithesis of pragmatic and positive planning as they defer decisions about the location of new development that could reasonably be made during the preparation of this Local Plan. The positive approach would be to anticipate the changes and to use evidence to address these pragmatically in a planned way. This representation acknowledges the changing context in terms of the revised standard method and unmet need across the Derby Housing Market Area (HMA), and sets out how existing evidence can be used to plan against this changing backdrop. 1.17. Regulation 18 is an early stage in the process and it is important to have the positive approach at the outset. Instead of proposing to immediately review the Local Plan Part 1, the Council has the opportunity between now and Regulation 19 draft of the Local Plan, to prepare a positively prepared plan. There are different choices about how this could be taken forward, but whatever approach is taken, the Plan should include a sufficient amount and range of specific deliverable and developable sites to meet the development needs of the district. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1242103 | Marrons on behalf of Rainier Developments | Rainier Developments | REV1 | Policy REV1: Review of the Local Development Plan  Policy REV1 states that the comprehensive or full review will commence after the adoption of this Part 1 Review, and be submitted for Examination within five years of adoption. Paragraph 33 of the Framework makes clear that relevant strategic policies are likely to require earlier review (i.e. less than 5 years) if local housing need is expected to change significantly in the near future. The wording of this policy will need to be reviewed to ensure consistency with the latest version of the Framework prior to the Regulation 19 stage. | Disagree - No change  The purpose of the inclusion of a review policy is to acknowledge and formally set out the intention of the LPA, given the partial nature of this Review, to immediately undertake a Plan review.  The current approach seeks to meet much of the unmet need on behalf of Derby City whilst providing delivery long term for the District over a new plan period. Taking into account the approach at Amber Valley Borough Council through their Local Plan Examination the HMA partners have a plan led approach to meet all of the unmet need arising from Derby. This is explained in more detail in the HMA statement of Common Ground initially submitted to the Amber Valley Local Plan Examination and will be updated to take into account the December 2024 NPPF. |
| 1243182 | Hawksmoor on behalf of I Foster | Hawksmoor | REV1 | Review of the Local Development Plan Policy REV1.’ It is recommended a full and comprehensive review is undertaken for all of South Derbyshire instead, to include updated housing targets, over a 15 year Plan. | Noted. No change.  Policy REV1 states that a comprehensive review will commence immediately upon adoption of the Part 1 Review Plan. |

## Chapter 4: Spatial Strategy a plan for growth. Policies S1-S8

**Policy S1: Sustainable Growth Strategy**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Parish Council and other Community Group** | | | | | |
| 1244412 | Etwall Parish Council |  | 4.20 spatial strategy | Para 4:20 – Land to the North of Hilton We are concerned that, with the proposed Freeport and other developments around Hilton that the villages of Hilton, Hatton and Etwall will become a large conurbation and lose their village status. Consideration needs to be given to preserving green spaces between the villages to act not only as wildlife corridors but green boundaries between the settlements. In the SDDC report from October 23rd 2024 it was stated that a decline in biodiversity and loss of habitats across the districts is partly due to habitat loss and fragmentation. Maintaining green spaces between villages is important for wildlife as well as giving residents access to open spaces which is also limited across the district. | Noted. Local Plan Part 1 review Housing Policy 1 establishes the settlement hierarchy, whilst Policies H23 and BNE5 of the Local Plan Part 2 respectively define the settlement boundaries and set out policy on development in the countryside. These and other policies control what development may and may not be permitted in the countryside. The policies of the Local Plan Part 2 will be reviewed subsequent to the review of the Local Plan Part 1. |
| **Landowner or Developer** | | | | | |
| 1243639 | Carden Group |  | S1 | 3 Policy S1: Sustainable Growth Strategy Our Comments 3.1 The emerging housing targets, proposed by the government in July, increased the number of homes required in South Derbyshire from the proposed 522 to 606 homes annually. Over the new plan period (2022-2039), this represents an additional need of 1,428 homes. Addressing this increased need as early as possible is essential to avoid piecemeal and reactive development in the future. 3.2 The proposed plan period is another key area of concern. If the plan is submitted in June 2025 and adopted in early 2026, it would result in a plan period of only 13 years, which falls short of the minimum 15-year period required by the National Planning Policy Framework (NPPF). Paragraph 22 of the NPPF states: "Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure." 3.3 It is crucial for the Council to align with this requirement to ensure the plan remains robust and future-proof. Proposed Modifications 3.4 Carden therefore recommend conducting a comprehensive review that incorporates the updated housing targets—expected to be confirmed imminently—and one that ensures a 15-year plan period. 3.5 This would require the Council to identify at least an additional 2,640 homes. This approach would enable the Council to avoid the risks associated with a fragmented or insufficiently forward-looking plan. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243594 | Marrons on behalf of 2012 Partnership Homes Ltd |  | S1 | 3. THE HOUSING REQUIREMENT – POLICY S1 3.1 INTRODUCTION 3.1.1 Policy S1 sets out the “Sustainable Growth Strategy,” which is to secure sustainable growth to meet objectively assessed housing and commercial needs in the Plan period 2022 to 2039. Over the Plan period, at least 14,483 dwellings will be built in South Derbyshire comprising 8,874 homes to meet South Derbyshire’s own needs and 5,609 to help meet Derby City’s unmet need. Below we comment further upon the soundness and legal compliance of the Draft Plan’s housing requirement drawing on key elements of the evidence base as relevant.  3.2 (Derby unmet need) not included in this section  3.3 FLEXIBILITY & CONTINGENCY 3.3.1 The Plan should incorporate a sufficient contingency to adapt to potential changes over its duration. Typically, a buffer of 10-20% is advisable, depending on the spatial strategy and associated delivery risks. The Plan’s housing requirement is set at 14,483 dwellings. According to Policy S4, the total provision, including a windfall allowance, is also 14,483 — precisely matching the requirement. This leaves minimal flexibility to accommodate any delays or non-delivery of sites, indicating that the Plan is not positively prepared to address unforeseen changes effectively.  3.4 THE “NEW” STANDARD METHOD 3.4.1 As the Council will be aware, in July 2024 the Government published a consultation in respect of proposed changes to the Standard Method for calculating housing need, moving away from a demographic projections based approach toward quantifying growth as a proportion of housing stock. Whilst the New Standard Method removes the 35% urban uplift adjustment, it still results in an uplift across the HMA compared to the existing Standard Method. In comparing the emerging housing requirements for each authority against the new Standard Method, it is evident there is a shortfall of about 6,281 homes across the HMA. Excluding Land at Brun Lane, Mackworth in Amber Valley this figure rises to 8,281.  3.4.2 While the 2024 Consultation Draft of the NPPF includes transitional provisions for plan-making, SDDC is very unlikely to benefit from these due to the progress of its current plan. Amber Valley’s local plan, which is under examination, is likely to face challenges due to substantial Duty to Cooperate issues and concerns about the availability of land at Brun Lane, Mackworth, as previously noted. Consequently, plan-making across the HMA will likely need to adhere to the new Standard Method if it is introduced as expected, which would necessitate an increase in the housing requirements for both South Derbyshire and Amber Valley. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
|  | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited |  | S1 | Local Plan Period  2.13. Paragraph 22 of the NPPF states that Strategic Policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities. The evidence base supporting such strategic policies must therefore be reflective of a realistic adoption schedule and plan period.  2.14. It is noted that the most recent Local Development Scheme is out of date and the Council does not have a published projected adoption date for the Local Plan. The report to the South Derbyshire Environmental & Development Services Committee anticipates Regulation 19 consultation taking place in early 2025 with submission to the Secretary of State by 30 June 2025. This is a very ambitious timetable.  2.15. This consultation ends on 6th December, and it will take time to review representations, consider the next steps, finalise the evidence base and prepare a Regulation 19 version of the plan. This work cannot be completed by early 2025, meaning it is more likely Regulation 19 consultation on the Pre-Submission Local Plan will start in the Summer 2025 and submission will be later in 2025. Based on recent experience elsewhere, the examination process is then likely to take at least a year, resulting in adoption in late 2026/ early 2027.  2.16. As a result, the proposed Local Plan period up to 2039 will likely result in a plan period of approximately 12 years, without any significant delays.  2.17. It is likely that the Government will confirm within the revised NPPF that the deadline for submission of Local Plans will be December 2026, this provides an 18-month opportunity for councils to prepare their plans under the current national regime of plan making. In the interest of proper plan-making our client considers that the plan period of 2022 – 2039 should be revisited before the draft Local Plan is submitted for Examination to ensure the plan period covers a minimum of 15 years from adoption, in accordance with paragraph 22 of the NPPF.  2.18. This plan period should also be rebased to 2024 or 2025, depending on when the Pre?Submission Local Plan is published. The new standard methodology will need to be taken into account, and this takes account of under or oversupply in the past and therefore the plan period start date should align with the date of the standard methodology figure being used. Planning for Changing National Planning Context  2.19. Our client acknowledges that Government changes to the standard method calculation are likely to result in implications over the plan period, including for planning across the Derby Housing Market Area (HMA). In order to address this changing and dynamic planning context, the Council needs to take a pragmatic approach to plan-making.  2.20. The current proposed Local Plan includes provision for 14,483 homes of which 8,874 are to meet the need of South Derbyshire need and 5,609 are to help meet the needs of Derby City. The Briefing Note to the South Derbyshire Local Plan Working Group set out the position with partners across the HMA covering the period 2022-2039 as follows:  2.21. The results of the Government’s proposed changes to the standard method calculation on each of the Derby HMA authorities is set out below:  2.22. As demonstrated above, the implications of the Government’s proposed changes are that there is likely to be an increased housing need across the Derby HMA with an overall under provision of 3,349 homes up to 2039.  2.23. With Derby City’s already constrained capacity and with Amber Valley currently at Local Plan Examination, if South Derbyshire fails to respond to the changes to the standard method, addressing the genuine housing needs of the Derby HMA will be significantly delayed.  2.24. As a result, the Council must take a pragmatic approach to addressing the housing need for the HMA whilst at this early stage of plan-making and whilst is has the opportunity to do so. The Council must use the existing evidence base to identify a pattern of development that meets likely unmet housing need in a sustainable manner.  2.25. The Derby HMA Sustainability Appraisal of Housing Options August 2024 (HMA SA) provides a basis from which the Council can prepare an appropriate strategy to accommodate unmet need within the HMA.  2.26. The Derby HMA authorities identified four different options for the distribution of the potential housing growth, as follows: D1 Urban Concentration – all of Derby’s unmet need is met within the Derby City administrative area. Amber Valley and South Derbyshire meet their own ‘standard methodology’ needs; D2 Urban Concentration and Urban Fringe – the unmet need is split between Derby City administrative area and land adjoining the city (an arbitrarily Urban Fringe area defined for the purposes of this study, shown on Figure 1) in Amber Valley and South Derbyshire. The Derby administrative area plus the Urban Fringe is referred to as the Derby Urban Area;  D3 Dispersed – the unmet is split between land adjoining the city (Urban Fringe) in Amber Valley and South Derbyshire and then within the Towns and Key Service Villages in each area as per Local Plan spatial strategies (outside of the Urban Fringe); and D4 Urban Fringe Focus - All unmet need including the 10% / 35% uplifts is met within land adjoining the city / Urban Fringe in Amber Valley and South Derbyshire. This only applies to scales 1 and 3 as there is no uplift included in Scale 2. This distribution applies to all three scale options, however for Scale 2 it is referred to as ‘D2’.  2.27. The HMA SA assessed the above options with further combinations including different proportions within urban areas and towns and key villages at Table (2-2). The assessment findings of the HMA SA at 4.2 show that:  2.28. The HMA SA demonstrates that there is not an obviously better or worse district in which to accommodate unmet housing from Derby City, however, the HMA SA does not consider Green Belt, and in this specific regard South Derbyshire is significantly less constrained than Amber Valley.  2.29. A truly pragmatic and bold response to the evidence base including the emerging standard method figures would be for the Council to accommodate the majority of the anticipated shortfall in housing provision up to 2039. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243227 | Carter Jonas on behalf of Miller Homes Ltd |  |  | Housing Need Background 3.6 Between 30th July and 24th September 2024, the Government consulted on proposed reforms to the National Planning Policy Framework and other changes to the planning system. The Government intend to review the consultation responses and publish a revised NPPF in 2024.  3.7 Amongst other proposals, the Government consulted on a new standard method for calculating housing need which is proposed to be mandatory. The purpose of which is to support the Government’s manifesto commitment of delivering 1.5 million new homes in this Parliament. The approach supports the overarching aim of delivering sustainable development set out in the NPPF (2023), in particular, it assists in boosting the supply of homes.  3.8 If the new standard method is introduced, delivering a lower number of homes will only be supported if Local Planning Authorities are subject to hard constraints which prevent delivery and it can demonstrate all options for delivery have been explored. It’s noted that SDDC in their Response to the consultation agreed to the standard method being mandatory, on the basis it would speed up the examination process of Local Plans.  3.9 The current Standard Method results in a requirement for 507 dwellings per annum (dpa) in South Derbyshire. If the Government proceed with the proposed changes to the calculation, this would increase to 606 dpa.  3.10 The Derby and South Derbyshire Local Housing Needs Assessment (December 2023) prepared by Iceni concludes at paragraph 1.27 that there are no exceptional circumstances which justify a deviation from the Standard Method. Thus, based on the evidence, SDDC have prepared their Plan utilising the Standard Method to calculate local housing need. We agree this approach assists in ensuring the plan is positively prepared, justified and consistent with national policy in accordance with the test of soundness.  3.11 Draft Policy S1 (Sustainable Growth Strategy) states that “over the plan period (2022 – 2039) at least 14483 dwellings will be built within South Derbyshire. This comprises 8874 homes to meet South Derbyshire’s own needs and 5609 to help meet Derby City’s unmet need.” This equates to circa 522 dpa towards meeting SDDC’s own needs and 329 dpa relate directly to meeting Derby City’s unmet need.  Impact of Revised NPPF 3.12 As set out in paragraph 3.6 of this Report, the Government are likely to publish a Revised NPPF this year. Whilst the exact outcome of the recent consultation is unknown, we strongly recommend SDDC consider the draft transitional arrangements and potential impacts of the revised Standard Method to enable the Plan to progress swiftly following its publication.  3.13 Paragraph 6 of the consultation documents states that “those plans that have reached Regulation 19 publication stage but not yet been submitted for examination one month after the revised framework is published, with a gap of no more than 200 dwellings per annum between the local planning authority’s revised LHN figure and its proposed housing requirement (as set out in the Publication version of the plan), should also progress to examination under the version of the NPPF it has used when preparing the plan thus far.” Where the gap is larger than 200 dpa, Local Planning Authorities will be required to amend the Plan to reflect the Revised NPPF.  3.14 The draft transitional arrangements also state all Plans which have not yet reached Regulation 19 should be prepared against the revised version of the NPPF and progressed as quickly as possible.  3.15 Given the proposed timescales for the Local Plan Review, SDDC are likely to be subject to the latter arrangement whereby the Plan will need to reflect the Revised NPPF. In order to speed up the Plan making process and to plan positively, it would be beneficial for SDDC to take into account the consultation at an early stage.  3.16 Thus, amongst other matters, SDDC’s local housing need figure will increase from 507 to 606 dpa. Which results in a requirement for an additional 1,683 new homes over the proposed Plan period. Meeting South Derbyshire District Council’s own need  3.17 With regard to addressing the delivery of housing to meet SDDC’s need, 522dpa accords with the existing Standard Method.  3.18 As detailed in paragraph 010 of the Planning Practice Guidance relating to housing and economic needs assessment, the standard method for calculating housing need is a minimum starting point. An uplift may be required to address unmet need from neighbouring authorities, changing economic circumstances or other factors that might have an impact on demographic behaviour. Matters relating to unmet need have been explored in the proceeding section.  3.19 SDDC are only however planning for the minimum, with the exception of taking on board some unmet need arising from Derby City Council (‘DCC’).  3.20 The Standard Method does not include any economic uplift which will facilitate growth and support SDDC and its community’s economic recovery as a result of Covid-19. The economic benefits of delivering housing and its contribution to building a strong and competitive economy in line with paragraph 8 of the NPPF (2023) is well established. As detailed in the Economic Footprint of UK Housing Building in England and Wales (July 2018) undertaken by the Home Builders Federation and Lichfields, £39bn is generated as economic output as a result of house building each year. Therefore, to secure economic sustainability, SDDC must incorporate an economic uplift in their housing requirement.  3.21 Whilst it is noted SDDC’s evidence base has not indicated an alternative method for calculating housing need should be followed, which we agree with, it has highlighted an acute need for new social and affordable rental properties. Table 6.14 in the Derby and South Derbyshire Local Housing Needs Assessment (December 2023) prepared by Iceni outlines a total gross need of 376 dpa of social/affordable rented housing against a relet supply of 161 dpa resulting in an overall net requirement of 214 dpa. Paragraph 6.5 notes that “caution should be exercised in trying to make a direct link between affordable need and planned delivery, with the key point being that many of those households picked up as having a need will already be living in housing and so providing an affordable option does not lead to an overall net increase in the need for housing (as they would vacate a home to be used by someone else).” Whilst this is noted, many residents will, not by choice, be sharing households. This should be explored further to determine whether the local housing need identified is sufficient to meet the needs for social and affordable rental properties.  3.22 According to paragraph 6.66, developer contributions account to 98% of affordable housing delivery in SDDC. 6.70 of the Report concludes it does “not provide an affordable housing target; the amount of affordable housing delivered will be limited to the amount that can viably be provided. As noted previously, the evidence does however suggest that affordable housing delivery should be maximised where opportunities arise”. Given the heavy reliance on developer contributions, there are two options to deliver increased affordable housing; increase the affordable housing requirement on residential sites and/or allocate additional sites.  3.23 SDDC are now proposing to seek 40% of dwellings as affordable on sites of 10 dwellings or more under draft Policy H21 (Affordable Housing). Whilst this is a 10% increase on the Adopted Plan, lower proportions of affordable housing will be accepted where a viability assessment demonstrates the requirement cannot be achieved. Paragraph 6.55 of the Plan states “the LHNA sets out that within South Derbyshire there is a net need of 214 affordable rental homes per annum or 3,638 over the plan period from 2022-2039. Using the standard method of calculating housing this would represent 41% of the houses built over the plan period. This may not be practicable, however there must be a maximization of the opportunities. In the Local Plan Part 1 Review Draft Plan this has been rounded to 40%, but is still to be subject to detailed viability testing.” It’s apparent that SDDC are accepting this delivery may not be practical nor is it underpinned by any viability evidence, Due consideration needs to be given on these points to ensure the Plan is ‘sound’. Given the current market and viability issues experienced, it’s recommended that SDDC do not rely on this increase to deliver sufficient affordable housing to meet demand. Instead, SDDC should foster a positive and proactive approach by increasing the delivery of housing to enable further affordable housing to come forward to meet the needs of the local community.  3.24 SDDC are only taking into account affordable rental homes. Paragraph 6.56 of the Plan states “the LHNA is less conclusive in regard to the scale of net need for affordable home ownership (AHO) products, although it is clear that this is much smaller than that for rented affordable housing, In Derby and South Derbyshire, the clear need for additional affordable rented housing would arguably mean that providing affordable home ownership would ‘prejudice the ability’ to meet the needs of the ‘specific group’ requiring rented accommodation.” Derby and South Derbyshire LHNA 2023.” Whist the evidence may indicate the need for affordable rental is significantly higher than affordable home ownership, the delivery of affordable homeownership should not be ignored over the next 15 year period. To address this need, SDDC should allocate additional land for housing which in turn will increase the number of affordable homes delivered across the District.  Housing Market Area (HMA)  3.25 SDDC are required to work jointly with neighbouring authorities on strategic matters which cross administrative boundaries. The delivery of housing is a strategic matter. Effective joint working is a legal requirement under the Localism Act (2011) and fundamental to adopting a positively prepared and justified Plan which meets the test of soundness set out in the NPPF (2023).  3.26 The HMA comprises of SDDC, DCC and Amber Valley Borough Council (‘AVBC’).  3.27 As part of the plan-making process, the HMA and Derbyshire County Council have prepared a Statement of Common Ground (SoCG). It is understood that the parties intend to review and expand the Statement to further address Derby City’s unmet need.  3.28 As set out in paragraph 4.23 of the Draft Local Plan Part 1 Review (October 2024), “on 27 July 2023, Derby wrote to SDDC setting out its final position on capacity, stating that it had concluded that the city offered capacity for 12,500 homes. Given the standard method requirement of 21,522, this results in an unmet need of 9,022 dwellings.” This is over the plan period for DCC New Local Plan for Derby which runs until 2039.  3.29 As set out above, SDDC are proposing to deliver 5609 dwellings to assist in meeting DCC’s unmet need.  3.30 The Amber Valley Borough Local Plan (2022-2040) (July 2024) is currently undergoing independent examination by the Secretary of State. The Plan in its current form has allocated a site of 2,000 homes (1,320 in the plan period) at Mackworth, to assist in meeting Derby’s unmet need.  3.31 AVBC Plan is proposed to extend to 2040 in comparison to both plans of SDDC and DCC which are currently planning up until 2039. Thus, AVBC contribution to unmet need in its final year of the Plan period should not count towards meeting the 9,000 dwellings required. The housing trajectory for AVBC does not set out a year-by-year trajectory for Brun Lane, Mackworth. 360 dwellings are however proposed to be delivered between 2037 and 2040 which equates to circa 120 dpa. Thus, it would be a fair assumption to conclude approximately 1,200 dwellings allocation in the AVBC Plan will contribute to Derby’s unmet need by 2039.  3.32 Together the contributions from SDDC and AVBC total 6,809, resulting in circa 2,191 dwellings not being met in the HMA up to 2039. It would therefore be unsound for all Plans to continue without modifications to ensure all of the unmet need is being met.  3.33 As shown in Table 1 below, both SDDC and AVBC’s housing need will increase if the new standard method is brought into fruition. On the contrary, DCC’s housing need will be reduced as result of the Governments proposals to remove the 35% urban uplift. Overall, across the HMA, the new standard method would result in an increase of 248 dpa.  Table 1 – Standard Method for Calculating Housing Need (based on dpa)  3.34 The Environmental and Development Services Committee (19 September 2024) acknowledges this position. Paragraph 4.8 states that ‘this housing requirement increase under the new proposed method may present difficulty for Amber Valley, who are about to submit their plan for examination’. Please note, AVBC submitted the Amber Valley Borough Local Plan 2022-2040 to the Secretary of State on 29 July 2024. Thus, if the transitional arrangements are enforced as proposed, the Plan will continue to be examined under the current NPPF.  3.35 Paragraph 4.9 details that “whilst this means that the Amber Valley examination is likely to be able to continue, an increased housing requirement may mean that they have less ability to support Derby’s unmet housing needs, and may require support from other authorities in future.”  3.36 In addition, the Examination into the Amber Valley Borough Local Plan 2022-2040 has highlighted a significant concern regarding the delivery of the Mackworth site. The landowner has advised AVBC that the entire site is no longer available for development and suggested a reduced delivery of 300 – 600 dwellings (see Examination Document AV08a - the Agents response). The reduction of 1400- 1700 homes on the site will have substantial impacts on AVBC ability to meet Derby’s unmet need unless AVBC allocate additional sites in the Plan. This presents greater risk that further reliance will be placed on SDDC to meeting Derby’s unmet need.  3.37 It is recommended that as part of the upcoming review of the Statement of Common Ground, the above is taken into consideration as there may be further reliance on SDDC to meet DCC unmet need. If the evidence base demonstrates that is the case, SDDC should act immediately by increasing the level of allocations in the Plan to ensure the Plan meets the legal requirements of the duty to corporate and the test of soundness.  Housing Delivery Retained Sites 3.38 In principle, we agree with SDDC’s approach of retaining previously allocated sites which have not yet been developed. However, SDDC should not assume that all of these sites remain deliverable as the position may have changed since their original allocation. To make certain the Plan is deliverable, it’s paramount that SDDC update their evidence base to ensure the sites will come forward over the next plan period. It’s noted that the South Derbyshire Local Plan Sustainability Appraisal (October 2024) (Revision 3) does not assess the Saved Policies including the allocations. We strongly contend that this approach is flawed. For the Plan to be found justified, it needs to be derived from an up to date evidence base, we therefore recommend the Sustainability Appraisal and all other evidence base documents are updated to reassess the saved allocations. | Circumstances where it might be appropriate to plan for a higher level of housing provision than the minimum identified through the Standard Method are considered as part of the Derby and South Derbyshire Local Housing Needs Assessment (2023). The assessment does not recommend raising provision above the level identified through the Standard Method.  Previously allocated housing allocations have already been assessed under the adopted Plan's SA and given the similar methodology of the interim SA, are not considered to require reassessment.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243213 | Marrons Planning on behalf of Northern Trust |  |  | The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period. The Draft Plan’s accompanying Interim Sustainability Appraisal acknowledges that as a result of forthcoming national policy changes, the number of homes required for South Derbyshire are likely to increase as a result of changes to the Standard Method for calculating local housing need and that the Plan will need to take account of these changes.  The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development.   The Housing Requirement As the Council is aware, the District’s Local Housing Need (LHN) figure, calculated using the Standard Method, serves as a minimum starting point and does not represent the final housing requirement. This is clearly outlined in the Planning Practice Guidance (PPG). The PPG also specifies that exceptional circumstances are required if planning for fewer homes than the Standard Method indicates. Therefore, the LHN should be viewed as a floor, not a ceiling. The PPG also sets out a number of circumstances and factors where it might be appropriate to plan for a higher housing requirement than the LHN. These are summarised below:  The Standard Method does not attempt to predict the impact of changing economic circumstances or the impact other factors might have on demographic behaviour. Circumstances where it may be appropriate to plan for a greater level of housing growth than the LHN includes, but is not limited to: • Growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth • Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or • An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground. • There may also be situations where previous levels of housing delivery in an area, or previous assessments of need, are significantly greater than the outcome of the Standard Method.  Total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing requirement included in the plan may need to be considered where it could help deliver the required number of affordable homes.  The Draft Plan, in paragraph 4.35, states that the Local Housing Needs Assessment (LHNA) dated December 2023 confirms there are no exceptional circumstances justifying a departure from the Standard Method in calculating housing needs. However, the question of whether there are exceptional circumstances to depart from the Standard Method is distinct from whether the housing requirement should be increased beyond the Standard Method to account for the factors mentioned in the Planning Practice Guidance (PPG). The PPG makes it clear that the Standard Method does not determine a final housing requirement, but only serves as a minimum starting point. Therefore, we would expect the Plan and its evidence base to comprehensively address the factors outlined in the PPG.  The Government’s live tables on net additional housing supply indicate that over the last five years South Derbyshire has seen an annual average of 1,107 competitions per annum. This suggests that the Council is able to establish and sustain a rate of housing delivery well in excess of the LHN (which for South Derbyshire is 522 dwellings per annum and an annualised housing requirement (with Derby’s unmet needs incorporated) of 851 dpa. Planning for significantly less growth than what has been recently achieved is clearly not consistent with the NPPF’s objectives of significantly boosting the supply of housing.  According to government data, South Derbyshire has averaged 167 affordable housing completions per year. However, the Local Housing Needs Assessment (LHNA) identifies a need for 410 affordable dwellings per year, highlighting a significant shortfall. Similarly, Derby City Council has delivered an annual average of 169 affordable units over the past decade, while the LHNA estimates its annual need at 1,076 homes. In South Derbyshire, the annual affordable housing need constitutes 78% of the total Local Housing Need (LHN) figure, far surpassing the average rate of delivery over the last ten years.  The LHNA states at paragraph 6.53 that the notional percentage of affordable housing in South Derbyshire is 41% of the LHN. However, this does not appear to capture the calculated need for affordable home ownership and intermediate affordable tenures. The true ratio is therefore much higher and closer to 80%, when compared to an affordable housing policy requirement of 30% within the District. Even expressed as a percentage of the overall annualised housing requirement including Derby’s needs, annual affordable housing need in South Derbyshire represents 48% of the LHN, but that figure should be seen in the context of Derby’s own limited ability to meet its own significant needs for affordable housing. As such, the Draft Plan should clearly consider an increase in the overall housing requirement to meet affordable housing needs.  In spite of the above, the LHNA concludes that the housing requirement should not include an uplift to address affordable housing needs. The rationale for this is explained at paragraph 6.69 and amounts to the claim that it is too difficult to link affordable housing to the overall housing requirement and that there is no justification for making the link. That proposition is supported by reference to guidance issued by the Planning Advisory Service (PAS) in 2015. Despite seemingly being aware of the clear direction in the PPG to consider an increase in total housing figures to help deliver the required number of affordable homes, the LHNA appears to disagree with the PPG’s clear advice and has proceeded not to apply it, concluding that no uplift should be made to deliver affordable housing figures. That approach is inconsistent with national policy and has resulted in an unsound housing requirement which has clearly not been informed by the significant level of affordable housing need within Derby and South Derbyshire identified within the evidence base.  FLEXIBILITY & CONTINGENCY The Plan should incorporate a sufficient contingency to adapt to potential changes over its duration. Typically, a buffer of 10-20% is advisable, depending on the spatial strategy and associated delivery risks. The Plan’s housing requirement is set at 14,483 dwellings. According to Policy S4, the total provision, including a windfall allowance, is also 14,483— precisely matching the requirement. This leaves minimal flexibility to accommodate any delays or non-delivery of sites, indicating that the Plan is not positively prepared to address unforeseen changes effectively.  THE “NEW” STANDARD METHOD As the Council will be aware, in July 2024 the Government published a consultation in respect of proposed changes to the Standard Method for calculating housing need, moving away from a demographic projections based approach toward quantifying growth as a proportion of housing stock. Whilst the New Standard Method removes the 35% urban uplift adjustment, it still results in an uplift across the HMA compared to the existing Standard Method. In comparing the emerging housing requirements for each authority against the new Standard Method, it is evident there is a shortfall of about 6,281 homes across the HMA. Excluding Land at Brun Lane, Mackworth in Amber Valley this figure rises to 8,281.  While the 2024 Consultation Draft of the NPPF includes transitional provisions for plan making, SDDC is very unlikely to benefit from these due to the progress of its current plan. Amber Valley’s local plan, which is under examination, is likely to face challenges due to substantial Duty to Cooperate issues and concerns about the availability of land at Brun Lane, Mackworth, as previously noted. Consequently, plan-making across the HMA will likely need to adhere to the new Standard Method if it is introduced as expected, which would necessitate an increase in the housing requirements for both South Derbyshire and Amber Valley. | Circumstances where it might be appropriate to plan for a higher level of housing provision than the minimum identified through the Standard Method are considered as part of the Derby and South Derbyshire Local Housing Needs Assessment (2023). The assessment does not recommend raising provision above the level identified through the Standard Method.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243226  1243202  1243209  1243616 | Marrons Planning on behalf of Redrow Homes; William Davis Homes; Wain Estates; Miller Homes |  |  | The Housing Requirement As the Council is aware, the District’s Local Housing Need (LHN) figure, calculated using the Standard Method, serves as a minimum starting point and does not represent the final housing requirement. This is clearly outlined in the Planning Practice Guidance (PPG). The PPG also specifies that exceptional circumstances are required if planning for fewer homes than the Standard Method indicates. Therefore, the LHN should be viewed as a floor, not a ceiling. The PPG also sets out a number of circumstances and factors where it might be appropriate to plan for a higher housing requirement than the LHN. These are summarised below: The Standard Method does not attempt to predict the impact of changing economic circumstances or the impact other factors might have on demographic behaviour. Circumstances where it may be appropriate to plan for a greater level of housing growth than the LHN includes, but is not limited to: • Growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth • Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or • An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground. • There may also be situations where previous levels of housing delivery in an area, or previous assessments of need, are significantly greater than the outcome of the Standard Method. Total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing requirement included in the plan may need to be considered where it could help deliver the required number of affordable homes.  The Draft Plan, in paragraph 4.35, states that the Local Housing Needs Assessment (LHNA) dated December 2023 confirms there are no exceptional circumstances justifying a departure from the Standard Method in calculating housing needs. However, the question of whether there are exceptional circumstances to depart from the Standard Method is distinct from whether the housing requirement should be increased beyond the Standard Method to account for the factors mentioned in the Planning Practice Guidance (PPG). The PPG makes it clear that the Standard Method does not determine a final housing requirement, but only serves as a minimum starting point. Therefore, we would expect the Plan and its evidence base to comprehensively address the factors outlined in the PPG. 3.2.18 The Government’s live tables on net additional housing supply indicate that over the last five years South Derbyshire has seen an annual average of 1,107 competitions per annum. This suggests that the Council is able to establish and sustain a rate of housing delivery well in excess of the LHN (which for South Derbyshire is 522 dwellings per annum and an annualised housing requirement (with Derby’s unmet needs incorporated) of 851 dpa. Planning for significantly less growth than what has been recently achieved is clearly not consistent with the NPPF’s objectives of significantly boosting the supply of housing.  According to government data, South Derbyshire has averaged 167 affordable housing completions per year. However, the Local Housing Needs Assessment (LHNA) identifies a need for 410 affordable dwellings per year, highlighting a significant shortfall. Similarly, Derby City Council has delivered an annual average of 169 affordable units over the past decade, while the LHNA estimates its annual need at 1,076 homes. In South Derbyshire, the annual affordable housing need constitutes 78% of the total Local Housing Need (LHN) figure, far surpassing the average rate of delivery over the last ten years.  The LHNA states at paragraph 6.53 that the notional percentage of affordable housing in South Derbyshire is 41% of the LHN. However, this does not appear to capture the calculated need for affordable home ownership and intermediate affordable tenures. The true ratio is therefore much higher and closer to 80%, when compared to an affordable housing policy requirement of 30% within the District. Even expressed as a percentage of the overall annualised housing requirement including Derby’s needs, annual affordable housing need in South Derbyshire represents 48% of the LHN, but that figure should be seen in the context of Derby’s own limited ability to meet its own significant needs for affordable housing. As such, the Draft Plan should clearly consider an increase in the overall housing requirement to meet affordable housing needs.  In spite of the above, the LHNA concludes that the housing requirement should not include an uplift to address affordable housing needs. The rationale for this is explained at paragraph 6.69 and amounts to the claim that it is too difficult to link affordable housing to the overall housing requirement and that there is no justification for making the link. That proposition is supported by reference to guidance issued by the Planning Advisory Service (PAS) in 2015. Despite seemingly being aware of the clear direction in the PPG to consider an increase in total housing figures to help deliver the required number of affordable homes he LHNA appears to disagree with the PPG’s clear advice and has proceeded not to apply it, concluding that no uplift should be made to deliver affordable housing figures. That approach is inconsistent with national policy and has resulted in an unsound housing requirement which has clearly not been informed by the significant level of affordable housing need within Derby and South Derbyshire identified within the evidence base.   FLEXIBILITY & CONTINGENCY The Plan should incorporate a sufficient contingency to adapt to potential changes over its duration. Typically, a buffer of 10-20% is advisable, depending on the spatial strategy and associated delivery risks. The Plan’s housing requirement is set at 14,483 dwellings. According to Policy S4, the total provision, including a windfall allowance, is also 14,483— precisely matching the requirement. This leaves minimal flexibility to accommodate any delays or non-delivery of sites, indicating that the Plan is not positively prepared to address unforeseen changes effectively.  THE “NEW” STANDARD METHOD As the Council will be aware, in July 2024 the Government published a consultation in respect of proposed changes to the Standard Method for calculating housing need, moving away from a demographic projections based approach toward quantifying growth as a proportion of housing stock. Whilst the New Standard Method removes the 35% urban uplift adjustment, it still results in an uplift across the HMA compared to the existing Standard Method. In comparing the emerging housing requirements for each authority against the new Standard Method, it is evident there is a shortfall of about 6,281 homes across the HMA. Excluding Land at Brun Lane, Mackworth in Amber Valley this figure rises to 8,281.  While the 2024 Consultation Draft of the NPPF includes transitional provisions for planmaking, SDDC is very unlikely to benefit from these due to the progress of its current plan. Amber Valley’s local plan, which is under examination, is likely to face challenges due to substantial Duty to Cooperate issues and concerns about the availability of land at Brun Lane, Mackworth, as previously noted. Consequently, plan-making across the HMA will likely need to adhere to the new Standard Method if it is introduced as expected, which would necessitate an increase in the housing requirements for both South Derbyshire and Amber Valley. | Circumstances where it might be appropriate to plan for a higher level of housing provision than the minimum identified through the Standard Method are considered as part of the Derby and South Derbyshire Local Housing Needs Assessment (2023). The assessment does not recommend raising provision above the level identified through the Standard Method.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243658 | Marrons on behalf of Davidsons regarding their Newton Solney Site |  | S1 | 2.2.6 Paragraph 1.13 of the Draft Plan which states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  2.2.7 The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period. The Draft Plan’s accompanying Interim Sustainability Appraisal acknowledges that as a result of forthcoming national policy changes, the number of homes required for South Derbyshire are likely to increase as a result of changes to the Standard Method for calculating local housing need and that the Plan will need to take account of these changes.  2.2.8 The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development. 3. THE HOUSING REQUIREMENT – POLICY S1 3.1 INTRODUCTION 3.1.1 Policy S1 sets out the “Sustainable Growth Strategy,” which is to secure sustainable growth to meet objectively assessed housing and commercial needs in the Plan period 2022 to 2039. Over the Plan period, at least 14,483 dwellings will be built in South Derbyshire comprising 8,874 homes to meet South Derbyshire’s own needs and 5,609 to help meet Derby City’s unmet need. Below we comment further upon the soundness and legal compliance of the Draft Plan’s housing requirement drawing on key elements of the evidence base as relevant    The Housing Requirement  3.2.16 As the Council is aware, the District’s Local Housing Need (LHN) figure, calculated using the Standard Method, serves as a minimum starting point and does not represent the final housing requirement. This is clearly outlined in the Planning Practice Guidance (PPG). The PPG also specifies that exceptional circumstances are required if planning for fewer homes than the Standard Method indicates. Therefore, the LHN should be viewed as a floor, not a ceiling. The PPG also sets out a number of circumstances and factors where it might be appropriate to plan for a higher housing requirement than the LHN. These are summarised below: The Standard Method does not attempt to predict the impact of changing economic circumstances or the impact other factors might have on demographic behaviour. Circumstances where it may be appropriate to plan for a greater level of housing growth than the LHN includes, but is not limited to: • Growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth • Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or • An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground. • There may also be situations where previous levels of housing delivery in an area, or previous assessments of need, are significantly greater than the outcome of the Standard Method. Total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing requirement included in the plan may need to be considered where it could help deliver the required number of affordable homes. [Emphasis Added]  3.2.17 The Draft Plan, in paragraph 4.35, states that the Local Housing Needs Assessment (LHNA) dated December 2023 confirms there are no exceptional circumstances justifying a departure from the Standard Method in calculating housing needs. However, the question of whether there are exceptional circumstances to depart from the Standard Method is distinct from whether the housing requirement should be increased beyond the Standard Method to account for the factors mentioned in the Planning Practice Guidance (PPG). The PPG makes it clear that the Standard Method does not determine a final housing requirement, but only serves as a minimum starting point. Therefore, we would expect the Plan and its evidence base to comprehensively address the factors outlined in the PPG.  3.2.18 The Government’s live tables on net additional housing supply indicate that over the last five years South Derbyshire has seen an annual average of 1,107 competitions per annum. This suggests that the Council is able to establish and sustain a rate of housing delivery well in excess of the LHN (which for South Derbyshire is 522 dwellings per annum and an annualised housing requirement (with Derby’s unmet needs incorporated) of 851 dpa. Planning for significantly less growth than what has been recently achieved is clearly not consistent with the NPPF’s objectives of significantly boosting the supply of housing.  3.2.19 According to government data, South Derbyshire has averaged 167 affordable housing completions per year. However, the Local Housing Needs Assessment (LHNA) identifies a need for 410 affordable dwellings per year, highlighting a significant shortfall. Similarly, Derby City Council has delivered an annual average of 169 affordable units over the past decade, while the LHNA estimates its annual need at 1,076 homes. In South Derbyshire, the annual affordable housing need constitutes 78% of the total Local Housing Need (LHN) figure, far surpassing the average rate of delivery over the last ten years.  3.2.20 The LHNA states at paragraph 6.53 that the notional percentage of affordable housing in South Derbyshire is 41% of the LHN. However, this does not appear to capture the calculated need for affordable home ownership and intermediate affordable tenures. The true ratio is therefore much higher and closer to 80%, when compared to an affordable housing policy requirement of 30% within the District. Even expressed as a percentage of the overall annualised housing requirement including Derby’s needs, annual affordable housing need in South Derbyshire represents 48% of the LHN, but that figure should be seen in the context of Derby’s own limited ability to meet its own significant needs for affordable housing. As such, the Draft Plan should clearly consider an increase in the overall housing requirement to meet affordable housing needs.  3.2.21 In spite of the above, the LHNA concludes that the housing requirement should not include an uplift to address affordable housing needs. The rationale for this is explained at paragraph 6.69 and amounts to the claim that it is too difficult to link affordable housing to the overall housing requirement and that there is no justification for making the link. That proposition is supported by reference to guidance issued by the Planning Advisory Service (PAS) in 2015. Despite seemingly being aware of the clear direction in the PPG to consider an increase in total housing figures to help deliver the required number of affordable homes, the LHNA appears to disagree with the PPG’s clear advice and has proceeded not to apply it, concluding that no uplift should be made to deliver affordable housing figures. That approach is inconsistent with national policy and has resulted in an unsound housing requirement which has clearly not been informed by the significant level of affordable housing need within Derby and South Derbyshire identified within the evidence base.  3.3 FLEXIBILITY & CONTINGENCY 3.3.1 The Plan should incorporate a sufficient contingency to adapt to potential changes over its duration. Typically, a buffer of 10-20% is advisable, depending on the spatial strategy and associated delivery risks. The Plan’s housing requirement is set at 14,483 dwellings. According to Policy S4, the total provision, including a windfall allowance, is also 14,483— precisely matching the requirement. This leaves minimal flexibility to accommodate any delays or non-delivery of sites, indicating that the Plan is not positively prepared to address unforeseen changes effectively.  3.4 THE “NEW” STANDARD METHOD 3.4.1 As the Council will be aware, in July 2024 the Government published a consultation in respect of proposed changes to the Standard Method for calculating housing need, moving away from a demographic projections based approach toward quantifying growth as a proportion of housing stock. Whilst the New Standard Method removes the 35% urban uplift adjustment, it still results in an uplift across the HMA compared to the existing Standard Method. In comparing the emerging housing requirements for each authority against the new Standard Method, it is evident there is a shortfall of about 6,281 homes across the HMA. Excluding Land at Brun Lane, Mackworth in Amber Valley this figure rises to 8,281.  Table 1 Comparison of New Method against Emerging Housing Requirements  3.4.2 While the 2024 Consultation Draft of the NPPF includes transitional provisions for plan?making, SDDC is very unlikely to benefit from these due to the progress of its current plan. Amber Valley’s local plan, which is under examination, is likely to face challenges due to substantial Duty to Cooperate issues and concerns about the availability of land at Brun Lane, Mackworth, as previously noted. Consequently, plan-making across the HMA will likely need to adhere to the new Standard Method if it is introduced as expected, which would necessitate an increase in the housing requirements for both South Derbyshire and Amber Valley | The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Circumstances where it might be appropriate to plan for a higher level of housing provision than the minimum identified through the Standard Method are considered as part of the Derby and South Derbyshire Local Housing Needs Assessment (2023). The assessment does not recommend raising provision above the level identified through the Standard Method.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1248322 | Oxalis Planning on behalf of Chesshire Partnership | Oxalis Planning on behalf of Chesshire Partnership |  | Question 9 asks if the respondent makes any further comments regarding the Draft Local Plan policies, and the consultation page invites further comments on other matters such as the evidence base. This section responds to these points.  Proposed Local Plan Period The 2022-2025 Local Development Scheme sets out that the Plan was intended to have been adopted by December 2024. Given that at present, only the Regulation 18 stage consultation is underway, clearly timescales for adoption have slipped significantly. Based on experience with other Local Authorities, and judging by the 18-month delay on the regulation 18 consultation, we anticipate that submission of the Local Plan to the inspectorate will not occur until 2026 at the earliest, possibly resulting in adoption being in 2027 following enquiries. Therefore, the proposed Plan end date of 2039 would not, upon adoption, cover the 15-year period required by the NPPF.  Paragraph 22 of the National Planning Policy Framework (NPPF, December 2023) sets out that strategic policies should look ahead over a minimum 15-year period from adoption, which is proposed to remain within the revised NPPF. Therefore, if adoption at the earliest is not achieved until 2027, the lifetime of the plan must at a minimum, span until 2042.  As mentioned above in response to question 4, it is unlikely that the Local Plan revision will fall within the new NPPF transitional arrangements, and therefore housing requirements should be based on the emerging NPPF.  Policy S5 would inevitably need to be revisited to allocate additional land to more closely meet true employment land requirements. The inclusion of the additional site submitted with these representations, might go some way to meeting employment needs. | The new standard method for calculating housing need, which came into being in December, 2024, changes the needs of the three HMA authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum.    The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed that the wording of Policy S1 be changed to reflect the above. |
| 1243166 | Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd |  | S1 | 4 SOUTH DERBYSHIRE DRAFT LOCAL PLAN PART 1 REVIEW Background South Derbyshire District Council is preparing a review of the South Derbyshire Local Plan. The review will partially update the existing Part 1 Strategic Plan to ensure that it is consistent with national planning policy and to deal with the critical issue of meeting Derby City’s unmet housing need. The review will not replace the Part 2 South Derbyshire Local Plan which will be saved entirely. It is noted that instead of undertaking a comprehensive review of the Plan as a whole, the Council are only reviewing the strategic policies and given the timescales to have the plan submitted by June 2025 (which is subject to change dependent upon the revised NPPF), the majority of the policies have been built upon and amended as opposed to being replaced. The consultation version of the revised NPPF includes transitional arrangements for Local Plans that are at an advanced stage, and states that Local Plans that have reached Regulation 19 publication stage but not yet submitted for examination one month after the revised framework is published, should progress to examination under the version of the NPPF it has been prepared under, so long as the difference between the revised standard method and the emerging housing requirement is no more than 200 dwellings per annum. Whilst no date has yet been confirmed by Government as to when the new NPPF will be published, it is expected to be published either before Christmas or very early in 2025. The Council’s current timetable proposes consultation on the Regulation 19 document will take place ‘early 2025’. Given the length of time between the Issues and Options consultation and this Regulation 18 consultation (two years), it appears overly optimistic that the Local Plan could progress to Regulation 19 prior to the impending publication of the revised NPPF. In light of the above, Gladman would urge the Council to pause this partial update to the adopted Local Plan Part 1, which risks becoming obsolete following the publication of the revised NPPF, and instead focus their efforts and resources on a comprehensive review of the whole plan now, rather than following the adoption of Local Plan Part 1 Review. Gladman have previously submitted representations to the Issues and Options consultation in October 2022 and have also submitted additional information in relation to two sites to the Call for Sites exercise (March 2024) and these are detailed in section 5 and the accompanying Story Map. Notwithstanding Gladman submit that a more efficient and effective use of Council resources would be to pause this partial review and instead progress with a comprehensive review following the publication of the NPPF, the sections that follow below include specific comments from Gladman on a number of issues that have been identified in the Council’s consultation material. Plan period Gladman considers that the plan period is insufficient and will likely fail against the requirements of paragraph 22 of the NPPF that requires strategic policies to look ahead over a minimum 15-year period from adoption. Table 10-1 in the Interim Sustainability Appraisal Report sets out the timetable for progression of the Local Plan Part 1 review through to adoption, which is anticipated in Winter 2025. As already set out, Gladman has some concerns that the anticipated timescales are overly optimistic, but even if the review was adopted by Winter 2025, a plan period through to 2039 would only cover a period of 14 years at very best from adoption. Therefore, as an absolute minimum, the plan period should be extended to at least 2040, although to allow for unforeseen delays in the progression of the Local Plan review, Gladman submit that it would be prudent to extend the plan period to at least 2041. Further, given that strategic urban extensions form a significant part of the strategy for South Derbyshire, paragraph 22 is clear that policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.  Policy S1: Sustainable Growth Strategy The amendments to Policy S1 propose changing the housing requirement to 14,483 dwellings over the plan period 2022-2039. The housing requirement comprises 8,874 dwellings to meet South Derbyshire’s need (522 dwellings per annum) and 5,609 dwellings to meet the unmet needs arising from Derby City. For the reasons previously stated, in order for the plan to conform with paragraph 22 of the NPPF, it must plan for a minimum period of 15 years from adoption. Given the anticipated adoption date of Winter 2025, an extended plan period through to 2040 would result in a minimum housing requirement of 9,396 dwellings. Given the optimistic timescales, Gladman consider a more realistic adoption date to be 2026, which would equate to a plan period through to 2041, resulting in a housing need for South Derbyshire of 9,918 dwellings. The NPPF is clear that the standard method should be used as a starting point unless there are exceptional circumstances to justify a different approach. The Planning Practice Guidance (PPG) sets out that there will be circumstances where the housing requirement could be increased to a level higher than that identified through the application of the standard method2 . These circumstances include but are not limited to: - Where growth strategies are in place, particularly where those growth strategies identify that additional housing above historic trends is needed to support growth or funding is in place to promote and facilitate growth (e.g. housing deals); - Where strategic infrastructure improvements are planned that would support new homes; - Where an authority has agreed to take on unmet need, calculated using the standard method, from neighbouring authorities, as set out in a SoCG; 2 PPG Reference ID: 2a-010-20201216 - Where previous delivery levels have exceeded the minimum figure identified; and - Where recent assessments of need, such as a SHMA, suggest higher levels of need. The Local Housing Needs Assessment concludes that there are no exceptional circumstances that would justify deviating from the standard method of calculating housing needs. Despite this assertion, the draft amendments to Policy S1 sets out that 5,609 dwellings will be built over the plan period to meet the unmet need arising from Derby City. It is not clear from the draft policy text whether Derby City’s unmet need will be included within the housing requirement for the purposes of calculating the Council’s five-year housing land supply. This must be clarified as there is a significant difference between delivering 522dpa (the requirement deviated from the standard method) and 851dpa (the requirement inclusive of Derby City’s unmet need). Gladman would draw the Council’s attention to the success of the Leicestershire authorities where joint working on the issue of housing needs has resulted in agreed approaches including Statements of Common Ground and Memorandum’s of Understanding around the challenges Leicester City faces in seeking to meet its own need within its tightly drawn boundary. Perhaps even more significantly, emerging local plans in Leicestershire are including an element of unmet housing need arising from Leicester within their housing requirement. It is essential that any unmet need is included within the housing requirement to ensure it is delivered. It is noted that following the adoption of the last Local Plan Part 1 (in 2016), the Council did include the unmet need figure within their overall housing requirement and for the purposes of calculating five-year land supply. Gladman would urge the Council to adopt the same approach through this review and recommend that additional text is included as part of the amendments to Policy S1 to provide greater clarity. | Circumstances where it might be appropriate to plan for a higher level of housing provision than the minimum identified through the Standard Method are considered as part of the Derby and South Derbyshire Local Housing Needs Assessment (2023). The assessment does not recommend raising provision above the level identified through the Standard Method.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1242645 | Emery Planning on behalf of Strategic Land Group Ltd |  | S1 | 4. Policy S1: Sustainable Growth Strategy The housing requirement  4.1 Policy S1 sets out a housing requirement of 14,483 dwellings over the plan period, comprising the following: • 8,874 dwellings to meet the needs to South Derbyshire • 5,609 dwellings to meet the needs of Derby City  4.2 The Derby and South Derbyshire Local Housing Needs Assessment December 2023 (LHNA) indicates that the local housing need for South Derbyshire amounts to 522 dwellings per annum1, therefore the proposed housing requirement is only seeking to meet the minimum housing needs of the district. The previous Issues and Options consultation did not consider an option whereby the housing requirement is set above the minimum local housing need, alongside addressing Derby City’s unmet housing needs. Similarly, the Derby HMA Sustainabilty Appraisal of Housing Options does not assess options for providing above the current standard method. We consider that South Derbyshire should plan for higher growth for the reasons discussed below. Local Housing Need in South Derbyshire Proposed revisions to the Framework and Local Housing Need  4.3 The new Government has made it clear that addressing the housing crisis is an absolute priority. The Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government issued a WMS entitled “Building the homes we need” on 30 July 2024. The WMS states: “We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home”  4.4 The WMS outlines the Government’s clear intention and commitment to making changes to the housing and planning system to: “improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years”  4.5 The WMS explains that decisions should be about how to deliver the housing an area needs, not whether to do so at all. It explains that the Government is proposing to reverse the changes made in the December 2023 NPPF, which loosened the requirement for local authorities to plan for and meet their housing needs, mandating that the standard method is used as a basis for determining local authorities’ housing requirements in all circumstances.  4.6 The WMS states that the current standard method for calculating local housing need is “not up to the job” because it relies on population projections which are more than 10 years old and an “arbitrary” urban uplift that focusses too heavily on London. The WMS then states: “We are therefore updating the standard method and raising the overall level of these targets – from around 300,000 to approximately 370,000. The new method provides a stable and balanced approach. It requires local authorities to plan for numbers of homes that are proportionate to the size of existing communities, by taking 0.8 per cent of existing stock as a floor, which is broadly consistent with the average rate of housing growth over recent years. It also then incorporates an uplift based on how out of step house prices are with local incomes, using an affordability multiplier of 0.6 per cent, up from 0.25 per cent in the previous method. This approach means that there is no need for any artificial caps or uplifts: the previous cap will no longer apply, and the urban uplift will be removed. With a stable number, reflective of local needs and the way housing markets operate, we will stop debates about the right number of homes for which to plan, ensure targets reflect the way towns and cities actually work, and support authorities to get on with plan making.”  4.7 The draft revised Framework was published for consultation on 20 July 2024. It sets out various changes to the Framework to boost housing delivery and economic growth. This includes changes to the presumption in favour of sustainable development, Green Belt policy and the standard method for calculating local housing need. It is expected that the revised Framework will be published by the end of the year (i.e., shortly following the closing of this public consultation).  4.8 The new standard method is likely to have significant implications for South Derbyshire. Local housing needs would be increased from 507 dpa under the current standard method to 606 dpa under the revised standard method. Therefore, whilst it is commendable that South Derbyshire is preparing a review of the plan to allocate strategic sites to meet Derby’s unmet needs, South Derbyshire should also be planning to meet its own needs now alongside addressing the unmet needs of Derby, rather than waiting for a review (see our representations to Policy REV1). A current example of this approach is North West Leicestershire, where the Cabinet recently considered an increase to the housing requirement to incorporate the higher local housing need resulting from the proposed changes to the standard method, whilst simultaneously incorporating an uplift to assist a neighbouring authority with their unmet needs. The report is attached at Appendix EP1.  Economic growth  4.9 Notwithstanding our views set out above in relation to the need to take account of the revised standard method, even under the current Framework and standard method we consider that a higher housing requirement should be pursued.  4.10 Paragraph 61 of the Framework states that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. Paragraph 2a-010 of the PPG provides guidance on when it is appropriate to plan for a higher housing need figure than the standard method, which is described as the ‘minimum starting point’.  4.11 The examples given in the PPG for when local housing need could be exceeded are not exhaustive. The PPG recognises at paragraph 2a-010 that the standard method does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. If the amount of housing growth is not sufficient to align with jobs growth, this will serve to constrain economic growth and place significant strain on the housing market due to the additional demand. It would also worsen affordability further if the jobs growth is not matched with sufficient housing growth. This was recognised in the Doncaster Local Plan, where LHN equated to 553 dpa but the plan requirement is 920 dpa. The Inspector’s report states at paragraph 56: “The significant uplift is intended to allow additional people to live in the Borough to ensure a sufficient working population to take account of the number of additional jobs that the Plan aims to accommodate.”  4.12 Similarly, a higher figure than LHN has been adopted in the St Helens Local Plan. The Inspector’s report states at paragraph 54: “The PPG also makes it clear that other circumstances might also justify a higher figure. In the case of St Helens, the 486 dpa is justified to correlate with the aspirations to achieve increased economic growth and jobs which are likely to lead to increased housing need and demand.”  4.13 Therefore, to understand whether an alternative approach to the standard method is justified, it is critical that an appropriate level of jobs growth is identified. Only then can it be considered how many homes are required to support that growth.  4.14 The East Midlands Freeport (EMF) is estimated to create circa 61,000 new jobs in areas of deprivation in the wider region2. The LHNA considers this at paragraph 5.31, however it only takes into account the job creation associated with the East Midlands Intermodal Park (EMIP). Whilst the Ratcliffe-on-Soar Power Station site redevelopment and East Midlands Airport and Gateway Industrial Cluster may fall outside of the administrative area of South Derbyshire, they are still likely to rely on labour from the district given their spatial relationship. The jobs growth associated with the remainder of the EMF should therefore also be taken into account to provide a robust assessment of the economic growth in the region, which could justify an increase to the housing requirement in order to support the future labour needs.  4.15 Furthermore, Figure 6 of the Derby and South Derbyshire Employment Land Review (ELR) shows employment growth of 13 percent gain over 2015-2021, exceeding HMA, regional and national growth. For such trends to continue, the growth must be supported by appropriate housing delivery. Affordable housing  4.16 Paragraph 2a-024 of the PPG states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.  4.17 The LHNA (December 2023) shows a need of 214 affordable dwellings per annum in South Derbyshire alone. Analysis further suggests a need for 672 affordable homes per annum in Derby City. Whilst paragraph 6.158 does not consider that this level of need points to a requirement for the Council’s to increase the Local Plan housing requirement due to the complex relationship between affordable and overall need, it goes on to state: “…That said, the level of affordable need does suggest the Councils should maximise the delivery of such housing at every opportunity.”  4.18 The affordable housing needs amount to 40% of the local housing needs for South Derbyshire and this appears to be reflected in Policy H21: Affordable Housing (previously H20). However, no evidence has been provided to confirm whether this approach is viable. Indeed, Appendix 4 of the draft plan shows that a Local Plan Viability Assessment is yet to be completed as of Autumn 2024. The key evidence which would underpin such changes is therefore not available. Consideration should therefore be given to increasing the overall housing delivery to provide more affordable homes through the identification of more sites which can deliver affordable housing. This is before Derby’s unmet needs are accounted for.  Distribution of development  4.25 The Issues and Options consultation set out the following options: • 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  4.26 As set out in our representations to the Issues and Options consultation document, Option 3 is considered preferable in this respect in terms of dispersing development to Key and Local Service Villages which are more likely to have the infrastructure in place to support new housing. It is not clear what level of growth is expected to occur in the Key and Local Service Villages and the plan is simply reliant on the saved allocations to determine the future distribution, with the exception of the two strategic sites to meet Derby’s unmet needs. No evidence relating to the needs of each settlement appears to underpin the plan.  4.27 Indeed, Policy S1 (or any other policies) does not provide any indication of the growth targets for each settlement or hierarchy. Policy H1: Settlement Hierarchy simply states that development outside of allocations over the period of this Plan will be in accordance with the Settlement Hierarchy, but it is not clear how this translates in relation to the housing requirement or how it responds to the individual needs and sustainability credentials of each settlement.  4.28 We have also discussed above the implications of the revised Framework and standard method. This has implications for the distribution of development, as South Derbyshire’s local housing need is likely to increase whilst the needs of Derby City may decrease. There is a need to consider the needs of South Derbyshire in the first instance, which should be met within and adjoining existing settlements, not through strategic sites on the edge of Derby. The plan should then consider the unmet needs of Derby City, which would be best met in locations which adjoin Derby. The two matters should be considered separately in relation to the distribution of development to make clear which areas and allocations are expected to address each element of housing need (South Derbyshire’s and Derby City’s). We consider that this should be considered and addressed through this plan.  4.29 Furthermore, we have concerns above in relation to the delivery of the strategic allocations to meet Derby’s needs over the plan period (see our response to Policies S4, STRA1 and STRA2). Whilst we note that the Council’s approach of focusing development to meet Derby’s unmet needs on strategic sites on the edge of Derby accords with the Derby HMA Sustainability Appraisal of Housing Options report, the approach must be deliverable. Therefore, we consider that at least an element of the shortfall should be met through sustainable and deliverable sites within other settlements in South Derbyshire. This would ensure that the shortfall is met over the plan period, whilst enabling settlements in South Derbyshire to grow and thrive. | The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Circumstances where it might be appropriate to plan for a higher level of housing provision than the minimum identified through the Standard Method are considered as part of the Derby and South Derbyshire Local Housing Needs Assessment (2023). The assessment does not recommend raising provision above the level identified through the Standard Method.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243650 | Marrons on behalf of Davidsons regarding their Melbourne Site |  | Yes | The Housing Requirement 3.2.16 As the Council is aware, the District’s Local Housing Need (LHN) figure, calculated using the Standard Method, serves as a minimum starting point and does not represent the final housing requirement. This is clearly outlined in the Planning Practice Guidance (PPG). The PPG also specifies that exceptional circumstances are required if planning for fewer homes than the Standard Method indicates. Therefore, the LHN should be viewed as a floor, not a ceiling. The PPG also sets out a number of circumstances and factors where it might be appropriate to plan for a higher housing requirement than the LHN. These are summarised below: The Standard Method does not attempt to predict the impact of changing economic circumstances or the impact other factors might have on demographic behaviour. Circumstances where it may be appropriate to plan for a greater level of housing growth than the LHN includes, but is not limited to: • Growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth • Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or • An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground. • There may also be situations where previous levels of housing delivery in an area, or previous assessments of need, are significantly greater than the outcome of the Standard Method. Total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing requirement included in the plan may need to be considered where it could help deliver the required number of affordable homes. [Emphasis Added]  3.2.17 The Draft Plan, in paragraph 4.35, states that the Local Housing Needs Assessment (LHNA) dated December 2023 confirms there are no exceptional circumstances justifying a departure from the Standard Method in calculating housing needs. However, the question of whether there are exceptional circumstances to depart from the Standard Method is distinct from whether the housing requirement should be increased beyond the Standard Method to account for the factors mentioned in the Planning Practice Guidance (PPG). The PPG makes it clear that the Standard Method does not determine a final housing requirement, but only serves as a minimum starting point. Therefore, we would expect the Plan and its evidence base to comprehensively address the factors outlined in the PPG.  3.2.18 The Government’s live tables on net additional housing supply indicate that over the last five years South Derbyshire has seen an annual average of 1,107 competitions per annum. This suggests that the Council is able to establish and sustain a rate of housing delivery well in excess of the LHN (which for South Derbyshire is 522 dwellings per annum and an annualised housing requirement (with Derby’s unmet needs incorporated) of 851 dpa. Planning for significantly less growth than what has been recently achieved is clearly not consistent with the NPPF’s objectives of significantly boosting the supply of housing.  3.2.19 According to government data, South Derbyshire has averaged 167 affordable housing completions per year. However, the Local Housing Needs Assessment (LHNA) identifies a need for 410 affordable dwellings per year, highlighting a significant shortfall. Similarly, Derby City Council has delivered an annual average of 169 affordable units over the past decade, while the LHNA estimates its annual need at 1,076 homes. In South Derbyshire, the annual affordable housing need constitutes 78% of the total Local Housing Need (LHN) figure, far surpassing the average rate of delivery over the last ten years.  3.2.20 The LHNA states at paragraph 6.53 that the notional percentage of affordable housing in South Derbyshire is 41% of the LHN. However, this does not appear to capture the calculated need for affordable home ownership and intermediate affordable tenures. The true ratio is therefore much higher and closer to 80%, when compared to an affordable housing policy requirement of 30% within the District. Even expressed as a percentage of the overall annualised housing requirement including Derby’s needs, annual affordable housing need in South Derbyshire represents 48% of the LHN, but that figure should be seen in the context of Derby’s own limited ability to meet its own significant needs for affordable housing. As such, the Draft Plan should clearly consider an increase in the overall housing requirement to meet affordable housing needs.  3.2.21 In spite of the above, the LHNA concludes that the housing requirement should not include an uplift to address affordable housing needs. The rationale for this is explained at paragraph 6.69 and amounts to the claim that it is too difficult to link affordable housing to the overall housing requirement and that there is no justification for making the link. That proposition is supported by reference to guidance issued by the Planning Advisory Service (PAS) in 2015. Despite seemingly being aware of the clear direction in the PPG to consider an increase in total housing figures to help deliver the required number of affordable homes, the LHNA appears to disagree with the PPG’s clear advice and has proceeded not to apply it, concluding that no uplift should be made to deliver affordable housing figures. That approach is inconsistent with national policy and has resulted in an unsound housing requirement which has clearly not been informed by the significant level of affordable housing need within Derby and South Derbyshire identified within the evidence base.  3.3 FLEXIBILITY & CONTINGENCY 3.3.1 The Plan should incorporate a sufficient contingency to adapt to potential changes over its duration. Typically, a buffer of 10-20% is advisable, depending on the spatial strategy and associated delivery risks. The Plan’s housing requirement is set at 14,483 dwellings. According to Policy S4, the total provision, including a windfall allowance, is also 14,483— precisely matching the requirement. This leaves minimal flexibility to accommodate any delays or non-delivery of sites, indicating that the Plan is not positively prepared to address unforeseen changes effectively.  3.4 THE “NEW” STANDARD METHOD 3.4.1 As the Council will be aware, in July 2024 the Government published a consultation in respect of proposed changes to the Standard Method for calculating housing need, moving away from a demographic projections based approach toward quantifying growth as a proportion of housing stock. Whilst the New Standard Method removes the 35% urban uplift adjustment, it still results in an uplift across the HMA compared to the existing Standard Method. In comparing the emerging housing requirements for each authority against the new Standard Method, it is evident there is a shortfall of about 6,281 homes across the HMA. Excluding Land at Brun Lane, Mackworth in Amber Valley this figure rises to 8,281. Table 1 Comparison of New Method against Emerging Housing Requirements  3.4.2 While the 2024 Consultation Draft of the NPPF includes transitional provisions for plan?making, SDDC is very unlikely to benefit from these due to the progress of its current plan. Amber Valley’s local plan, which is under examination, is likely to face challenges due to substantial Duty to Cooperate issues and concerns about the availability of land at Brun Lane, Mackworth, as previously noted. Consequently, plan-making across the HMA will likely need to adhere to the new Standard Method if it is introduced as expected, which would necessitate an increase in the housing requirements for both South Derbyshire and Amber Valley  .5 OTHER COMMENTS ON THE SPATIAL STRATEGY 4.5.1 The Plan allocates two large-scale strategic urban extensions net of existing commitments to address housing needs to 2039, including part of the unmet need arising from Derby within the same period. For the reasons explained above, the SA has closed its mind to reasonable alternatives that do not involve strategic expansions to the edge of Derby and this has informed an approach that is not robustly evidenced or justified.  4.5.2 The Plan has failed to consider locally-specific settlement-based needs. Paragraph 67 of the NPPF (December 2023 version) states that strategic policies should set out a housing requirement for designated neighbourhood areas. The Plan fails to do this thereby falling into conflict with national policy. The Plan has also failed to consider making provision for a stock of small and medium sized sites over the plan period, as required by paragraph 70 of the NPPF, thus falling into conflict with this aspect of national policy as well.  4.5.3 The Draft Plan does not outline how housing needs have been assessed at a more detailed, parish level across the District. This is despite clear evidence in Section A of the December 2023 LHNA, which indicates that areas of South Derbyshire beyond the Derby fringe have distinct affordable housing needs. It also appears that the Plan has not considered other housing needs necessary to sustain local settlements. In contrast, Amber Valley District Council’s local plan’s evidence base included a “Small Area Analysis” to estimate the housing needed to maintain a stable working-age population and adequate numbers of children to support local schools. In SDDC’s case, there is no indication of whether the distribution of housing over the plan period will address the social sustainability of settlements outside of Derby and, critically, whether the amount of housing already planned for in these areas will support local service provision. In this respect, we draw attention to paragraph 83 of the NPPF (December 2023) which states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies, it states, should identify opportunities to grow and thrive, particularly where this will support local services. On the basis that the Plan has taken the decision to concentrate all net growth on the edge of Derby, it clearly has not had appropriate regard to paragraph 83.  4.5.4 The top-heavy nature of the spatial strategy becomes even more apparent considering the apportionment of housing across the District under the Plan which would see almost 70% of growth over the plan period directed to Derby. Whilst as the largest and most sustainable settlement in the HMA it is inevitable to some extent that Derby will play a significant role in meeting growth needs, the quantity of provision brought forward on the edge of the urban boundary when compared to elsewhere in the District will not lead to a balanced pattern of growth that spreads the benefits of development. It may also create infrastructure delivery and capacity challenges and under-delivery in the early parts of the plan period. The strategy should be reviewed to provide a balanced portfolio of sites in a variety of areas which are capable of coming forward to address parish-based and localised needs to underpin the viability and vitality of settlements. | The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  Circumstances where it might be appropriate to plan for a higher level of housing provision than the minimum identified through the Standard Method are considered as part of the Derby and South Derbyshire Local Housing Needs Assessment (2023). The assessment does not recommend raising provision above the level identified through the Standard Method.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243636 | Marrons on behalf of Ainscough Strategic Land |  | Yes | The Housing Requirement 3.2.16 As the Council is aware, the District’s Local Housing Need (LHN) figure, calculated using the Standard Method, serves as a minimum starting point and does not represent the final housing requirement. This is clearly outlined in the Planning Practice Guidance (PPG).  The PPG also specifies that exceptional circumstances are required if planning for fewer homes than the Standard Method indicates. Therefore, the LHN should be viewed as a floor, not a ceiling. The PPG also sets out a number of circumstances and factors where it might be appropriate to plan for a higher housing requirement than the LHN. These are summarised below: The Standard Method does not attempt to predict the impact of changing economic circumstances or the impact other factors might have on demographic behaviour.  Circumstances where it may be appropriate to plan for a greater level of housing growth than the LHN includes, but is not limited to: • Growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth • Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or • An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground. • There may also be situations where previous levels of housing delivery in an area, or previous assessments of need, are significantly greater than the outcome of the Standard Method.  Total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing requirement included in the plan may need to be considered where it could help deliver the required number of affordable homes. [Emphasis Added]  3.2.17 The Draft Plan, in paragraph 4.35, states that the Local Housing Needs Assessment (LHNA) dated December 2023 confirms there are no exceptional circumstances justifying a departure from the Standard Method in calculating housing needs. However, the question of whether there are exceptional circumstances to depart from the Standard Method is distinct from whether the housing requirement should be increased beyond the Standard Method to account for the factors mentioned in the Planning Practice Guidance (PPG). The PPG makes it clear that the Standard Method does not determine a final housing requirement, but only serves as a minimum starting point. Therefore, we would expect the Plan and its evidence base to comprehensively address the factors outlined in the PPG.  3.2.18 The Government’s live tables on net additional housing supply indicate that over the last five years South Derbyshire has seen an annual average of 1,107 competitions per annum. This suggests that the Council is able to establish and sustain a rate of housing delivery well in excess of the LHN (which for South Derbyshire is 522 dwellings per annum and an annualised housing requirement (with Derby’s unmet needs incorporated) of 851 dpa. Planning for significantly less growth than what has been recently achieved is clearly not consistent with the NPPF’s objectives of significantly boosting the supply of housing.  3.2.19 According to government data, South Derbyshire has averaged 167 affordable housing completions per year. However, the Local Housing Needs Assessment (LHNA) identifies a need for 410 affordable dwellings per year, highlighting a significant shortfall. Similarly, Derby City Council has delivered an annual average of 169 affordable units over the past decade, while the LHNA estimates its annual need at 1,076 homes. In South Derbyshire, the annual affordable housing need constitutes 78% of the total Local Housing Need (LHN) figure, far surpassing the average rate of delivery over the last ten years.  3.2.20 The LHNA states at paragraph 6.53 that the notional percentage of affordable housing in South Derbyshire is 41% of the LHN. However, this does not appear to capture the calculated need for affordable home ownership and intermediate affordable tenures. The true ratio is therefore much higher and closer to 80%, when compared to an affordable housing policy requirement of 30% within the District. Even expressed as a percentage of the overall annualised housing requirement including Derby’s needs, annual affordable housing need in South Derbyshire represents 48% of the LHN, but that figure should be seen in the context of Derby’s own limited ability to meet its own significant needs for affordable housing. As such, the Draft Plan should clearly consider an increase in the overall housing requirement to meet affordable housing needs.  3.2.21 In spite of the above, the LHNA concludes that the housing requirement should not include an uplift to address affordable housing needs. The rationale for this is explained at paragraph 6.69 and amounts to the claim that it is too difficult to link affordable housing to the overall housing requirement and that there is no justification for making the link. That proposition is supported by reference to guidance issued by the Planning Advisory Service (PAS) in 2015. Despite seemingly being aware of the clear direction in the PPG to consider an increase in total housing figures to help deliver the required number of affordable homes, the LHNA appears to disagree with the PPG’s clear advice and has proceeded not to apply it, concluding that no uplift should be made to deliver affordable housing figures. That approach is inconsistent with national policy and has resulted in an unsound housing requirement which has clearly not been informed by the significant level of affordable housing need within Derby and South Derbyshire identified within the evidence base.  3.3 FLEXIBILITY & CONTINGENCY 3.3.1 The Plan should incorporate a sufficient contingency to adapt to potential changes over its duration. Typically, a buffer of 10-20% is advisable, depending on the spatial strategy and associated delivery risks. The Plan’s housing requirement is set at 14,483 dwellings. According to Policy S4, the total provision, including a windfall allowance, is also 14,483— precisely matching the requirement. This leaves minimal flexibility to accommodate any delays or non-delivery of sites, indicating that the Plan is not positively prepared to address unforeseen changes effectively.  3.4 THE “NEW” STANDARD METHOD 3.4.1 As the Council will be aware, in July 2024 the Government published a consultation in respect of proposed changes to the Standard Method for calculating housing need, moving away from a demographic projections based approach toward quantifying growth as a proportion of housing stock. Whilst the New Standard Method removes the 35% urban uplift adjustment, it still results in an uplift across the HMA compared to the existing Standard Method. In comparing the emerging housing requirements for each authority against the new Standard Method, it is evident there is a shortfall of about 6,281 homes across the HMA. Excluding Land at Brun Lane, Mackworth in Amber Valley this figure rises to 8,281.  Table 1 Comparison of New Method against Emerging Housing Requirements  3.4.2 While the 2024 Consultation Draft of the NPPF includes transitional provisions for plan?making, SDDC is very unlikely to benefit from these due to the progress of its current plan. Amber Valley’s local plan, which is under examination, is likely to face challenges due to substantial Duty to Cooperate issues and concerns about the availability of land at Brun Lane, Mackworth, as previously noted. Consequently, plan-making across the HMA will likely need to adhere to the new Standard Method if it is introduced as expected, which would necessitate an increase in the housing requirements for both South Derbyshire and Amber Valley. | Circumstances where it might be appropriate to plan for a higher level of housing provision than the minimum identified through the Standard Method are considered as part of the Derby and South Derbyshire Local Housing Needs Assessment (2023). The assessment does not recommend raising provision above the level identified through the Standard Method.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | Lichfields on behalf of St Modwen (Egginton Rd Hilton) |  | 2. Changes to the NPPF and Standard Method 3.9 Notwithstanding the above, as the Council will be aware, the Government recently consulted on changes to the NPPF and SM and the calculation of housing needs. The proposed new SM would result in the LHN figure for South Derbyshire increasing to 606 dpa, which is 99 dpa higher than the current SM figure (i.e. 507 dpa). As a result, for the DLPP1R period – as proposed – this would equate to a total housing need of 10,302 dwellings. This would equate to an additional 1,428 dwellings over the plan period.  3.10 Obviously, the proposed changes to the SM are only a consultation and carry limited weight for the purposes of plan-making at this point in time. However, the Deputy Prime Minister, and Secretary of State for the Ministry of Housing, Communities & Local Government, Angela Rayner has clearly set out the Government’s direction of travel with respect to addressing housing needs in her Written Ministerial Statement [WMS] (dated 30th July 2024) – this is a material consideration. In particular, the WMS is clear that “local authorities will be expected to make every effort to allocate land in line with their housing need as per the standard method”.  3.11 Notably, paragraphs 226 to 229 of the draft NPPF are clear that Local Plans that do not reach Regulation 19 by the time the revised NPPF comes into force would be required to take full account of the revised NPPF policies, in addition to the updated LHN figures generated by the proposed SM.  3.12 When taken together and given the Council’s working timetable for the New Local Plan, it is clear that the Council will likely need to plan for the new SM figures in due course. In this regard, if the NPPF is adopted in early 2025 as currently proposed, the new SM would increase the Council’s housing needs further, which the Council will need to address through the next stage of the DLPP1R. In this regard, St Modwen is concerned that the only 1 PPG ID: 2a-004 housing allocations being made are those on the edge of Derby, and risks not allocating additional sites within the District to meet its wider localised housing needs.  3. A Greater Role in addressing the unmet needs of the Derby HMA  3.13 Whilst it is welcomed that the Council is seeking to play its role in addressing the unmet housing needs of the DHMA, in addition to the implications of the proposed new SM on South Derbyshire, it would also have wider implications for the DHMA. By way of example, a comparison of the current LHN and proposed LHN figures for the DHMA is set out below:  Notably, Derby Council recently announced on the 25th of September that “it has not been possible to consult on a draft version of our Local Plan in line with our published timetable” and that: “In addition to this, the new Government is consulting on changes to the National Planning Policy Framework (NPPF), this includes changes to the way we are required to calculate the number of houses our Local Plan needs to find and how we protect our GreenBelt. The Government has indicated that these changes could come in as soon as the end of 2024. We are therefore going to take a bit of time to review these implications before formally revising our local Plan preparation timetable.”  3.15 In this context, it is unclear why the Council is seeking to expedite plan-making to meet a level of unmet need from Derby – and the Council’s own housing needs – that are very shortly due to change – and which the Council will need to have regard to (i.e. the proposed transitional arrangements set out in paragraphs 226-229 of the consultation document). Indeed, when considering the proposed LHN figure for the Council, the Council’s purported contribution towards Derby’s unmet needs would reduce from c.5,600 to c.4,200.  3.16 Notwithstanding this, in terms of how the DHMA is currently addressing the identified shortfall, it is noted that Amber Valley has submitted their ‘Amber Valley Borough Local Plan 2022-2040’ to the Secretary of State on 29 July 2024 for EiP. The submitted plan includes a c.3,413 dwelling contribution towards Derby’s unmet needs – as calculated under the current SM. However, under the proposed SM, Amber Valley's needs would increase by 331 dpa. In addition, per the transitional arrangements proposed, Amber Valley would need to address this increased need through a review of the Local Plan under the ‘New Style Local Plan’ system at the earliest opportunity. As such, in reality, Amber Valley is unlikely to be contributing towards the unmet needs of Derby, as they will in all likelihood need to ‘bank’ this supply to ensure they can meet their own increased needs through the next Local Plan  In this regard, whilst the proposed new SM would result in the LHN figure for Derby reducing as a result of the proposed removal of the 35% urban centres uplift from the SM calculation and therefore conceivably the purported c.9,000 dwelling shortfall, it is likely that a shortfall arising from Derby will still exist. Indeed, by St Modwen’s calculations, there may still be an unmet need of c.5,500 dwellings, that need to be met throughout the DHMA. However, as set out in the DHMA SA, the further growth in Amber Valley may not be sustainable:  “Similarly, SHELAA sites within the AVBC Urban Fringe area demonstrate there is capacity for approximately 3,000 new homes albeit not all of these homes will be delivered by 2040; some of these homes are already consented and being constructed. Where an option directs housing into the Amber Valley Urban Fringe above the identified 3,000 new homes capacity, housing delivery performs less positively for the same reason” (Pg.38, DHMA SA)  3.18 Moreover, any option which concentrated more than the proposed c.3,500 dwellings contribution towards Derby’s unmet needs in Amber Valley (i.e. DHMA SA Options S1\_D4A-S1\_D4C) scored particularly negative in SA terms against several SA Objectives2 -Table 4.-1 of the DHMA SA.  3.19 Conversely, whilst some ‘Significant Negative Effects’ still occurred under directing more growth to South Derbyshire Valley (i.e. DHMA SA Options S1\_D4D-S1\_D4E), the impacts are more sustainable in SA terms. In addition, whilst Option D4 (Urban Fringe Focus) was considered more sustainable in SA terms than Option D3 (Dispersed), it should be noted that the scale of unmet needs would be much less than that of c.9,000 dwellings previously tested, by virtue of the proposed changes to the SM. As such, it is very likely that Options S1\_D3D and S1\_D3E would perform much better given the reduction in unmet needs.  3.20 In this regard, the draft NPPF has strengthened the case for the need to meet unmet housing needs through the DtC (Para 27), on the basis of the information available at the time (Para 28).  3.21 As such, St Modwen considers that the Council may have a greater role to play in addressing any unmet housing needs for Derby in due course (i.e. more than the 62% split already agreed). Assuming Amber Valley will address any unmet need arising from its own LHN figure increasing but would be unable to contribute to any unmet need in Derby through a future ‘New Style Local Plan’ due to established constraints and negative DHMA SA consequences, South Derbyshire may need to address c.5,554 dwellings of Derby’s2 unmet needs.  Based on the current supply proposed, the Council would need to find an additional 1,373 dwellings throughout South Derbyshire to address Derby’s needs in full.  When having regard to the above, it is clear that the Council may need to address a higher housing requirement through the DLPP1R than currently proposed. The consequence of this will be that the Council will need to find further housing land to address these increased needs. In this regard, and as discussed in more detail below, St Modwen has concerns with the Council’s spatial strategy, which places reliance on delivery of growth through two Strategic Urban Extensions on the edge of Derby, as opposed to distributing delivery across South Derbyshire as a whole. It also ignores Hilton’s role in the District as a sustainable location, in terms of access to services and transport and proximity to key employment opportunities including Toyota and the proposed East Midlands Freeport.  3.23 As such, St Modwen considers that the proposed changes to the NPPF and SM reinforce St Modwen’s position that there is, therefore, a legitimate and cogent need to allocate further housing land in Hilton to seek to meet the increased housing needs of the District and potentially any unmet needs from the DHMA. Indeed, the Site north of Egginton Road was identified within a parcel of land identified in the ‘Derby Housing Market Area Growth Study (August 2021)’ (“the Growth Study”) as the Hilton northern expansion under reference D1 and was considered a “Suitable Area for Strategic Growth”.  Summary  3.24 The draft NPPF and revised SM are anticipated to be adopted shortly, and in light of the proposed transitional arrangements and the Council’s working timetable for the DLPP1R, it is clear that the Council will likely need to plan for the new SM figures in due course –indeed, others in the DHMA area.  3.25 The plan period, as currently proposed, is insufficient and needs to be extended by an additional three years of housing need to ensure a 15-year plan period, requiring the provision of an additional c.1,800 dwellings (Para 22, NPPF). In addition, it is unlikely that Amber Valley will be able to assist in meeting Derby’s reduced unmet housing needs, and the Council may need to make a further provision for c.1,300 dwellings in this regard (draft paragraphs 27-28, proposed NPPF). When taken together, it is clear that the Council will need to consider making provision for a greater housing requirement through the DLPP1R in due course, than currently proposed  Housing Land Supply Trajectory  4.8 The Council’s DLPP1R does not include a housing trajectory for the plan period. Therefore, at present, the Council does not identify the anticipated rate of development for the strategic allocations and extant allocations, or the assumptions made relating to timescales for the commencement of development on these sites. As it is currently presented, the Council’s DLPP1R does not comply with the requirements of NPPF paragraph 75 and fails to provide sufficient detail to justify the assumptions made for the delivery rates of strategic allocations. As a result, it is not possible to determine whether the strategic allocations are deliverable and capable of maintaining a sufficient housing land supply across the plan period and therefore their ability towards meeting the housing need requirement across the Plan Period. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1242854 | Stantec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodv | Santec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodville | S1 | 7.1 Site Allocation Policies 7.1.1 The housing growth strategy in the plan review is focussed on two strategic allocations in the Derby Urban Fringe, namely: ¡ Policy STRA1: Infinity Garden Village Mixed Use Allocation. This allocation is to the south of the Derby urban area. It would be for approximately 2,000 dwellings amongst other uses. ¡ Policy STRA1: Land South of Mickleover. This allocation is to the south-west of the Derby Urban Area. It would be for approximately 2,500 dwellings amongst other uses.  7.1.2 Section 6 of these representations addresses key strategic concerns with this approach.  7.1.3 The focus of housing allocations in the Derby Urban Fringe would lead to unsustainable growth and fails to appropriately distribute growth in a suitable way across the district and is unsound. Whilst the principle of allocating some growth to the edge of the Derby urban area is understandable, it must form part of a wider strategy and cannot be the strategy in its entirety (the latter being the case in the Part 1 Plan Review).  7.2 Strategic Policies  Policy S1: Sustainable Growth Strategy  7.2.1 This policy sets out the strategy for sustainable growth in South Derbyshire, including the level of housing required. It outlines that there is a need for 8,874 homes to meet South Derbyshire’s need and 5,609 to help meet Derby City’s unmet need across the plan period.  7.2.2 However, considering the revised Standard Method of 606 dwellings per annum, the need for South Derbyshire alone is 10,302 dwellings. There will then also be the addition of unmet need from Derby City. | The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243614 | Stantec on behalf of JSC Efarms LLP Boulton Moor | Stantec on behalf of JSC Efarms LLP Boulton Moor | S1 | Policy S1 ‘Sustainable Growth Strategy’ states South Derbyshire will promote sustainable growth to meet its objectively assessed housing and commercial needs in the plan period 2022-2039. Particular attention is drawn to bulletpoint i) which states:  i) Over the plan period (2022 – 2039) at least 14,483 dwellings will be built within South Derbyshire. This comprises 8,874 homes to meet South Derbyshire’s own needs and 5,609 to help meet Derby City’s unmet need. The housing sites required will be met on a mixture of brownfield and greenfield sites with encouragement given to the re-use of previously developed land. The Council will be aware of the recent consultation on the updated National Planning Policy Framework (NPPF) to which the final updated NPPF is expected to be published before the end of this year. Alongside the updated NPPF, the Government published proposed updated Local Housing Need figures for Local Planning Authorities across England based upon a new Standard Methodology. For South Derbyshire District, the Local Housing Need figure would increase from 507 to 606 dwellings per annum. Based upon the proposed transitional arrangements set out the consulted version of the updated NPPF, as the Local Plan Review is at a draft ‘Regulation 18’ stage, South Derbyshire District Council (SDDC) will need to consider the updated Local Housing Need figure as they continue to progress their Plan. On the basis of 606 dwellings per annum, we consider that the Council will need to identify at least a further 1,485 dwellings over the Plan period.  We also consider that SDDC should extend their plan period. Paragraph 22 of the NPPF states “strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure”. SDDC by their own admission are targeting the plan to be adopted during Winter 2025 (as set out within the latest Local Development Scheme) which we consider is very ambitious as the Council will need to consult on a Pre-Submission (‘Regulation 19’) Plan, before then submitting for Independent Examination which itself could take a few months to conclude. We therefore consider that it would be more realistic that the Plan is adopted in 2026, and therefore in accordance with national policy, the Plan period should be extended by a year to 2040. On this basis the Council will need to find, based upon the updated Local Housing Need, a further 606 dwellings per annum. As a result of the above, SDDC need to recalculate their housing need on the basis of including at least one additional year, plus the uplift arising from the standard method figures totalling at least 2,091 dwellings. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243615 | Stantec on behalf of JSC Efarms LLP London Rd |  | S1 | Policy S1 ‘Sustainable Growth Strategy’ states South Derbyshire will promote sustainable growth to meet its objectively assessed housing and commercial needs in the plan period 2022-2039. Particular attention is drawn to bulletpoint i) which states:  i) Over the plan period (2022 – 2039) at least 14,483 dwellings will be built within South Derbyshire. This comprises 8,874 homes to meet South Derbyshire’s own needs and 5,609 to help meet Derby City’s unmet need. The housing sites required will be met on a mixture of brownfield and greenfield sites with encouragement given to the re-use of previously developed land. The Council will be aware of the recent consultation on the updated National Planning Policy Framework (NPPF) to which the final updated NPPF is expected to be published before the end of this year. Alongside the updated NPPF, the Government published proposed updated Local Housing Need figures for Local Planning Authorities across England based upon a new Standard Methodology. For South Derbyshire District, the Local Housing Need figure would increase from 507 to 606 dwellings per annum. Based upon the proposed transitional arrangements set out the consulted version of the updated NPPF, as the Local Plan Review is at a draft ‘Regulation 18’ stage, South Derbyshire District Council (SDDC) will need to consider the updated Local Housing Need figure as they continue to progress their Plan. On the basis of 606 dwellings per annum, we consider that the Council will need to identify at least a further 1,485 dwellings over the Plan period. We also consider that SDDC should extend their plan period. Paragraph 22 of the NPPF states “strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure”. SDDC by their own admission are targeting the plan to be adopted during Winter 2025 (as set out within the latest Local Development Scheme) which we consider is very ambitious as the Council will need to consult on a Pre-Submission (‘Regulation 19’) Plan, before then submitting for Independent Examination which itself could take a few months to conclude. We therefore consider that it would be more realistic that the Plan is adopted in 2026, and therefore in accordance with national policy, the Plan period should be extended by a year to 2040. On this basis the Council will need to find, based upon the updated Local Housing Need, a further 606 dwellings per annum. As a result of the above, SDDC need to recalculate their housing need on the basis of including at least one additional year, plus the uplift arising from the standard method figures totalling at least 2,091 dwellings. On the basis of the above, there is a clear need for the Council to allocate further residential sites to meet this additional need. Our client proposes the following site which is available and could assist the Council in meeting this additional housing need. It is noted that South Derbyshire Draft Local Plan Part 1 Review does not include any proposed housing allocations at Shardlow despite its identification is a Key Service Village. Given Shardlow is categorised as a ‘tier 2’ settlement; one below an ‘urban area’, this area should be expected to accommodate a level of growth to help meet housing needs within the District.  - Green Belt Review NPPF paragraph 142 states the Government attaches great importance to Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 of the NPPF states when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Moreover, proposed changes to the NPPF include a requirement for Council’s to amend their Green Belt boundaries where authorities cannot meet its identified need for housing, commercial or other development through other means. As indicated above, we consider SDDC should consider further allocations and as part of their Local Plan review, including the opportunity of sustainable sites that lie within the Green Belt, given paragraph 147 which states when drawing up or reviewing Green Belt boundaries, local authorities should take into account sustainable patterns. Given Shardlow’s sustainable location and position in the settlement hierarchy, the LPA should therefore consider development opportunities at Shardlow, including land that lies within the Green Belt. As explained further below, we consider our clients site of land north of London Road could be an appropriate site for residential development. | The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1244310 | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close |  | S1 | Policy S1 ‘Sustainable Growth Strategy’ states South Derbyshire will promote sustainable growth to meet its objectively assessed housing and commercial needs in the plan period 2022-2039. Particular attention is drawn to bulletpoint i) which states:  i) Over the plan period (2022 – 2039) at least 14,483 dwellings will be built within South Derbyshire. This comprises 8,874 homes to meet South Derbyshire’s own needs and 5,609 to help meet Derby City’s unmet need. The housing sites required will be met on a mixture of brownfield and greenfield sites with encouragement given to the re-use of previously developed land. The Council will be aware of the recent consultation on the updated National Planning Policy Framework (NPPF) to which the final updated NPPF is expected to be published before the end of this year. Alongside the updated NPPF, the Government published proposed updated Local Housing Need figures for Local Planning Authorities across England based upon a new Standard Methodology. For South Derbyshire District, the Local Housing Need figure would increase from 507 to 606 dwellings per annum. Based upon the proposed transitional arrangements set out the consulted version of the updated NPPF, as the Local Plan Review is at a draft ‘Regulation 18’ stage, South Derbyshire District Council (SDDC) will need to consider the updated Local Housing Need figure as they continue to progress their Plan. On the basis of 606 dwellings per annum, we consider that the Council will need to identify at least a further 1,485 dwellings over the Plan period. We also consider that SDDC should extend their plan period. Paragraph 22 of the NPPF states “strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure”. SDDC by their own admission are targeting the plan to be adopted during Winter 2025 (as set out within the latest Local Development Scheme) which we consider is very ambitious as the Council will need to consult on a Pre-Submission (‘Regulation 19’) Plan, before then submitting for Independent Examination which itself could take a few months to conclude. We therefore consider that it would be more realistic that the Plan is adopted in 2026, and therefore in accordance with national policy, the Plan period should be extended by a year to 2040. On this basis the Council will need to find, based upon the updated Local Housing Need, a further 606 dwellings per annum. As a result of the above, SDDC need to recalculate their housing need on the basis of including at least one additional year, plus the uplift arising from the standard method figures totalling at least 2,091 dwellings. On the basis of the above, there is a clear need for the Council to allocate further residential sites to meet this additional need. Our client proposes the following two sites below which are available and deliverable, could assist the Council in meeting the additional housing need. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243634 | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley |  | S1 | Please see St Modwen’s detailed response to draft Policies S6, H1, H20, H21, H22, INF1 and INF2 in the appended St Modwen Homes Representations – South Derbyshire Part 1 Local Plan Review  Policy S1: Sustainable Growth Strategy The Plan Period 3.1 Draft Policy S1 states that the Council “will promote sustainable growth to meet its objectively assessed housing and commercial needs in the plan period 2022-2039.” 3.2 In this regard, the National Planning Policy Framework (2023) [NPPF] is clear that: “Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.” (Para 22) (Emphasis added) 3.3 The DLPP1R is proposing that the plan period should cover the period 2022 to 2039 (a 17- year plan period). However, St Modwen notes that the NPPF states that strategic policies should cover 15 years, and, importantly, this should be from when the plan is adopted. If it is assumed that the plan is submitted by the end of 2025, the EiP is not delayed, and the plan is then adopted in 2026, this would result in a 13-year plan period from adoption. Consequently, the proposed plan period is not in accordance with the requirements set out within the NPPF. 3.4 In this context, St Modwen recommends that the Council extends the plan period to 2042. This would provide for an additional three years to allow for EiP and adoption. Even if the EIP programme were to slip, this approach would help to ensure that a 15-year plan period is maintained. It is important to note that this approach would require the Council to make provision for an additional three years of housing need, equating to c.1,519 dwellings (based on the current Standard Method [SM]) or c.1,818 dwellings (based on the proposed new SM). Nonetheless, St Modwen considers that the extension of the plan period by three years and the rolling forward of the housing requirement to these future years would be an appropriate approach and would ensure compliance with the requirements of NPPF paragraph 22. 3.5 Notwithstanding the above, the NPPF also sets out that 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), taking into account the likely timescale for delivery (Para 22). Given that the Council is looking to focus growth at two strategic sites on the edge of Derby, the Council should consider a longer 30-year plan period if these developments will not fully deliver within the plan-period. Housing Requirement 1. The Council’s Current Approach 3.6 Draft Policy S1 outlines the Council’s proposed housing requirement for the DLPP1R over the plan period (2022 to 2039). The policy states that “at least 14,483 dwellings will be built within South Derbyshire”, which “comprises 8874 homes to meet South Derbyshire’s own needs and 5609 to help meet Derby City’s unmet need.” South Derbyshire's Draft Local Plan Part 1 Review : Representations on behalf of St Modwen Homes Ltd Pg 5 3.7 Supporting text to the policy confirms that the Council’s housing needs are underpinned by the ‘Derby and South Derby Local Housing Needs Assessment (December 2023)’ [LHNA], which used the NPPF’s SM for calculating local housing needs [LHN]. The LHNA concluded on a housing need of 522 dwellings per annum [dpa] for South Derbyshire, and considered that there were no ‘exceptional circumstances’ which would justify departing from the SM. Additionally, through a combination of the ‘Growth Options Study 2021’ [GOS] and ‘Derby HMA Sustainability Appraisal of Housing Options (2024)’ (“DHMA SA”), the Council has determined that it can make provision for c.5,600 dwellings of Derby City Councils’ unmet need as a part of the Derby Housing Market Area (“DHMA”). 3.8 St Modwen generally supports the Council’s proposed approach to assessing its housing needs. The LHN figure identified within the DLPP1R looks to have correctly utilised the 2014-based household projections and 2023 median work-place-based affordability ratios, in line with the Planning Practice Guidance [PPG]. 1 Notwithstanding this, St Modwen notes that the PPG is clear that this figure must be kept under review and revised where appropriate (e.g. to reflect the latest median affordability ratios). Additionally, St Modwen welcomes the Council seeking to help address the unmet housing needs arising from Derby. It is therefore entirely in accordance with paragraph 11b and 35c of the NPPF that the Council makes provision for these strategic and cross-boundary needs to be addressed within the DLPP1R. 2. Changes to the NPPF and Standard Method 3.9 The Government has recently consulted on proposed changes to the NPPF and SM and the calculation of housing needs. The proposed new SM would see the LHN figure for South Derbyshire increase from 507 dpa t0 606 dpa, a rise of 99 dpa. This would equate to a total housing need of 10,302 dwellings - an additional 1,428 dwellings over the plan period (as proposed). 3.10 As of the moment, the proposed changes to the SM are only at consultation and carry limited weight for the purposes of plan-making. Notwithstanding this, the Deputy Prime Minister, and Secretary of State for the Ministry of Housing, Communities & Local Government, Angela Rayner has clearly set out the Government’s direction of travel with respect to addressing housing needs in her Written Ministerial Statement [WMS] (dated 30th July 2024). The WMS is clear that “local authorities will be expected to make every effort to allocate land in line with their housing need as per the standard method”. 3.11 St Modwen notes that paragraphs 226 to 229 of the draft NPPF are clear that Local Plans that do not reach Regulation 19 by the time the revised NPPF comes into force would be required to take full account of the revised NPPF policies, in addition to the updated LHN figures generated by the proposed SM. 3.12 Given the Council’s working timetable for the New Local Plan, the Council will likely need to plan for the new SM figures in due course. If the NPPF is adopted in early 2025 (as currently proposed), the new SM would increase the Council’s housing needs further, which the Council will need to address through the next stage of the DLPP1R. In this context St Modwen is concerned that the Council is proposing to only make allocations on the edge of…. 1 PPG ID: 2a-004 …Derby, and is not allocating further sites within the District to meet its wider localised housing needs. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243197 | Savills on behalf of Diocese of Derby |  | S1 | Policy S1: Sustainable Growth Strategy Our client notes that SDDC is currently planning to facilitate the delivery of at least 14,483 new homes over the new Local Plan period from 2022 to 2039, comprising 8,874 homes to meet the SDDC need and a further 5,609 contribution to Derby City to assist with meeting the housing need which cannot be met within the Derby City administrative area. It is recognised that the 8,874 homes figure is based on the December 2023 Local Housing Needs Assessment Standard Method figure of 522 homes per annum for a 17 year period (which is higher than the more recent Standard Method figure of 507 homes per annum).  Our client supports the principle of meeting some of the unmet cross-boundary housing need for Derby City in South Derbyshire. However in order to ensure that there is a sufficiently flexible supply of housing sites, and in order to comply with the requirements which are proposed to be introduced through the upcoming new NPPF, SDDC should be seeking to plan for more than the minimum housing need requirement for South Derbyshire calculated via the current Standard Method. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1238831 | Savills on behalf of Midland Land Portfolio Limited (MLPL) |  | S1 | Policy S1: Sustainable Growth Strategy MLPL notes that SDDC is currently planning to facilitate the delivery of at least 14,483 new homes over the new Local Plan period from 2022 to 2039, comprising 8,874 homes to meet the SDDC need and a further 5,609 contribution to Derby City to assist with meeting the housing need which cannot be met within the Derby City administrative area. It is recognised that the 8,874 homes figure is based on the December 2023 Local Housing Needs Assessment Standard Method figure of 522 homes per annum for a 17 year period (which is higher than the more recent Standard Method figure of 507 homes per annum).  MLPL supports the principle of meeting some of the unmet cross-boundary housing need for Derby City in South Derbyshire, but considers that SDDC should be seeking to plan for more than the minimum housing need requirement for South Derbyshire calculated via the current Standard Method to ensure that there is a sufficiently flexible supply of housing sites and in order to comply with the requirements which are proposed to be introduced through the upcoming new NPPF. This is elaborated on further in response to draft Policy S4 below. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243534  1243546 | Pegasus Group on behalf of Cameron Homes Limited-Land s of Cauldwell Road Linton;  Land at Moor Ln Aston on Trent |  | S1 | Policy S1: Sustainable Growth Strategy 2.17. Draft Policy S1 (Sustainable Growth Strategy) sets out that over the plan period (2022 – 2039) at least 14483 dwellings will be built within South Derbyshire. This comprises 8,874 homes to meet South Derbyshire’s own needs and 5,609 to help meet Derby City’s unmet need.  2.18. The Briefing note to the South Derbyshire Local Plan Working Group set out the position with partners across the Housing Market Area covering the period 2022-2039. The table below is taken from the briefing note and shows that the current Plan includes provision for 14,483 homes which comprises 8,874 to meet south Derbyshire need and 5,609 to help meet part of the unmet need of Derby City.  2.19. The proactive provision for homes to meet Derby’s unmet need is supported.  2.20. It is important however, that South Derbyshire respond pragmatically to the Government’s proposed changes to the standard method for calculating housing need.  2.21. Using the council’s figures, it is possible to calculate the implications of the Government’s proposed changes to the standard method for calculating Local Housing Need (LHN) for the Derby HMA authorities and this is set out below:  2.22. It can be seen that there would be an overall shortfall to 2039 of 3,349 houses across the HMA if the Government’s standard method are carried forward. With Derby City’s constrained capacity and with Amber Valley currently in examination, if South Derbyshire fails to respond to the changes to standard method, then addressing the housing needs of HMA will be delayed for many years.  2.23. To avoid delay in addressing housing need across the HMA, the Council need to use existing evidence to identify a pattern of development that meets likely unmet need in a sustainable manner.  2.24. The Derby HMA Sustainability Appraisal of Housing Options August 2024 Derby HMA Sustainability Appraisal of Housing Options (SA) provides a basis from which South Derbyshire District Council can prepare an appropriate strategy to accommodate unmet need within the HMA. The SA tested a variety of options with splits between South Derbyshire and Amber Valley, with further permutations including different proportions within urban areas and towns and key villages Table (2-2).  2.25. The options tested which concentrate development in Amber Valley are referenced as D3A and D4A. The options tested which concentrate development in South Derbyshire are referenced as D2E, D3E and D4E. The HMA findings are set out in paragraph 4.2 of the SA and show that options that concentrate development in Amber Valley have between 9 and 16 negative ‘scores’ against SA criteria, and between 11 and 16 positives. The options that concentrate development I South Derbyshire 8 and 14 negative ‘scores’ with between 12 and 18 positives scores. On balance it would appear that options for growth in South Derbyshire perform relatively better compared to options in Amber Valley. The SA however does not consider Green Belt, and in this case South Derbyshire is significantly less constrained than Amber Valley.  2.26. A pragmatic response to the evidence to respond to the emerging standard method figures and to deliver on the Council’s Vision would be for South Derbyshire to accommodate the majority of the likely shortfall in housing provision to 2039. This will ensure that unmet need is being addressed and not deferred. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow |  | S1 | Policy S1: Sustainable Growth Strategy 2.18. Policy S1 states that “Over the plan period (2022 – 2039) at least 14483 dwellings will be built within South Derbyshire”. This figure is subject to review and is likely to increase based on the anticipated changes to the NPPF, which are due to be published in December 2024  . 2.19. In its current format, Policy S1 suggests that all strategic sites will deliver all homes within the plan period and by 2039. This is highly ambitious given the lead in times for such strategic sites, such as Infinity Garden Village, which require significant infrastructure construction and provision once permission obtained. Revising the plan period in accordance with our client’s comments above should address and resolve this matter.  2.20. Policy S1 should also explicitly set out the quantum of economic land that supports the economic growth objectives and aspirations set out in the vision. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1242615 | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | S1 | Policy S1 – Sustainable Growth Strategy  As per our comments on the Vision at Question 1, the Council should review the plan period in advance to ensure that the draft Local Plan covers the correct period, which may require the plan period to be rebased but also extended to comply with Paragraph 22 of the Framework.  Part i) of Policy S1 is noted to set out the housing requirement for the plan period, and provision to help meet Derby City’s unmet housing need. The spreadsheet of proposed changes to the standard method approach published alongside the consultation for the draft NPPF, shows that the standard method approach currently identifies a housing need of 507 homes per annum for South Derbyshire. This broadly aligns with the provision of 8,874 homes to meet South Derbyshire’s own needs identified in Policy S1, although it is noted that the identified need equates to a plan period of 17.5 years. The policy also identifies 5,609 homes to help meet Derby City’s unmet need for the plan period.  As per our response to Question 4, it is encouraging that South Derbyshire are seeking to accommodate circa 60% of Derby City’s unmet need. However, with the publication of the Derby City Capacity Study still awaited, and an increase in housing requirement that may arise following any subsequent publication of the draft NPPF, which proposes changes to the Standard Method approach, a further review of housing requirement for the District and to address any unmet need arising from within (and outside) the Derby HMA may be required. As such, the reference to housing provision within Policy S1 should be referred to as a ‘minimum’ to support the Government’s objective of significantly boosting the supply of homes (Paragraph 60 of the Framework). | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1241834 | Rula Developments Limited |  | S1 | Policy S1: Sustainable Growth Strategy  Policy S1 sets out that South Derbyshire will promote sustainable growth to meet its objectively assessed housing and commercial needs in the plan period 2022-2039. Whilst the policy sets out the housing requirement for that period, it does not set out the commercial requirement, , specifically employment for the district. Without providing an employment land requirement, based on the Objectively Assessed Need (OAN) for employment land and any other economic strategies, the policy is not considered to be positively prepared and would fail the test of soundness.  The October 2023 Employment Land Review (ELR) sets out South Derbyshire District Council’s (SDDC) employment land needs. Whilst we do not agree with the approach taken to the ELR, as set out in our response to question 11, the evidence base should be used to set out a figure for employment land delivery to enable SDDC to meet the proposed vision to grow the economy with more jobs in a diverse business environment. | In total the sites rolled forward from the adopted Local Plan Part 1 sites and STRA1, STRA2 and STRA3 comprise land measuring 178-183ha, representing South Derbyshire’s employment land provision.  In addition the East Midlands Freeport Site (173ha), is to be allocated to assist in meeting national, regional and sub regional needs business accommodation needs.  To address the above changes to Policy S1 (ii) are proposed. |
| 1243538 | Pegasus Group On behalf of L&Q Estates in relation to Land at Staker Lane, Mickl |  | S1 | Policy S1: Sustainable Growth Strategy 2.5. Policy S1 states that ‘Over the plan period (2022 – 2039) at least 14483 dwellings will be built within South Derbyshire’. This figure is subject to review and is likely to increase based on the anticipated changes to the NPPF, which is likely to be published in December 2024.  2.6. Policy S1 also further states that all strategic sites will deliver all homes within the plan period and by 2039. This is ambitious given the lead in times for large sites. Our Client would welcome the opportunity to discuss a realistic trajectory for STRA 2. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243217 | Harris Lamb on behalf of Talland Capital Ltd |  | S1 | Policy S1: Sustainable Growth Strategy Our review of this policy reveals that the Council have set a housing requirement of 14,483 dwellings until 2039. This is made up of two parts – 8,874 to meet South Derbyshire’s current Standard Method figure and 5,609 dwellings to assist with the unmet need from Derby City  Council. Policy S4: Housing Strategy then sets out that the Council have identified a supply of 14,483 dwellings to meet the housing requirement. We set out our comments on these policies below: • Our first observation is that a plan period until 2039 will not allow for the strategic policies to cover a 15-year period as required by Paragraph 22 of the Framework. Realistically the plan is not going to be adopted until 2026 at the earliest and it could well be after April that year when this happens and into a new monitoring year. What this means in practice is the Council should add a minimum of 2 years to the plan period to allow for the submission plan to be finalised, consulted on and taken through the examination process. Our view, however, is that it would be prudent for the Council to add 3 years to the plan period. The reason for this is that this provides flexibility going forwards and will save the Council scrambling to find an additional year’s worth of supply part way through the examination should the plan not be adopted by March 2026. Delays of this nature are in no one’s interest and building in the flexibility now will allow the Council to be more agile and responsive as matters progress. • The second point we note is that no flexibility has been built into the plan to allow for any sites that do not come forward as planned. It is common place to provide a buffer above housing requirement to provide this flexibility and provide a realistic prospect the housing requirement is met. The alternative is that the Council is reliant on every single house planned for to be delivered, which is simply not realistic. In our view, a 20% buffer should be applied to provide sufficient flexibility and ensure the housing requirement is met. • The third observation is that we note the Standard Method figure is proposed to be amended at the end of this year. At present that would increase South Derbyshire’s Standard Method figure from 507 dwellings per year to 606 dwellings a year. Over the course of the current plan period (i.e. 17 years) this would equate to an additional 1,683 dwellings. If these numbers remain the same when published, the Council will need to find additional sites to help meet the additional housing numbers. As identified in the accompanying Call for Sites submission our Client has a site in a highly sustainable location which can assist in this regard and we would welcome the opportunity to work with you to bring this forward as a proposed allocation in the plan. • The final point we would like to raise, is that we note that a large proportion of the housing requirement is made up from assisting Derby City Council with its unmet housing need. Their unmet need has been determined following an assessment of their urban capacity, which by their own assessment is “optimistic”. We would agree with this sentiment and would argue it is overly optimistic to assume all the sites in their urban area would come forward in the way suggested. The Derby plan examination will confirm the exact extent of the overspill, but we would not be surprised if this is larger than currently stated.  What is apparent from the above is that extending the plan period by 3 years, the introduction of the new Standard Method and the provision of a sufficient buffer will all add to the number of sites that need to be identified: • The extension of the plan period by 3 years would add 1,818 dwellings to the housing requirement (based on the new standard method). • When added to the additional 1,683 dwellings as a result of applying the new Standard Method across the current plan period (99 dwellings x 17 years), this would increase the housing requirement by 3,50198 dwellings. • This results in a housing requirement of 17,985 dwellings. • In applying a 20% buffer, this would mean a supply of 21,582 dwellings would need to be identified in the plan review. • This is 7,199 dwellings more than the supply currently identified. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1242281 | Nightingale Land on land north of Linton Road, Castle Gresley |  | S1 | This section provides a detailed analysis of the SDLPR consultation document and its supporting evidence base. Nightingale Land have reviewed the consultation documents and have several concerns relating to the proposed spatial approach and its potential implications on housing delivery. As such, it is considered a number of modifications are required to ensure that the SDLPR can be found sound at examination. These concerns relate to the following matters:  Policy S1: Sustainable Growth Strategy The proposed growth strategy outlined under Policy S1 requires delivery of at least 14,483 dwellings over the period 2022 – 2039. The proposed housing requirement is predicated on the existing standard methodology and consists of 8,874 dwellings to meet South Derbyshire’s housing needs and a further 5,609 dwellings to contribute towards the unmet housing needs of Derby City.  Whilst it is welcomed that there is recognition towards assisting Derby City’s unmet housing needs, the briefing note taken to the Local Plan Working Group on 19th September 2024 states:  “For much of 2022 and 2023 Derby were in dialogue with Partners in the HMA over a comprehensive capacity study for the city of Derby. Workshops were held including with consultants at AECOM who concluded that the final capacity of Derby at 12,500 was robust figure albeit that this relied on some favourable assumptions with regard to housing delivery. This was an un uplift of the initial figure put forward by Derby.” (emphasis added)  It is unclear what ‘favourable assumptions’ have been applied from the consultation documents provided and therefore brings into question whether the level of unmet need arising from Derby has been underestimated. Clarity is therefore required as to what assumptions have been applied and an update to the Statement of Common Ground is required.  Notwithstanding the above, the growth options considered in the Derby HMA Sustainability Appraisal of Housing Options (September 2024) were limited to 3 options relating to the scale of housing growth across the Housing Market Area. These included:  - Scale 1: Standard method in full (including 35% uplift) - Scale 2: Standard method steps 1-3 (no 35% uplift) - Scale 3: Standard method steps 1-3 (no 35% uplift) + 10%  The SA needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach and assess these against the baseline environmental, social and economic characteristics1. Scale 2 and 3 growth options should not be considered reasonable options given that standard method identifies the minimum annual housing need figure. As such, further consideration towards the Plan’s ability to accommodate a higher housing requirement than the standard method currently suggests should be considered as a reasonable alternative.  The PPG makes clear that standard method only provides for a minimum starting point in determining the number of homes needed in the area and that it does not attempt to predict the impact of future government policies, changing economic circumstances or other factors which affect demographic behaviour. It goes on to state that there may also be occasions where previous levels of housing delivery in an area are significantly greater than the outcome of the standard method and authorities will need to take this into account when considering whether it is appropriate to plan for a higher level of need than the standard model suggests2.  The SDLPR recognises that South Derbyshire has the fastest growing population in Derbyshire and market needs suggest that a significant number of additional homes will be needed by 2039. Whilst Derby City is affected by 35% urban centre uplift associated with the existing standard method, South Derbyshire should consider an increase to the housing requirement to ensure the deliverability of the plan and wider aspirations for growth.  In this regard, the latest Annual Monitoring Report (2023) at Table 3 clearly demonstrates that completions above the existing housing target have been surpassed since 2016/2017 demonstrating a strong demand for housing and that the market is capable of accommodating higher levels of housing delivery.  Affordability also remains a key issue for the district. Despite the large net annual completion rates, the delivery of affordable housing has lagged representing only 18% of the total housing completions since the start of the existing plan period. The PPG makes clear that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.  In addition, if the proposed revised standard method for calculating housing requirements appears in substantially the same format in the published version of the revised draft Framework then the Council will find itself without a 5 year housing land supply with the assessment provided by Emery Planning in support of the application at Land north of Linton Road will be 3.78 years (against the revised local housing need supplemented by Derby City’s unmet need) and the relevant policies in the Development Plan will be out of date.  Taking the above into consideration, it is clear that circumstances exist to justify planning for a higher target than what the existing standard methodology suggests, and the Council should test this through the SA process as a reasonable alternative. | The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243178 | Freeths on behalf of Commercial Development Projects Ltd |  | S1 | Yes, please see below. S1 – Sustainable Growth Strategy We OBJECT to this policy. In summary our objections are: (i) Based on existing Local Housing Need figures, SDDC should accommodate a higher proportion of DCC’s unmet need or at the very least provide robust proportionate evidence as how the proposed figure has been derived. (ii) The Plan period is 2022-2039. Paragraph 22 of the NPPF states “Strategic policies should look ahead over a minimum 15 year period from adoption.” The emerging plan will not be adopted until at least 2026 and therefore its strategic policies would only cover a period of 13 years from adoption. The Plan period should be extended by a minimum of two years. This policy currently proposes a total of 8,874 dwellings for SDDC. This is based on the existing standard methodology for calculating Local Housing Need and so is currently the correct approach. The policy also proposes accommodating 5,609 (62%) of DCC’s unmet housing need for the plan period. As set out in our comments under Question 4, DCC has concluded that the city offers capacity for 12,500 homes. At present, based on the existing standard methodology for calculating Local Housing Need this creates a need for 21,522 dwellings within DCC (over the plan period). This results in an unmet need of 9,022 dwellings. At present the draft Local Plan proposes that SDDC contributes 5,609 dwellings of this unmet need which amounts to 62%. AVBC’s Local Plan is currently at Examination in Public and proposes 1,320 dwellings to meet DCC’s needs. This therefore leaves a shortfall of 2,093 dwellings of unmet need. The draft Local Plan does not provide an explanation as to how SDDC’s contribution has been derived, nor how the shortfall in unmet need will be delivered across the HMA. This issue needs to be addressed, with unmet housing need met in full, unless it can be robustly demonstrated that this is not possible. SDDC is not an authority significantly constrained by Green Belt, and it could potentially accommodate the balance of unmet need, without releasing Green Belt land. As acknowledged in the consultation material, an updated NPPF is likely to alter the housing need figures and consequently the housing ‘requirement’ figure in Policy S1. Based on the Government’s figures for calculating Local Housing Need, SDDC’s annual need figure will increase to 606 dwellings per annum from that proposed in the draft Local Plan (522). This equates to an additional 1,428 dwellings over the plan period and would increase SDDC’s housing need from 8,874 dwellings to 10,302 dwellings. Any draft Plan should be updated to accommodate this increase in requirement following the publication of the revised NPPF. It is recognised that a revised NPPF may also have implications for the level of unmet housing need from DCC, but SDDC should seek to accommodate as much unmet need as possible in any revised housing requirement figure. The approach to this should be fully evidenced. | Circumstances where it might be appropriate to plan for a higher level of housing provision than the minimum identified through the Standard Method are considered as part of the Derby and South Derbyshire Local Housing Needs Assessment (2023). The assessment does not recommend raising provision above the level identified through the Standard Method.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| **Members of the Public** | | | | | |
| 1233131 | Mariah Senaa |  | S1 | I have concerns about several aspects of the Draft Local Plan policies, particularly in relation to their alignment with the broader objectives of sustainability, infrastructure provision, and community wellbeing: Policy S1: Sustainable Growth Strategy – While this policy aims to promote sustainable development, the scale of the proposed housing allocations places undue pressure on local infrastructure, particularly in areas like The Hollow. The emphasis on growth does not seem balanced with the need to preserve the character of local communities, nor does it fully account for the strain on roads, schools, and healthcare services. | The formula for identifying minimum levels of growth to be accommodated by local authorities is set by national government. Derby has assessed its capacity to accommodate need identified using this formula and has concluded that it has insufficient capacity to accommodate it. Under the national Duty to Cooperate neighbouring authorities are required to work with authorities such as Derby and to assist in accommodating their needs where necessary.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs. |
| 1233335 | Ian Molyneux |  | S1  S4 | Understand the reasons, think Derby City need to look harder and there are other areas than Mickleover that could cope with 2500 houses | Derby City Council has undertaken a study, which has been subject to independent scrutiny, to determine the extent of its capacity to accommodate additional housing needs. It has advised that it has capacity to accommodate 12500 new homes, whereas the extent of need for new homes within the city exceeds this figure. South Derbyshire District Council is obliged to work with Derby in addressing unmet needs under the national Duty to Cooperate. |

**Policy S3: Environmental Performance**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1243623 | Derbyshire County Council | Derbyshire County Council | S3 | Policy S3 Environmental performance. The approach of working collaboratively with developers to achieve above and beyond minimum housing standards is welcomed. This could be strengthened with a comment in S 4.69 that although the plan does not require standards above building regulations the council is keen to encourage higher performance. | Agreed. Updated to paragraph 4.69 made. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | 4.63  S3 | S4.63. Building regulations. Stating the need for homes to address over-heating is important, even if this is covered by building regulations. It is equally important to stress this for non-domestic properties, e.g. in particular care settings, schools or hospitals. | It’s not considered a change to the plan is necessary. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | 4.67  S3 | S 4.67. “To meet targets set both nationally and locally, greenhouse gas emissions will need to be reduced as much as possible.” It is worth adding “and as quickly as possible”. S 4.69. See “Policy 3” above. | Agreed. Update to paragraph 4.67 made. |
| **National Organisation** | | | | | |
| 1242071 | Green 4 Development | Green 4 Development | S3 | Policy S3 Environmental Performance should be strengthened to require developers to bring forward more sustainable homes rather than just the council 'supporting' that approach. It is critical in order to meet carbon targets that Policies in Local Plans require developers to actively seek that approach and if not possible justify why. | The Council does not intend to introduce standards which exceed the requirements set out in Building Regulations. |
| **Landowner or Developer** | | | | | |
| 1242615 | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | S3 | Policy S3: Environmental Performance  Whilst we support the focus on sustainable development outlined in this policy, the current wording of Policy S3 is ambiguous and does not reflect the statement at Paragraph 4.69 of the draft Local Plan, which states as follows:  “Due to the recent and planned amendments to Building regulations and introduction of the Future Homes Standard, the Local Plan does not require energy-efficiency standards that go above the Building Regulation requirements.” [Source: Chapter 4 of the Draft Local Plan Part 1 Review consultation document, Section 4.69 (page 36)]  The policy wording should be clear that there is no requirement to deliver standards above Building Regulation requirements. Building Regulations set out the standards for design, construction and alterations to buildings governed by law which is subject to review and change. Any requirement over and above the standards therefore risks being out of date and/or in conflict with any future review, alongside placing a burden on the delivery and viability of development. | Noted. Energy and sustainability requirements for new developments are largely set out within Building Regulations and the Local Plan is not intended to supersede these requirements.  The Council will work collaboratively with developers, and other organisations wishing to bring their own environmental or social sustainability standards to market for utilisation on a voluntary basis |
| 1243217 | Harris Lamb on behalf of Talland Capital Ltd | Harris Lamb | S3 | Policy S3: Environmental Performance TCL note the Council’s support for developers bringing forward more sustainable homes and commercial properties that exceed current standard for sustainability. Whilst TCL have no issue with developers who do wish to bring forward such developments, it is noted that energy and sustainability requirements for new developments are largely set out within Building Regulations. Furthermore, Building Regulations are regularly reviewed and the standards are revised to achieve ever increasing levels of sustainability. As such any requirement to deliver high levels of sustainability should be on a voluntary basis with the default position being the achievement of Building Regulations. | Noted. Energy and sustainability requirements for new developments are largely set out within Building Regulations and the Local Plan is not intended to supersede these requirements.  The Council will work collaboratively with developers, and other organisations wishing to bring their own environmental or social sustainability standards to market for utilisation on a voluntary basis |
| 1242100 | RPS on behalf of Bellway and Clowes (Thulston Fields) | RPS on behalf of Bellway and Clowes (Thulston Fields) | S3 | Policy S3: Environmental Performance RPS notes the Council’s issues and options consultation sought views on whether the new Local Plan should include policy standard relating to design of new buildings that reflects the Energy Hierarchy, which would promote a ‘fabric first’ approach based on reducing energy demand and maximising energy efficiency, utilising renewable and low carbon technologies, and other energy sources. RPS recognised the underlying principles that inform the Energy Hierarchy and its relevance to the planning and construction of new development. However, Energy Hierarchy is simply a concept that is not identified specifically in national policy and therefore its applicability to development proposals in South Derbyshire will need to be underpinned by a robust local evidence. That said, RPS would like to point out that national house builders, notably Bellway, are already moving towards a low carbon future by increasing the energy efficiency of new homes. Figures available from Bellway’s website show that households could save around £2,600 per year by living one of their energy efficient homes, compared to an older, second hand property. In addition, Bellway are already working on creating technologies that reduce carbon emissions from their homes. From 2025, each home they plan to build will produce 75 – 80% less carbon emissions than those delivered under current building regulations, in line with the Future Homes Standard . It is therefore important that any new policy approach relating to renewable energy and low carbon does not seek to extend beyond the standards already set in current of future building regulations and also recognises the measures that developers are already taken to move towards a low carbon development process. | **Noted.** |
| 1243556 | Stantec on behalf of Parker Strategic Land South of Mickleover |  | S3 | 4.3 Policy S3: Environmental Performance 4.3.1 PSL is supportive of the Council’s proposed approach to align energy-efficiency standards for new homes to exceed that of Building Regulations (para 4.69). This is critical as it provides the market with certainty. 4.3.2 However, the policy wording itself is contradictory in its current wording, suggesting the Council will seek higher standards than set out in Building Regulations where justification exists. Neither the policy nor post-amble text sets out when the Council may consider there to be a reasoned justification for this. As such, it creates market uncertainty and is also unclear for the decision-maker as how to apply it. 4.3.3 Instead, it is suggested that the policy is reworded as below, which suggests stronger support for development which seeks to exceed Building Regulations.  The Council will support developers in bringing forward more sustainable homes and commercial properties by supporting the Government’s drive towards improved housing standards including in respect of access, space standards, security, water and external waste storage. The Council will strongly support development which seeks to exceed Building Regulations.  The Council will work collaboratively with developers, and other organisations wishing to bring their own environmental or social sustainability standards to market for utilisation on a voluntary basis. | Noted. The Council will support developers in bringing forward more sustainable homes and commercial properties by supporting the Government’s drive towards improved housing standards including in respect of access, space standards, security, water and external waste storage. The Council will strongly support development which seeks to exceed Building Regulations.  The Council will work collaboratively with developers, and other organisations wishing to bring their own environmental or social sustainability standards to market for utilisation on a voluntary basis |
| 1238831 | Savills on behalf of Midland Land Portfolio Limited (MLPL) | Savills | S3 | Policy S3: Environmental Performance MLPL endorses the approach taken through draft Policy S3 which encourages, rather than specifically requires, developers to meet higher standards than set nationally through the Building Regulations. This approach reflects the Written Ministerial Statement (“WMS”) which was issued on 13 December 2023 and which states that any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale which includes ensuring that development remains viable, and where the impact on housing supply and affordability is considered in accordance with the National Planning Policy framework. | **Noted** |
| 1242408 | Lichfields (on behalf of St Philips Land Ltd) | Lichfields | S3 | St Philips wishes to make the following comments in respect of the below draft policies: Policy S3 (Environmental Performance)  2.51 St Philips commends the steps already taken by the Council in efforts to mitigate against and avoid the worst impacts of climate change – notably through its declaration of a Climate Emergency on the 27th of June 2019. In this regard, draft Policy S3 (Environmental Performance) sets out that “the Council will support developers in bringing forward more sustainable homes and commercial properties by supporting the Government’s drive towards improved housing standards…”  2.52 St Philips is supportive of the Council’s decision to align with national energy efficiency standards. As noted within the DLP, a Written Ministerial Statement(13th December 2023) has stated that: “Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale.”3  2.53 In this context, St Philips welcomes that draft Policy S3 (Environmental Standards) aligns with the national requirements. Any departure from national standards would create another layer of complexity for housebuilders and would need to be properly evidenced and viability tested. | Noted |

**Policy S4: Housing Strategy**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1243623 | Derbyshire County Council |  | S4 | It is noted that Policy S4 sets out the District Council’s housing strategy, how its housing provision requirement of 14,483 dwellings will be met over the Plan period and that provision will be made in the Local Plan Part 1 for at least 13347 additional dwellings on allocated sites over the plan period, comprising dwellings to be provided as part of two new housing–led strategic sites (as set out in Policies STRA1 and STRA2) plus those remaining to be completed on allocations included in the adopted 2016 Local Plan Part 1, which have been carried forward. To support preparation of the Local Plan, the District Council has prepared a SHELAA for the District in accordance with a methodology consistent with that set out in the national guidance. The SHELAA has informed the conclusions as to which of the potential sites should be included in the new Local Plan to best support the preferred spatial strategy for housing and economic growth. Derbyshire County Council has previously assessed the proposed housing allocation sites set out in the SHEELA and provided comments to the District Council on the potential environmental impacts of the sites, their potential highways impacts and their implications for the need for new infrastructure, particularly education infrastructure. The County Council would welcome the opportunity to work collaboratively with the District Council to consider the strategic infrastructure requirements of each of the proposed allocated sites, particularly the highways, education provision, greenways and flood risk implications of these sites and also to consider the wider environmental impacts of the proposed developments, particularly landscape and heritage impacts. | Noted. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | 4.89  S4 | S4.89. Inclusion of “Low carbon / clean growth” is welcomed. |  |
| **National Organisation** | | | | | |
| 1242071 | Green 4 Development | Green 4 Development | S4 | Policy S4, we do not agree with carrying forward allocated sites from the 2016 and 2017 plans without a full review of these sites being undertaken and an assessment as to if there were 'better' more sustainable sites that could offer additional benefits that actually met the Local Plan amended vision and objectives. In undertaking only a partial review and allocating only new strategic sites we feel the council is being short sighted in its approach to housing provision, is missing an opportunity to allocate sites that could deliver significant benefits and is at risk of the housing requirement not being met | The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed. |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | S4 | Policy S4: Housing Strategy  HBF note that policy states that “Provision will be made in the Local Plan Part 1 for at least 13347 additional dwellings on allocated sites over the plan period, comprising dwellings to be provided as part of two new housing –led strategic sites (as set out in Policies STRA1 and STRA2) plus those remaining to be completed on allocations included in the adopted 2016 Local Plan Part 1, which have been carried forward.”  HBF strongly supports the focus of this Local Plan review on allocating new strategic housing and employment sites on the Derby urban fringe to meet needs which cannot be met within Derby City’s boundaries due to capacity constraints. This is a very important focus, and one HBF supports. HBF agree that it is very important for South Derbyshire to play its role in the joint-working on meeting the housing needs of the Derby HMA. It will be essential for South Derbyshire to make its contribution to meeting this need. HBF support the proposed contribution of 5609 additional dwellings towards Derby’s unmet needs. Indeed, HBF would encourage the Council to do as much as it can to help meet the unmet needs of Derby.  In relation to carrying forward allocation in Part One of the current South Derbyshire Local Plan, the Council will need to review these sites to they remain viable and deliverable if the new Plan is to continue to rely on them to form part of the housing supply.  The policy continues “in addition 285 dwellings will be provided in the form of dwellings remaining to be completed on saved allocated sites in the adopted 2017 Local Plan Part 2.” Again, the Council will need to ensure the continued deliverability of these sites if the new Plan is to continue to rely on them to form part of the housing supply. A full up to date site by site housing trajectory is needed to support the Plan and set out when housing is expected to be delivered on each site. This is essential for monitoring purposes and to demonstrate that the new Plan has a Five-Year Housing Land supply on adoption as required by national planning policy.  The policy concludes by explaining that the “balance of provision needed to meet the overall requirement of 14483 homes, as identified under Policy S1, will be provided through windfall development comprising a minimum of currently 851 dwellings.  Although the policy acknowledges “the Council will maintain a five-year rolling land supply of specific deliverable sites with additional buffers in accordance with the NPPF”, this needs to be demonstrated through the site-by-site housing trajectory.  HBF suggest the total housing requirement should include a clear year by year target. This is essential for effective monitoring, A simple global total is not effective for the plan, monitor manage approach. HBF have suggested the plan period needs extending as such this would increase the overall housing requirement as well.  HBF would request that the Council considers the standard method calculations as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement. This includes the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. It is not just the unmet needs of Derby that may require the housing number to be increased.  As we in the midst of a housing crisis HBF would also support a higher housing requirement, and the allocations of other housing sites. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  Previously allocated housing allocations have already been assessed under the adopted Plan's SA and given the similar methodology of the interim SA, are not considered to require reassessment.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| **Landowner/Developer** | | | | | |
| 1243639 | Carden Group |  | H1 & S4 | 4 Policy H1: Settlement Hierarchy Our Comments 4.1 It is evident that a significant portion of the district's housing growth should be concentrated in the northern area, close to Derby City, where there is a pressing unmet housing need. 4.2 However, as discussed in Chapters 5 and 6, Carden raises serious concerns regarding the feasibility of delivering the two proposed urban extensions to Derby, which collectively aim to provide 4,500 homes by 2039. 4.3 Its also important to highlight that housing is focussed within a 38-minute commute to work. This timeframe has been identified as a reasonable limit according to recent research on homeowner preferences. 4.4The last Settlement Hierarchy Topic Paper (Published in July 2014) stated that after Swadlincote ‘the next largest settlements are Melbourne and Hilton’ and that ‘the remainder of the district is predominantly rural with villages of varying size and function’. 4.5 Moreover, as of the 2021 Census, these two larger settlements have grown significantly in both number of residents and in turn the number of services and facilities that they have available. In Hilton for example the population has grown from 3,905 in 2001 to 8,266 by the 2021 Census. 4.6Targeting additional housing growth in these two larger settlements, both located approximately 20 minutes from Derby city centre, presents a strategic opportunity to leverage existing infrastructure. This approach would alleviate pressure on the proposed urban extensions to Derby, foster sustainable development, and simultaneously enhance local economies and quality of life. Proposed Modifications 4.7Carden proposes that the Key Service Villages of Hilton and Melbourne be distinctly categorised within the settlement hierarchy to reflect their unique roles and capacities compared to other Key Service Villages.  7 Land East of Eggington Road, Hilton The Site 7.1 The site is located immediately east of Hilton. It is well located in terms of its links to Derby city centre to the north-east via the A5132, A516 and A38 (approximately 8 miles). 7.2 The site comprises a number of mature trees and a farmstead. The site is not overly distinctive in terms of topography and is relatively flat. 7.3 Also, the site is in single ownership with Carden Group acting as the land promotion partner. Strategic Housing and Economic Land Availability Assessment (SHELAA) (February 2022) – Site Reference 202 7.4The sites suitability was confirmed by the most recent SHELAA which concluded that the site is considered available, achievable, and suitable. Derby Housing Market Area Growth Options Study (August 2021) 7.5 This concluded that the northern part of the site was a Suitable Area for Strategic Growth. 7.6 This study concluded that there is an opportunity for an urban extension to Hilton as the area of search includes contained views, strong defensive boundaries and a green infrastructure network. Therefore, the area of search is visually contained and suitable, subject to more detailed site investigations. | The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243594 | Marrons on behalf of 2012 Partnership Homes Ltd |  | S4 | 4. POLICY S4: HOUSING STRATEGY 4.1 INTRODUCTION 4.1.1 Draft Policy S4 states that the Local Plan Part 1 will allocate at least 13,347 dwellings, including existing commitments and two proposed strategic housing sites on the outskirts of Derby. The remainder of the overall housing requirement is expected to be met through windfall developments, estimated at currently 851 dwellings in total.  4.3 THE GROWTH OPTIONS STUDY (2021) 4.3.1 Following the commentary in the ISA, the Derby Housing Market Area Growth Options Study (“GOS”) by AECOM has been instrumental in framing the spatial strategy for the Plan and, alongside the accompanying Sustainability Appraisal, has been relied upon to discount virtually every other location in South Derbyshire other than the four sites discussed within the ISA. 4.3.2 The GOS undertakes the following: · Breaks down the HMA into six assessment areas; · Analyses the six assessment areas to identify 16 broad areas of search for detailed consideration in Stage 2 of the study; · Analyses the 16 assessment areas; and · Forms concludes as to whether they are unsuitable, potentially suitable or suitable 4.3.3 At the outset, it is appropriate to note the GOS’ limitations which are set out: · The broad locations have only been identified where they have the capacity to accommodate a minimum of 1,000 homes. · It does not identify specific sites nor quantify the level of growth that could be accommodated. · It has not been undertaken with reference to housing need within the HMA or individual local authorities. 4.3.4 The substantive analysis of the GOS commences with a consideration of the key constraints within the very high level HMA assessment areas, of which there are six. The scale of these units of assessment is significant and the conclusions drawn about the key constraint and opportunities can only be very high level and not applicable at the scale of individual sites and settlements. Following this very broad thematic review, data in respect of constraints and proximity to services is combined in a land suitability and proximity map which uses various shades of purple to provide a land suitability score. The information is presented at such a high level it is practically impossible to infer the relative performance of individual sites or broad directions of growth around settlements. Following this very high level work, the GOS moves on to discussing the sixteen broad areas of search but there is limited explanation as to how they’ve been selected or how the previous stages of analysis informed these choices. The GOS therefore moves from a very high level review of the HMA to selecting individual broad areas with little in the way of context or explanation. 4.3.5 Given the leap in reasoning it makes, we consider that the GOS has very limited utility in the way of understanding or testing reasonable alternatives. To illustrate this point, at least one of the options considered in the ISA by AECOM (South of Littleover) is not reviewed in the GOS. If this reasonable alternative to the selected growth strategy has been overlooked, then it begs the question what other potential sites have.  4.4 DERBY HMA SUSTAINABILITY APPRAISAL OF HOUSING OPTIONS 4.4.1 The Derby HMA Sustainability Appraisal of Housing Options by AECOM considers the approach to meeting housing needs within the Derby HMA specifically for housing and specifically in relation to Derby’s unmet needs for housing. 4.4.2 The HMA SA tests three scale scenarios and 4 distribution scenarios. In relation to the scale of housing, the three options comprise the Standard Method (of which the 35% uplift is part) (Scale 1) and Scales 2 and 3 which do not include the 35% uplift despite it forming part of the Standard Method. 4.4.3 Four distribution options are tested which fundamentally are either meet growth on the edge or and/or within Derby (options 1, 2, and 4) or disperse growth across the HMA. Within the options, different apportionments are considered between Amber Valley and South Derbyshire as administrative areas. 4.4.4 We have the following comments upon the HMA SA: · The plan period is misunderstood. It refers to a 17 year plan period, but states this is 2023 – 2039, which is 16 years. The base date of the Plan is also 2022 and not 2023; · Derby’s shortfall of 9,022 appears to be fixed rather than treated as a variable despite the tentative and imprecise understanding of the city’s urban capacity discussed above;  · In relation to the reasonable alternatives for scale, no genuine alternative has been explored to the Standard Method. The 35% urban uplift applicable to Derby is an intrinsic part of the Standard Method, so scenarios without the urban uplift are not reasonable alternatives as they would be tantamount to not meeting the minimum amount of housing required; · Higher alternatives than the Standard Method have not been tested, despite the recognition that the Standard Method is only a starting point for calculating the housing requirement and substantive explanation is given; · Distribution Option D1 (Urban Concentration) is not a reasonable alternative. If all of Derby’s unmet need could be feasibly met within Derby’s administrative area, then Derby would not have unmet needs for housing; · Distribution Option D3 (Dispersed) continues to include land Derby’s urban fringe and no scenario is considered that does not include Derby. Other than the administrative split between AVBC and SDDC, there is no explanation as to how growth is apportioned across Amber Valley and South Derbyshire’s settlements; · The four broad areas identified within the GOS as areas “suitable for strategic growth” have been taken forward within the HMA SA despite the clear limitations of the GOS and its arbitrary identification of these areas; · It is not clear how the broad areas of search identified within the GOS have informed the testing of the various spatial options, if at all. But given the high level and very selective nature of the GOS, it is not an appropriate tool to inform SA testing; · Page 16 claims that the options testing has considered individual sites submitted through the Strategic Housing and Economic Land Availability Assessment (SHELAA) in the testing of spatial options, but it states that sites have not been considered where they fall outside of the broad areas of search within the GOS set out in Table 3-1. Two of the four broad areas identified are on the edge of Derby, with the other identified areas being located north of Hilton in South Derbyshire or North East of Swadlincote.  As such, it appears that strategic growth on the edge of Derby has only been compared to two other locations across the HMA; · The document discusses the suitable areas for strategic growth in the GOS, but ignores those that were identified as potentially suitable; · Section 3.2 in relation to Assessment Assumptions and Limitations heavily implies that the SA process has not considered options which can provide dwellings of less than 1,000 units, which is the threshold set within the GOS. Clearly, this does not provide a reasonable picture of the relative performance of different sites and growth options and skews the results of the SA; and · Despite assessing options against SO8 (Sustainable Travel) amongst other factors, page 25 of the HMA SA states “It has not been possible to obtain detailed information about the frequency of public transport services within the Derby HMA.” 4.4.5 For the reasons set out above, we do not consider that the HMA SA provides a suitably robust discussion or analysis of the preferred option or the reasonable alternatives. Given this, its conclusions that the preferred options on the edge of Derby perform better against the SA objectives than the other options considered cannot be relied upon. The Plan and its spatial strategy are therefore unjustified. | In regard to comments on the process followed in determining site allocation proposals, the findings of the HMA Growth Options Study informed the findings of the HMA Sustainability Appraisal, which in turn informed the findings of the Interim South Derbyshire Sustainability Appraisal, at all times considering a full range of reasonable alternatives. In addition to this, to ensure that all potential employment sites have been afforded due consideration, a sustainability assessment of each will be undertaken. |
| 1243658 | Marrons on behalf of Davidsons regarding their Newton Solney Site |  | S4 | 4. POLICY S4: HOUSING STRATEGY 4.1 INTRODUCTION 4.1.1 Draft Policy S4 states that the Local Plan Part 1 will allocate at least 13,347 dwellings, including existing commitments and two proposed strategic housing sites on the outskirts of Derby. The remainder of the overall housing requirement is expected to be met through windfall developments, estimated at currently 851 dwellings in total.  4.5 OTHER COMMENTS ON THE SPATIAL STRATEGY 4.5.1 The Plan allocates two large-scale strategic urban extensions net of existing commitments to address housing needs to 2039, including part of the unmet need arising from Derby within the same period. For the reasons explained above, the SA has closed its mind to reasonable alternatives that do not involve strategic expansions to the edge of Derby and this has informed an approach that is not robustly evidenced or justified.  4.5.2 The Plan has failed to consider locally-specific settlement-based needs. Paragraph 67 of the NPPF (December 2023 version) states that strategic policies should set out a housing requirement for designated neighbourhood areas. The Plan fails to do this thereby falling into conflict with national policy. The Plan has also failed to consider making provision for a stock of small and medium sized sites over the plan period, as required by paragraph 70 of the NPPF, thus falling into conflict with this aspect of national policy as well.  4.5.3 The Draft Plan does not outline how housing needs have been assessed at a more detailed, parish level across the District. This is despite clear evidence in Section A of the December 2023 LHNA, which indicates that areas of South Derbyshire beyond the Derby fringe have distinct affordable housing needs. It also appears that the Plan has not considered other housing needs necessary to sustain local settlements. In contrast, Amber Valley District Council’s local plan’s evidence base included a “Small Area Analysis” to estimate the housing needed to maintain a stable working-age population and adequate numbers of children to support local schools. In SDDC’s case, there is no indication of whether the distribution of housing over the plan period will address the social sustainability of settlements outside of Derby and, critically, whether the amount of housing already planned for in these areas will support local service provision. In this respect, we draw attention to paragraph 83 of the NPPF (December 2023) which states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies, it states, should identify opportunities to grow and thrive, particularly where this will support local services. On the basis that the Plan has taken the decision to concentrate all net growth on the edge of Derby, it clearly has not had appropriate regard to paragraph 83.  4.5.4 The top-heavy nature of the spatial strategy becomes even more apparent considering the apportionment of housing across the District under the Plan which would see almost 70% of growth over the plan period directed to Derby. Whilst as the largest and most sustainable settlement in the HMA it is inevitable to some extent that Derby will play a significant role in meeting growth needs, the quantity of provision brought forward on the edge of the urban boundary when compared to elsewhere in the District will not lead to a balanced pattern of growth that spreads the benefits of development. It may also create infrastructure delivery and capacity challenges and under-delivery in the early parts of the plan period. The strategy should be reviewed to provide a balanced portfolio of sites in a variety of areas which are capable of coming forward to address parish-based and localised needs to underpin the viability and vitality of settlements | The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) |  | S4 | Policy S4: Housing Strategy Housing Land Supply Buffer As noted above in St Modwen’s response to draft Policy S1, the Council’s proposed housing requirement totals 14,483 dwellings over the 2022-2039 plan period, comprising 8,874 dwellings of South Derbyshire’s need and a 5,609 dwelling contribution towards Derby’s unmet needs. Against this requirement, draft Policy S4 states that the DLPP1R will make provision for only 13,632 additional dwellings over the plan period through a combination of: • Two new strategic allocations (STRA1 and STRA2); • Existing/Remaining Local Plan Part 1 allocations; and • Existing/Remaining Local Plan Part 2 allocations.  4.2 The Council also anticipates that the outstanding currently 851 dwellings will be delivered through windfall development.  4.3 In essence, and even when counting the proposed windfall allowance, the Council is only proposing to make provision for sufficient homes to ‘meet’ their needs, with no additional buffer. Crucially, the Council has not explicitly recognised the fact that, as a consequence of this approach, the Council’s DLPP1R makes no provision for a buffer or ‘headroom’ within its supply.  4.4 In this regard, St Modwen would highlight to the Council that it is expected that Local Plans should be sufficiently flexible to adapt to rapid change. In practice, this means ensuring a housing trajectory has sufficient land supply across the plan period so that it can adjust and accommodate any unforeseen circumstances, such as a degree of flexibility in delivery rates and densities. Critically, this means that to achieve a housing requirement a Local Plan must release sufficient land or allow sufficient ‘headroom’ so that there is an appropriate buffer within the overall planned supply.  4.5 Crucially, whilst the Council’s proposed housing requirements are in excess of its LHN figure, by virtue of including a contribution towards Derby’s unmet housing needs, the proposed housing supply to meet these needs cannot, and crucially should not, but utilised to act as a buffer. This is because, what this means in practice, is that there would be no scope within the DLPP1R to respond to changing circumstances. If any single component of supply does not come forward or falls behind the timescales implied by the Council, which buffers are intended to address this would result in Derby’s unmet housing needs not being delivered, rather than the Council’s.  4.6 As such, it is necessary for the Council to identify additional suitable land supply to ensure that there is the flexibility to respond to failures to deliver the required dwellings in the allotted time frames and across the whole plan period. In essence, it is strongly recommended that greater flexibility be built into the DLPP1R-identified housing land supply. The following are cases where the inclusion of a buffer has been found sound at the examination as well as being explicitly endorsed by the Inspector:  • Chelmsford: 18% buffer3 • South Kesteven: 18% buffer4 • Harrogate: 25% buffer5 • South Oxfordshire: 27% buffer6 • Mansfield: 34% buffer7 • Guildford: 36% buffer8 • Chesterfield: 59% buffer9  4.7 Consequently, St Modwen recommends that a sufficient buffer is incorporated into the housing land supply. The buffer should be applied to both the Council’s housing need and the contribution towards addressing the unmet needs of Derby, as this will ensure – in principle – that both needs can be met flexibly should some components of supply fall through or be delayed in delivery. As such, St Modwen recommends that a minimum of c.20% headroom should be incorporated into the DLP. The consequence of this is that it will be necessary for the Council to identify additional suitable land supply (i.e. more than needed to meet the total housing requirement) to facilitate an additional c.20% headroom to be built into the supply. In this regard, growth within the plan period at Land north of Egginton Road, Hilton would be an entirely logical source of supply to address this need – discussed further below.  Housing Land Supply Trajectory  4.8 The Council’s DLPP1R does not include a housing trajectory for the plan period. Therefore, at present, the Council does not identify the anticipated rate of development for the strategic allocations and extant allocations, or the assumptions made relating to timescales for the commencement of development on these sites. As it is currently presented, the Council’s DLPP1R does not comply with the requirements of NPPF paragraph 75 and fails to provide sufficient detail to justify the assumptions made for the delivery rates of strategic allocations. As a result, it is not possible to determine whether the strategic allocations are deliverable and capable of maintaining a sufficient housing land supply across the plan period and therefore their ability towards meeting the housing need requirement across the Plan Period. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243166 | Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd |  | S4 | Policy S4: Housing Strategy Draft Policy S4 sets out that provision will be made for at least 13,347 dwellings on allocated sites, comprising two new strategic allocations expected to deliver 4,500 dwellings by 2039 as well as remaining dwellings from allocations made in the adopted Local Plan Part 1 and Part 2. Gladman have some fundamental concerns with the approach the Council are proposing to take by relying on existing allocations save for two new strategic scale allocations to meet their housing requirement, especially considering the associated lead in times and complexities of delivering large scale strategic urban extensions. Comments related to individual allocations will be provided in response to the specific policies, but as an overarching matter, it is vital that the Council provides sufficient evidence to demonstrate that the sites remain deliverable. This is especially pertinent in the case of the adopted non-strategic Local Plan Part 2 allocations which are expected to provide 285 dwellings within the plan period. The seven allocations which have been carried forward have been allocated for seven years which raises doubt as to whether they are in fact deliverable. Gladman are promoting land in the Key Service Villages of Aston on Trent and Willington for residential development. They are considered to be suitable and sustainable locations due to the range of services and facilities they provide, the sustainable public transport choices available and quality of life they offer residents. Gladman supports the identification of the urban area adjoining Derby, Swadlincote and the urban area adjoining Burton as the most sustainable locations for growth. Gladman recognises the important economic, social and cultural roles that these urban centres play in the lives of residents in South Derbyshire. Therefore, it is correct that they are a focus for future housing growth in the Local Plan Review. However, it is important to ensure that an appropriate amount of development is directed towards the Key Service Villages as well to ensure the housing needs of the rural population of the district are addressed and the continued vitality and viability of these settlements. New development in these locations can contribute to the vitality and viability of local services, stimulate the local economy through increased resident expenditure and support local education and healthcare facilities through S106 contributions. Gladman strongly recommends allocating further small-to?medium-sized sites in the most sustainable settlements in the rural area instead of relying solely on the delivery of two new strategic allocations alongside non-strategic allocations in the rural area which to date have not come forward. In selecting a more appropriate distribution of new allocations across the authority area, the Council will be able to better ensure that development is truly plan-led and does not come forward in an ad hoc manner as a result of the failure of large strategic urban extensions to deliver as expected. It is well documented that Sustainable Urban Extensions can take a significant amount of time to deliver their first housing completions. The Lichfields Start to Finish Report Third Edition3 concluded that on schemes of 2,000 homes and more the average time from validation of the planning application until the first completed dwelling is 6.6 years. Issues including complex land ownership and strategic infrastructure provision are often the cause of significant delays to these schemes. Further, the Lichfields report concludes that the average build out rate on sites over 2,000 dwellings is 149dpa. Given the planning status of both the proposed new strategic sites, this could result in a shortfall of at least 2,700 homes against the 4,500 homes expected to be delivered from the two sites, as will be explored in the relevant sections. A strategy predominantly focussed on large-scale Strategic Urban Extensions on the edge of Derby risks failing to ensure the minimum housing need is delivered across South Derbyshire over the plan period. Therefore, Gladman has concerns with the approach proposed. Gladman recommends allocating more small-to-medium sized… (3 Lichfields Start to Finish Report Third Edition, March 2024. Available at https://lichfields.uk/media/e5dbn3bs/start-to-finish?3\_how-quickly-do-large-scale-housing-sites-deliver\_sep-24.pdf) …sites to overcome housing land supply shortfalls as a result of delays to strategic sites without departing from the provisions of the Local Plan. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development. |
| 1243636 | Marrons on behalf of Ainscough Strategic Land |  |  | .5 OTHER COMMENTS ON THE SPATIAL STRATEGY 4.5.1 We note that despite the inclusion of two large-scale and strategic urban extensions at South of Mickleover and Infinity Garden Village, no housing trajectory or objective assessment of the deliverability of these sites has been produced. It is therefore uncertain as to whether the Draft Plan will establish a five year housing land supply on adoption or throughout the Plan period. We expect that this information will be produced at Regulation 19 stage and reserve our right to make further representations on the soundness of strategic allocations and housing land supply matters generally at that point. At this stage, we have key concerns over the deliverability of the South of Mickleover strategic allocation in highways terms and set out our observations below.  4.5.2 In respect of South of Mickleover, the assessment within the SHELAA indicates that the site’s access is potentially constrained. That is underpinned by our own observations, which are set out below.  4.5.3 Vehicular access is shown to be taken from Staker Lane. Staker Lane is currently a rural lane, which is suitable for two-way traffic but is unlit and does not have any dedicated pedestrian and cycle facilities. The width of Staker Lane is also unlikely to be suitable for use by public transport. Whilst Staker Lane can probably accommodate an increase in traffic, it is unlikely to be suitable for the full scale of development proposals. Staker Lane is therefore unlikely to be suitable to serve the full development proposals, and significant improvements or entirely new infrastructure will be required.  4.5.4 Staker Lane connects to the A38 to provide access to the Strategic Road Network. Staker Lane also connects to Haven Baulk Lane and The Hollow, which provide access to the local highway network and onward connections into the centre of Derby. Haven Baulk Lane is an existing residential road and connects to Rykneld Road at a simple priority T-junction. Haven Baulk Lane is not suitable to accommodate a significant increase in traffic flows, and the Rykneld Road junction will likely require capacity improvements, which may not be practical given the constrained nature of the junction. Noise and amenity issues may also be created by the potential increases in traffic flows. The Hollow also serves a number of existing residential properties. The Hollow terminates at the Brierfield Way/Hedingham Way junction, where The Hollow is the minor arm of a simple priority T-junction. The Brookfield Primary School is located opposite the junction. The Hollow is not suitable to accommodate a significant increase in traffic flows, and the Brierfield Way/Hedingham Way junction will likely require capacity improvements, which may not be practical given the constrained nature of the junction and may lead to conflicts with the existing primary school.  4.5.5 The site is located to the south and west of two high speed dual carriageways. Pedestrian and cycle connectivity across these two roads is required to provide access to the facilities in the local area. The nature of the roads means the opportunities to cross are limited to the existing underpasses at Haven Baulk Lane and The Hollow. There is an existing public right of way just south of the A516 that crosses the A38, but this isn’t suitable for use by all. Haven Baulk Lane and The Hollow are also designated as National Cycle Route 66. There are no dedicated cycle facilities along Haven Baulk Lane or The Hollow, and therefore cyclists are going to be on the carriageway. The increase in traffic on these roads is going to materially worsen the conditions for cycles and dedicated cycle facilities will need to be provided, which are unlikely to be deliverable along the entirety of the route | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  Design reviews of the new strategic sites are being undertaken, which will consider the constraints and needs relating to each and how these can be addressed.  A transport study is to be prepared which will identify potential highway impacts and how these can be mitigated. |
| 1242645 | Emery Planning on behalf of Strategic Land Group Ltd |  | S4 | 5. Policy S4: Housing Strategy  5.1 For the plan to be justified and effective it is necessary to demonstrate that there is a sufficient supply of housing to meet the requirement over the plan period. Paragraph 69 of the Framework states: “Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of: a) specific, deliverable sites for five years following the Intended date of adoption; and b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.” 5.2 We have concerns in relation to the housing provision set out in Policy S4, which indicates the following supply over the plan period: • 4,500 dwellings from strategic site allocations • 8,847 dwellings from 2016 Local Plan Part 1 saved allocations • 285 dwellings from 2017 Local Plan Part 2 saved allocations • currently 851 dwellings from windfall development 5.3 The above supply totals 14,483 dwellings, equal to the housing requirement. We address itssources below. Housing land supply Windfall allowance  5.4 Paragraph 72 of the Framework states: “Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”  5.5 Policy S4 states: “…The balance of provision needed to meet the overall requirement of 14,483 homes, as identified under Policy S1, will be provided through windfall development comprising a minimum of currently 851 dwellings.”  5.6 The policy justification (paragraph 4.76) also states that up to a net 2,006 dwellings could be delivered over the plan period on the basis of past windfall delivery. However, the Council has not provided any analysis of the types of sites that have previously come forward as windfalls and whether these sources of supply will continue to be available. It is not clear what factors or policies influenced the type and quantity of sites that have previously come forward. Proposed changes to policies, such as the increase to the affordable housing provision and its thresholds, may also impact on the deliverability of windfall sites in the future.  5.7 Furthermore, there are strategic benefits in planning for growth through allocations, such that the settlements within South Derbyshire all receive an appropriate quantum of development to allow them to grow and thrive. An over-reliance on unplanned development may result in an unbalanced approach to growth, particularly in rural areas.  Unmet needs of Derby City  5.8 Policy S1 distinguishes between the two elements of the proposed housing requirement and specifies that provision will be made to deliver 5,609 dwellings towards Derby’s unmet housing needs. However, Policy S4 is not clear in respect of which elements of the housing land supply / site allocations will go towards meeting the unmet needs of Derby City. It is stated at paragraph 4.72 of the draft plan that two strategic scale allocations are proposed to proactively address the requirements of the HMA and we assume that these comprise STRA1: Infinity Garden Village and STRA2: Land South of Mickleover due to their locations adjacent to the boundary of Derby City, however this is not explicitly set out. Furthermore, whilst Policy S1 identifies a contribution of 5,609 dwellings to meeting Derby’s unmet needs, the two strategic allocations total only 4,500 dwelling.  5.9 In addition, in the absence of a housing trajectory it is not clear whether the strategic sites can be delivered in full within the plan period. We have significant concerns in this regard given their scale and extent of infrastructure required. We address these issues specifically in our response to Policies STRA1 and STRA2. The implication for the housing distribution is that an over-reliance on two very large sites is unlikely to address Derby’s unmet needs during the plan period. We therefore consider that at least a proportion of Derby’s unmet need should be met within other settlements across South Derbyshire, where there is clearly the capacity to sustainably accommodate a level of additional development which can come forward during the plan period. This will ensure that the need can be met within the period envisioned.  Saved allocations  5.10 The plan is heavily reliant on saved allocations to deliver housing over the plan period. With the exception of the two proposed strategic housing sites, which appear to be allocated to address the needs of Derby, there are no new sites proposed to deliver much needed housing.  5.11 In addition, the current Local Plan Part 1 was adopted in 2016, yet only seven of the 18 housing allocations have been delivered to date, based on the deletion of Policies H5, H8-10, H12, H14 and H17 from the proposed draft. We question the deliverability of the saved allocations given that they have not come forward in almost 10 years since adoption. Clear evidence should be provided to demonstrate that the allocations can still be delivered. Flexibility  5.12 The proposed housing land supply of 14,483 dwellings set out in Policy S4 provides no flexibility in terms of delivery. Indeed, the proposed strategic sites and saved allocations do not provide a sufficient quantum of housing to meet the needs of South Derbyshire and the unmet needs of Derby. Even taking into account the unjustified 2,006 dwelling windfall allowance set out at paragraph 4.76 (instead of the 851 within the policy itself), this only allows for a flexibility allowance of less than 8% (15,638 dwellings).  5.13 Further sites must therefore be identified to not only meet the needs, but also provide sufficient flexibility in the event that some allocated sites do not come forward or deliver less than planned for. We consider that there should be a contingency allowance of at least 20%, based on the Local Plans Expert Group report to the Communities Secretary and to the Minister of Housing and Planning in March 2016. The report recommends at paragraph 11.4 that the Framework should make clear that local plans should be required to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term, plus make provision for, and provide a mechanism for the release of, sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the Framework.  5.14 The Guildford Local Plan is relevant given that it accepted the need to release Green Belt to provide flexibility in the housing land supply. A supply of 14,602 dwellings was provided against a housing requirement of 10,678 dwellings, equating to a flexibility allowance of 37%. Of the supply, some 6,742 dwellings were to be provided on sites to be released from the Green Belt. The plan was subject to an unsuccessful Challenge which specifically addressed this point. The Judgment draws the following conclusions under Issue 2: ‘Was the conclusion that there were exceptional circumstances justifying the allocations of housing land, released from the Green Belt, to provide headroom of over 4000 dwellings above the 10678 OAN lawful, and adequately reasoned?’: • Once meeting the OAN is accepted as a strategic level factor contributing to “exceptional circumstances”, it follows that the provision of headroom against slippage and for flexibility to meet changes, “future-proofing” the plan, as the Inspector put it, would also contribute to such circumstances (paragraph 91). • The headroom figure was a judgement based on the sites which were available to meet a requirement figure somewhat over 10,678, and to do so in such a way that, over the initial and subsequent years of the plan, the rolling five year housing supply would be maintained (paragraph 96). • As part of the total supply, the Inspector was entitled to conclude that the plan should allocate additional sites, that may be sequentially less preferable than other sites, because they were necessary allocations in order to provide the initial five year housing land supply (paragraph 101). • The prospect that a level of housing in excess of the OAN might be achieved can contribute to exceptional circumstances if it would deliver benefits such as improving affordability or increasing the supply of affordable housing (paragraph 105).  5.15 Although we do not advocate that the specific circumstances of the plans are the same, we consider that the above key points are broadly applicable to South Derbyshire. The plan must provide sufficient flexibility in the housing land supply and there is a need to release additional deliverable sites to provide a five-year housing land supply (and to avoid any artificial phasing of the requirement in early years). Even if there were to be a degree of over-provision, there would be wider benefits of providing a level of housing in excess of the minimum requirement, namely improving affordability and meeting affordable housing needs.  5.16 In that context, Section 10 of this statement sets out a proposed site allocation at Overseal. The site can deliver sustainable growth in the village, and it can contribute to increasing and diversifying the housing land supply in South Derbyshire, including the supply of much needed affordable homes. Five year housing land supply  5.17 The evidence base and draft plan do not appear to provide a detailed trajectory or a five year housing land supply assessment. Table 5 of Appendix B of the Interim Sustainability Appraisal provides a summary of the housing land supply against the standard method for South Derbyshire and claims a deliverable supply of 8.18 years. However, the proposed housing requirement in the plan also includes the uplift to accommodate the unmet needs of Derby. Therefore, any future five year housing land supply assessment should be based on a housing requirement of 1,087 dwellings per annum (18,843 dwellings / 17 years), notwithstanding our comments that the housing requirement should be increased and the plan period extended. On the basis of the supply figures provided in Table 5, the Council would not be able to demonstrate a five year supply of housing for the period of 2022/23 to 2027/28 against this requirement. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243556 | Stantec on behalf of Parker Strategic Land South of Mickleover |  | S4 | 4.4 Policy S4: Housing Strategy 4.4.1 PSL welcomes the inclusion of Land South of Mickleover (STRA2) as one of two strategic residentially led developments. 4.4.2 However, as outlined in Section 3 of these representations, we believe that the total number of dwellings (2,500) that the Council has set out as being possible within STRA2 is significantly underestimated, and based upon the PSL capacity work completed the STRA2 indicative layout has several critical shortcomings at this early stage of plan-making. 4.4.3 As currently drawn, the Council’s illustrative masterplan does not maximise the many opportunities the Site offers including the link road, greater housing and better green and blue infrastructure which in turn has better drainage and biodiversity outcomes. 4.4.4 Appendix B sets out our design responses on to STRA2, which is based upon a rigorous technical evidence base, explains how the wider allocation, including the PSL area, can deliver up to 3,100 dwellings with a secondary school or 3,400 without one, far in excess of the Council’s position, and with many improved outcomes. The Principal Promoter’s land is capable of delivering up to 2,200 on its own. 4.4.5 As such, the table under paragraph 4.73 should be updated to include up to 3,400 dwellings at STRA2. 4.5 Policies S5: Employment Land Need and E1: Strategic Employment Land Allocations | Design reviews of the new strategic sites are being undertaken, which will consider the constraints and needs relating to each and how these can be addressed. These will include consideration of site capacity. |
| 1242854 | Stantec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodv |  | S4 | Policy S4: Housing Strategy  7.2.3 As per comments on Policy S1, the housing requirement figures are out of date and so the housing strategy is not sound.  7.2.4 Further, the main source of housing growth in the strategy are the two strategic allocations, making up a third of the housing figures, outlined above. However, due to the large scale of these sites, there will be issues with short and medium-term housing delivery and therefore, the housing delivery is flawed. Any unexpected issues with these sites will also stall housing delivery for the plan.  7.2.5 The Housing Strategy needs to allocate an array of sites, of different scales and in various locations to ensure a robust approach to housing delivery. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development. |
| 1243614  1243615  1244310 | Stantec on behalf of JSC Efarms LLP Boulton Moor; London Rd; Land off Aston Ln and Cowlishaw Close |  | S4 | Policy S4 states: Provision will be made in the Local Plan Part 1 for at least 13347 additional dwellings on allocated sites over the plan period, comprising dwellings to be provided as part of two new housing –led strategic sites (as set out in Policies STRA1 and STRA2) plus those remaining to be completed on allocations included in the adopted 2016 Local Plan Part 1, which have been carried forward. In addition 285 dwellings will be provided in the form of dwellings remaining to be completed on saved allocated sites in the adopted 2017 Local Plan Part 2 The balance of provision needed to meet the overall requirement of 14483 homes, as identified under Policy S1, will be provided through windfall development comprising a minimum of currently 851 dwellings. In order to plan positively for the required housing number and growth within the district, as set out in representations relating to draft policy S1 above, SDDC should allocate further residential sites to meet additional housing need. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development. |
| 1243634 | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley |  | S4 | Policy S4: Housing Strategy Housing Land Supply Buffer 4.1 As previously noted, the Council’s proposed housing requirement totals 14,483 dwellings over the 2022-2039 plan period. This comprises 8,874 dwellings of South Derbyshire’s need and a 5,609-dwelling contribution towards Derby’s unmet needs. Against this requirement, draft Policy S4 states that the DLPP1R will make provision for only 13,632 additional dwellings over the plan period through a combination of: • Two new strategic allocations (STRA1 and STRA2); • Existing/Remaining Local Plan Part 1 allocations; and • Existing/Remaining Local Plan Part 2 allocations. • The Council also anticipates that the outstanding currently 851 dwellings will be delivered through windfall development. 4.2 Even when accounting for the proposed windfall allowance, the Council is only proposing to make provision for sufficient homes to ‘meet’ their needs, with no additional buffer. Importantly, the Council has not explicitly recognised that, as a consequence of this approach, the DLPP1R does not make any provision for a buffer or ‘headroom’ within its supply. 4.3 St Modwen would highlight to the Council that Local Plans should be flexible enough to adapt to rapid change. In practice, this means ensuring a housing trajectory has sufficient land supply across the plan period so that it can adjust to any unforeseen circumstances. Critically, this means that to achieve a housing requirement, a Local Plan must release sufficient land or allow sufficient ‘headroom’ so that there is an appropriate buffer within the overall planned supply. 4.4 Whilst St Modwen recognises that the Council’s proposed housing requirements exceed the LHN figure, by virtue of including a contribution towards Derby’s unmet housing needs, the proposed housing supply to meet these needs cannot, and should not, but used to act as a buffer. This is because there would be no scope within the DLPP1R to respond to changing circumstances; if any single component of the supply is delayed or does not come forward, this would result in Derby’s unmet housing needs not being delivered, rather than the Council’s. 4.5 It is therefore considered necessary for the Council to identify additional land supply, in order to ensure that there is the flexibility to respond to failures to deliver the required dwellings in the allotted time frames and across the whole plan period. In this regard, the following are cases where the inclusion of a buffer has been found sound at the examination and explicitly endorsed by the Inspector: • Chelmsford: 18% buffer3 • South Kesteven: 18% buffer4 3 Inspector’s Report to Chelmsford City Council, paragraph 154. Available at: https://www.chelmsford.gov.uk/\_resources/assets/inline/full/0/3951296.pdf 4 Inspector’s Report to South Kesteven District Council, paragraph 145. Available at: http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=25671 • Harrogate: 25% buffer5 • South Oxfordshire: 27% buffer6 • Mansfield: 34% buffer7 • Guildford: 36% buffer8 • Chesterfield: 59% buffer9 4.6 Consequently, St Modwen recommends that a sufficient buffer is incorporated into the housing land supply. The buffer should be applied to both the contribution towards addressing the unmet needs of Derby and the Councils own needs. This will ensure that both needs can be met flexibly and would allow for components of supply to fall through or be delayed in delivery. St Modwen recommends that a 20% headroom should be incorporated into the DLPP1R. This would require the Council to identify additional suitable land supply (i.e. more than needed to meet the total housing requirement) to facilitate an additional c.20% headroom to be built into the supply. In this regard, growth within the plan period at Land south of Station Street, Castle Gresley would be an entirelylogical source of supply to address this need. Housing Land Supply Trajectory 4.7 The DLPP1R does not include a housing trajectory for the plan period. Consequently, the Council has not identified the anticipated rate of development for the strategic allocations and extant allocations, or the assumptions made relating to timescales for the commencement of development on these sites. 4.8 The DLPP1R therefore does not comply with the requirements of NPPF paragraph 75 and fails to provide adequate detail to justify the assumptions made for the delivery rates of strategic allocations. As a result, it is not possible to determine whether the strategic allocations are deliverable and capable of maintaining a sufficient housing land supply across the plan period. Spatial Strategy 4.9 In order to meet their identified housing needs (and the unmet needs of Derby), the Council’s proposed spatial strategy comprises rolling forward LPP1 and LPP2 allocations that are yet to be delivered, alongside allocating strategic sites STRA1 (Infinity Garden Village Mixed Use Allocation) and STRA2 (Land south of Mickleover) for 2,000 dwellings and 2,500 dwellings respectively.  4.10 St Modwen’s notes that the NPPF is clear that Local Plans should provide for the objectively assessed housing needs as well as unmet needs (Para 11b), and that the supply of large numbers of new homes can often be best achieved through planning for larger-scale developments (Para 74). It also sets out that plans should be prepared positively, in a way that is aspirational but deliverable (Para 16b), and should identify specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan (Para 69b). 4.11 Crucially, for a plan to be found ‘sound’, it must set out an appropriate strategy, taking account of reasonable alternatives, and be based on proportionate evidence (Para 35b). As such, the Council also needs to robustly test reasonable alternatives for the spatial distribution of the District’s housing needs through the Sustainability Appraisal [SA] process at an early stage – as per the requirements of paragraph 32 of the NPPF, the PPG, and Friends of the Earth High Court judgment. In addition to the above, it is also important to note that the NPPF shifts the need to consider viability to the plan-makingstage, requiring authorities to identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (Para 69). 4.12 The PPG provides further clarity for new settlements, stating that LPAs should demonstrate that there is a reasonable prospect that large-scale developments can come forward. In particular, this should include a realistic assessment of the prospect of sites being developed and should engage with infrastructure providers to ensure that the infrastructure requirements are not beyond what could reasonably be considered to be achievable within the planned timescales. 4.13 In this regard, whilst St Modwen broadly understand the rationale for allocating sites on the edge of Derby to assist in meeting Derby’s unmet needs close to where they arise, St Modwen has concerns in relation to this strategy, and its reliance on two strategic sites. Meeting the District’s Indigenous Housing Needs 4.14 As noted above, the Council will need to roll the plan period forward by c.3 years to ensure that a 15-year plan period is provided (Para 22, NPPF), and should include sufficient headroom in the supply (i.e. a buffer) to respond to changing circumstances. When taken together, and based on the Council’s proposed LHN, the Council’s own indigenous needs – i.e. excluding the buffer on any provision for unmet housing needs – would increase to 12,120 dwellings over the plan period. When the two strategic sites on the edge of Derby are excluded from the Council’s current supply, this would result in a supply of only c.9,983 dwellings to meet the Council’s own housing needs. 4.15 As such, the Council will need to find an additional c.2,137 dwellings within South Derbyshire to meet its’ own localised needs. Crucially, the sites to meet these needs should be distributed throughout the District with priority given to Tier 1 and 2 settlements that are the most sustainable. Lack of Evidence 4.16 It is particularly important that, where a Garden Village is proposed, there should be a robust – and proportionate – evidence base demonstrating that the site is deliverable and achievable within the required timeframe. In the absence of this, there is a very real risk that a Local Plan could be found “unsound” at EiP. 4.17 Indeed, the recent EiP of Hart District Council’s ‘Hart Local Plan (Strategy and Sites) 2032’ in June 2018 highlights the above issues. In particular, Policy SS3 (New Settlement) identified an Area of Search at Murrell Green / Winchfield for the delivery of up to 5,000 dwellings through the production of a New Settlement Development Plan Document [DPD] after the adoption of this Plan. However, the Council were clear that the development was not required in the Plan period to meet identified housing needs; albeit could deliver c.1,500 dwellings towards the end of the plan period. 4.18 However, the Inspector raised significant concerns regarding the Council’s approach to allocating the site. The Inspector argued that the Plan established the ‘principle’ of the new settlement as the most appropriate growth strategy for meeting the Council’s long-term needs within a relatively confined area of search. However, he highlighted that the Plan had not tested other reasonable alternatives to a new settlement, and it was considered as a ‘constant’ as part of all reasonable alternatives that were appraised (IR 58). 4.19 With respect to the evidence supporting the proposed new settlement, the Inspector noted that the evidence submitted by the site promoters only provided a “very high-level broad overviews, with little in the way of detail” (IR 61). In addition to this, the Inspector raised concerns regarding the deliverability of the new settlement, highlighting that the Council’s Infrastructure Delivery Plan had not adequately considered the infrastructure requirements of the new settlement – beyond education – and that the viability of the development had not been assessed through the viability assessment (IR 64). Moreover, a significant parcel of land within the site fell outside of the ownership of the site promoters or land that is available to them, further questioning the deliverability of the site. 4.20 To this end, the Inspector considered that there was little evidence to demonstrate that a site could be delivered in terms of infrastructure, viability and landownership (IR 63). Consequently, the Inspector concluded that for Policy SS3 to be found sound it would require the Council to undertake appropriate and proportionate area/site assessments, infrastructure considerations, viability testing and be tested through the Sustainability Appraisal process (IR 65). As a result, he concluded that the policy, and therefore the new settlement, should be removed from the plan (IR 67). 4.21 In summary, the Inspector’s concern was that the new settlement was being advanced as a long-term solution, but no alternatives to that option had been considered or properly tested in preparing the plan. The Inspector also noted that “there is little evidence to demonstrate that a site can actually be delivered in terms of infrastructure, viability and landownership” [IR63]. St Modwen considers that such concerns would apply equally in respect of the Council’s proposed approach .23 In addition, the Council has not prepared or published a viability assessment, infrastructure delivery plan, strategic highways model, or housing trajectory in support of the two proposed strategic housing allocations, which underpin the Council’s entire spatial strategy. Ultimately, key pieces of evidence required to support the proposed spatial strategy have not been completed, and yet, the Council has devised a spatial strategy in the absence of this evidence. It is therefore unclear as to how the Council considers that the proposed spatial strategy is the most sustainable, in SA terms, in the context of the clear requirements of the NPPF and PPG. 4.24 Ultimately, St Modwen considers that the above, when taken together, demonstrates that the Council have provided insufficient justification for why the proposed spatial strategy approach is necessary, and invariably such an approach is likely to be found unsound at EiP in the absence of proportionate evidence to support it as the spatial strategy is neither justified nor effective (NPPF paragraph 35). To this end, St Modwen considers that the Council should re-visit its proposed spatial strategy, alongside preparing sufficient evidence to support the preferred options in due course. Won’t deliver in full within the plan period 4.25 In addition, the Council is required to provide sufficient evidence to demonstrate the timings associated with the deliverability of the proposed allocations. Without sufficient evidence, there remains a risk that the developments will not be delivered in their entirety within the Plan Period. Indeed, the application (Ref: DMPA/2019/1097) for 1,950 dwellings at Wragley Way (South of Derby) (Policy H15 in the adopted Part 1 Local Plan and carried forward within the draft Part 1 Local Plan) was submitted in 2019, and c. 5 years later remains undetermined. Notably, this site is adjacent to the proposed Infinity Garden Village allocation. 4.26 Critically, the Council has provided no evidence in support of the strategic allocations, nor a housing trajectory to demonstrate how or when these sites will deliver across the plan period. In the absence of this, St Modwen is concerned that these allocations will not deliver as envisaged – or tacitly inferred – by the Council in the DLPP1R. 4.27 As of 2024, neither proposed allocations benefit from a submitted application, nor extant planning permission. Even if planning applications for either of these allocations were to be validated by the end of the year, well in advance of the DLPP1R EiP or adoption, based upon the timescales associated with the Wragley Way planning application – which is an existing allocation being rolled over into the DLPP1R, it is unlikely that any dwellings would be delivered before 2030. Again, evidence from the Wragley Way allocation highlights the importance of demonstrating deliverability within the plan period. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Design reviews of the new strategic sites are being undertaken, which will consider the constraints and needs relating to each and how these can be addressed. These will include consideration of site capacity. A transport study will also be undertaken identifying potential highway impacts and any necessary mitigation.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1242865 | Turley on behalf of Hallam Land |  | S4 | Policy S4 Housing Strategy 3.26 Policy S4 “Housing Strategy” sets out that housing will be delivered through two new housing led strategic sites, comprising at least 13,347 dwellings, completions on “saved” allocated sites providing 285 dwellings and a “minimum” of currently 851 dwellings on windfall development sites. 3.27 Firstly, it is considered that a substantial proportion of housing delivery is being directed towards strategic sites. Although in principle, this may be considered an appropriate approach, the strategic sites identified will require significant infrastructure to enable delivery. For example, Policy STRA1 “Infinity Garden Village Mixed Use Allocation” sets out a development requirement for “Primary vehicle accesses via a new junction on the A50 and junctions via Infinity Park Way” whilst Policy STRA2 “Land South of Mickleover” requires delivery of principal access points from the A38. Given the significant infrastructure required and lead in time for this to be delivered, the Plan Review should be identifying sites that can provide homes quickly and early in the plan period, particularly given the acute HMA and national need. This is considered to be a more sustainable approach. 3.28 Furthermore, the Plan Review currently leaves a sizeable proportion of the total housing delivery to windfall sites. By identifying medium and smaller sites in this plan, there would be less reliance on large strategic sites and growth would be properly plan led through the identification of sustainable and appropriate sites for development. 3.29 The capacity and capability of those sites “saved” from the adopted Local Plan Part 2 should be the subject of careful scrutiny. As established, the Local Plan Part 2 is considered to be seriously dated and in need of review, rolling forward the allocations from this plan is therefore not considered to be a sound approach, particularly if they have not started delivering to date during the plan period. 3.30 Key Service Villages such as Overseal and Repton have successfully delivered all their housing allocations identified in the adopted Plan. These Key Service Villages represent significant opportunities for housing development in the District, locating development close to established services and facilities and representing opportunities to further improve local services. Given the likely need to identify additional sites to meet the housing needs of South Derbyshire, due to the increased LHN and extended plan period, notwithstanding the identification of sites to avoid unnecessary reliance on windfall sites or large strategic sites, sustainable settlements such as Overseal and Repton should be a key focus for the Council. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  Design reviews of the new strategic sites are being undertaken, which will consider the constraints and needs relating to each and how these can be addressed. These will include consideration of site capacity. A transport study will also be undertaken identifying potential highway impacts and any necessary mitigation.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development. |
| 1243197 | Savills on behalf of Diocese of Derby |  | S4 | Policy S4: Housing Strategy Our client considers that SDDC needs to be realistic in consideration of the timescales for the development of the proposed strategic development allocations on the edge of Derby City at Infinity Garden Village (proposed Policy STRA1) and Land south of Mickleover (proposed Policy STRA2). There is currently an expectation that these 2no. sites can collectively deliver approx. 4,500 new homes within a Local Plan period from 2022 to 2039.  As evidenced by the Schedule included on page 38 of the Regulation 18 Draft Local Plan Part 1 Review consultation document, a significant number of the allocations in the current adopted Development Plan are only partially constructed 13 years into the current 17 year Local Plan period, including a need to still deliver a large amount of development on the current strategic allocations on the edge of Derby City. Some of the existing allocations have not yet delivered any housing. This demonstrates that housing allocations, particularly larger strategic allocations, can take significantly more time to deliver than anticipated.  Our client is accordingly concerned that so much reliance has been placed on the allocation of a small number of additional large strategic sites within the consultation document to meet the residual housing needs of the next Local Plan period.  Taking into account the uncertainty over whether the existing and proposed allocations will all be viable, deliverable and able to achieve their stated housing capacities during the Local Plan period, coupled with the proposed new Standard Method calculation identifying an increased housing need for South Derbyshire and the Government objective set out within the current NPPF4 (which is proposed to be carried forward into the updated NPPF) to significantly boost the supply of homes and for a sufficient variety and amount of land to come forward where it is needed, there is considered to be a need for need for SDDC to allocate additional sites through this Local Plan Review. This additional development should be focused at locations specified within tiers 1 and 2 of the settlement hierarchy set out in Policy H1, including the Key Service Villages.  Spreading modest additional growth across the sustainable Key Service Villages is considered to be a way in which new development can be delivered in a way which distributes the benefits arising from new development across, and to meet the needs of, the existing communities within South Derbyshire. Hatton is one of the Key Service Villages. Development on the north eastern edge of Hatton has already been deemed to be suitable through the allocation of land in this location for housing development (Policy H11) in the adopted Local Plan.  Hatton has a range of existing community facilities and public transport connectivity and is therefore considered to be a sustainable location for accommodating additional residential development. The facilities within Hatton include: a supermarket and other shops; pubs and restaurants; place of worship; and infant and junior schools; and a railway station. Bus services pass along Derby Road immediately adjacent to the site and along Station Road to the west.  The land owned by our client (Title DY400956), shown shaded in blue on the plan included below at Figure 1, is immediately to the east of allocation H11. This site has already been assessed as being suitable, available and achievable for residential development through the SHELAA process (ref. 110) and our client contends that this remains the case. The site is currently comprised of a field in agricultural use bordered by Derby Road to the north, new residential development to the west / south and agricultural land (which is being promoted by another landowner) to the east. This site could still be developed in isolation or in tandem with the land being promoted to the east (ref. 235). The necessary land control and cooperation between the landowners is in place in this location to achieve such a development proposal.  New residential development proposals on this site should be seen in the context of the residential development being brought forward on the adjacent land to the west, which already creates significant urbanising features in the landscape. It should also be noted that the Lower Dove Flood Management Scheme has been installed, which reduces the flood risk for the promoted site from the River Dove. A scheme can be put in place which manages the surface water on the site as part of the green infrastructure strategy, alongside the delivery of new public open spaces and play areas. In addition there is an opportunity for development proposals to contribute towards local social and transport infrastructure, as necessary.  The site is in the countryside, but is not in the Green Belt and is not considered to contain physical attributes that would preclude development from taking place. Existing trees and hedgerows either on, or on the edge of, the site will be incorporated into a development proposal where possible and will be supplemented with additional planting as part of the proposals. There is not considered to be an adverse impact on any designated heritage assets, or their setting, as a result of development taking place on the site.  The site is adjacent to the built development boundary for the Key Service Village of Hatton in a location which has already been deemed to be sustainable and suitable for development through the existing Local Plan residential allocation (Ref: H11) and subsequent planning permission for 385 dwellings (Ref: 9/2015/1108) on the land immediately to the west. The delivery of residential development on the site is considered to represent a relatively modest and logical further expansion to Hatton in a suitable and sustainable location.  The site is largely well contained by existing landscape features and built development and there are opportunities to provide additional / enhanced landscape features along the site boundary as part of the development proposals for the site. The site benefits from an existing access via a field gate from Derby Road. The site: does not contain any, and is not within the setting of any, Listed Buildings; is not within or affecting the setting of a Conservation Area; and is not designated as Local Green Space. The site is available and suitable for release to comprise a stand-alone allocation or as the first phase of a wider allocation should SDDC seek to allocate a larger strategic development area in this location. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1238831 | Savills on behalf of Midland Land Portfolio Limited (MLPL) |  | S4 | Policy S4: Housing Strategy MLPL is not proposing to comment on the site-specific rationale for identifying land at Infinity Garden Village (proposed Policy STRA1) and Land south of Mickleover (proposed Policy STRA2) in South Derbyshire on the edge of Derby City for allocation within the emerging Local Plan to meet the cross-boundary housing needs for Derby City. However MLPL considers that SDDC needs to be realistic in consideration of the timescales for the development of these strategic sites. There is currently an expectation that these 2no. sites can collectively deliver approx. 4,500 new homes within a Local Plan period from 2022 to 2039.  It is noted that the current adopted Local Plan Part 1 allocates strategic sites for the delivery of 13,135 new homes. Land for a further 701 new homes was also allocated within the Part 2 Local Plan. This totals an anticipated capacity of 13,836 dwellings on sites to be delivered during the period 2011-2028. The analysis included in Appendix 1 of these representations shows that only 66% of this allocated capacity has been delivered up until now, which represents a time period which is significantly beyond 66% of the way through the current Local Plan period.  Furthermore, 13 years into the Local Plan period it appears that some of these current Development Plan allocations are still yet to deliver development / occupations (H3, H4, H15, H16, H18, E6, H23B, H23D, H23I, H23J and H23L). This demonstrates that some allocations can take a significant amount of time to come forward, which could be down to site-specific reasons or economic / market factors. There is still also no certainty that all of these allocations will be developed and completed during the next Local Plan period up to 2039.  In addition, the current Development Plan includes some large allocations adjacent to Derby City. Notably allocations H13 (Boulton Moor) for 1,950 dwellings, H15 (Wragley Way) for 1,950 dwellings and H19 (West of Mickleover) for 1,650 dwellings. It should be noted that 13 years into the current Local Plan period these sites collectively still need to deliver 4,095 dwellings out of a total allocated capacity of 5,500 dwellings (i.e. 74% capacity remaining). This should be borne in mind in the context of the proposal in the emerging draft Local Plan for the allocation of 4,500 dwellings across 2no. sites on the edge of Derby City and casts significant doubt over the ability of these 2no. proposed new strategic allocations to deliver the proposed quantum of development within the next Local Plan period.  As explored in the responses to draft Policies H20, H21 and BNE3 the majority of the housing delivery which SDDC is reliant upon is made up from existing Development Plan allocations. Many of these sites have already been granted planning permission and are being delivered. However some of these sites still have not been granted planning permission and if planning permission is granted for these site following the adoption of the Local Plan Part 1 Review then this appraisal will need to have taken into account the additional housing standards, affordable housing requirements and BNG requirements set within the Local Plan Part 1 Review. These additional policy requirements were not factored into the appraisal process which informed the allocation in the current adopted Development Plan and could impact adversely on the viability, deliverability and housing capacity of these allocations. The viability testing for the proposed new strategic allocations has also not yet been published.  There are considered to be 4no. key factors which SDDC should be mindful of in relation to its planned housing land supply: 1. Taking account of the factors mentioned above there is a significant degree of uncertainty over whether the existing and proposed allocations will all be viable, deliverable and able to achieve their stated housing capacities during the Local Plan period. 2. Whilst the Draft Local Plan is planning to meet an earlier Standard Method housing need figure of 522dpa for the SDDC administrative area rather than the more recent Standard Method housing need figure of 507dpa (i.e. an overprovision of 255 dwellings), this is still insufficient for meeting the proposed new revised Standard Method housing need requirement of 606dpa (i.e. an under provision of 1,428 dwellings). 3. Under the proposed new Standard Method the housing requirement for Derby City decreases from 1,244 dwellings pa to 1,062 dwellings pa. This 15% decrease is expected to result in a reduced amount of housing needing to be delivered in cross boundary locations within Amber Valley and South Derbyshire. The suitability of the identified new strategic sites may need to be reviewed in light of this. SDDC should however not simply assume that the increased housing requirement for SDDC can be met through these proposed strategic extensions to Derby City because this is unlikely to maximise the sustainability benefits which could be delivered to existing communities within South Derbyshire. 4. The NPPF4 states that the Government’s objective is to significantly boost the supply of homes and for a sufficient variety and amount of land to come forward where it is needed. The recent NPPF consultation proposed to retain these principles.  With the above in mind there is considered to be a need for SDDC to progress a Local Plan strategy which is more robust and plans for the delivery of additional smaller allocations (in the 90+ dwelling range) which can assist with ensuring that the housing need for South Derbyshire is still being met during the Local Plan period. It is accordingly considered that the South Derbyshire uplift, along with the allocation of additional smaller sites to ensure that there is sufficient flexibility in the supply of housing land and ensure that the housing need can be met in sustainable locations should be delivered adjacent to existing settlements in South Derbyshire. 4 National Planning Policy Framework (December 2023) paragraph 60. Melbourne MLPL welcomes the specific mention within the Draft Local Plan Vision for the of aim to sustain the viability and vitality of Melbourne. The allocation of additional development at the Key Service Village of Melbourne will assist SDDC with achieving this aspect of the vision. Melbourne has a range of existing community facilities and public transport connectivity and is therefore considered to be a sustainable location for accommodating additional residential development. The facilities within Melbourne include: a supermarket and other shops; pubs and restaurants; place of worship; and infant and junior schools. The bus stops in Melbourne provide services to Burton upon Trent, Derby, Swadlincote, Kings Newton and East Midlands Airport. The existing adopted Development Plan already includes an allocation for residential development off Station Road to the east of Melbourne, located to the west of the MLPL land, which demonstrates the sustainability and suitability of Melbourne in general, and more specifically of land off Station Road6 for new residential development. This allocated land now benefits from outline and reserved matters permissions and construction has progressed. Further residential development has also been recently approved and constructed on the north-western boundary of the site7. MLPL is promoting a 5.3ha site immediately to the east of the existing allocation. The location of this site is shown below in Figure 1 edged in red. Existing allocation H23D is shown shaded in orange. Fig 1 The location of MLPL land off Station Rd, Melbourne 5 South Derbyshire Local Plan Sustainability Appraisal. Regulation 18 Interim Sustainability Appraisal Report. 23 October 2024. 6 Adopted Local Plan Policy H23D – allocation for around 46 dwellings. Planning permission (ref. DMPA/2020/0592) granted on 04/12/2020 for the erection of 46 dwellings including new vehicular and pedestrian access, garages, parking, roads, footpaths, infrastructure, drainage and attenuation/detention basin, footbridge, landscaping and open space. 7 Outline planning application (ref. 9/2017/0170) granted on 10 May 2017 for the demolition of existing buildings and the erection of 6 dwellings at land to the rear of 230 Station Road, Melbourne. The MLPL site is currently comprised of 2 fields in agricultural use and is bordered by: Station Road and Carrs Brook (with residential development and a small grassed field beyond between the Brook and Station Road) on the western boundaries; commercial / industrial units at Station Yard on the north / north-eastern boundaries; agricultural land to the east beyond a hedgerow; and agricultural land with a sewage works beyond to the south-west. The site is largely well contained by existing landscape features and built development and there are opportunities to provide additional / enhanced landscape features along the site boundary as part of the development proposals for the site. The site is at a lower level to land to the south east and north west and is therefore not considered to be a prominent feature within the landscape and would be viewed in the context of the adjacent built development. Submissions have been made previously by MLPL in relation to this site through the Call for Sites8 and Local Plan Issues and Options processes, which have included a Development Area Masterplan9 and Landscape and Visual Review10. The Development Area Masterplan demonstrates that the site being promoted by MLPL could have the capacity to accommodate a high quality strategic development of circa 90 dwellings with associated open space and sustainable drainage infrastructure in an appropriate layout configuration, whilst giving due regard to incorporating an appropriate offset from the Carr Brook, retention of the majority of existing trees (apart from a few poor quality trees to facilitate provision of vehicular access) and retention of the existing PRoW within a green corridor. Vehicular access into the site from Station Road has been designed through consultation with Derbyshire County Council Highways. The Development Area Masterplan demonstrates that housing development on this site is capable of forming a logical, natural extension to the built form of the settlement. Station Road, Melbourne, is a location already deemed suitable for housing development to meet the needs of Melbourne and the wider District in recent years through both the adopted Local Plan and through the planning application process. The MLPL Station Road site: does not contain any, and is not within the setting of any, Listed Buildings, is not within or affecting the setting of a Conservation Area; and is not designated as Local Green Space. The site is also in close proximity to the Cloud Trail, which is a walking and cycling route along a disused railway line. The site is available and suitable for release to comprise a stand-alone allocation or as the first phase of a wider allocation should SDDC seek to allocate a larger strategic development area in this location. Etwall The current NPPF identifies that the supply of large numbers of new homes can often be best achieved through planning for larger scale developments, such as significant extensions to existing villages, and in identifying suitable locations for such developments LPAs should consider the opportunities presented by planned investment and the area’s economic potential11. The recent NPPF consultation proposed to retain these principles. MLPL welcomes the recognition within the emerging Local Plan (paras 4.84 and 7.14 and draft Policy INF3) that land is safeguarded at Egginton Common for a Strategic Rail freight interchange. This will be a significant source of employment within South Derbyshire District and will create an opportunity for additional complementary housing to be delivered at the nearby village of Etwall in order to maximise the sustainability benefits of this location. The facilities in Etwall include: shops; village hall; scouts hut; public library; leisure centre; places of worship; primary school; high school and sixth form college; theatre; restaurant; pub; and hotel. Bus stops are located on Hilton Road and Egginton Road, providing services to Burton upon Trent, Derby, Barrow upon Trent, Repton and Littleover. There is also an opportunity for making financial contributions.... 8 Please refer to SHELAA Call for Sites Form and letter from Stantec dated 12 December 2019 and additional letter from Stantec responding to points of clarification dated 10 December 2020 submitted to SDDC previously. Further copies of these documents can be provided if required. 9 MLPL Melbourne Ward Development Area Plan. 854-D5A-00-XX-DR-A-001 Rev P02. Date 07/09/2022. 10 Station Road, Melbourne Landscape & Visual Review Rev A. Dated July 2022. 11 National Planning Policy Framework (December 2023) paragraph 74. ...through the S106 Agreement accompanying new residential development at Etwall for enhancing the education facilities at the existing schools in Etwall, if required, to mitigate the impact of new residential development. The existing adopted Development Plan includes an allocation for residential development12 on the southern edge of Etwall which demonstrates the sustainability and suitability of Etwall in general, and more specifically of land to the south of Etwall for new residential development. This allocated land now benefits from outline planning permission and reserved matters approvals and construction has commenced. MLPL is promoting a 10ha site immediately to the south of the existing allocation, between this and the A50, immediately to the north of the Egginton Common site. The location of this site is shown below in Figure 2 edged in red. Existing allocation H23B is shown shaded in orange. Fig 2 Location of the MLPL land south of Etwall Submissions have been made previously through the Call for Sites13 and Local Plan Issues and Options processes, which include the submission of a Masterplan Report14. The Masterplan Report demonstrates that the site being promoted by MLPL could accommodate a high quality strategic development of circa 120 dwellings with associated open space and sustainable drainage infrastructure in an appropriate layout configuration, whilst giving due regard to mitigating noise from the A50, landscape considerations and the suitability of vehicular and pedestrian access. This site forms a logical, natural extension to the built form of Etwall, defined by clear physical boundaries, either as a stand-alone allocation or as the first phase of a wider allocation should SDDC be seeking to allocate a larger area for development in this location. Policy H20: Housing Balance and Custom / Self Build Part A: Housing Mix MLPL notes that SDDC is seeking to include the housing mix suggested within the Derby and South Derbyshire Local Housing Needs Assessment (December 2023) (“the LHNA”) within the Policy wording and requiring schemes to be broadly in compliance with this mix unless written justification is provided. Given that the new Local Plan is proposed to cover the 17 year period from 2022 to 2039 it is considered that seeking to include an actual mix within Policy wording is too prescriptive. 12 Adopted Local Plan Policy H23B – allocation for around 50 dwellings. 13 Please refer to 2019 SHELAA Call for Sites Form and additional letter from Stantec responding to points of clarification dated 10 December 2020 submitted to SDDC previously. Further copies of these documents can be provided if required. 14 Land at Etwall Masterplan Report. Ref 865-D5A-00-XX—RP-A-0001. Dated 09/11/2022. The NPPF15 highlights that current and future demographic trends and market signals should be taken into account. The need for different sized of homes is likely to change during the Local Plan period and more information to inform this (such as an updated LHNA) may become available during this time. It is therefore considered to be prudent for the Policy wording to not include a specific mix and instead state: “Housing and mixed use major development proposals should comprise a range of dwelling sizes broadly apportioned as follows in line with the findings of the latest Local Housing Needs Assessment”. Part D: M4(3)(a) and M4(3)(b) MLPL objects to Part D of the draft policy wording on the basis that it is considered that this proposal has not been justified. Part D requires that for major housing developments on a site of more than 0.5ha: at least 5% of all market homes will be required to meet Part M4(3)(a) of the Building Regulations (wheelchair adaptable dwellings); and at least 10% of all affordable homes will be required to meet Part M4(3)(b) of the Building Regulations (wheelchair user dwellings). The NPPF16 states that Local Plan policies can make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. The recent NPPF consultation proposed to retain these principles. The Planning Practice Guidance17 suggests that the following information is to be considered when deciding whether or not to introduce the optional technical housing standards: the likely future need for housing for older and disabled people (including wheelchair user dwellings); size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes); the accessibility and adaptability of existing housing stock; how needs vary across different housing tenures; and the overall impact on viability. The LHNA proposes that approx. 67% of the population increase between 2022 and 2039 will be in the 65+ age category and identifies that 79% of older person households in South Derbyshire are owner-occupied with no mortgage. The LHNA also states that: 17.2% of the population in South Derbyshire have a disability; people in the older age bands are more likely to have a disability or mobility problem; there will be an estimated additional 462 wheelchair households in South Derbyshire in 2039; and c.25% of existing wheelchair users live in a home that would either be problematic or not feasible to make fully wheel chair ‘visitable’. In order to meet the identified need, where viable the LHNA suggests that Councils could seek a proportion (“maybe up to 5%”) of all new market homes to be M4(3) compliant and potentially a higher figure in the affordable sector (“say 10%”). There is not a clear explanation given as to how the existing / projected demographic statistics equate to these suggested percentages, which have been carried forward into draft Policy H20, and no evidence has been published to demonstrate that such percentages would be viable. Indeed it is noted that Appendix 4 of the Draft Local Plan identifies that the evidence base documents which are still to be completed include the Local Plan Viability Assessment and the Housing Implementation Strategy. Noting that the majority of the homes that SDDC is reliant upon to meet the strategy in the new Local Plan are within allocations which are being carried forward from the existing adopted Development Plan it should be recognised that the consideration of viability / deliverability of these sites did not take M4(3) compliance into consideration. Without further evidence base and explanation, in particular in relation to viability the proposed Policy does not meet the Planning Practice Guidance requirements and cannot be deemed to be justified. 15 National Planning Policy Framework (December 2023) paragraph 61. 16 National Planning Policy Framework (December 2023) footnote 52. 17 Planning Practice Guidance. Paragraph: 007 Reference ID: 56-007-20150327 (Revision date: 27 03 2015). Part E: Custom / Self-Build Dwellings MLPL objects to Part E of the draft policy wording on the basis that it is considered that this proposal has not been justified. Part E requires that sites of 30 or more homes should make provision for 15% of housing capacity to be for serviced plots for self and custom housebuilding. As set out in paragraph 6.49 of the Draft Local Plan, the SDDC Self / Custom Build register grew by an average of 12.25 persons per year between 2015 and 2023, which would give rise to a need over the Local Plan period for 294 Self / Custom Build dwellings if this annual average figure is projected forward. Draft Policy S4 proposes that 13,632 dwellings will be delivered on existing retained or proposed new allocated sites, each of which has an anticipated housing capacity of over 30 dwellings. Taking 15% of this figure would give rise to the delivery of 2,045 Self / Custom Build dwellings, which is approx. 7 times the projected requirement. Noting that the majority of the homes that SDDC is reliant upon to meet the strategy in the new Local Plan are within allocations which are being carried forward from the existing adopted Development Plan it should be recognised that the consideration of viability / deliverability of these sites did not take the delivery of Self / Custom Build homes into consideration. This is compounded by the fact that the Local Plan Viability Assessment and the Housing Implementation Strategy have not yet been published. The Policy in its current form is therefore not considered to be justified. From a wider deliverability perspective it should be noted that if the proposed 15% Custom / Self-Build requirement is adopted along with the proposed 40% affordable housing requirement in draft Policy H21, this would mean that major residential sites would only deliver 45% traditional market housing. This would pose a difficulty in meeting the South Derbyshire District’s market housing needs over the Local Plan period, with most sites likely needing to engage the provision included at Part E(iii) of Policy H20 allow developers to build out Self / Custom-build plots which have not been disposed of after 6 months of marketing due to the anticipated oversupply of such plots, resulting in delays to the delivery of traditional market housing. MLPL therefore proposes that SDDC considers an alternative approach to facilitate the delivery of the projected requirement of 294 Self / Custom Build homes over the Local Plan period which focuses on opportunities provided by smaller sites. Smaller sites may also be more attractive to those seeking to build / customise their own home than large sites being delivered by national housebuilders to a specific design approach and approved layout. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  In regard to the requirements of the emerging Local Plan in relation to allocations in the adopted plan without planning permission, the emerging Local Plan Part 1 carries little weight pending submission and applications have already been submitted on all but one site to date.  A plan wide viability assessment is to be undertaken.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Of the rolled forward Local Plan Part 1 housing allocations only two are yet to secure planning permission or are the subject of a resolution to approve such. In both cases an outline planning application has been submitted to be determined primarily with reference to policy requirements set out in the adopted Local Plan Part 1, in recognition of the fact that the Local Plan review requirements currently carry only very limited weight.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  The Policy H20 Part A reference to the submission of a written justification for proposals significantly a variance with the identified housing mix addresses the concerns expressed by the respondent in this regard.  In regard to Part D, the M4(3) (a) and (b) requirements will be considered as part of the plan wide viability assessment. However, the following policy changes are proposed:  “For major development housing or mixed-use proposals on a site of more than 0.5 hectares:   1. *At least* 5% of all market homes will be required to meet Part M4(3)(a) of the Building Regulations (wheelchair adaptable dwellings) *where practicable*; and 2. *At least* 10% of all affordable homes will be required to meet Part M4(3)(b) of the Building Regulations (wheelchair user dwellings) *where practicable*. Provision of M4(3)(a) (wheelchair adaptable dwellings) will be considered where justified and agreed with the Council prior to the granting of planning permission   *Where demonstrated to be impracticable reduced levels of provision to those identified will be negotiated.*  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii) as follows:  “Sites of 30 or more homes should make provision for *10%* of housing capacity to be for serviced plots for self and custom housebuilding.” |
| 1243222 | Pegasus on behalf of Harworth Group Land at Site E Cadley Park |  | S4 | Policy S4: Housing Strategy Windfall Sites 1.30. Policy S4 is accompanied by a table which sets out how 14,483 homes per year for the period  1.31. Paragraphs 4.74 to 4.77 of the Draft Local Plan set out the justification for the windfall allowance. It states that 87 dwellings per annum have been delivered on 10 dwellings or less and 43 dwellings per annum have been completed on sites of more than 10 dwellings. The text clarifies that 12 dwellings per year have been lost. Over the plan period it is suggested that 2006 dwellings could be delivered.  1.32. It does not represent positive planning to have housing  provision to meet the basic housing requirement which is not provided on specific deliverable or developable sites because there is no confidence that housing requirement will be met, and as such is contrary to paragraphs 16, 60 and 69 of the NPPF These comments are notwithstanding our concerns that 14,483 homes are the correct housing requirement taking into account a 15-plan period and the necessity to address unmet need within the Derby HMA. Flexibility  1.33. The inclusion of two strategic sites at Infinity Garden Village and Land south of Mickleover help to provide a balanced portfolio of sites, but carry greater risk of delay in delivery compared to smaller housing sites. It is considered that there should be more specific deliverable and developable sites included in the development strategy to ensure that there is adequate flexibility to account for any delay in delivery.  1.34. It is suggested that at least 10-20% flexibility is planned for to achieve the necessary resilience – this should be in addition to specific deliverable and developable sites that meet the housing requirement for the district. The Local Plans Expert Group report, 2016, set out recommendations for a 20% allowance of developable reserve sites to provide extra flexibility to respond to change. At this stage in the process this would be an appropriate starting point taking account of the inevitable changes to the trajectory and yields of selected sites as sites are tested through the plan making process. For South Derbyshire, this would mean there would need to be an additional supply of specific and deliverable sites of approximately 3,900 homes to provide the recommended level of flexibility. |  1.35. If the Council is to include a windfall allowance then it needs a more effective and positive planning framework to guide delivery of such development proposals, and which should be justified by evidence. The Local Plan policies should be clear about where such developments will be directed, and the criteria that such developments will need to satisfy. Such policies should be justified by evidence that such locations are  sustainable and have capacity to deliver the anticipated number of homes  6. Housing 1.44. Policy H1: Housing Settlement Hierarchy sets out a hierarchy made up of four tiers with the urban areas adjoining Derby, the urban area of Swadlincote including Woodville, and adjoining Burton upon Trent identified as the most sustainable tier in the district. This hierarchy is supported as it reflects the role and function of these places in the district. 1.45. Given that the urban area of Swadlincote is identified by the Council as the most sustainable location in the district, it does not seem reasonable or justifiable that it contains no new housing allocations to meet housing needs up to 2039 and beyond. There should be new allocations in the Swadlincote Urban Area as they would provide choice and competition in the housing market, and provide diversity of supply across development strategy supporting delivery in a sustainable location. 1.46. Our client’s at site E, Cadley Park lies within a sustainable location adjacent to the urban area of Swadlincote and can make significant contribution to the district’s housing needs | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed. In regard to windfalls only past rates of completions on sites of nine dwellings or less will be taken into account.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243534  1243546 | Pegasus Group on behalf of Cameron Homes Limited-Land s of Cauldwell Road Linton; Cameron Homes Land at Moor Ln Aston on Trent |  | S4 | Policy S4: Housing Strategy 2.27. Policy S4 is accompanied by a table which sets out how 14,483 homes per year for the period 2022 to 2039 will be met. This includes 851 homes being met through windfalls and an expectation that 2006 could be delivered from windfalls overall, providing flexibility.  2.28. The Council have set out at paragraphs 4.74 to 4.77 of the draft Local Plan the justification for the windfall allowance. It is stated that 87 dwellings per annum have been delivered on 10 dwellings or less and 43 dwellings per annum have been completed on sites of more than 10 dwellings. The text clarifies that 12 dwellings per year have been lost. Over the plan period it is suggested that 2006 dwellings could be delivered through windfall sites.  2.29. It does not represent positive planning to have housing provision to meet the basic housing requirement which is not provided on specific deliverable or developable sites because there is no confidence that housing requirement will be met.  2.30. The only new allocations proposed in the Part 1 Plan are two strategic sites. Such sites help to provide a balanced portfolio of sites but carry greater risk of delay in delivery compared to smaller housing sites. To provide flexibility in the case of delay in the delivery of the large sites, there should be more specific deliverable and developable sites included in the development strategy.  2.31. At least 10-20% flexibility should be planned for to achieve the necessary resilience – this should be in addition to specific deliverable and developable sites that meet the housing requirement for the district. The Local Plans Expert Group report, 2016, set out recommendations for a 20% allowance of developable reserve sites to provide extra flexibility to respond to change. At this stage in the process this would be an appropriate starting point taking account of the inevitable changes to the trajectory and yields of selected sites as sites are tested through the plan making process.  2.32. It is important that if a windfall allowance is used, then it needs a more effective and positive planning framework to guide delivery of such development proposals, and which should be justified by evidence. The Local Plan policies should be clear about where such developments will be directed, and the criteria that such developments will need to satisfy. Such policies should be justified by evidence that such locations are sustainable and have capacity to deliver the anticipated number of homes. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed. In regard to windfalls only past rates of completions on sites of nine dwellings or less will be taken into account.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243194 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited |  | H1 & S4 | Chapter 6. Housing Policy H1: Housing Settlement Hierarchy 2.44. Policy H1 sets out a hierarchy made up of four tiers with the Urban Areas at the top and the Key Service Villages (including Melbourne) in the second tier. This hierarchy is supported by our client as it reflects the evidence of the sustainability as well as the important role and function of the Key Service Villages in the district.  2.45. However, the lack of sites allocated for the provision of housing in the Council’s identified sustainable Key Service Villages, including Melbourne, is not a reasonable nor justifiable response to meeting housing needs and the overarching Vision of the draft Local Plan.  2.46. There should be new allocations in the Key Service Villages to provide genuine choice of homes for local people as well as competition in the housing market. Our client’s site, Land South of Kings Newton Lane in Melbourne provides a logical extension to the settlement of Melbourne in a highly sustainable and accessible location that could make a significant contribution to the district’s housing needs. | Noted. The Local Plan Part 1 review is concerned with strategic scale development. Proposals for non-strategic scale allocations will be considered as part of the review of policies contained in the adopted Part 2 Local Plan. |
| 1243546 | Pegasus on behalf of Cameron Homes Land at Moor Ln Aston on Trent |  | H1 & S4 | Chapter 6. Housing Policy H1: Housing Settlement Hierarchy 2.48. Draft Policy H1 sets out a settlement hierarchy made up of four tiers; Aston on Trent is identified as a Key Service Village and the 2nd most sustainable tier within the district. It is important to maintain the delivery of houses in these sustainable locations to provide mix, choice and variety in the housing market, and as part of a balanced portfolio of sites to maintain delivery over the plan period. 2.49. The recognition of the sustainability of Aston on Trent and the proposed settlement hierarchy is supported | Noted. |
| 1243534 | Pegasus Group on behalf of Cameron Homes Limited-Land s of Cauldwell Road Linton |  | H1 & S4 | Chapter 6. Housing Policy H1: Housing Settlement Hierarchy 2.47. Draft Policy H1 sets out a settlement hierarchy made up of four tiers; Linton is identified as a Key Service Village and the 2nd most sustainable tier within the district. It is important to maintain the delivery of houses in these sustainable locations to provide mix, choice and variety in the housing market, and as part of a balanced portfolio of sites to maintain delivery over the plan period.  2.48. The recognition of the sustainability of Linton and the proposed settlement hierarchy is supported | Noted. |
| 1242865 | Turley on behalf of Hallam Land |  | H1 & S4 | Policy H1 Settlement Hierarchy 3.31 As set out above, Repton and Overseal are identified as “Key Service Villages” where development within the settlement boundary and Rural Exception Sites will be acceptable only. This notwithstanding, Paragraph 6.5 of the explanatory text sets out that the Settlement Hierarchy is based on a methodology which “recognises that a range of services and facilities are essential ingredients to sustainable communities”. This approach prioritises those places served by “high quality public transport services and a convenience store”. 3.32 Given the availability of good public transport connections and local services, the settlements of Repton and Overseal are considered to be capable of accommodating more development on appropriate sites than is currently directed towards the Key Service Villages. As set out in Section 1 of this statement, and in the Vision Documents appended at Appendix 1 and 2, the sites at Repton and Overseal are well located to benefit from access to local services and amenities, and access to good public transport and the regional road network, they are therefore considered to represent sustainable locations for development. Sites such as these represent an opportunity for sustainable growth and would help to support early delivery in the plan period, as set out in respect of Policy S4. | Noted. |
| 1243194 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited |  | S4 | Policy S4: Housing Strategy 2.30. Draft Policy S4 includes a table which sets out how 14,483 homes for the period of 2022 to 2039 will be delivered. That provision is summarised below:  Table  2.31. Paragraphs 4.74 to 4.77 of the draft Local Plan set out the justification for the windfall allowance stating that 87 dwellings per annum have been delivered on 10 dwellings or less and 43 dwellings per annum have been completed on sites of more than 10 dwellings. Over the plan period it is suggested that 2,006 dwellings could be delivered via windfall sites. The Council is relying on 851 homes from windfall sites to meet the housing requirement with the remaining predicted windfalls providing the proposed flexibility.  2.32. In the first instance, 2,006 dwellings is a significant proportion of the housing need to rely on coming forward as unplanned, windfall sites. Having such a significant number of dwellings to be delivered by windfall sites in order to meet the basic housing requirement across a plan period that is already considered to be too short, does not constitute positive plan making in accordance with the NPPF.  2.33. This concern is further exacerbated by the Council’s duty to address the further unmet need within the Derby HMA as set out above. Flexibility  2.34. The proposed plan is only allocating two new sites, and both are strategic developments at the end of Derby. Strategic sites and allocations carry a greater risk of delay in delivery compared to smaller housing sites, in part due to the significant amount of infrastructure required.  2.35. Currently, there are no small or mid-range residential allocations being proposed as part of the review, resulting in a lack of flexibility and resilience in the event that the strategic sites deliver at a slower rate than anticipated. In order to achieve and sustain a 5-year housing land supply, a variety of site sizes are required. Our client considers that there should be more specific deliverable and developable sites included in the development strategy to ensure that there is adequate flexibility to account for any delay in delivery.  2.36. The Local Plans Expert Group Report, 2016, set out recommendations for a 20% allowance of developable reserve sites to provide extra flexibility to respond to change. It is suggested that at least 10-20% flexibility is planned for with specific sites, in addition to specific deliverable and developable sites that meet the housing requirement for the district. This will require the Council to identify an additional supply of specific and deliverable sites of at least 1,448-2,896 dwellings over the current proposed plan period to provide the recommended 10-20% level of flexibility.  2.37. If the Council is to include a windfall allowance, then it needs a more effective and positive planning framework to guide delivery of such development proposals, and which should be justified within the evidence base. A specific policy should set out precisely where such developments will be directed, and the criteria that such developments will need to satisfy. Again, any such policy should be justified by evidence that such locations are sustainable and have capacity to deliver the anticipated number of homes. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed. In regard to windfalls only past rates of completions on sites of nine dwellings or less will be taken into account.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow |  | S4 | Policy S4: Housing Strategy 2.21. Our clients support the proposed housing strategy which allocates new housing predominantly at the two strategic sites – Infinity Garden Village and Land South of Mickleover. Strategic allocations provide greater opportunity for comprehensively planned facilities and infrastructure benefitting communities and the wider economy. | Noted. |
| 1244535 | Pegasus on behalf of Harworth Group Cadley Lane |  | S4 | Policy S4: Housing Strategy Windfall Sites 2.23. Policy S4 is accompanied by a table which sets out how 14,483 homes per year for the period 2022 to 2039 will be met. Provision can be summarised as follows:  Table  2.24. Paragraphs 4.74 to 4.77 of the Draft Local Plan set out the justification for the windfall allowance. It states that 87 dwellings per annum have been delivered on 10 dwellings or less and 43 dwellings per annum have been completed on sites of more than 10 dwellings. The text clarifies that 12 dwellings per year have been lost. Over the plan period it is suggested that 2006 dwellings could be delivered.  2.25. It does not represent positive planning to have housing provision to meet the basic housing requirement which is not provided on specific deliverable or developable sites because there is no confidence that housing requirement will be met, and as such is contrary to paragraphs 16, 60 and 69 of the NPPF These comments are notwithstanding our concerns that 14,483 homes are the correct housing requirement taking into account a 15-plan period and the necessity to address unmet need within the Derby HMA.  Flexibility  2.26. The inclusion of two strategic sites at Infinity Garden Village and Land south of Mickleover help to provide a balanced portfolio of sites, but carry greater risk of delay in delivery compared to smaller housing sites. It is considered that there should be more specific deliverable and developable sites included in the development strategy to ensure that there is adequate flexibility to account for any delay in delivery.  2.27. It is suggested that at least 10-20% flexibility is planned for to achieve the necessary resilience – this should be in addition to specific deliverable and developable sites that meet the housing requirement for the district. The Local Plans Expert Group report, 2016, set out recommendations for a 20% allowance of developable reserve sites to provide extra flexibility to respond to change. At this stage in the process this would be an appropriate starting point taking account of the inevitable changes to the trajectory and yields of selected sites as sites are tested through the plan making process. For South Derbyshire, this would mean there would need to be an additional supply of specific and deliverable sites of approximately 3,900 homes to provide the recommended level of flexibility.  2.28. If the Council is to include a windfall allowance then it needs a more effective and positive planning framework to guide delivery of such development proposals, and which should be justified by evidence. The Local Plan policies should be clear about where such developments will be directed, and the criteria that such developments will need to satisfy. Such policies should be justified by evidence that such locations are sustainable and have capacity to deliver the anticipated number of homes | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed. In regard to windfalls only past rates of completions on sites of nine dwellings or less will be taken into account.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1242615 | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd |  | S4 | Policy S4 – Housing Strategy  As per our response to Policy S1, the reference to housing provision in Policy S4 should be referred to as a ‘minimum requirement’, to support the Government’s objective of significantly boosting the supply of homes (Paragraph 60 of the Framework). Policy S4 makes reference to a windfall allowance of a minimum currently 851 dwellings to provide for the remaining balance of housing requirement for the plan period. In accordance with Paragraph 72 of the Framework, where an allowance is made for windfall sites as part of an anticipated supply, as set out in Policy S4, there should be compelling evidence that this provides a reliable source of supply. The evidence base is noted to include a SHELAA Housing Trajectory, however, there is no housing trajectory in respect of housing land supply, windfall allowance nor details of compelling evidence. As per our response to Question 10 below, a Housing Land Supply Statement should form part of the evidence base. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed. In regard to windfalls only past rates of completions on sites of nine dwellings or less will be taken into account. |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) |  | S4 | Spatial Strategy  4.9 To meet their identified housing needs, and the unmet needs of Derby, the Council’s proposed spatial strategy – in essence – comprises rolling forward LPP1 and LPP2 allocations that are yet to be delivered, alongside allocating strategic sites STRA1 (Infinity Garden Village Mixed Use Allocation) and STRA2 (Land south of Mickleover) for 2,000 dwellings and 2,500 dwellings respectively.  4.10 In this regard, the NPPF is clear that Local Plans should provide for the objectively assessed housing needs as well as unmet needs (Para 11b), and that the supply of large numbers of new homes can often be best achieved through planning for larger-scale developments (Para 74). Importantly, it is also clear that plans should be prepared positively, in a way that is aspirational but deliverable (Para 16b), and should identify specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan (Para 69b).  4.11 However, for a plan to be found ‘sound’, it must set out an appropriate strategy, taking account of reasonable alternatives, and be based on proportionate evidence (Para 35b). As such, the Council also needs to robustly test reasonable alternatives for the spatial distribution of the District’s housing needs through the Sustainability Appraisal [SA] process at an early stage – as per the requirements of paragraph 32 of the NPPF, the PPG10, and Friends of the Earth High Court judgment.11 In addition to the above, it is also important to note that the NPPF shifts the need to consider viability to the plan-making stage, requiring authorities to identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (Para 69).  4.12 The PPG provides further clarity for new settlements, stating that LPAs should demonstrate that there is a reasonable prospect that large-scale developments can come forward. In particular, this should include a realistic assessment of the prospect of sites being developed and should engage with infrastructure providers to ensure that the infrastructure requirements are not beyond what could reasonably be considered to be achievable within the planned timescales.  4.13 In this regard, whilst St Modwen broadly understand the rationale for allocating sites on the edge of Derby to assist in meeting Derby’s unmet needs close to where they arise, St Modwen has concerns in relation to this strategy, and its reliance on two strategic sites, which are set out below in detail:1 Not meeting the District’s Indigenous Housing Needs: As noted above, and in St Modwen’s response to draft Policy S1, the Council will need to roll the plan period forward by c.3 years to ensure that a 15-year plan period is provided (Para 22, NPPF), and should include sufficient headroom in the supply (i.e. a buffer) to respond to changing circumstances. When taken together, and based on the Council’s proposed LHN, the Council’s own indigenous needs – i.e. excluding the buffer on any provision for unmet housing needs – would increase to 12,120 dwellings over the plan period. When the two strategic sites on the edge of Derby are excluded from the Council’s current supply,this would result in a supply of only c.9,983 dwellings to meet the Council’s own housing needs. As such, the Council will need to find an additional c.2,137 dwellings within South Derbyshire to meet its’ own localised needs. Crucially, the sites to meet these needs should be distributed throughout the District with priority given to Tier 1 and 2 settlements that are the most sustainable.  Lack of evidence: It is particularly important that, where a Garden Village is proposed, there should be a robust – and proportionate – evidence base demonstrating that the site is deliverable and achievable within the required timeframe. In the absence of this, there is a very real risk that a Local Plan could be found “unsound” at EiP. Indeed, the recent EiP of Hart District Council’s ‘Hart Local Plan (Strategy and Sites) 032’ in June 2018 highlights the above issues. In particular, Policy SS3 (New Settlement) identified an Area of Search at Murrell Green / Winchfield for the delivery of up to 5,000 dwellings through the production of a New Settlement Development Plan Document [DPD] after the adoption of this Plan. However, the Council were clear that the development was not required in the Plan period to meet identified housing needs; albeit could deliver c.1,500 dwellings towards the end of the plan period. However, the Inspector raised significant concerns regarding the Council’s approach to allocating the site. The Inspector argued that the Plan established the ‘principle’ of the new settlement as the most appropriate growth strategy for meeting the Council’s long-term needs within a relatively confined area of search. However, he highlighted that the Plan had not tested other reasonable alternatives to a new settlement, and it was considered as a ‘constant’ as part of all reasonable alternatives that were appraised (IR58).  With respect to the evidence supporting the proposed new settlement, the Inspector noted that the evidence submitted by the site promoters only provided a “very high?level broad overviews, with little in the way of detail” (IR 61). In addition to this, the Inspector raised concerns regarding the deliverability of the new settlement, highlighting that the Council’s Infrastructure Delivery Plan had not adequately considered the infrastructure requirements of the new settlement – beyond education – and that the viability of the development had not been assessed through the viability assessment (IR 64). Moreover, a significant parcel of land within the site fell outside of the ownership of the site promoters or land that is available to them, further questioning the deliverability of the site. To this end, the Inspector considered that there was little evidence to demonstrate thata site could be delivered in terms of infrastructure, viability and landownership (IR 63).Consequently, the Inspector concluded that for Policy SS3 to be found sound it would require the Council to undertake appropriate and proportionate area/site assessments, infrastructure considerations, viability testing and be tested through the Sustainability Appraisal process (IR 65). As a result, he concluded that the policy, and therefore the new settlement, should be removed from the plan (IR 67). In summary, the Inspector’s concern was that the new settlement was being advanced as a long-term solution, but no alternatives to that option had been considered or properly tested in preparing the plan. The Inspector also noted that “there is little evidence to demonstrate that a site can actually be delivered in terms of infrastructure, viability and landownership” [IR63]. St Modwen considers that such concerns would apply equally in respect of the Council’s proposed approach.  Whilst the DHMA SA has considered alternative options for meeting the DHMA’s housing needs, which have then been tested through the Council’s ‘South Derbyshire Local Plan Sustainability Appraisal: Regulation 18 Interim Sustainability Appraisal Report (October 2024)’ (“the Interim SA”), this is clearly on the premise of out-of-date housing needs figures which would invariably change the SA outcomes for other spatial strategies. In due course, the Council will need to re-assess its position in light of the proposed changes to the NPPF, SM and emerging positions within the DHMA. The consequence of this is that the Council will need to test reasonable alternatives to meet these needs, beyond relying solely on the strategic allocations on the edge of Derby. In addition, the Council has not prepared or published a viability assessment, infrastructure delivery plan, strategic highways model, or housing trajectory in support of the two proposed strategic housing allocations, which underpin the Council’s entire spatial strategy. Ultimately, key pieces of evidence required to support the proposed spatial strategy have not been completed, and yet, the Council has devised a spatial strategy in the absence of this evidence. It is therefore unclear as to how the Council considers that the proposed spatial strategy is the most sustainable, in SA terms, in the context of the clear requirements of the NPPF and PPG.  Ultimately, St Modwen considers that the above, when taken together, demonstrates that the Council have provided insufficient justification for why the proposed spatial strategy approach is necessary, and invariably such an approach is likely to be found unsound at EiP in the absence of proportionate evidence to support it as the spatial strategy is neither justified nor effective (NPPF paragraph 35). To this end, St Modwen considers that the Council should re-visit its proposed spatial strategy, alongside preparing sufficient evidence to support the preferred options in due course; Won’t deliver in full within the plan period: The Council require sufficient evidence to demonstrate the timings associated with the deliverability of the proposed allocations. Without sufficient evidence, there remains a risk that the developments will not be delivered in their entirety within the Plan Period. Indeed, the application (Ref: DMPA/2019/1097) for 1,950 dwellings at Wragley Way (South of Derby) (Policy H15 in the adopted Part 1 Local Plan and carried forward within the draft Part 1 Local Plan) was submitted in 2019, and c. 5 years later remains undetermined. Notably, this site is adjacent to the proposed Infinity Garden Village allocation.  Critically, the Council has provided no evidence in support of the strategic allocations, nor a housing trajectory to demonstrate how or when these sites will deliver across the plan period. In the absence of this, St Modwen is concerned that these allocations will not deliver as envisaged – or tacitly inferred – by the Council in the DLPP1R.  An existing adopted allocation, at Wragley Way (South of Derby), is an example of a site that remains an undetermined planning application, following submission in 2019. National Highways response in October 2023 is the most recent consultee comment, setting out a holding objection. This proposed planning application demonstrates the need for sufficient evidence to be presented, in order to support the application.  As of 2024, neither proposed allocations benefit from a submitted application, nor extant planning permission. Even if planning applications for either of these allocations were to be validated by the end of the year, well in advance of the DLPP1R EiP or adoption, based upon the timescales associated with the Wragley Way planning application – which is an existing allocation being rolled over into the DLPP1R, it is unlikely that any dwellings would be delivered before 2030. Again, evidence from the Wragley Way allocation highlights the importance of demonstrating deliverability within the plan period. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  Design reviews are being undertaken in respect of the proposed new strategic allocations. These will look at the constraints to be taken into consideration and the needs to be met by the development. A Transport Study, Viability Study and Infrastructure Delivery Plan are also to be prepared.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243538 | Pegasus Group On behalf of L&Q Estates in relation to Land at Staker Lane, Micklover | Pegasus Group | S4 | Policy S4: Housing Strategy 2.7. Our Client support the proposed housing strategy, allocating new housing at two strategic sites – Land South of Mickleover and Infinity Garden Village. The provision of strategic allocations allows for a comprehensive development to come forward with additional facilities, services and infrastructure that would benefit existing communities. | Noted. |
| 1243233 | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | S4 | Policy S4: Housing Strategy Windfall Sites 1.32. Policy S4 is accompanied by a table which sets out how 14,483 homes per year for the period 2022 to 2039 will be met. Provision can be summarised as follows:  Table  1.33. Paragraphs 4.74 to 4.77 of the Draft Local Plan set out the justification for the windfall allowance. It states that 87 dwellings per annum have been delivered on 10 dwellings or less and 43 dwellings per annum have been completed on sites of more than 10 dwellings. The text clarifies that 12 dwellings per year have been lost. Over the plan period it is suggested that 2006 dwellings could be delivered.  1.34. It does not represent positive planning to have housing provision to meet the basic housing requirement which is not provided on specific deliverable or developable sites because there is no confidence that housing requirement will be met, and as such is contrary to paragraphs 16, 60 and 69 of the NPPF These comments are notwithstanding our concerns that 14,483 homes are the correct housing requirement taking into account a 15-plan period and the necessity to address unmet need within the Derby HMA.  Flexibility 1.35. The inclusion of two strategic sites at Infinity Garden Village and Land south of Mickleover help to provide a balanced portfolio of sites, but carry greater risk of delay in delivery compared to smaller housing sites. It is considered that there should be more specific deliverable and developable sites included in the development strategy to ensure that there is adequate flexibility to account for any delay in delivery.  1.36. It is suggested that at least 10-20% flexibility is planned for to achieve the necessary resilience – this should be in addition to specific deliverable and developable sites that meet the housing requirement for the district. The Local Plans Expert Group report, 2016, set out recommendations for a 20% allowance of developable reserve sites to provide extra flexibility to respond to change. At this stage in the process this would be an appropriate starting point taking account of the inevitable changes to the trajectory and yields of selected sites as sites are tested through the plan making process. For South Derbyshire, this would mean there would need to be an additional supply of specific and deliverable sites of approximately 3,900 homes to provide the recommended level of flexibility.  1.37. If the Council is to include a windfall allowance then it needs a more effective and positive planning framework to guide delivery of such development proposals, and which should be justified by evidence. The Local Plan policies should be clear about where such developments will be directed, and the criteria that such developments will need to satisfy. Such policies should be justified by evidence that such locations are sustainable and have capacity to deliver the anticipated number of homes. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed. Only permissions on unallocated sites for fewer than ten dwellings will be taken into account in quantifying any contribution from that source.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1242103 | Marrons on behalf of Rainier Developments | Rainier Developments | S4 | Policy S4: Housing Strategy:  There are a number of objections to how the Council has calculated its supply over the plan period as set out below, and on this basis the housing requirement will not be met.  Paragraph 69 of the Framework requires policies to identify a supply of specific, deliverable sites for five years following adoption, and specific developable sites for subsequent years 6 onwards. In light of the heavy reliance on sites allocated in the 2016 Plan now over 8 years ago (over 60% of the housing requirement to be met on this component of supply), the Council will need to provide clear up to date evidence as to how these sites meet the definitions within the Framework for deliverable and developable. The failure of these sites to deliver any homes since being allocated eight years ago is not an indicator that the sites should be relied upon going forward.  Further, Paragraph 75 requires a trajectory illustrating the expected rate of housing delivery over the plan period. In light of the heavy reliance on two new allocations (STRA1 and STRA2) amounting to 4,500 homes (30% of the housing requirement), specific site trajectories will be required in accordance with paragraph 75. The latest evidence on the rate of delivery on residential developments over 2,000 homes (Start to Finish 3) is 150 dwellings per annum. Based on this rate of delivery, neither proposed allocation is capable of delivering all of the homes envisaged within the Plan period. It is an unrealistic trajectory and needs to be properly assessed and evidenced before the Regulation 19 stage.  The estimated level of windfalls at currently 851 dwellings needs to be further justified. Firstly, windfalls should not be included for the first 3 years of the Plan period, to avoid double counting with extant planning permissions. Further, relying solely upon past trend averages is not sufficient for a forward projection to be made. As the Framework states at paragraph 72, where an allowance has been made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. More evidence is required to demonstrate there is sufficient capacity within the District to deliver over 850 homes.  Finally, it is unclear to what extent there is flexibility within the supply to allow for any failure to deliver. On the basis of past delivery, the Council should be identifying supply of 20% over and above the requirement to ensure the requirement is met.  Five Year Supply on Adoption:  In the absence of clarity on when the Plan will realistically be adopted, and evidence on the deliverability of committed sites and their trajectory, it is not possible to comment on whether the Draft Plan will provide for a five year housing land supply upon adoption. For all sites, there needs to be clear evidence that housing completions will begin and be delivered within 5 years.  Land at Elm Tree Farm, Hilton (SHLAA Site 187):  The implications of the proposed approach to the housing requirement and housing supply is that the Draft Plan is not currently positively prepared, justified, or effective.  In light of the correspondence from Matthew Pennycook MP to the Planning Inspectorate in July 2024 which sets out the Government’s expectations on how Examinations should be conducted, the District Council must ensure that the Plan meets the ‘soundness’ tests as defined in NPPF paragraph 35 at the point of submission and not require additional work to address fundamental issues with soundness.  The Council must undertake this additional work now and put forward a sound Plan to the Inspectorate. This should include additional housing allocations of sites that can deliver quickly and supplement existing or proposed allocations. The Plan should be amended to include land at Elm Tree Farm, Hilton (SHLAA Site 187). The site:  a. is deliverable, available and achievable; b. falls outside of the Green Belt; c. has a low impact in landscape terms due to its enclosed nature; and, d. is within walking and cycling distance of services and facilities, and is therefore a sustainable location for residential development.  Rainier Developments would be happy to work with the Council in demonstrating the soundness of its land for allocation. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed. Only permissions on unallocated sites for fewer than ten dwellings will be taken into account in quantifying any contribution from that source.  Design reviews are being undertaken in respect of the proposed new strategic allocations. These will look at the constraints to be taken into consideration and the needs to be met by the development. A Transport Study, Viability Study and Infrastructure Delivery Plan are also to be prepared.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024. This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in South Derbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| 1243606 | TWB Town Planning Consultants Ltd on behalf of Mr. G. Roe & Mr. J Warren | TWB Town Planning Consultants Ltd | S4 | See comments on housing allocations and plan strategy in response to Q1&Q3. In general we object to policy S4 and the Housing supply table as this lacks the inclusion of any new allocations beyond the two strategic sites on the edge of Derby. | Noted. |
| 1242281 | Nightingale Land on land north of Linton Road, Castle Gresley | Nightingale Land | S4 | Policy S4: Housing Strategy Policy S4 seeks provision for at least 13,347 additional dwellings on allocated sites over the plan period with the remaining figure to come forward through windfall development.  The housing supply consists of two new strategic housing sites associated with Policies STRA1: Infinity Garden Village providing approximately 2,000 dwellings and STRA2: Land south of Mickleover providing 2,500 dwellings together with remaining allocations from the 2016 Local Plan and a further 285 dwellings to come forward from the Local Plan Part 2 (2017).  Nightingale Land consider that strategic sites can make an important to the overall growth strategy. However, it is important that the Council also allocates additional smaller sites to enable other sustainable settlements to grow through the plan period. Currently, there is limited opportunity for many sustainable settlements to grow without allocations, given the strict criteria of development outside settlement boundaries. As such, there is a need to allocate additional land to meet the needs of those communities.  Furthermore, affordable housing is a key issue which must be addressed by the plan (as will be discussed later in this response). The inclusion of smaller sites across the district will help to provide more affordable housing locally to areas of need. | The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development. |
| 1243178 | Freeths on behalf of Commercial Development Projects Ltd | Freeths LLP | S4 | S4 – Housing Strategy We OBJECT to this policy. The Housing Strategy policy explains how the total requirement figure, ‘at least 14,483 dwellings’ set out in Policy S1 will be delivered. This is as follows: • Allocations: 13,347 dwellings comprising 4,500 via the two new SUEs (STRA 1: Infinity Garden Village and STRA2: Land South of Mickleover) and 8,847 dwellings carried over as existing allocations in the Part 1 Plan. • Part 2 Plan Allocations: 285 dwellings on sites in the 2017 existing Part 2 plan. • Windall Allowance: minimum of currently 851 dwellings. Notwithstanding that the housing requirement figure could change as set out in our responses to other questions, based on the proposed strategy we OBJECT for the following reasons: (i) The strategy is over-reliant on strategic sites. The only two new allocations are SUE’s STRA 1: Infinity Garden Village and STRA2: Land South of Mickleover, which are proposed for 2,000 and 2,500 dwellings respectively. The plan period is proposed to run from 2022 to 2039, a total of 17 years. We are almost in 2025 and so the plan period is approaching three years old. At present there are no applications on either site and any Local Plan is not likely to be adopted prior to 2026. Whilst applications could come forward in advance of this, realistically on strategic sites of this scale, you would not anticipate completions within 5 years of submitting an outline application. This is related to the complexity of such sites, both in respect of the planning phases and delivery of infrastructure. As a comparison, the table below sets out how strategic sites of over 1,000 dwellings in the existing Local Plan have performed.  Table  The above demonstrates that the strategic sites take a significant period of time before they start to deliver. Whilst there is an acceptance that once they ‘get going’ they are a successful and often critical component for delivery, they often can take 5-10 years from submission of an outline application to delivery on site, as is demonstrated above.  The existing Local Plan recognised that most of the strategic sites would not deliver the full allocations within the Plan period. Drakelow Power Station was projected to deliver circa 1200 dwellings; Wragley Way 1000 dwellings and Land West of Mickleover 1400 dwellings . All three sites are highly unlikely to deliver this level of development by 2028. Further Boulton Moor, which was projected to provide 1,950 dwellings, is also unlikely to reach this level. The plan period in the Draft Local Plan is 17 years, equivalent to the same period in the existing Local Plan (2011-28). There are 14 years remaining of the draft Plan period. There is no credible evidence to suggest that the two new SUEs will deliver 2,500 and 2,000 dwellings respectively by 2039. Further, in the case of Infinity Garden Village, there is already a separate outline application for the western portion of the SUE (1,850 dwellings). This has been submitted since 2019 and remains undetermined. It is highly improbable that Infinity Garden Village will deliver 3,850 dwellings by 2039. (ii) Five Year Housing Supply. A further constraint of only allocating two new SUE sites is the likely effect that it will have on the Local Plan’s ability to demonstrate a five-year housing supply, particularly in the early years. Based on the draft Local Plan’s proposed housing requirement, there will be an annual requirement of 852 dwellings per annum and so over a five-year period the requirement would be 4,360 dwellings. It is again highly improbable that the new strategic sites will contribute anything in the first five years of the Plan and with an absence of other smaller sites coming through the system, this is likely to significantly impinge on the ability of the Plan to demonstrate a five-year housing supply. (iii) Inadequate buffer. Policy S4 sets out that it anticipates that the Plan period will deliver a minimum of currently 851 dwellings through windfall sites. This figure is used to contribute to the overall target of 14,483 dwellings. However, the supporting text (paragraph 4.74) explains that across ‘major’ and ‘minor’ developments, since the adoption of the existing Plan, a total of 118 dwellings per annum (net) have been delivered through windfall sites. Over a proposed 17-year period this would equate to 2,006 dwellings and the draft Plan claims that this would provide flexibility to ‘allow for choice and some late or limited under delivery’. Using an assumption of 2,006 dwellings as windfall, this would provide a surplus of 1,155 dwellings over the minimum requirement figure for the plan period. We have the following concerns with this approach: • 1,155 dwellings would represent 8% buffer, which we consider is inadequate. 12- 15% would be more robust and should be delivered through, at least in part, additional allocations and not windfall alone; • The strategic sites will not deliver the full amount proposed within the Plan period. In fact, it is highly likely to be significantly less and will require additional allocations to make up the shortfall. • The evidence base to justify the windfall allowance, which provides the entire buffer is insufficient at only 6 years (2016-2022). We are presuming figures up to 31 March 2022 have been used as completions, as this is the base date of the Plan. (iv) Absence of new allocations at Key Service Villages. After the urban area adjoining Derby, and Swadlincote, Key Service Villages (“KSV”) are the most sustainable settlements in the District. However, no new allocations are proposed in any of the KSV. Within the sites carried over from the existing Part 1 Plan, there are only two sites at the KSV tier, that have allocations. These are H7 Hilton (95 dwellings) and H11 Hatton (291 dwellings). There are also a small number of allocations within the Part 2 Plan, albeit we note that no completions have occurred or even an application submitted at Willington (H23I) and Stenson Fields (H23N). KSVs should be allocated a proportion of new development, to ensure sustainable growth throughout District and to provide a greater variety of choice in both site location and scale. Based on the existing strategy, we strongly consider that additional allocations will be required to remedy the shortfall that will inevitably occur through the strategic sites not delivering their full allocation in the Plan period. Allocations within KSVs could assist in meeting this shortfall and provide a more robust buffer to housing delivery in the Plan period. Further, allocations in KSVs are very likely to be of a scale that will contribute to five-year housing supply, which as identified above, is likely to be a significant challenge for the emerging Plan.  Recommendations To remedy the issues identified within Policy S4, we recommend the following: a) A more realistic approach is taken to the contribution of STRA 1: Infinity Garden Village and STRA2: Land South of Mickleover, to meeting the housing requirement figure identified in Policy S4. Any revised figure should be robustly evidenced but given that there is only 14 years of the Plan period remaining, and no applications have been submitted, being optimistic, the sites will in all likelihood only have 8-9 years delivery within the Plan period. b) To meet the shortfall through adjustments to the contribution of the proposed new SUE allocations, a review of alternative options for allocation should be undertaken, including a review of settlement boundaries of Key Service Villages. Allocations of a lower scale could contribute to meeting five-year housing supply requirements in the earlier part of the Plan period. c) Commercial Development Projects Limited promotes Land at Egginton Road, Etwall for residential development and allocation within the new SDDC Plan. The site has been submitted through the call for sites process and is site reference 025 in the Strategic Housing and Economic Land Availability Assessment (SHELAA). The site comprises 4.96ha and is capable of achieving circa 110-120 dwellings based on the information submitted to the SHELAA and the SHELAA’s own yield calculation. The SHELAA concludes that the site is available, achievable and suitable for development. There are no technical constraints that would prevent development. The site would represent a logical extension to a village that is well served by public transport and the John Port Spencer Academy Secondary School. It also has a host of other facilities/services that contribute to it being a highly sustainable settlement. This site should be part of the solution for a greater diversity of site allocations to meet the housing need for the Plan period. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  The Local Plan Part 1 review is driven by the need to assist in accommodating Derby’s unmet need. To identify the most suitable locations for growth within Amber Valley Borough, Derby City and South Derbyshire District, the three authorities jointly commissioned consultants AECOM to prepare a Growth Options Study, which looked at opportunities and constraints affecting all potential development locations. This concluded that in relation to the Derby fringe, the locations within which the identified strategic sites, STRA1 and STRA2 are situated represented the most sustainable options for further growth. The subsequent Derby Housing Market Area Sustainability Appraisal confirmed that the Derby fringe was the best location for new development intended to serve Derby’s unmet needs.  Whilst the Local Plan Part 1 Review is concerned with strategic scale development, the subsequent review of Local Plan Part 2 policies will provide the opportunity to address any need for non-strategic scale development.  The new Standard Method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree.  However, as the Council is to submit the Pre-Submission Local Plan by 12 March, 2025, South Derbyshire’s need can be calculated using the previous standard method. In 2024 the need calculated using this method was 507 dwellings per annum. However, recalculation for 2025, using the most recent data inputs, yields an annual.figure of 498.  The District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024. This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in South Derbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility.  It is proposed to change the wording of Policy S1 to reflect this. |
| **Member of the Public** | | | | | |
| 1238942 | Mr Brian J Harrison |  | S4 | As stated, Derby's urban sprawl should be contained within the City boundaries. I'm not a Derby Resident and have no ambition to be caught up as one. | The formula for identifying minimum levels of growth to be accommodated by local authorities is set by national government. Derby has assessed its capacity to accommodate need identified using this formula and has concluded that it has insufficient capacity to accommodate it. Under the national Duty to Cooperate neighbouring authorities are required to work with authorities such as Derby and to assist in accommodating their needs where necessary. |
| 1243173 | Trevor Yeomans |  | S4 | 4.1.8. With reference to page 34 Policy S4 i) of the total 14,483 dwellings, 8,874 (61%) arise from South Derbyshire need and 5,609 (39%) arise from Derby City unmet need. This seems to be a disproporConate and unreasonable burden on the residents of South Derbyshire. This supports my view that it is unreasonable for South Derbyshire to repeatedly accommodate housing needs to compensate for Derby City failure to meet naConal housing targets. | The formula for identifying minimum levels of growth to be accommodated by local authorities is set by national government. Derby has assessed its capacity to accommodate need identified using this formula and has concluded that it has insufficient capacity to accommodate it. Under the national Duty to Cooperate neighbouring authorities are required to work with authorities such as Derby and to assist in accommodating their needs where necessary. |
| 1242055 | Mr Eddie Pickering | resident | S4 | Policy S4, we do not agree with carrying forward allocated sites from the 2016 and 2017 plans without a full review of these sites being undertaken and an assessment as to if there were 'better' more sustainable sites that could offer additional benefits that actually met the Local Plan amended vision and objectives. In particular my client has offered his site for fully wheelchair accessible, affordable bungalows available to the both the olde population and those with mobility issues. In undertaking only a partial review and allocating only new strategic sites we feel the council is being short sighted in its approach to housing provision, is missing an opportunity to allocate sites that could deliver significant benefits and is at risk of the housing requirement not being met. | The lOcal Plan Part 1 is concerned with provision for strategic scale development. Proposals for non-strategic scale development can be considered as part of the subsequent review of policies contained in the adopted Local Plan Part 2. |
| 1241473 | Amy Simes |  | S4 | We consider that the site reference 159 submitted in the SHELAA should be an allocated for development considering its location and ability to provide mixed uses.  It would allow for a natural expansion. | Noted. Please see response under Question 13. |
| 1240150 | Ian Turner | - | S4 and SD6 | Yes Housing near to jobs and jobs near to housing, existing and proposed, seems to underlie the strategy and I support this PROVIDED the Plan includes policies to safeguard food production by protecting productive agricultural land and the countryside generally AND policies to stop any further solar arrays and wind turbines on protected food growing land AND supporting solar arrays on all buildings with south-facing roofs. These provisos are essential components of sustainability policies to be included in the revised Local Plan. | Noted.  The draft Local Plan has been produced through a robust evidence gathering process that has included the production of reports such as the Growth Options Study, HMA-wide Sustainability Appraisal (SA), the District’s interim SA and the Derbyshire Spatial Energy Study. The proposed allocation of employment and residential development has been made with such evidence at its core. The Government has stated that it is committed to doubling onshore wind energy by 2030. The next iteration of the SA will continue analyse potential impacts on land in agricultural use and will refer to such documents as the County’s Spatial Energy Study when determining potentially appropriate areas for non-agricultural uses. National legislation, as well as the NPPF is supportive of solar and wind-energy developments, subject to various restrictions. A Design Review has been held since the consultation to provide additional expertise on the proposed strategic allocations and their respective issues, including land use-related implications. The proposed policy states that proposals for solar energy developments should avoid using the best and most versatile agricultural land where possible. |

**Policy S5: Employment Land Need**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Regional Organisation** | | | | | |
| 1242591 | MAG East Midlands Airport | MAG East Midlands Airport | 4.84  Preamble to S5 | Paragraph 4.84 (additional commentary)  The Draft Local Plan Pt 1 recognises and safeguards land at Eggington Common for a Strategic Rail Freight Interchange. This is one of the three Tax Sites that collectively make up the East Midlands Freeport (Paragraph 4.84). EMA is the Principal Port at the heart of the Freeport and is within the EMAGIC (East Midlands Airport Gateway Industrial Cluster) Tax Site. It would be helpful for the Draft Local Plan to include additional commentary on the wider Freeport opportunity and proposition, that sets out the context that is behind the national Freeport policy and programme, and the significant economic opportunity that the East Midlands Freeport offers to the East Midlands region, and to the district of South Derbyshire. | See response to comments on Policy INF3 |
| **Landowner/Developer** | | | | | |
| 1243582 | CBRE Ltd on behalf of Land Project UK (LPUK) |  | S5 | Policy S5 Employment Land Need: The policy should make clear that the intention of the policy is also to protect and intensify existing industrial and logistics floorspace. This is currently not included. Furthermore, reference should be made that some I&L operators fall within the Sui Generis use class and this is suitable within employment/industrial schemes that come forward. | It is agreed that the intention of the policy to encompass the protection of established employment sites and the intensification of uses through the redevelopment of such sites can be addressed through a change to the wording of Policy S5. Sui generis uses include main town centre uses, which are subject to the sequential test. Allocation of sites for sui generis purposes within the Local Plan would allow developers to circumvent sequential test requirements to the potential detriment of the vitality and viability of town centres. They also include uses such as scrap yards and incinerators, the presence of which could deter higher value investment to allocated sites. The Council therefore declines to change the policy in this regard. |
| 1243556 | Stantec on behalf of Parker Strategic Land South of Mickleover |  | S5 | Policy S5: Employment Land Need  4.5.1 The Promoter is supportive of the wording of the policy. The supporting explanation text recognises that that over the plan period supply would outstrip demand by approximately 10.23ha (para 4.96), but that there are potential reasons why additional land may be justified. These reasons include: • To enhance the sustainability of housing-led mixed-use development; • To provide space or particular types of business accommodation for which there is an identified unmet need, such as small and grow-on units. 4.5.2 The A50 corridor through current market demand and investment drive represents a key employment growth opportunity. We recognise that the Draft Local Plan sets out the Council’s positive ambitions to capitalise on this investment and facilitate further strategic employment opportunities via allocations such as the Strategic Rail Freight Interchange (SFRI) south of the existing Toyota facilities and intentions to focus employment development in this area. 4.5.3 However, PSL consider that the inclusion of 5-10 ha of E(g), B2, B8 development in this location as part of STRA2 and Policy E1 is effectively strategic scale employment along the A50, rather than the ambition of flexible small start-up/follow on employment space to enhance the sustainability of housing-led development. 4.5.4 The Employment Land Review (October 2023) (Table 52) correctly identifies that land south of Mickleover enjoys a strong position on the A38 on the edge of Derby. The A38, close to the A50, is identified as being a prime employment corridor for South Derbyshire with strong demand for warehousing uses.  4.5.5 PSL has considered employment in the vision for Mickleover South and the existing surplus of large-format employment across South Derbyshire, and it is considered that this policy when read alongside policies STRA2 and E1 to allocate 5-10ha of employment space on STRA2 is unjustified. Particularly, as there are more appropriate employment locations including STRA3, and strategic employment growth associated with the freeport development in close proximity to the Site. 4.5.6 Instead, the supporting text of the policy should set out the importance of delivering new homes in close proximity to existing employment opportunities. In placing the uses in proximity to one another (as at STRA2), would promote sustainable forms of growth within the District. STRA2 would create a new neighbourhood that is seamlessly connected to the wider Derby conurbation, which the Council recognises within the Plan is a major employment area. 4.5.7 PSL recognises the need to support a cohesive community and the sustainability benefits of employment within the STRA2 Site. However, a more appropriate vision as proposed is for small-scale and grow-on space to be provided for within a wider community centre, providing a mixture of other uses, creating a more vibrant development as a result. Policy E1: Strategic Employment Land Allocation 4.5.8 The proposed amended policy includes for 5-10ha of E(g), B2 and B8 employment space on the STRA2 site. 4.5.9 As outlined above, the Promoter does not object to the inclusion of employment space within the allocation. However, it is considered that the inclusion of a large-format employment area (5-10 ha) is unjustified and inappropriate. 4.5.10 As highlighted above, the Council can already demonstrate that a surplus of traditional employment land exists within South Derbyshire, and that there are other appropriate locations for this large format employment to be located. 4.5.11 There is an unmet need for small and grow on business space, and the Council is seeking to secure delivery of a portion of the employment land (5-10ha) for this space. 4.5.12 However, setting aside a large employment area is likely to be more attractive to large format employment space, which is in surplus and as such not required to be accommodated on STRA2. 4.5.13 The STRA2 allocation would be a more appropriate location to potentially address the identified unmet demand for small and grow-on units, as part of a flexible and vibrant community centre within the development, which supplements the wider employment offering in close proximity to the Site, whilst also meeting unmet need for smaller premises. 4.5.14 As such, we suggest that Policy E1 is reworded in respect of STRA2 (see responses to Policy E1) | The employment element of the STRA2 allocation is needed to assist in balancing the large scale housing provision by providing opportunities for jobs within the development. It is not intended to accommodate strategic scale employers, but rather to provide local business accommodation integrated within the mixed use development. The design review for the allocation should provide more clarity on this. To better reflect this intent Part E i) of the policy can be amended. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow |  | S5 | Policy S5: Employment Land Need 2.22. Our clients are supportive of the provision of additional employment land (Use Classes E(g), B2 and B8) within allocations such as Infinity Garden Village. This will enhance the sustainability of Infinity Garden Village but also take advantage of its unique location being adjacent and directly accessible to the strategic road network, once the new A50 junction is built. | Noted. |
| 1241834 | Rula Developments Limited |  | S5 | Policy S5: Employment Land Need  Policy S5 states that provision across a range of sites, including allocations, will be made for the development of land for industrial and business development (Use Classes E(g), B2 and B8) in support of the Economic Strategies of South Derbyshire District Council and the East Midlands Combined County Authority.  In a similar manner to Policy S1, this policy does not set out the overall requirement for employment land in the district. It is unclear therefore what the target for employment land delivery is to meet the objectively assessed need and the plan would fail the tests of soundness. The supporting text offers some commentary on need through the Employment Land Review but further explains that additional land is justified for a number of reasons. Whilst we support a positive approach to economic development, the Plan needs to be clear, within the policy itself, as to the employment land requirement for the plan period. | The Employment Land Study indicates that the quantitative employment land need for the District for the plan period 2022-41 is 39.12ha. Whilst this is met by sites rolled forward from the adopted Local Plan Part 1 (40.53ha), all but one of which have been granted planning permission, further allocations have been made in order to support sustainable growth as part of mixed use strategic development on the southern edge of Derby comprising Infinity Garden Village (STRA1, 70ha) and land to the south of Mickleover (STRA2 5-10ha). In addition to balancing proposed large scale housing development STRA1 is ideally placed to take advantage of investor interest from across the sub region as it is to offer convenient highway access via a new A50 junction.  A further site at Drakelow (STRA3-68ha), is already identified for employment and energy development in the adopted Local Plan Part 2 (Policy BNE 12). The formal allocation of this largely redundant brownfield site as part of the current review allows for clarification concerning the scale of the employment development to be provided for and the matters that will need to be addressed as part of any development proposal.  In total the sites rolled forward from the adopted Local Plan Part 1 sites and STRA1, STRA2 and STRA3 comprise land measuring 178-183ha, representing South Derbyshire’s employment land provision.  In addition the East Midlands Freeport Site (173ha), is to be allocated to assist in meeting national, regional and sub regional needs business accommodation needs.  To address the above changes to Policy S1 (ii) are proposed. To address the above changes to Policy S5 are proposed. |
| 1242112 | Cushman & Wakefield (on behalf of E.ON UK plc) |  | S5 | Policy S5: Employment Land Need E.ON supports the ambition of the Plan to make provision across a range of sites, including allocations, for the development of land for industrial and business development (Use Classes E(g), B2 and B8) in support of the Economic Strategies of South Derbyshire District Council and the East Midlands Combined County Authority. The Plan notes the development of additional land, other than that identified by the Employment Land Review (ELR, 2023), may be justified for reasons including the locational requirements of particular economic sectors and to provide for regional and sub-regional accommodation needs (paragraph 4.96). E.ON support the ambition of the Plan to support employment development, and the recommendation of the ELR to identify land to accommodate larger than local needs (ELR, Recommendation 3 - Potential New Strategic Allocations). | Noted. |

**Policy S6: Sustainable Access**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1243623 | Derbyshire County Council |  | S6 | Policy S6 “Sustainable access”. The amendments are supported. | Noted. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | 4.104 | S 4.104. Reference to the Spatial Energy Study and the acknowledgement of the importance the various sources of carbon emissions is welcomed. | Noted. |
| **Parish Council and other Community Group** | | | | | |
| 1238750 | Hilton Parish Council |  | S6 | Policy S6 needs to have words added that ensure currently closed footpaths are opened up. | This is a matter that would need to be addressed though liaison with the County Council’s Rights of Way Officer, rather than through Local Plan policy. |
| 1242587 | Findern Parish Council |  | S6 | The Policy they wished to comment on is Policy S6: Sustainable Access  *‘A The Council will seek to:  i) minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities  ii) make the most efficient use of transport infrastructure, technology and services;  iii) encourage modal shift away from the private car and road based freight toward walking, cycling, public transport and rail freight; and  iv) support transport measures that address accessibility, safety, amenity, health, social, environmental, and economic needs, both current and forecast.  B This will be achieved by seeking:  i) scales, locations and densities of development with appropriate mixes of uses, that enable travelling distances to be minimised and that make best use of existing transport infrastructure, technology and services;  ii) the provision of new or enhanced walking, cycling, public transport and rail freight services and infrastructure and, where needs cannot be met by the aforementioned means, highway and car/lorry parking infrastructure; and  iii) the use of promotional measures, technology and improved communication to encourage sustainable travel.’*  The large development proposed to the south of Mickleover, whilst not within our Parish, will impact on the highways around in terms of number of vehicles on the roads and at junctions; members are concerned about how the existing road layout will cope, particularly access at the A38 junction; and therefore do not support such a large development being built close to the Derby City boundary.  Also, whilst the policy has admirable aims, we have seen on the large Highfields development (built in the last 7 years in our parish) how policy doesn’t translate into actual bus services and completed, linked up pathways to encourage walking and cycling. This may be because of lack of funding available; or as has happened with the contribution from the builders consortium for bus services, this going to Derby City Council and not being of a sufficient level to ensure a sustainable service. The policy seems aspirational rather than concrete and deliverable. | A Transport Study is being commissioned which will measure the highway impacts of proposed new development and identify any need for mitigation measures. Where appropriate any such measures will be identified as a requirement to be met in order for planning permission to be granted. |
| **Landowner/Developer** | | | | | |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | S6  Omission site | 5.0 Policy S6: Sustainable Access 5.1 The draft Policy S6 seeks to revise the Council’s policy wording, with a stronger focus on ensuring it promotes sustainable travel and commuting. In particular, Part A(i) states that the Council will seek to “minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities”. To achieve this, Part B(i) states that the Council will seek “scales, locations and densities of development with appropriate mixes of uses, that enable travelling distances to be minimised and that make best use of existing transport infrastructure, technology and services”. 5.2 In this regard, St Modwen supports the Council’s proposed policy. The NPPF is clear that the supply of large numbers of new homes should be well-located and (inter alia supported by the necessary infrastructure and facilities, including a genuine choice of transport modes (Para 74). It is also clear that developments are focused on locations that are or can be made sustainable, by limiting the need to travel and offering a genuine choice of transport modes (Paragraph 105). In essence, draft Policy S6 broadly aligns with these objectives. 5.3 In this regard, the allocation of St Modwen’s Site could support the delivery of this policy, as the Site is conveniently and sustainably located on the edge of Hilton, with multiple opportunities to provide sustainable links into both Hilton and Etwall, which offer a range of facilities and amenities, alongside the existing bus service provision. 5.4 Notwithstanding the above, St Modwen would emphasise that it is critical, where opportunities exist to do so, that residential development is co-located around key employment opportunities to facilitate sustainable transport access to jobs. This will enable the Council to align economic growth ambitions with housing needs to ensure there is sufficient housing for the future workforce and support the provision of housing in a sustainable location, which can easily access new and existing employment opportunities through sustainable transport modes. In addition, co-locating residential development in close proximity to new regional employment opportunities will also serve to discourage unsustainable patterns of commuting. 5.5 However, at present, in the absence of locating any growth at Hilton, St Modwen is concerned that the Council would not be aligned with this policy objective. The Council is currently proposing to safeguard land at Egginton Common for a Strategic Rail Freight Interchange/ Freeport (draft Policy INF3). In time, as this development comes online, this will strengthen Hilton’s role within the District, as it will have convenient and sustainable access to both the Strategic Rail Freight Interchange/ Freeport and Toyota Plant. In the absence of further growth in the settlement, this will put pressure on the existing housing stock as new workers seek housing in closer proximity to where they work. Without sufficient growth to facilitate this, new workers could be forced to move further afield, thus reducing the labour supply in the local area and increasing unsustainable commuting patterns. In this regard, allocating Land north of Egginton Road, Hilton would align entirely with the Council’s proposed Policy S6. In the absence of this, the Council risks promoting unsustainable patterns of commuting – contrary to the NPPF. | Noted. See also omission site response under Q13. |
| 1243556 | Stantec on behalf of Parker Strategic Land South of Mickleover | Stantec on behalf of Parker Strategic Land South of Mickleover | S6 | 4.6 Policy S6: Sustainable Access 4.6.1 PSL supports the proposed amendments to Policy S6 which now recognises the importance of active travel and encouraging modal shift through design, and further how this contributes to the mitigation of, and adaption to climate change. 4.6.2 However, the policy needs to draw out the need to prioritise a comprehensive approach to the delivery of active travel infrastructure. This approach also needs to include bettering existing communities, and ensuring future growth can plug seamlessly into development in the future. 4.6.3 There is a national requirement identified through Gear Change1 for development to take a comprehensive approach to the delivery of appropriate active travel infrastructure. This seeks to ensure that sustainable travel modes (including walking and cycling) are the first choice for journeys. 4.6.4 As outlined in the previous section, the Council’s proposed approach to STRA2 fails to realise the full active travel benefits it could offer. The Site Opportunity Review appended to these representations (Appendix B) explains how the PSL approach to design results in several better outcomes when compared to the Council’s draft masterplan for the Site. 4.6.5 For instance, the proposed link road between the A38 and A516, which has been omitted from the Council’s illustrative masterplan, has the potential to: • Remove potential rat running traffic through Burnaston; • Provide greater access to public transport along the proposed link road including for existing residents on The Pastures development; • Greater active travel corridor coverage to encourage modal shift within the Site away from the private car; and • Futureproofs any future development to the north of the A516. 4.6.6 A rewording of the policy to prioritise comprehensively on active travel may more clearly draw out the overall benefits that STRA2 can deliver through PSL’s preferred masterplan approach. 4.6.7 The STRA2 allocation would also provide appropriate social infrastructure (education, retail, etc) and employment opportunities which would maximise opportunities to internalise movements alongside the provision of active travel infrastructure. 1 Gear Change – A Bold Vision for Cycling and Walking: Gear change: a bold vision for cycling and walking | Agreed. Policy S6 Part B(ii) to be reworded.  Potential for a road connection between the A516 and A38 is among the matters being considered as part of the STRA2 allocation design review. Any proposals that may come forward through this process will be reflected in changes to the STRA2 policy. |
| 1243634 | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | S6 | Policy S6: Sustainable Access 5.1 Draft Policy S6 seeks to revise the Council’s policy wording, with a stronger focus on ensuring it promotes sustainable travel and commuting. In particular, Part A(i) states that the Council will seek to “minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities”. To achieve this, Part B(i) states that the Council will seek “scales, locations and densities of development with appropriate mixes of uses, that enable travelling distances to be minimised and that make best use of existing transport infrastructure, technology and services”. 5.2 In this regard, St Modwen supports the Council’s proposed policy. The NPPF is clear that the supply of large numbers of new homes should be well-located and (inter alia) supported by the necessary infrastructure and facilities, including a genuine choice of transport modes (Para 74). It is also clear that developments are focused on locations that are or can be made sustainable, by limiting the need to travel and offering a genuine choice of transport modes (Paragraph 105). In essence, draft Policy S6 broadly aligns with these objectives. 5.3 In this regard, the allocation of St Modwen’s Site could support the delivery of this policy, as the Site is conveniently and sustainably located on the edge of the Swadlincote Urban Area and in close proximity to the existing bus service provision. St Modwen also notes that the site falls within close proximity of land safeguarded for a potential new railway station at Castle Gresley (see draft policy INF2: Sustainable Travel). The re-opening of the Burton to Leicester railway line would provide further sustainable travel options for residents of the site. | Noted. See also Council response to comments on omission site under Question 13. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | S6 | Policy S6: Sustainable Access 2.23. Policy S6 seeks to maximise accessibility whilst minimising detrimental impacts on the environment, amenity and safety; an objective that our clients support. The updated wording of Policy S6 with the inclusion of references to “technology”, however, raise some concerns. Whilst our clients are committed to achieving sustainable development and access, it is important to caveat that certain technologies may not be feasible or viable on all development sites.  2.24. Criterion B (i) should therefore be amended to read “This will be achieved by seeking: i) scales, locations and densities of development with appropriate mixes of uses, that enable travelling distances to be minimised and that make best use of existing transport infrastructure, technology and services where technically feasible and viable to do so | Agreed in principle. Amend Part B i). |
| 1243217 | Harris Lamb on behalf of Talland Capital Ltd | Harris Lamb | S6 | Policy S6: Sustainable Access TCL consider the policy seeks to encourage sustainable transport and opportunities to minimise the number and length of journeys. The policy states that this will be achieved by seeking that the scale, location and density of development, with an appropriate mixes of uses, that enable travelling distances to be minimised and make best use of existing transport infrastructure.  The proposed use of the TCL’s site at Walton Road, Drakelow is an opportunity to direct additional development to an area that is currently being developed for in excess of 2,000 new homes by Countryside Partnerships. Drakelow Park not only delivers new housing, but a range of other facilities such as a primary school, doctor’s surgery and a local centre. In directing additional development to, and within the proximity of Drakelow Park, the Council’s objectives of seeking to minimise car movements would be achieved with development being located adjacent to new infrastructure that is currently being constructed.  Furthermore, the sustainability of the location would be further enhanced with the provision of food store. This would mean residents in this location would not need to travel through town and across the river to reach a store where they can do their weekly shop. | Noted. Please see responses to comments on Question 13. |

**Policy S7: Retail**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Landowner/Developer** | | | | | |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | S7 | Policy S7: Retail 2.25. Policy S7 supports ‘some retail provision’ in the urban extensions to Derby City, such as that proposed at Infinity Garden Village. Our clients are generally supportive of this approach given that it will provide the ability to meet the day-to-day needs of the future communities. However, in order for the policy to be justified and effective, it is suggested an up-to-date retail study is undertaken to identify any future quantitative needs | Noted. Any need for additional retail evidence will be addressed as part of the review of the retail policies contained in the Pat 2 Local Plan. |

**Policy S8: Green Belt**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1243623 | Derbyshire County Council | Derbyshire County Council | S8 | Green Belt The Local Plan’s approach to Green Belt policy is set out in Policy S8: Green Belt. Two areas of Green Belt cover parts of South Derbyshire District: Nottingham-Derby Green Belt to the north of the District; and the Burton-Swadlincote Green Belt to the south. Derbyshire County Council fully supports the policy approach in the local plan that indicates that the principal, general extent and permanence of the Nottingham-Derby Green Belt and Burton – Swadlincote Green Belt within South Derbyshire is supported and maintained.; and that there is a presumption against inappropriate development within the Green Belt and development proposals received within the Green Belt will be assessed against national policy. The northern extent of the Green Belt was considered as part of the Nottingham – Derby Green Belt Review that was undertaken by Derbyshire County Council and Nottinghamshire County Council on behalf of the East Midlands Regional Assembly in 2006/7. This area of Green Belt was also considered as part of the Derby Principal Urban Area Green Belt Review that was undertaken jointly by Derbyshire County Council, Amber Valley Borough Council, Derby City Council, South Derbyshire District Council and Erewash Borough Council in 2012. Both of the Green Belt Reviews concluded that the area of the Nottingham-Derby Green Belt between the two urban areas of Derby and Nottingham, are the most strategically important areas of the Green Belt in meeting the five Green Belt purposes set out in the NPPF. In this context the commitment in the Local Plan to maintain and support the principle, general extent and permanence of the Green Belt to the north of the District, is welcomed and fully supported. The joint working set out above between the four HMA authorities, has considered the issue of the potential for the housing growth proposed in the emerging three Local Plans to necessitate the need for Green Belt Review within the HMA. However, this joint working has established that the housing growth proposed in the three plans can be accommodated without the need for use of Green Belt land and therefore without the need for a Green Belt Review. Housing Land Supply | Noted. |
| **National Organisation** | | | | | |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | S8 | Policy S8: Green Belt  The policy states “The principal, general extent and permanence of the Nottingham-Derby Green Belt and Burton – Swadlincote Green Belt within South Derbyshire is supported and maintained. Measures to improve public access to the Green Belts and improve connectivity to the built-up areas adjacent to the Green Belts will be encouraged.” HBF would suggest that the scale of housing needed to meet South Derbyshire’s housing needs in full and make a significant contribution to meeting the unmet housing needs of Derby require a full Green Belt review and the allocation of additional sites. This would necessitate consequential changes to this policy, and the policy map.  The policy continues that “there is a presumption against inappropriate development within the Green Belt and development proposals received within the Green Belt will be assessed against national policy”. HBF suggest it would be helpful for the plan to clarify that the delivery of off-site BNG credits is an acceptable use within the Green Belt. It would be helpful for consideration to be given to how the Local Nature Recovery Strategy (LNRS) map and Local Plan and its Green Belt work together for development management purposes, especially in relation to nature recovery and BNG. | It is not considered that a full Green Belt Review is required or the policy needs to change. Biodiversity Net Gain would be acceptable in the Green Belt in line with existing Green Belt policy. |
| **Landowner/Developer** | | | | | |
| 1243628 | Define Planning on behalf of Bloor Homes Ltd |  | S8 | Policy S8 The Draft Local Plan document does not propose any changes to the existing Green Belt policy. The Government consulted on amendments to the NPPF earlier this year, including on the Green Belt and the introduction of ‘Grey Belt’. It is anticipated that the revised NPPF will be published by the end of 2024. In view of the current programme for the Review, it is highly likely that the changes to the NPPF will need to be reflected in the next iteration of the Review (anticipated to be the Submission Plan). | The District Council is working towards submitting the Local Plan Part 1 Review to the Inspector on or before to the 12th March, inline with the transitional arrangements set out within the December 2024 NPPF. |

## Chapter 5:Strategic Allocations

### STRA1: Infinity Garden Village Mixed Use Allocation

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Landowner or Developer** | | | | | |
| 1243166 | Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd | Gladman | STRA1 | Policy STRA1: Infinity Garden Village Mixed Use Allocation Draft Policy STRA1 sets out the development requirements for the site, which include the delivery of approximately 2,000 dwellings, 70 hectares of employment, a new primary school and a new secondary school. The delivery of the site is also reliant upon a new junction on the A50 to provide the primary vehicular access points. Given the significant infrastructure required, Gladman has serious doubts over the deliverability of the site. It is not clear from the policy whether the new junction on the A50 needs to be in place prior to any delivery on site, if this is the case, it could have a significant impact upon the expected delivery rates. Notwithstanding the potential delays in delivery due to the required infrastructure, even based on the Lichfield Start to Finish Report 3rd edition, it is unlikely that 2,000 dwellings could be delivered on the site by 2039. Assuming a best-case scenario that a planning application was submitted 12 months post adoption of the Local Plan (December 2026), the report sets out that the average timeframe from validation of the first application to completion of the first dwellings is 6.6 years for sites of 2,000+ dwellings. This would mean that the first homes were not delivered on the site until summer 2033. To get to 2,000 homes by 2039 would require the delivery of 333dpa from the site, however the Lichfield report concludes the average build out rate for schemes of this scale is 149dpa, meaning in the six years the site could expect to deliver around 900 homes. Another consideration is the proximity of the site to Wragley Way SUE and the impact that this could have on delivery. | Noted.  Planning Permission has now been granted for the A50 junction and several public and private sector partners are committed to its delivery. There remains access to part of the site via infinity park way with development under construction served off this road in Derby City.  The two mixed use strategic sites allocated under policies STRA1 and STRA2 will not be built out within the plan period. Nevertheless, the District Council has a high level of housing delivery recorded for the district over the past several years. A housing trajectory setting out expected delivery of the housing sites will be provided with the Plans submission and will demonstrate clearly how the hosing numbers in the plan can be delivered. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | STRA1 | Policy STRA1: Infinity Garden Village Mixed Use Allocation 2.26. First and foremost, our clients are supportive of the Site’s inclusion as a strategic allocation within the draft Local Plan and strongly support this. 2.27. In order to ensure the allocation policy allows for the viable, timely and appropriate provision of homes, employment provision and associated infrastructure, our clients raise the following points and suggestions. 2.28. For ease of reading, Policy STRA1 is included below in its entirety (italic font) with our clients’ responses inserted at the relevant points. The Strategic Allocation identified at Infinity Garden Village will be expected to deliver the following requirements and be in accordance with other Local Plan Policies: | Noted. See Council response to question 3 regarding Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow comments. |
| **Members of the Public** | | | | | |
| 1243173 | Trevor Yeomans |  | STRA1 | 5.1. STRA1 - Page 51 - D Mi;ga;on viii) 5.1.1. line 4 - shows duplicaCon of the words “key centres” | The District Council will seek to address any grammatical errors, including removing the duplication of the words.  The proposed strategic allocations are in line with the evidence base.  The Derby Capacity Study identifies an unmet need of 9022 dwellings. The Local Plan Part 1 Review looks to update strategic policies and help address Derby City’s unmet need.  The Derby HMA Growth Options Study identifies potential locations for future growth in the HMA and considers at a strategic level, their pros and cons.  The study defines strategic growth locations of accommodating a minimum of approximately 1000 homes). The study identified ‘Unsuitable Areas of Strategic Growth’ ‘Potential Areas for Strategic Growth’ and ‘Suitable Areas for Strategic Growth’. Within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fiels was not progressed as there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was considered that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  At submission the local plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. Furthermore, Strategic allocations on the edge of Derby will provide the critical mass of development needed to deliver essential infrastructure, such as primary and secondary schools and new local centres.  The District Council will be undertaking a Transport Assessment and a Flood Risk Assessment as part of the evidence base for the Local Plan. Any application on the site will also be subject to an appropriate flood risk management in accordance with policy SD2.  In addition, any application on the site will be subject to on-site biodiversity net gain in line with national legislation.  It should be noted that planning permission has been granted for the A50 junction and several public and private sector partners are committed to its delivery. There remains access to part of the site via Infinity Park Way with development under construction served off this road in Derby City. |
| 1242130 | Samantha Furniss |  | STRA1 | I will reiterate my point from above: The proposed site at Mickleover not only is home to bats and owls (I know because I can hear them) which are both protected species, it is an area that floods - often and has since I was a child 40 years ago! The slightest touch of heavy rain and Staker Lane is barely passable.  The plan is complete ill-thought out and all homes will be using the infrastructure of Mickleover, which is already at breaking point from South Derbyshire allowing the mass house building at the very border of Derby City. |
| 1233743 | Matt Hunt |  | STRA1  H15 | Also the new junction for the A50 to serve the garden village should be constructed by now not still in draft plans.  People living in these areas are suffering because of the councils lack of 'just get on and do it' and instead spending millions on reviews and consultations. |
| 1234474 | Denise Smith |  | STRA1 | Inadequate water drainage Severn Trent were made aware in late 1970s that the drainage is inadequate causing water to come into homes via the toilets after 2/3 days of heavy rain. ST fitted 1 way valves to prevent water going into the homes but not allowing toilets to flush! ST are already aware of this despite agreeing to developments on Wragley Way and Boundary Moor to go ahead without improving their own facilities - it is the residents that have to live with the consequences. Derby City planning department are aware of the problems along with the consistent breaches Boundary Moor developers continue with, planning enforcement are also aware and allow them to continue. With the breaches now comes the problems that we have with excess water on the carriageway by the junction of Wragley Way and Sinfin Lane. Flood defence have not responded to public health concern we have regarding an open drainage pipe submitted last year. ST need to improve before any further development |
| 1239219 | Anne Heathcote |  | STRA1 | Infrastructure is vital to the well-being of the residents. New housing has caused massive sewerage problems in our village as the sewer system has not been upgraded to cope with the increased usage. In addition, Deepdale Lane causes massive traffic problems along the canal side, and the small canal bridge that takes traffic southwards towards Melbourne and South Derbyshire. This leads to damage to the bridge, accidents along the road, and danger from reversing lorries. Please address this by some means – redesignation as a greenway perhaps.? |
| 1241773 | Joanna Ayres |  | STRA1 | STRA 1 and STRA 2 will encourage over development, traffic congestion and the loss of valuable countryside. Mickleover in particular has already seen a lot of housing development such as Hackwood Farm, New House Farm and Ladybank Road. This has put pressure on existing services, particularly the two medical centres which are now very over subscribed and the local population struggle to get timely appointments. |

### STRA2: Land south of Mickleover

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Landowner or Developer** | | | | | |
| 1243166 | Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd | Gladman | STRA2 | Policy STRA2: Land south of Mickleover Draft Policy STRA2 sets out the development requirements for the site, which include the delivery of approximately 2,500 dwellings, 5-10 hectares of employment land, a new primary school and a new secondary school. As previously set out in response to Policy STRA1, Gladman has concerns in relation to the number of dwellings that could realistically be expected to be delivered from the site within the plan period to 2039. Based upon the Lichfield Start to Finish Report 3rd edition, and assuming a best-case scenario of an application being submitted 12 months post adoption of the Local Plan (December 2026), just as with Infinity Garden Village, it is only likely that around 900 homes could be delivered by 2039. Taking the above into consideration, rather than a total capacity of 4,500 dwellings within the plan period, it is only likely that around 1,800 dwellings could be delivered from both sites within the plan period, therefore representing a shortfall of 2,700 dwellings. In order to ensure there is no shortfall against the overall housing requirement, Gladman recommend the Council seek to allocate more small-to-medium sized sites in the most sustainable settlements which can begin delivering sooner to ensure a continued five-year supply of housing land, and to also so there is wide range of choice of homes available to the market. | Noted.  The two mixed use strategic sites allocated under policies STRA1 and STRA2 will not be built out within the plan period. Nevertheless, the District Council has a high level of housing delivery recorded for the district over the past several years. A housing trajectory setting out expected delivery of the housing sites will be provided with the Plans submission and will demonstrate clearly how the hosing numbers in the plan can be delivered |
| 1243538 | Pegasus Group On behalf of L&Q Estates in relation to Land at Staker Lane, Mickleover | Pegasus Group | STRA2 | 2.8. The STRA 2 allocation has the ability to drastically improve the surrounding highway network with a masterplanned link road from the A511 to the A38 which would reduce congestion along the A38 and through Mickleover. | Noted.  The District Council will undertake transport modelling, which will be look at the mitigation required for the Local Plan Review Part 1. This along with the Design Review and Viability studies will inform the requirements of the Policy STRA2. |
| **Members of the Public** | | | | | |
| 1235572 | Lisa Marie Roberts | NHS Derby & Derbyshire ICB | STRA2 | Sustainability Assessment for housing and the traveller community wasn't published until after the consultation  Mickleover has already taken more than its fair share of housing growth near the ward/city boundary. The proposed development south of Mickleover will impact on the current infrastructure which is already strained with increase traffic and facilities.  Up to 40% of the housing will be social, yet SDDC civic offices are 12 miles away in Swadlincote. This again will impact on travel arrangements.  Green space is already limited due to the housing development in the area. | The proposed strategic allocations are in line with the evidence base.  The Derby Capacity Study identifies an unmet need of 9022 dwellings. The Local Plan Part 1 Review looks to update strategic policies and help address Derby City’s unmet need.  The Derby HMA Growth Options Study identifies potential locations for future growth in the HMA and considers at a strategic level, their pros and cons.  The study defines strategic growth locations of accommodating a minimum of approximately 1000 homes). The study identified ‘Unsuitable Areas of Strategic Growth’ ‘Potential Areas for Strategic Growth’ and ‘Suitable Areas for Strategic Growth’. Within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Apprisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fiels was not progressed as there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was considered that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  At submission the local plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. Furthermore, Strategic allocations on the edge of Derby will provide the critical mass of development needed to deliver essential infrastructure, such as primary and secondary schools and new local centres.  The District Council will be undertaking a Transport Assessment  which will be look at the mitigation required for the Local Plan Part 1 Review. This will help inform the requirements of the Policy STRA2.  Approximately 5-10ha of employment generating land is proposed on STRA2. The second plan relating to the policy provides a symbol for employment provision near the A38.  It should be noted that the none of the strategic allocations are being proposed on Green Belt land. |
| 1241773 | Joanna Ayres |  | STRA1 | STRA 1 and STRA 2 will encourage over development, traffic congestion and the loss of valuable countryside. Mickleover in particular has already seen a lot of housing development such as Hackwood Farm, New House Farm and Ladybank Road. This has put pressure on existing services, particularly the two medical centres which are now very over subscribed and the local population struggle to get timely appointments. |
| 1241058 | Stephen Alcock |  | STRA2 | Stra 2 has poor infrastructure, relying on existing local infrastructure, which is already overloaded. it does nothing for the local environment, and will significantly increase traffic flow in the area, which will be unacceptable, especially with regard to traffic trying to negotiate Derby's outer ring road, or entering the city centre. Health and wellbeing is not adequately addressed either, since it will force residents to use their cars, due to unrealistic walkways and cycle paths to try and connect to existing poor and dangerous routes. Little thought appears to have been given to how to address flooding in the area, especially on Staker Lane. |
| 1241860 | Innes Mary |  | STRA2 | With the amount of traffic build up around Mickleover currently, which affects air quality, I can see further development making it increasingly worse. |
| 1232906 | Steve Wilson | Home owner | STRA2 | You can't possibly use words like 'Heath and Wellbeing' when taking about the Mickleover site. You and Amber Valley have build so many new builds around Mickleover it so dangerous even walking around our small shopping area. At least Ashby, Swadlincote & Burton have much larger shopping areas. |
| 1243173 | Trevor Yeomans |  | STRA2 | 5.2. STRA2 - Page 55 – A Development Requirements – v) a) access off the A38 5.2.1. Map on page 59 shows two access points which use Staker Lane. This road already carries significant risks for drivers including sharp bends, uneven surface, narrow points, potholes on edges of roadway, prone to very localised flooding. These risks will only be increased for all future road users including drivers, cyclists, and pedestrians. Staker Lane will not be adequate for traffic arising from the proposed development. |
| 1233824 | AYeomans |  | STRA2 | Firstly, Mickleover has already taken its fair share of housing developments close to the city/ward boundary.  Secondly, the proposed plans are not a sustainable development. Mickleover is bursting at the seams: doctors surgeries are at breaking point and residents are unable to get an appointment, ultimately putting the health of residents in extreme danger. There is no plan to build a school on the development and local schools are already struggling to meet the demands of the numbers of the community. The road and infrastructure around Mickleover is at capacity and building a further development will only add to the unsustainable traffic issues in the local area. |
| 1238115 | Fiona Bevington |  | STRA2 | I do not see any employment provision in the Mickleover plan. The environment impact will be dreadful. |
| 1241890 | Edward Stupple | Retired | STRA2 | Policy STRA 2 See comments made in other sections which are mainly related to the area of Mickleover |
| 1233334 | Harvey Heldreich |  | STRA2 | Policy stra2, this development will cause excess traffic to and already over developed area, resulting in high pollution levels, also tearing up greenbelt will add to global warming. |
| 1241773 | Joanna Ayres |  | STRA2 | STRA 1 and STRA 2 will encourage over development, traffic congestion and the loss of valuable countryside. Mickleover in particular has already seen a lot of housing development such as Hackwood Farm, New House Farm and Ladybank Road. This has put pressure on existing services, particularly the two medical centres which are now very over-subscribed and the local population struggle to get timely appointments. |

### STRA3: Former Drakelow Power Station

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Landowner or Developer** | | | | | |
| 1243217 | Harris Lamb on behalf of Talland Capital Ltd | Harris Lamb | STRA3 | Policy STRA3: Former Drakelow Power Station TCL support the identification of the former Drakelow Power Station site as a strategic employment allocation to accommodate 68 hectares of employment land for uses within Classes E(g), B2 and B8. The proximity of TCL’s site to the proposed employment allocation to the former Drakelow Power Station mixed use development would mean that new residential development can be located in proximity to where new jobs and employment are intended to be created. TCL agree that there is merit in co-locating new employment development with proposed and existing residential development as there is an opportunity to reduce travel between the person’s place of work and their residence. | Noted. |

## Chapter 6: Housing

### Policy H1: Settlement Hierarchy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **National Organisation** | | | | | |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | H1 | Policy H1: Settlement Hierarchy  HBF welcomes the additional wording in Criteria 1 of the Settlement Hierarchy policy as it accurately reflects that the prioritisation of the Urban Areas within the Plan include recognition of sites adjacent to the Derby forming part of the contiguous urban area of Derby, even if the sites are outside of the Derby City Council area. | Noted. |
| **Parish Council and other Community Group** | | | | | |
| 1238750 | Hilton Parish Council | Hilton Parish Council | H1 | Policy H1 Allowing 15 extra dwellings adjoining rural villages needs some control. For some of the villages this would represent a doubling in size. There does not seem to be any limit on how many times a development of 15 could be added. Villages would need time for the extra 15 dwellings to become part of the community with whatever extra facilities were also introduced. Perhaps a simple control could be limiting an expansion to 15 dwellings to once in the duration of the Local Plan. In this context paragraph 6.8 is a concern. Settlement boundaries should not be lightly changed and should be made the subject of a full consultation and even referendum of the settlement concerned. | For rural Villages Policy H1 allows rural exception sites as long as not greater than 15 dwellings within the settlement boundary or adjoining a settlement boundary. The Plan however should be read when determining a planning application, including BNE1: Design Excellence, which looks to ensure that new development is well designed and responds to its context. It would not be in line with National Policy to limit rural exceptions sites to a maximum of 15 dwellings per settlement during the plan period.  A refresh of the settlement boundaries will be undertaken in the next phase of plan making. The Settlement Boundary refresh will be undertaken in line with a methodology established within a Topic Paper and each settlement boundary will be assessed against the same criteria. |
| 1236404 | Repton Parish Council | Repton Parish Council | 6.8 | 2. The second concern is in section 6.8 explanation to the Local Plan Policy H1. This section states the settlement boundaries will be refreshed in the next phase of the plan making. This process is undefined in the context of any timescales or scale. The Parish Council would like | See Policy response to Hilton Parish Council. |
| 1242402 | Weston-on-Trent Parish Council | Weston-on-Trent Parish Council | Settlement  Hierarchy | The Settlement Hierarchy needs to be reviewed. Weston-on-Trent is classified as a Local Service Village but should be a Rural Village. Weston needs to be re-classified before the Local Plan Part 2 is developed. The village does not have the transport links or infrastructure to support being classified as anything higher than a Rural Village. As stated above, a policy on housing density, architectural design and landscape design is needed for new residential developments. | Its is acknowledged that Policy H1 is an adopted Local Plan Part 1 policy, however the District Council is not intending to update the Hierarchy within this Local Plan Review as the evidence is that it is no necessary to do so.  The Local Plan Part 1 Review is proposing strategic allocations only and carry’s forward Adopted Local Plan Part 1 allocations. The Local Plan Part 1 Review is updating strategic policies and helps address Derby City’s unmet need. The evidence collected shows that meting the Derby City’s unmet need as close as possible to the City amounts to Sustainable Development. The two mixed use strategic allocations are proposed at the edge of Derby City.  The Settlement Hierarchy has been reviewed and the Urban Areas (including the urban areas adjoining Derby) are at the top of the hierarchy, which is inline with the proposed strategy.  Any amendments to other tiers of the Hierarchy will be addressed as part of a comprehensive review of the Local Plan. |
| 1243603 | SAVE (Save Aston & Weston Village Environment) | SAVE Aston and Weston Residents Group | H1 | (Policy H1)  The Settlement Hierarchy needs to be reviewed. Aston-on-Trent is classified as a Key Service Village, but should be a Local Service Village. Weston-on-Trent is classified as a Local Service Village, but should be a Rural Village. Aston & Weston need to be re-classified before the Local Plan Part 2 is developed. | See Council response to Weston on Trent Parish Council. |
| **Landowner or Developer** | | | | | |
| 1248307 | Copesticks on behalf of Alexander Bruce Estates Ltd. | Copesticks on behalf of Alexander Bruce Estates Ltd. | Q9 (H1) | 1.15 We support Policy H1; Settlement Hierarchy in principle, but consider the wording to be overly restrictive and may create difficulties at a later date, particularly given the high housing requirement that will be allocated in the Local Plan Part 2.  1.16 In respect of tiers 1 and 2 of the hierarchy, Urban Areas and Key Service villages, the policy dictates that: “development of all sizes within the settlement boundaries will be considered appropriate and sites adjoining settlement boundaries as rural exception sites in accordance with Policy H21 as long as not greater than 25 dwellings.”  1.17 The SUEs may deliver no more than 2,500 homes and the strategic allocations no more than 10,770 during the plan period. This would leave around 8,000 plots to be found through nonstrategic allocations and windfall sites. The Key Service Villages are principally historic settlements and are not going to yield a significant number of plots on previously developed land within the existing settlement boundaries.  1.18 The Local Plan Part 2 will include non-strategic allocations and presumably amend the settlement boundaries accordingly, but nevertheless, restricting non-allocated sites to be adjoining settlement boundaries and no more than 25 units would be very restrictive and could hamper delivery of such a high target in the future. | Noted.  See Council response to Question3.  See Council response to Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | H1 | 6.0 Policy H1: Settlement Hierarchy 6.1 Draft Policy H1 largely duplicates the policy wording established in the adopted Local Plan Part 1 and identifies Hilton as a ‘Key Service Village’ (Tier 2) settlement; albeit paragraph 6.8 of the supporting text goes on to state that the Council will ‘refresh’ its settlement hierarchy in the next stage of the DLPP1R.  6.2 Notably, the supporting text states that the Council recognises that a range of services and facilities are essential ingredients to sustainable communities and that priority should be afforded to those places which are served by high-quality public transport services and a convenience store to ensure that residents have access to a wide range of services and facilities outside their settlement and reduces the need to travel by car (Para 6.5). In addition, the Council considers that Policy H1 will ensure that development is directed towards more sustainable settlements (Para 6.6).  6.3 In this regard, St Modwen is broadly supportive of the Council's settlement hierarchy, which at present, recognises Hilton as a Tier 2 settlement. Although not necessarily rural, St Modwen notes that paragraph 83 of the NPPF is clear that: “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.”  6.4 Directing growth to settlements across the District supports local services and also ensures development is located sustainably in line with the NPPF (Para 11a). Existing settlements often have access to education, healthcare, retail, jobs, and public transport, and should therefore be considered as ideal locations for growth – all of which are services that Hilton has access to. Further growth in these settlements, such as Hilton, can also broaden the scope for these settlements to seek improvements to services and infrastructure, helping to address imbalances between the rural and urban areas in terms of provision and access to facilities.  6.5 However, St Modwen considers that Hilton’s role in the settlement hierarchy may change in light of the forthcoming Strategic Rail freight Interchange/ Freeport at Egginton Common (draft Policy INF3) – potentially requiring the settlement to be considered as Tier 1. This will, in time, create significant local and regional job opportunities, which will invariably put pressure on Hilton to accommodate new workers who want to relocate to an area in close proximity to where they work. As stated above in St Modwen’s response to draft Policy S6, it is key that, where opportunities exist to do so, residential development is co-located around key employment opportunities to facilitate sustainable transport access to jobs.  6.6 As such, St Modwen strongly contends that development at Hilton – and particularly Land north of Egginton Road, Hilton – will be needed to help meet the District’s housing needs, enhance local services, and deliver significant benefits associated with co-locating housing growth alongside employment growth, such as facilitating more sustainable patterns of commuting. To this end, the Council may wish to review and amend the settlement boundary for Hilton to encompass St Modwen’s Site. This approach would also fundamentally align with the Council’s proposed Policy S6. In the absence of this, the Council risks promoting unsustainable patterns of commuting – contrary to the NPPF. | Noted that support is given to Hilton’s position within the Settlement Hierarchy.  See Councils response to Question 3.  See Councils response to Hilton Parish Council regarding the settlement boundary review. |
| 1243166 | Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd | Gladman | H1 | Policy H1: Settlement Hierarchy Gladman note that draft Policy H1 allows development to come forward adjacent to the settlement boundaries of the Key Service Villages provided it is for no greater than 25 dwellings. The figure of 25 dwellings appears to be an arbitrary figure with no evidence as to why only that level of development is considered acceptable. Gladman would encourage the Council to amend this policy to be more flexible and permissive in nature to allow sustainable development to come forward outside of, but adjacent to the settlement boundaries without the limit on numbers. This would allow the Council to address housing land supply shortfalls without the need to depart from the provisions of the Local Plan, however the Council would still have the flexibility to refuse a scheme if it was considered to be unsustainable. Overall, the Council would be able to retain more control over development in the district and be less vulnerable to speculative development.  Policy HOU5 of the adopted Ashford Local Plan 2030 provides a good example of how this can be implemented in practice. The policy states, “proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable….providing that each of the following criteria are met… a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development. | The Local Plan is updating strategic policies and primarily addressing Derby City’s unmet need. In relation to the development allowed at settlements within Key Service Villages, Local Services and Rural Areas, the housing allocations within the Local Plan Part 1 Review significantly exceeds the housing need for South Derbyshire, which In turn helps to address affordable provision. In local terms the Local Housing Needs Assessment does not recommend a future uplift above the standard method and the Settlement Growth Study does not recommend an unmet need for most settlements within the District. Any need identified in the Study could be addressed in either a Part 2 Local Plan (the Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026), or a Full Plan Review.  Consequently, the District Council does not need to provide a large amount of flexibility within Policy H1 and the thresholds for development within Key Service Villages, Local Service Villages and Rural Areas does not need to large. The Local Plan provides a plan led approach for development. It is considered that the thresholds within Policy H1 are inappropriate. |
| 1242645 | Emery Planning on behalf of Strategic Land Group Ltd | Emery Planning on behalf of Strategic Land Group Ltd | H1 | 6. Policy H1: Settlement Hierarchy  6.1 We support the settlement hierarchy set out in Policy H1 and the designation of Overseal as a Key Service Village. However, it is not clear from Policies H1 and S1 as to what extent of housing growth is to be distributed to each settlement group. This is discussed in more details in our response to Policy S1 above | Noted.  The Local Plan Part 1 Review provides a plan led approach to strategic scale development. The Council considers that Policy H1 is appropriate for the distribution of new development outside of allocations, over the plan period. |
| 1242854 | Stantec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodv | Santec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodville | H1 | Policy H1: Settlement Hierarchy 7.2.6 This Policy ‘seeks to ensure that development is directed towards the more sustainable settlements’ (paragraph 6.6) and it is also stated that the hierarchy ‘groups together settlements that have a similar role’ (paragraph 6.5).  7.2.7 Swadlincote and Woodville are in the highest tier of the settlement hierarchy due to their size and pivotal role as a hub for the district. The urban areas adjoining Derby are put within the same group as Swadlincote and Woodville as they perform a similar role.  7.2.8 However, as seen in paragraph 7.1.2 of this report, the Derby Urban Fringe has ten times the number of dwellings allocated than Swadlincote and Woodville. This is an extremely inconsistent approach to settlements that perform the same function. There needs to be further residential allocations in Swadlincote/ Woodville to spread out development sustainably in line with the Settlement Hierarchy to ensure the continued vitality and growth of these areas, whilst preventing the over-development of the Derby Urban Fringe. | Noted.  See Council response to Question 3 regarding the Plans Strategy. |
| 1243668 | rg-p on behalf of Lovell Partnerships Ltd | rg-p on behalf of Lovell Partnerships Ltd | H1 | As such the emphasis within policy H1 and H21 is not sufficiently flexible to capitalise on the opportunity here to increase delivery of affordable housing. Firstly, in relation to policy H1, this states an upper limit of 25 dwellings for rural exception sites adjoining settlements with the sustainability credentials of Linton Heath. This is flawed for 2no reasons being: 1) It fails to identify other potential sources of affordable housing, such as through the land led partnership approach; and, 2) The upper limit of 25 dwellings is arbitrary. It is not justified by any evidence or addressed sufficiently within the published Sustainability Appraisal. Secondly, we also suggest that Policy H21 should be broadened to reflect the opportunity to provide development in the form proposed by Lovell Partnerships. | See Council response to Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd  In addition, the policy as worded does allow for affordable housing within the various tiers of the hierarchy. |
| 1243615 | Stantec on behalf of JSC Efarms LLP London Rd |  | H1 | Policy H1: ‘Settlement Hierarchy’ advises on the range of services and facilities that are offered by each settlement. The level of development for each settlement will be of a scale appropriate to the size and role of that settlement. Shardlow is described as a ‘Tier 2’, a key service village. Given Shardlow is categorised as a ‘Tier 2’ settlement; one below an ‘urban area’, this area should be expected to accommodate a level of growth and help meet housing needs especially given its proximity to the urban area of Derby. We consider land north of London Road is available and deliverable and can assist the Council in meeting its additional housing needs in line with our comments to draft policy S1. | Noted.  See Council response to Question 3 regarding the Plans Strategy. |
| 1244310 | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | H1 | Policy H1: ‘Settlement Hierarchy’ advises on the range of services and facilities that are offered by each settlement. The level of development for each settlement will be of a scale appropriate to the size and role of that settlement. Shardlow is described as a ‘Tier 2’, a key service village. Given Shardlow is categorised as a ‘Tier 2’ settlement; one below an ‘urban area’, this area should be expected to accommodate a level of growth and help meet housing needs especially given its proximity to the urban area of Derby. The above two sites are available and deliverable and can assist the Council in meeting its additional housing needs in line with our comments to draft policy S1. | Noted.  See Council response to Question 3 regarding the Plans Strategy. |
| 1244437 | CBRE on behalf of Labcorp | CBRE on behalf of Labcorp | H1 | H1 (Settlement Hierarchy) Policy H1 sets out the settlement hierarchy across the District, and is based on the range of services and facilities that are available within each settlement. Additional wording is proposed within this policy to incorporate sites adjoining settlements in urban areas, key service villages and local service villages.  We support this additional wording as we consider it is important that a settlement hierarchy policy is sufficiently flexible to respond to market fluctuations where development is of an appropriate scale, location and density to the role of each settlement, and in some cases this will be relevant for land adjoining its boundaries.  It is however noted that in such instances these would be considered as 'rural exception sites' and limited to no more than 25 dwellings in key service villages and no more than 15 dwellings in local service villages. Whilst it is recognised that this dwelling limit is not a new introduction, there is no evidence that justifies why this is an appropriate capacity. Prescribing a limit on dwelling capacity and restrictions on development location may have negative implications on housing delivery in areas where additional dwellings are suitable based on existing infrastructure and sustainable transport access.  Therefore, in the absence of appropriate evidence base we suggest that this dwelling maximum capacity being removed, or the following wording could be used for Policy H1:  "2 Key Service Villages: For the above two tiers, development of all sizes within the settlement boundaries will be considered appropriate and sites adjacent to settlement boundaries as rural exception sites in accordance with Policy H21 proportionate to allow growth relative to the settlement." | See Council response to Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd |
| 1243634 | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | H1 | 6.0 Policy H1: Settlement Hierarchy 6.1 Draft Policy H1 largely replicates the policy wording set out within the adopted Local Plan Part 1 and identifies the ‘the Urban Area of Swadlincote’ as ranking first in the settlement hierarchy. It is noted that paragraph 6.8 of the supporting text goes on to state that the Council will ‘refresh’ its settlement hierarchy in the next stage of the DLPP1R.  6.2 Notably, the supporting text states that the Council recognises that: “A range of services and facilities are essential ingredients to sustainable communities. Priority is afforded to those places which are served by high quality public transport services and a convenience store. A convenience store ensures that day to day needs are met, and a good bus service ensures that residents have access to wide range of services and facilities outside their settlement and reduces the need to travel by car.” (Para 6.5).  6.3 The Council also considers that Policy H1 will ensure that development is directed towards more sustainable settlements (Para 6.6). In this regard, St Modwen is broadly supportive of the Council's settlement hierarchy, which recognises the ‘Urban area of Swadlincote’ as ranking first in the settlement hierarchy. This makes sites which fall within this location ideal locations for growth as they have access to services such as education, healthcare, retail, jobs, and public transport. Directing growth to these locations supports local services and ensures development is located sustainably in line with the NPPF (Para 11a). | Noted.  See Council response to Question 3 regarding the Plans Strategy.  The Local Plan Part 1 Review provides a plan led approach to strategic scale development. The Council considers that Policy H1 is appropriate for the distribution of new development outside of allocations, over the plan period |
| 1242425 | Stone Planning Services (on behalf of Peveril Homes Ltd) | Stone Planning Services (on behalf of Peveril Homes Ltd) | H1 | Policy H1: Settlement Hierarchy The settlement hierarchy, as set out in the policy, is supported. Our client has an interest in land off Manor Road, Overseal. We agree that Overseal has a good range of everyday facilities and that as a Key Service Village can support additional growth.  However, we are concerned with regard the text within the policy which states: “For the above two tiers, development of all sites within the settlement boundaries will be considered appropriate and sites adjoining settlement boundaries as rural exception sites in accordance with policy H21 as long as they are not greater than 25 dwellings”.  We consider that this restriction will impact on the ability to deliver new housing to serve the community of Overseal. The existing settlement boundary to Overseal is very constrained. There are no potential housing sites within the settlement boundary which could serve local needs.  The 2024 SHLAA indicates that there are 11 candidate sites to provide additional housing to serve Overseal. The sites vary in size, using a SMELAA methodology calculated yield, from 19 units to 233 units on land south of Moira Road.  The settlement boundary to Overseal was revised in the curent Local Plan. There was a small extension to the west on Lullington Road and a larger extension at the southern end of the village to the east of Acresford Road. Both developments are built out. There is clearly demand for housing in Overseal.  Our client’s site is Site Reference 194 – land off Valley Road, Overseal. Whilst the is an indicative SHELAA Yield of 47 units we consider that to achieve on site Biodiversity Net Gain and on-site attenuation that a yield of 31 is more appropriate.  The site is well contained with Valley Road and residential properties to the north, residential properties to the east, mature woodland and scrub to the south, all of which will be retained and enhanced, and a mature hedgerow with public footpath along the western boundary. The site is self-contained and would not be capable of expanding further.  The scheme would provide for a mix of houses – 2, 3 and 4+ bed houses would be delivered.  Policy 21 relates to affordable housing and sets a requirement for up to 40% affordable. This site would propose 40% affordable homes.  Biodiversity Net Gain will be secured on site. Mature trees will not be lost. Access would be off Valley Road which would be widened and the existing footpath extended across the site frontage to link the existing public footpaths which enter the site at its northwestern point.  Existing road junctions in the locality are capable of accommodating the additional flow, Surface water discharge will be controlled by an onsite attenuation pond. Foul water will drain to existing sewers.  The site is identified as a Minerals Safeguarding Area. However, this is a small area with residential properties adjacent on two boundaries and 2 public footpaths. The site would not be viable or suitable for mineral extraction.  The site is promoted by a house builder, not a developer. Peveril Homes Limited have a track record of delivery in the District. Delivery would certainly be within years 1 - 5. The Framework, at paragraph 70, recognises the role that small and medium sized sites in delivering housing and meeting targets. Land at Valley Road, Overseal is one such site which has no impediments to delivery.  The site is modest in scale and proportionate to the size of Overseal. However, the policy would fetter its delivery.  We consider that Policy H1 should be amended to either: a. Allocate land at Valley Road, Overseal and the settlement boundary revised accordingly; or b. If the settlement boundary is not to be amended, or sites allocated, that the wording of Policy H1 should allow for market housing sites, with policy compliant affordable housing, to be delivered on sustainable sites adjacent the existing settlement boundary.  The policy as set out will deliver neither market nor affordable housing in Overseal. It is clear that there is demand in the village which will not be met. | Noted.  See Council response to Question 3 regarding the Plans Strategy.  See Council response to Hilton Parish Council regarding settlement boundaries |
| 1243628 | Define Planning on behalf of Bloor Homes Ltd |  | H1 | Policy H1 BHL supports the continued position of Swadlincote at the top of the settlement hierarchy, which is reflective of its sustainability and level of service provision. However, the policy is overly restrictive in terms of development proposals adjoining settlement boundaries of the top two tiers of settlement. Given the sustainability of these settlements, a criterion based policy for sites adjoining the settlements would be more appropriate rather than restricting support to rural exception sites under 25 dwellings. This would support high-quality developments to come forward as windfall development where it is demonstrated that with appropriate mitigation the scheme would represent well-designed and appropriately located sustainable development. In turn this could help to mitigate allocated sites not coming forward and delivering the housing needed. | Noted.  See Council response to Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd |
| 1242137 | Bellway Homes | Bellway Homes Ltd | H1 | Policy H1: Settlement Hierarchy The Council has proposed a number of modifications to the adopted settlement hierarchy policy in the LPP1 review. The modified policy retains Swadlincote as an ‘urban area’ at the top of the hierarchy. This is supported in principle. Nonetheless, the policy as drafted does not clearly state what the role and function of each tier in the hierarchy is. Furthermore, there is no clarity on how the settlement hierarchy relates to the spatial strategy in Policies S1 and S4 (there is no mention of the settlement hierarchy in either of these policies). The only indicator to the role and function of Swadlincote, for example, is set out in the first paragraph of Policy H1, which states: “The level of development for each settlement will be of a scale appropriate to the size and role of that settlement” However, as highlighted above, the policy does not define the role and function of each tier or settlements in the hierarchy. We contend tThis creates a lack of clarity in how the settlement hierarchy could be applied in practice. Consequently, we recommend that Policy H1 is should be modified to make clear that the role and function of Swadlincote will be to act as the main foci for growth to meet the needs of South Derbyshire over the plan period, therefore reflecting the key objectives of the plan. | Noted.  See Council response to Question 3 regarding the Plans Strategy.  The Local Plan Part 1 Review provides a plan led approach to strategic scale development. The Council considers that Policy H1 is appropriate for the distribution of new development outside of allocations, over the plan period |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | H1 | Policy H1: Housing Settlement Hierarchy 2.32. Policy H1 sets out a hierarchy made up of four tiers with the urban areas adjoining Derby, the urban area of Swadlincote including Woodville, and adjoining Burton upon Trent identified as the most sustainable tier in the district. This hierarchy is supported by our clients as it reflects the role and function of these settlements/areas in the district. | Noted. |
| 1242615 | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | H1 | Policy H1: Settlement Hierarchy  Policy H1 is noted to set out the proposed settlement hierarchy for the District, however, it does not include for the proposed strategic allocations which should also form part of the settlement hierarchy. | It is considered that the Settlement Hierarchy is line with the strategy and the proposed strategic allocations. Tier 1 Urban Area states “the urban areas adjoining Derby…”, and the mixed-use strategic allocations are adjoining Derby City’s administrative boundary. |
| 1243233 | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | H1 | 6. Housing 1.46. Policy H1: Housing Settlement Hierarchy sets out a hierarchy made up of four tiers with the urban areas adjoining Derby, the urban area of Swadlincote including Woodville, and adjoining Burton upon Trent identified as the most sustainable tier in the district. This hierarchy is supported as it reflects the role and function of these places in the district. 1.47. Given that the urban area of Swadlincote is identified by the Council as the most sustainable location in the district, it does not seem reasonable or justifiable that it contains no new housing allocations to meet housing needs up to 2039 and beyond. There should be new allocations in the Swadlincote Urban Area as they would provide choice and competition in the housing market, and provide diversity of supply across development strategy supporting delivery in a sustainable location. 1.48. Our client’s site at Cadley Park, lies within a sustainable location within the urban area of Swadlincote. It lies outside of Green Belt and can make significant contribution to the district’s housing needs. | Noted.  See Council response to Question 3 regarding the Plans Strategy. |
| 1242281 | Nightingale Land on land north of Linton Road, Castle Gresley | Nightingale Land | H1 | Policy H1: Settlement Hierarchy The settlement hierarchy seeks to direct development towards higher level settlements which provide the most services and facilities to residents. Development will only be allowed outside the settlement boundary provided it adjoins the settlement of the tier 1 urban centres. Development beyond the settlement boundary for tiers 2 – 4 will only be acceptable as a rural exception site limited to a specific number of dwellings depending on settlement tier.  Nightingale Land recognise the Council’s approach that development should be directed towards higher order settlements. However, the PPG is clear that a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket polices restricting housing development needs to be supported by robust evidence of their appropriateness4.  There is a lack of flexibility outside the urban area in terms of greenfield sites adjacent to settlement boundaries which can often come forward and provide opportunities for sustainable development which caters for the housing needs of the local communities and to alleviate issues in housing affordability in these areas. A more permissive and criteria-based approach should be taken across tiers 2-4 to allow development to come forward on edge of sustainable settlements. Indeed, Rural Exception Sites can be difficult to bring forward given that they do not generally offer the most competitive returns for landowners and therefore a proportion of market homes should be allowed in these circumstances to ensure development can come forward viably. Further, the general expectation of national policy is that rural exception sites can occur in a more isolated locations that do not adjoin a settlement boundary meaning realistically very few if any of these sites will come forward. | See Council response to Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd |
| 1242638 | CT Planning on behalf of Maplevale Land Ltd | CT Planning on behalf of Maplevale Land Ltd | H1 | This submission is made on behalf of Maplevale Land Ltd with respect to Policy H1: Settlement Hierarchy. Support the retention of Policy H1: Settlement Hierarchy in the emerging South Derbyshire Local Plan Part 1 (2022- 2039). It is important that the Local Plan supports residential development in sustainable village locations as well as promoting large strategic housing allocations. South Derbyshire District is predominantly rural in character, comprising a substatial number of villages of varying size. New housing development should be proportionately located across such se7lements, particularly those sustainable Key Service Villages and Local Service Villages identified in the Authority’s Se7lement Hierarchy. The planned growth of villages would be wholly in accordance with advice given in the National Planning Policy Framework (NPPF) at paragraph 83 whereby Local Planning Authorities should identify new opportunities for villages to grow and thrive. The emerging South Derbyshire Local Plan Part 1 should therefore allow for new housing development within defined village se7lement boundaries.  Local Service Villages, such as Rosliston, offer a range of services and facilities required for day-to day living, including a convenience store, a primary school, fish and chip shop, pub and a café. Additional housing growth in such villages can assist in retaining existing facilities valued by local rural communities and encourage opportunities for new services to be established and supported. Housing growth, proportionate to the size of the se7lement, should therefore be facilitated in small sustainable villages such as Rosliston in order to maintain and enhance the vitality of rural communities in accordance with paragraph 83 of the NPPF. Policy H1: Settement Hierarchy should therefore be carried forward into the South Derbyshire Local Plan Part 1 (2022-2039). | Noted.  See Council response to Question 3 regarding the Plans Strategy.  See Council response to Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd |
| 1243178 | Freeths on behalf of Commercial Development Projects Ltd | Freeths LLP | H1 | H1 – Settlement Hierarchy We SUPPORT the continued designation of Etwall as a Key Service Village. | Noted. |
| **Members of the Public** | | | | | |
| 1236731 | Ewan Thompson |  | H1 | Firstly, this question should be asked after each major section. It is hard to organise comments over many pages. Additionally, there is insufficient space for comments. I will provide these via email.  Policy H1 – given the presumption in favour of development within settlement boundaries, it is not acceptable or appropriate to state in paragraph 6.8 “A refresh of the settlement hierarchy and settlement boundaries will be undertaken in the next phase of plan making.” without providing a methodology and timescale. | Noted.  See Council response to Hilton Parish Council regarding settlement boundary review.  See Council response to Weston on Trent Parish Council.  The Council considers that it is not necessary or practical to link Policy H1 to the local need of older people and single level accommodation. Within Policy H20, the Council seeks to meet identified needs of older people and the policy includes requirements for single level accommodation. |
| 1242367 | Grace McCullouch |  | H1 | Policy H1 – given the presumption in favour of development within settlement boundaries, it is not acceptable or appropriate to state in paragraph 6.8 “A refresh of the settlement hierarchy and settlement boundaries will be undertaken in the next phase of plan making.” without providing a methodology and timescale. |
| 1238069 | Alan Burrell |  | H1 | Page 65, Policy H1, where I am disappointed to see Aston on Trent continues to be recorded as a 'Key Service Village'. It does not satisfy the Council's criteria for a Key Service Village and has not done so for several years. This is because the public transport is very limited and it does not satisfy this criterion. I attach below an e-mail I sent to the SDDC Planning team on 22 June 2019 raising this point and in response I was told that it would not be possible to amend the agreed local plan but that the public transport situation would be taken into account when the plan was next reviewed. In the mean time, in the event of a planning application the change of circumstances would be a relevant comment on any such planning application.  As Policy H1 has already been amended in the draft local plan I see no reason not to move Aston on Trent into the Local Service Village category. If it is not possible to make such a change until Part 2 of the plan is reviewed I would like your assurance that Part 1 can and will be amended later.  An alternative would be to remove the names of all the villages and simply refer to a list shown in Part 2 for the local plan.  I am concerned that if Aston on Trent remains listed as a Key Service in Part 1 of the plan, the error will be perpetuated. |
| 1242055 | Mr Eddie Pickering | resident | H1 | We agree with Policy H1 the settlement hierarchy and in particular the reference to rural exception sites for the Local service villages. However we feel that the rural exception should link to Policy H20 as well as policy H21 so not only affordable is considered as local need but also if the scheme is meeting the defined need for older person and single level accommodation |
| 1242052 | Susan Marshall |  | H1 | The Settlement Hierarchy needs to be reviewed. Aston-on-Trent is classified as a Key Service Village, but should be a Local Service Village. Weston-on-Trent is classified as a Local Service Village, but should be a Rural Village. Aston & Weston need to be re-classified before the Local Plan Part 2 is developed.. |

### H2: Land north of William Nadin Way, Swadlincote

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1243643 | Sport England | Sport England | Housing & Employment  H2,  H4,  H11,  H18,  E6 | Various Housing and Employment policies  Sport England appear to not have been consulted on a number of planning applications, particularly those associated with the following site allocations: • Policy H2: Land north of William Nadin Way, Swadlincote • Policy H4: Land at Broomy Farm, Woodville • Policy H11: Land north east of Hatton • Policy H18: Hackwood Farm, Mickleover • Policy E6: Woodville Regeneration Area As such, Sport England are unclear if existing sports facilities have been lost or adversely affected and/or the necessary contributions towards either the enhancement of existing sports facilities and/or the creation of new sports facilities have been secured for these new developments. | The Council undertakes statutory consultation with Sport England as required. The issues around individual applications are being addressed with Sport England separately to this Local Plan process. |
| 1242612 | National Forest Company | The National Forest Company | H2 | Policy H2 Recommended wording: Recommend an additional criterion referring to National Forest planting requirements in the policy. ‘The inclusion of National Forest planting in accordance with the National Forest planting guidelines.’ Reason for change/comment: Currently the National Forest location is referred to in the supporting text, but it would be beneficial for the National Forest planting requirement to be explicitly referenced in the policy as it is in Policy STRA3: Former Drakelow Power Station to ensure developers are clear that this is a requirement. | The three parcels of land which make up allocation H2 all have outline permission and reserved matters approval.  National Forest requirements for new sites coming forwards will be incorporated but where an allocation has already got planning permission this will not be included. |

### H3: Land at Church Street, Church Gresley

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1242612 | National Forest Company | The National Forest Company | H3 | Policy H3: Land at 1242612Church Street, Church Gresley Recommend an additional criterion referring to National Forest planting requirements in the policy. ‘The inclusion of National Forest planting in accordance with the National Forest planting guidelines.’  Reason for change/comment: It would be beneficial for the National Forest planting requirement to be explicitly referenced in the policy as it is in Policy STRA3: Former Drakelow Power Station to ensure developers are clear that this is a requirement. | The site has outline permission and reserve matters approval.  National Forest requirements for new sites coming forwards will be incorporated but where an allocation has already got planning permission this will not be included. |
| 1242612 | National Forest Company | The National Forest Company | 6.13 | Paragraph 6.13 (supporting text to Policy H3) Recommended wording: Land at Church Street lies adjacent to Church Gresley and is a greenfield site. The site is contained by residential development on the north and east boundary of the site and Church Gresley Wood to the south and west of the site. The site lies within the National Forest.  Reason for change/comment: We consider that the site’s location in the National Forest should be explicit, and the supporting text should be consistent in their description of the National Forest location. As such we recommend repeating this sentence from the supporting text to H2 and H4. | Agree. To change word as suggested. |

### H4: Land at Broomy Farm, Woodville

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1243643 | Sport England | Sport England | Housing & Employment  H2,  H4,  H11,  H18,  E6 | Various Housing and Employment policies  Sport England appear to not have been consulted on a number of planning applications, particularly those associated with the following site allocations: • Policy H2: Land north of William Nadin Way, Swadlincote • Policy H4: Land at Broomy Farm, Woodville • Policy H11: Land north east of Hatton • Policy H18: Hackwood Farm, Mickleover • Policy E6: Woodville Regeneration Area As such, Sport England are unclear if existing sports facilities have been lost or adversely affected and/or the necessary contributions towards either the enhancement of existing sports facilities and/or the creation of new sports facilities have been secured for these new developments. | The Council undertakes statutory consultation with Sport England as required. The issues around individual applications are being addressed with Sprot England separately to this Local Plan process. |
| 1242612 | National Forest Company | The National Forest Company | H4 | Policy H4: Land at Broomy Farm, Woodville Existing wording: Bi) A significant green buffer and landscaping on the north east boundary of the site, to help soften the housing development impact on the surrounding rural landscape creating a new urban edge and linking into the surrounding green infrastructure;  Recommended wording: Bi) National Forest planting and a significant green buffer and landscaping on the north east boundary of the site, to help soften the housing development impact on the surrounding rural landscape creating a new urban edge and linking into the surrounding green infrastructure;  Reason for change/comment: It would be beneficial for the National Forest planting requirement to be explicitly referenced in the policy as it is in Policy STRA3: Former Drakelow Power Station to ensure developers are clear that this is a requirement. | The allocation has Outline permission and Reserved matters approval, with many of the phases now complete and the remaining under construction.  National Forest requirements for new sites coming forwards will be incorporated but where an allocation has already got planning permission this will not be included. |

### H6: Drakelow Park

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1242409 | National Highways | National Highways | H6 | Policy H6: Drakelow Park This site was the former Drakelow Power Stations (A and B) and is now proposed to accommodate 2,239 dwellings, a retirement village, along with a community and education facility. As agreed via S106 agreement, a restricted number of dwellings are to be allowed prior to the opening of the Walton By-Pass. National Highways responded to planning application 9/2009/0341 for this site raising no objections interms of traffic impacts. | Noted. |
| 1242612 | National Forest Company | The National Forest Company | 6.18 | Paragraph 6.18 (supporting text to Policy H6) Existing wording: Drakelow Park, at the site of the former Drakelow Power Stations (A and B), is predominantly brownfield land which is to the south west of Burton Drakelow Park), is predominantly brownfield land which is to the south west of Burton on Trent in East Staffordshire and is approximately on Trent in East Staffordshire and is approximately 3km away from Burton on Trent.   Recommended wording: Drakelow Park, at the site of the former Drakelow Power Stations (A and B), is predominantly brownfield land which is to the south west of Burton on Trent in East Staffordshire and is approximately km away from Burton on Trent. The site lies within the National Forest.  Reason for change/comment: We consider that the site’s location in the National Forest should be explicit, and the supporting text should be consistent in their description of the National Forest location. As such we recommend repeating this sentence from the supporting text to H2 and H4. | Agree. To change word as suggested. |
| 1242612 | National Forest Company | The National Forest Company | H6 | Policy H6: Drakelow Park Existing wording: vi) Retain and enhance areas of existing woodland on site to help integrate development into the wider landscape.  Recommended wording: vi) National Forest planting and the retention and enhancement of existing woodland on site to help integrate development into the wider landscape.  Recommended wording: It would be beneficial for the National Forest planting requirement to be explicitly referenced in the policy as it is in Policy STRA3: Former Drakelow Power Station to ensure developers are clear that this is a requirement. | The allocation has Outline permission and Reserved matters approval, with the site under construction.  National Forest requirements for new sites coming forwards will be incorporated but where an allocation has already got planning permission this will not be included. |
| **Landowner/Developer** | | | | | |
| 1243166 | Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd | Gladman | H6 | Policy H6: Drakelow Park The strategic site at Drakelow Park was originally granted planning permission in 2012 for up to 2,239 dwellings. In February 2024 approval was granted to vary the Section 106 agreement to require the delivery of the new bridge over the River Trent and the Walton Bypass to be open to traffic prior to occupation of the 785th dwelling, or 31st December, whichever is the sooner. There have been several issues with the delivery of the bridge since the original permission was granted and most recently there have been issues related to the proposed design of the bridge. The changes to the design of the bridge have resulted in increasing flooding impacts on two properties and at Walton-on-Trent Cricket Club. In this context, it is vital that the Council provides robust evidence to satisfactorily demonstrate there is a realistic prospect of housing being delivered. | Drakelow Park is delivering at great pace. The Council considers that Walton Bypass will be delivered inline with the requirements of the Section 106 Agreement.  The Council will provide a housing trajectory on submission of the Local Plan, setting out expected delivery of the site**.**  The bridge has detailed planning permission with flooding issues addressed to the satisfaction of the EA |
| 1243217 | Harris Lamb on behalf of Talland Capital Ltd |  |  | Policy STRA3: Former Drakelow Power Station TCL support the identification of the former Drakelow Power Station site as a strategic employment allocation to accommodate 68 hectares of employment land for uses within Classes E(g), B2 and B8. The proximity of TCL’s site to the proposed employment allocation to the former Drakelow Power Station mixed use development would mean that new residential development can be located in proximity to where new jobs and employment are intended to be created. TCL agree that there is merit in co-locating new employment development with proposed and existing residential development as there is an opportunity to reduce travel between the person’s place of work and their residence.  Policy H6: Drakelow Park TCL support the continued allocation of Drakelow Park for residential development of up to 2,239 dwellings. The development is now well underway with Phase 1 complete, Phase 2 currently under construction, Phases 3 and 4 having recently secured Reserved Matters approval and the Bridge and Bypass has a resolution to grant. In addition, the proposal for, Bridge and Bypass, a new primary school and GP surgery are well advanced and discussions relating to the employment and extra care facilities are also well advanced as we understand it. The site has been an important allocation for the Council and its delivery will secure a number of new homes to meet housing needs over the plan period, along with associated infrastructure and facilities TCL’s site at Walton Road has the opportunity to benefit and complement the development due to its close proximity. This includes the provision of the new food retail store that would also help serve the residents of Drakelow Park and Stapenhill who would have less distance to travel to access their food shopping needs. | Noted. |

### H7 : Land at Hilton Depot, Hilton

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Parish Council and other Community Group** | | | | | |
| 1244412 | Etwall Parish Council | Etwall Parish Council | H7 | Our comments above are based on the effect of the Plan on Etwall. Other comments are:  Policy H7: Land at Hilton Depot, Hilton - Policy B ix) – A household waste recycling centre is needed nearer to the area, not finance towards expansion in Swadlincote – no facilities are available within reasonable travel distance of Hatton, Hilton and Etwall. Access to a recycling centre for the proposed Mickleover developments should also be considered. | The Section 106 Agreement for the housing allocation (H7) required a developer contribution towards a new household waste recycling centre to serve South Derbyshire. |
| 1242585 | Egginton Parish Council | Egginton Parish Council | H7 | Policy H7; Land at Hilton Depot – Policy B ix). Household waste recycling centre is required nearer to the area, not financed towards expansion in Swadlincote. There are no recycling facilities available within reasonable travel distances of Etwall, Egginton, Hilton and Hatton. | See Council response to Etwall Parish Council. |
| 1238750 | Hilton Parish Council | Hilton Parish Council | H7 | Policy H7 This still contains the statement that a contribution would be sought for the Swadlincote Waste Recycling Centre. As this contribution has been removed from all the other housing policies, its presence in H7 is presumably just an error. However, it does beg the question as to what has happened to those contributions? | See Council response to Etwall Parish Council |

### H11: Land north east of Hatton

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1243643 | Sport England | Sport England | Housing & Employment  H2,  H4,  H11,  H18,  E6 | Various Housing and Employment policies  Sport England appear to not have been consulted on a number of planning applications, particularly those associated with the following site allocations: • Policy H2: Land north of William Nadin Way, Swadlincote • Policy H4: Land at Broomy Farm, Woodville • Policy H11: Land north east of Hatton • Policy H18: Hackwood Farm, Mickleover • Policy E6: Woodville Regeneration Area As such, Sport England are unclear if existing sports facilities have been lost or adversely affected and/or the necessary contributions towards either the enhancement of existing sports facilities and/or the creation of new sports facilities have been secured for these new developments. | The Council undertakes statutory consultation with Sport England as required. The issues around individual applications are being addressed with Sprot England separately to this Local Plan process. |

### H12: Highfields Farm (Removed Policy within the Draft Local Plan Part 1 Review)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Members of the public** | | | | | |
| 1243173 | Trevor Yeomans |  | H12 | G. Local Plan Part 1 Policy H12 – proposal to close H12, despite failure to provide a Community Hall at Highfields farm, and failure to provide any future plans for a Community Hall in this area. | The site is complete and therefore the policy is removed from the Local Plan Part 1 Review. The Section 106 Agreement and decision notice for the Highfields Farm development was approved prior to the adopted of the Local Plan Part 1. The Section 106 Agreement relating to the Highfields Farm development did not require a Community Centre. |
| 1243173 | Trevor Yeomans |  | H12 | 6.1. Page 81 – Policy H12 6.1.1. I point out the Policy H12 included provision of a community building at Highfields Farm, but to date no community building has been provided. I see this as a failure to deliver on this element of Policy H12. 6.1.2. It is not reasonable to remove Policy H12 unCl the Community building has been provided. If Policy H12 is to be removed, then SDDC must offer statement on how and when a suitable Community Facility will be provided |

### H13: Boulton Moor (South East of Derby)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1242409 | National Highways | National Highways | H13 | Policy H13: Boulton Moor (South East of Derby) There are four Boulton Moor parcels identified to accommodate a total 2,669 dwellings, with a district centre, a primary school and retirement units. A total of 1,869 dwellings of the Boulton Moor development are within South Derbyshire’s administrative boundary. The development parcels are conditioned for the delivery of the proposed schemes at A6 Thulston Roundabout and Snelsmoor T-junction. National Highways have been working closely with the developers of the sites which make up the allocation to facilitate the delivery of the conditioned schemes. | Noted. |
| **Landowner/Developer** | | | | | |
| 1243614 | Stantec on behalf of JSC Efarms LLP Boulton Moor | Stantec on behalf of JSC Efarms LLP Boulton Moor | H13 | Policy H13 JSC Efarms LLP continues to support the inclusion of Policy H13 within the Local Plan update, however amendments are required to the policy map to ensure it accurately reflects permissions granted within the Boulton Moor SUE. Outline permission was granted by South Derbyshire District Council (SDDC) on 19th January 2024 (planning reference: DMPA/2021/1687) for residential development south of Thulston Brook and commercial development north of Thulston Brook. The adopted plan refers to a District Centre and supermarket. The Draft Local Plan Part 1 seeks to update the wording to also reflect the proposed transport mobility hub, which is welcomed. The policy wording is below: vi) The provision of sustainable transport measures, including the provision of a Transport Mobility Hub and contributions to the delivery of a bus service to serve the wider urban extension site;.. xiii) A new district centre shall be provided, anchored by a supermarket complemented by a range of smaller units providing for day to day needs of the wider neighbourhood;  The policy map (page 86) however needs to be updated as it does not include either the District Centre or proposed Transport Mobility Hub land which are referred to within Policy H13. The policy map should therefore be amended to include the land north of Thulston Brook in order to accurately reflect what the LPA has granted permission for and to align with the policy aspirations of H13. Moreover, paragraph 6.3 of the supporting text states: Land at Boulton Moor will provide 2669 dwellings over the lifetime of the Plan. There will be 1129 dwellings located at Boulton Moor Phase 1 and 550 and 190 dwellings at Boulton Moor Phase 2 and Boulton Moor 3. A planning application is currently pending determination (planning reference: DMPA/2023/1271) for Boulton Moor 3 comprising up to 250 homes. The supporting text and dwelling numbers should therefore be updated to accurately reflect what is shortly to be granted within phase 3 which in turn will support the Council in meeting its housing needs. JSC Efarms LLP, reaffirms their commitment to delivering the District Centre. JSC Efarms LLP can confirm they have had interest from various commercial occupiers of which contract negotiations are ongoing. JSC Efarms LLP also reaffirms their commitment to delivering the last phase of the Boulton Moor SUE, known informally as Boulton Moor Phase 3 which seeks permission for up to 250 high quality homes with a range of tenure and mix. | Noted.  The site has planning permission, amendments to the maps are not considered necessary to ensure its delivery .  The numbers have been removed from the plan to avoid confusion. |
| **Members of the public** | | | | | |
| 1243552 | Jim Froggatt |  | H13 | At this stage, only on ongoing housing sites. H13, Boulton Moor. Despite being given planning permission in 2008 and many homes being built in recent years, the required bus service (1B) only started this year, on 31 August. No doubt early occupiers have become used to adding to traffic on the A6. | Noted. |

### H15: Wragley Way (South of Derby)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1242409 | National Highways | National Highways | H15 | Policy H15: Wragley Way (South of Derby) The site is estimated to have the potential to accommodate 1,950 dwellings with a new on-site local shopping centre adjacent to A50 (Derby Southern Bypass). Improvement schemes for the A50/A514 and A50/A38 (Toyota roundabout) junctions and a new A50 junction at Deepdale Lane are proposed to maintain the smooth operation of the A50. As with STRA1, National Highways have been working closely with the developers of the site allocation to facilitate the delivery of the new junction on the A50 and are currently consulting on the assessments required to determine the need for wider mitigation on the SRN. | Noted. |
| **Landowner/Developer** | | | | | |
| 1243190 | David Lock Associates on behalf of Hallam Land | David Lock Associates | H15 | Please see full Hallam Land representation letter specific to Infinity Garden Village, prepared by David Lock Associates, which includes comments on the following policies: • H15 (Wragley Way) • H20 (Housing Balance and Custom/Self Build) • H21 (Affordable Housing) • E1 (Strategic Employment Land) • INF4 (Transport Infrastructure) • INF7 (Blue and Green Infrastructure)  H15: This letter of representation has been prepared by David Lock Associates on behalf of Hallam Land (‘Hallam’) which has substantial land interests within the emerging Infinity Garden Village (‘IGV’) strategic allocation.  Please note these representations relate solely to Hallam’s land interests at IGV, and Hallam is submitting separate representations in respect of other land it is promoting. Hallam is the Applicant for two live major outline planning applications, one for residential-led, mixed-use development on land south of Wragley Way (currently allocated under adopted policy H15), and the other for employment development on land earmarked as an ‘employment site’ in the supporting masterplan of the emerging IGV allocation. The planning application references are DMPA/2019/1097 and DMPA/2019/1091 respectively.  Although these applications were submitted some years ago and have stood relatively inactive for a period of time, it is important to state that Hallam remains fully committed to working with the Council towards the successful determination, implementation, and delivery of these schemes as soon as practicable. As SDDC’s development management department will be aware, the primary reason for the delay has been uncertainty surrounding funding streams and delivery timescales for the new A50 junction and related sections of the South Derby Integrated Transport Link (‘SDITL’) road that are needed to unlock IGV and wider South Derby Growth Zone as a whole.  Hallam has been in close dialogue with Homes England, Highways England, Derbyshire Highways, the DfT and MHCLG, particularly with respect to the new Government’s budget. David Lock Associates have been appointed to assist and advise on next steps and Hallam ad DLA will be in touch shortly with the Council to discuss this formally.  H15 (Wragley Way) As the land promoter for the Site, and the Applicant for the live outline planning application it is the subject of, Hallam strongly supports the continued allocation of Wragley Way, South of Derby. Hallam wishes to reassure SDDC that it remains fully committed to working with them towards the successful determination, implementation, and delivery of a scheme in this location as soon as practicable and, having recently gained refreshed confidence regarding funding and delivery timescales for the A50 junction, will be in touch shortly with the Council to formally discuss next steps for the application – including a potential early phase of delivery. Item B(vi) of the policy is vital in that regard, allowing for a number of homes to be occupied before completion of the SDITL, and it is imperative that this wording remains in the policy (as is proposed).  As per the comments on STRA1, there should be clarity either in the policy wording or supporting text that the Wragley Way allocation is separate to the 2,000 additional homes proposed to be allocated for the rest of IGV.  Item B(ii) of the policy is onerous as it implies that developer contributions must be made towards improvements to both the A50/A514 and A50/A38 junctions. Such contributions are not necessarily required given that a new A50 junction is indeed coming forwards pursuant to its detailed planning approval by Derbyshire County Council. The wording should be revised to only seek contributions to off-site highways works if demonstrated to be required by a detailed transport assessment (modelled in a scenario where the new A50 junction and SDITL is in place) | Noted  See Council Response to Question 6.  Part B ii of the Policy is to remain as currently worded. Transport Modelling will be undertaking for the Local Plan, which will look at transport impacts and necessary mitigation. |

### H16: Primula Way (South of Derby)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1242409 | National Highways | National Highways | H16 | Policy H16: Primula Way, Sunny Hill The site is allocated for residential development to accommodate 500 dwellings. A planning application was consulted for increasing the number of dwellings at the site to 600 dwellings. National Highways have raised no objection in consultation on this application. | Noted. |

### H18: Hackwood Farm, Mickleover

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1243643 | Sport England |  | Housing & Employment  H2,  H4,  H11,  H18,  E6 | Various Housing and Employment policies  Sport England appear to not have been consulted on a number of planning applications, particularly those associated with the following site allocations: • Policy H2: Land north of William Nadin Way, Swadlincote • Policy H4: Land at Broomy Farm, Woodville • Policy H11: Land north east of Hatton • Policy H18: Hackwood Farm, Mickleover • Policy E6: Woodville Regeneration Area As such, Sport England are unclear if existing sports facilities have been lost or adversely affected and/or the necessary contributions towards either the enhancement of existing sports facilities and/or the creation of new sports facilities have been secured for these new developments. | The Council undertakes statutory consultation with Sport England as required. The issues around individual applications are being addressed with Sprot England separately to this Local Plan process. |
| **Members of the Public** | | | | | |
| 1243552 | Jim Froggatt |  | H18 | H18, Hackwood Park. The situation here is complicated by it being a cross-boundary site. Your policy does not refer to a bus service, but one was included in Derby City’s planning permission, granted in 2015. It was to have been an extension of the service to Langley Country Park (in Amber Valley), which had the same developer. An Arriva Derby – Mackworth service was extended to Langley Country Park with S106 funding, but withdrawn through lack of use before any significant number of homes had been completed at Hackwood Farm. There has never been a dedicated bus service for Hackwood Farm, with the nearest stops being on the Mickleover circular on Ladybank Road or the new (Derbyshire BSIP funded) Derby-Ashbourne service at the Radbourne Lane / Station Road junction. | Noted. |

### H19: Land West of Mickleover

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1242409 | National Highways |  | H19 | Policy H19 Land West of Mickleover This site is allocated to provide around 1,650 dwellings along with a community facility. Some of the dwellings are completed and occupied already. National Highways has engaged with the developer of this application particularly in relation to its impact on the A38 and appropriate planning conditions have been agreed. | Noted. |
| **Members of the Public** | | | | | |
| 1243552 | Jim Froggatt |  | H19 | H19, Newhouse Farm My comments regarding the A38 in Q5 apply to this site as well. I spoke at the appeal about traffic related to this site. Given that trentbarton cannot see how to provide a viable bus service to the site, it is likely to remain car-dependent. Responses to questions to the developer’s transport consultant in 2017 indicated that they would be relying heavily on demand management using their Travel Plan to reduce generated traffic. It would be interesting to see outcomes of this plan | Noted. |

### H20: Housing Balance & Custom/Self-build

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Parish Council and other Community Group** | | | | | |
| 1244412 | Etwall Parish Council |  | H20 | Policy H20: Housing Balance We are concerned that whilst the Plan identifies a shortfall by 2039 of 1,012 homes under ‘Housing with support’ and 573 bed spaces, there is no detail on how this will be addressed. Whilst the detail exists for ‘Self-build’ or Custom-build’ homes and also Gyspy/ Traveller pitches. There are no figures or details on where these ‘Homes with support’ will be located and how many. This is concerning for South Derbyshire but particularly settlements such as Etwall where our Housing Needs Assessment has shown that we are already in need to retirement/ accessible homes and bed spaces. With no visible plans for this to be addressed from what is detailed in the Local Plan proposal. | Policy H20 B indicates that provision of housing with support will be achieved by requiring provision within allocated and mixed use sites and by supporting other proposals incorporating suitable provision, where consistent with other Local Plan policies. Thus, the STRA1 and STRA2 allocations, together with other housing allocations which do not yet have planning permission will present opportunities to incorporate such provision. Policy H1 allows in principle for residential development within settlement boundaries, including housing with support and bed spaces. Where there is a particular interest from a community in promoting such development this may be a matter that can be pursued in the context of neighbourhood plan production. |
| 1242585 | Egginton Parish Council |  | H20 | Policy H20; Housing Balance. The plan identifies a shortfall of 1012 homes under housing with support and 573 bed spaces. How will these be addressed? There are no visible plans. | Policy H20 B indicates that provision of housing with support and residential care bed spaces will be achieved by requiring provision within allocated and mixed use sites and by supporting other proposals incorporating suitable provision where consistent with other Local Plan policies. Thus, the STRA1 and STRA2 allocations, together with other housing allocations which do not yet have planning permission will present opportunities to incorporate such provision. Policy H1 allows in principle for residential development within settlement boundaries, including for housing with support and car bed spaces. Where there is a particular interest from a community in promoting such development this may be a matter that can be pursued in the context of neighbourhood plan production. |
| **Landowner/Developer** | | | | | |
| 1242643 | Andrew Large Surveyors Ltd & The Staunton Harold Estate |  | H20 | H20 – E) – Self and Custom Build Policy disincentives self-build development. There is no benefit to proposing a dwelling to be self-build as part of a planning application, therefore windfall applications will not contribute to fulfilling SDDC self?build demand. Is there an evidence base for requiring self-builds on new build housing estates of 30+ homes, and for the dwelling to resemble the adjacent properties as in criteria v) as these seem contrary to what anecdotally people who are in the market for self-build dwellings are looking for? i.e. the purchaser would just be building an off the peg new build house rather than purchasing it. The LPA would have more say than the developer and it would hardly meet the definition within the relevant acts. Developers can easily manipulate this to not have a requirement. Why would someone who has sufficient funding for a self-build, which greater finances are required than purchasing a mortgaged house, purchase say a 3-bedroom plot on a new build housing estate of 30+ houses where the garden is the minimum required area in equivalent to the footprint of the house? Paragraph 70 pf the NPPF states that policies should support small sites to come forward for community-led development for self-build and custom-build housing. The implementation of this policy is contrary to national policy, if it only disincentivises self-build and allocates them on sites of 30+ dwellings. | Council monitoring of permissions for serviced self build plots indicates a shortfall in provision measured against demand as identified in the Councils self and custom house build register. To address this the policy requires the provision by the developer of the wider site of a number of serviced building plots to be made available for use by self or custom house builders.  In accordance with the requirements of the Self and Custom Housebuilding Act 2015 (as amended) the policy allows for either self or custom build homes to be constructed on such plots. To avoid any visual incompatibility the policy requires the design of such homes to complement, rather than resemble, adjacent existing and permitted development. This means that the builder would be able to specify the design of the new home within the parameters identified in respect of the particular location, in terms of such matters as height, massing, materials etc.  The threshold of 30+ homes was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold seeks to avoid the introduction of policy requirements which small to medium scale builders may find challenging to accommodate.  The Council does not seek information as to the preferred locations for those wishing to acquire self and custom build plots, the national requirement simply being that the Council grant planning permission for a sufficient number of serviced plots to meet demand for such purposes within the District. However provision by the means proposed in Policy H20 is not unusual. Furthermore, the policy does not preclude permission being granted for individual plots outside allocated sites, subject to the policy requirements that would apply to all residential development proposals.  Self build is not necessarily more expensive than professionally delivered housing and is often pursued as a means of reducing the overall cost of attaining a home, for example it can be used for the delivery of affordable housing.  In regard to the NPPF reference to community-led development for self and custom build housing, the Local plan Part 1 is concerned with providing for strategic scale needs through large allocations, whereas community led development would normally be expected to be of a smaller scale and can be addressed through the subsequent review of Local Plan Part 2 or a full Local Plan review. Where there is a particular interest from a community in promoting such development this may be a matter that can be pursued in the context of neighbourhood plan production. |
| 1244437 | CBRE on behalf of Labcorp |  | H20 | Policy H20 (Housing Balance) Policy H20 is proposed to be reworded completely and includes guidance on the housing type and mix of developments.  Sub-policy A: The first part of Policy H20 sets out a table which provides guidance on the type and size of both market and affordable homes within housing and mixed use major developments, which is understood to be informed by the Housing Market Assessment. This section also requires that where a "proposal comprises a range of dwellings sizes that is significantly at variance with these proportions, the applicant will be expected to provide written justification".  The inclusion of such a requirement is supported as it allows flexibility for Applicants to put forward an alternative housing mix where the local market is specific or has fluctuated over time.  Sub-policy B: The second part of Policy H20 sets out guidance for the provision of sufficient numbers of new homes to meet the needs of people with disabilities and older people, including housing with support, care and residential care bed spaces. This sub-policy defines the quantum will be justified "by requiring provision within allocated housing and mixed use sites and by supporting other proposals incorporating suitable provision where consistent with relevant Local Plan policies". We suggest this sub-policy requires additional consultation of further evidence, such as the South Derby LHNA and the Derby Housing Market Growth Options Study, in order for this sub-policy to be more easily accessible for applicants, and justify the provision on a site-by-site basis. We propose the modifications to the current wording of Sub-policy B to be proportionate per application site :  "The Council will seek the provision of sufficient numbers of new homes to meet the identified needs of people with disabilities and older people, including housing with support, housing with care and residential care bed spaces. This will be achieved by requiring provision within allocated housing and mixed use sites and by supporting other proposals incorporating suitable provision where consistent with relevant Local Plan policies. Provision within allocated housing or other proposals will be proportionate to the site of the development scheme. considerate of the viability of meeting the targeted housing balance".  Sub-policy Eii: This sub-policy specifies the provision of 15% of housing capacity to be for serviced plots for self and custom housebuilding. As part of this "Developers will be expected to enter into a legal agreement to facilitate their delivery and a lower proportion will only be accepted where a viability assessment clearly demonstrates that the full policy requirement cannot be achieved."  Paragraph 70 of the National Planning Policy Framework (December 2023) highlights the importance of small and medium sizes sites to meeting the housing requirements of an area, given they can often be built out relatively quickly. We would request that Policy H20 E(ii) consider the provision of 15% of housing capacity for serviced plots for self and custom housebuilding to be proportionate to local demand for this type of development, given this varies based on local socio-economic factors rather than a blanket application of a percentage. The Derby LHNA (December 2023) identifies that since the introduction of the self and custom build register (1st April 2016) there has been an annual average of 13 registered expressions of interest in serviced plots of land throughout the South Derbyshire District, with the levels of interest monitored and responded to accordingly. As of the 30th October 2022 there were 97 individuals recorded on the South Derbyshire District Council's self-build register (South Derbyshire District Council AMR 2021-2022). The South Derbyshire District Council Authority Monitoring Reports also record and report on the register of individuals and community groups who want to require land for self-build and custom homes. The Derby LHNA highlights that as a principle, Councils should support the delivery of self and custom housebuilding sites, but does not specify a required delivery of this type of development on an annual basis.  Based on the current SM housing calculation the annual housing delivery in South Derbyshire District is 606no. dwellings and based on sub-policy Eii a 15% requirement for self-build and custom plots would equate to 91no. dwellings per annum. This is significantly higher than the current average registered expressions of annual interest (13no. dwellings/ 2%). It is important to note that the NPPF (December 2023) does not specify a quantum of development to supply self and custom build housing, denoting the following text relevant to justify the removal of the 15% of housing capacity:  "[Paragraph 70] Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:  b) Seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing."  Therefore, we consider the 15% of housing capacity of new developments over 30 dwellings to be for serviced plots for self and custom housebuilding to be unjustified, and not consistent with local demand for this type of housing. As such, we argue for the quantum of self-build and custom housebuilding to be removed, and the suggest modifications to the current wording of Sub-policy Eii:  "Sites of 30 or more homes should make an appropriate provision for serviced plots for self and custom housebuilding. The quantum and flexibility of this provision will be based on local demand for serviced plots for self and custom housebuilding. With appropriate evidence through viability assessments the delivery of a lower provision will be appropriate in accordance with other contributions through the development scheme. Developers will be expected to enter into a legal agreement to facilitate their delivery. | Noted.  In regard to comments on the viability of housing schemes, a plan wide viability assessment is to be undertaken, which will be referred to in determining what can reasonably be expected to be delivered through new development. This will be used to help inform any changes to the policy as necessary.  The Council does not seek information as to the preferred locations for those wishing to acquire self and custom build plots, the national requirement simply being that the Council grant planning permission for a sufficient number of serviced plots to meet demand for such purposes within the District.  Self build is not necessarily more expensive than professionally delivered housing and is often pursued as a means of reducing the overall cost of attaining a home, for example it can be used for the delivery of affordable housing. Thus any relationship between local socio economic factors and overall levels of demand would appear to be tenuous.  The threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold seeks to avoid the introduction of policy requirements which small to medium scale builders may find challenging to accommodate.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17 years) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii). |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) |  | H20 | 7.0 Policy H20: Housing Balance & Custom/Self-build Housing Balance 7.1 The draft Policy (Part A) requires that residential and mixed-use developments “should comprise a range of dwelling sizes, broadly apportioned as follows” and includes a table within the policy for market and affordable tenure housing mixes. It goes on to state that where “a proposal comprises a range of dwelling sizes that is significantly at variance with these proportions, the applicant will be expected to provide written justification”. 7.2 Paragraph 63 of the NPPF is clear that “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”. In principle, the draft Policy reflects this requirement, and St Modwen supports the inclusion of such a policy within DLPP1R. 7.3 In addition, St Modwen supports the inclusion of flexibility within the policy. In considering a suitable housing mix, the Council should allow a degree of flexibility to take into account the site and context characteristics, and the market demand in the locality to ensure that the required housing mix is justified. In particular, market housing mixes should be based on market signals and evidence of housing need and demand at the point of decision-making, rather than a prescribed housing mix that could quickly become out-of?date. A more up-to-date assessment of local housing needs could likely supersede the LHNA at the point of decision-making. In this respect, NPPF paragraph 82(d) is particularly pertinent as it states, inter alia: “planning policies should be 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.” 7.4 However, paragraph 16(d) of the NPPF states that policies should be “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.” In this context, it is unclear from the policy what might comprise ‘written justification’. Consequently, St Modwen considers that the Council should provide further clarity in the form of accepted evidence (i.e. Local Housing Need Survey, Housing Mix Assessment, Viability Assessment etc.). To support this in practice and to ensure that the market housing mix is considered on a site-specific basis, the Council should promote discussions in this regard at the pre-application stage. 7.5 Notwithstanding the above, the Council must ensure that this requirement is tested through the viability assessment to ensure that it would not undermine the deliverability of the DLPP1R on the whole (i.e. Paras 34 and 69). The Needs of People with Disabilities and Older People 7.6 The draft Policy (Part B) sets out that the Council will seek the provision of sufficient numbers of new homes to meet the identified needs of people with disabilities and older people, including housing with support, housing with care and residential care bed spaces. This requirement is underpinned by the LHNA, which identified a need for: • 1,012 market and affordable ‘Housing with support (sheltered/retirement housing)’ dwellings (Use Class C3);  • 549 market and affordable ‘Housing with care (extra care housing)’ dwellings (Use Class C2); and • 573 residential care and nursing bed spaces. 7.7 Notably, the DLPP1R does not set clear thresholds, requirements and spatial areas within the policy, and nor does the DLPP1R more generally include a specific allocation to meet the identified needs. 7.8 Within the context of paragraph 63 of the NPPF, the Council should also assess and reflect in policy the need for (inter alia) older persons housing (including those who require retirement housing, housing-with-care and care homes). In this context, the PPG also sets out how the housing requirements of specific groups – such as older people – can be addressed in plans: “Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period.” (PPG ID 63-006) (Emphasis Added) 7.9 The PPG provides further commentary on this at ID: 63-012, which sets out: “Do plans need to make specific provision for specialist housing for older people? Plans need to provide for specialist housing for older people where a need exists” 7.10 Overall, it is clear that the NPPF and PPG expect plans to respond to the needs of the elderly population, where such a need exists. Whilst it does not mandate the allocation of sites to meet needs in full, the PPG does expect plans to ‘provide’ for such needs; albeit, not in full. St Modwen supports the inclusion of a policy within the DLPP1R to meet these needs but considers that indicative figures are required so that this requirement can be tested through the viability assessment to ensure that it would not undermine the deliverability of the DLPP1R on the whole (i.e. Paras 34 and 69) and is responsive to market and housing needs over the plan period. M4(3)(a) and M4(3(b) 7.11 Fundamentally, St Modwen is broadly supportive of the provision of M4(3)(a) and M4(3)(b) homes to meet the needs of residents throughout their lifetimes. However, as set out above, the NPPF is also clear that planning policies should have regard to the economic viability of sites (Para 68) and should not undermine the deliverability of the Local Plan (Para 34). To this end, the DLPP1R will need to be supported by a viability assessment that cumulatively tests the impact of policy requirements on the viability of sites allocated in the DLPP1R – including the impact of the 5% M4(3)(a) and 10% M4(3)(b) requirement for sites over 0.5 ha. Custom/Self-build 7.12 Within the context of paragraph 63 of the NPPF, the Council should also assess and reflect in policy the need for (inter alia) people wishing to commission or build their own homes.  The PPG is also clear that there are several measures which can be used to do this, including but not limited to: • “Supporting Neighbourhood Planning groups where they choose to include self-build and custom-build housing policies in their plans; • Working with Homes England to unlock land and sites in wider public ownership to deliver self-build and custom-build housing; and • When engaging with developers and landowners who own sites that are suitable for housing, encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the register where the landowner is interested; • Working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need.” (PPG ID: 57-025) 7.13 In this regard, draft Policy H20 (Part Eii) states that sites that propose 30 dwellings or more should make available 15% as serviced plots for self and custom-built housing (“SCB”). Whilst the NPPF is clear that the Council must make provision for self and custom build housing (paragraph 62), and it is therefore appropriate to plan for this through policy, St Modwen is concerned that the 30-dwelling threshold and 15% requirement has not been sufficiently justified. 7.14 The Council’s LHNA sets out evidence regarding the need for self-build and custom housebuilding plots. The assessment concludes that the Council has an annual average of 13 registered expressions of interest in a serviced plot of land (see Table 11.4). Extrapolated over the plan period, this would equate to a need of 221 SCB plots. It also states that the Council should “consider whether larger sites should make a contribution (e.g. 5%- 10% of plots marketed for Custom and Self-build before reverting back to Affordable or General Housing if there is a lack of interest after 12 months). Alternatively the Councils could allocate sites specifically for this self and custom build housing.” (Para 1.86). 7.15 St Modwen recognises that LHNA demonstrates that there is a need for SCB plots in the District, and in general, St Modwen supports a proposed policy for SCB as it would align with the requirement set out in the NPPF (Para 63). However, whilst the assessment clearly demonstrates that there is some demand, the Council has provided no evidence which explains the 30-dwelling threshold, or 15% requirement set out within the policy – particularly given the latter is well above what the Council’s LHNA recommended (i.e. 5-10%). In particular, notwithstanding St Modwen’s comments on the STRA1 and STRA2 allocations, on the basis of draft Policy H20 requirements, one of these sites alone would be required to deliver SCB well in excess of the Council’s whole requirement over the plan period. By way of example, STRA2 (Land South of Mickleover) would be required to deliver 375 SCB plots. To this end, the Council must demonstrate how the 30-dwelling threshold and 15% requirement align with the identified need. 7.16 St Modwen is also concerned that the policy as drafted applies District-wide and offers no flexibility to respond to local circumstances. Whilst there is evidence of a need for some c.221 self-build plots in the District, this does not automatically mean that there is demand in every location. St Modwen therefore considers that further evidence is needed which justifies the policy applying District-wide.  7.17 In addition to the above, the NPPF is clear that: “Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.” (Para 34) 7.18 This position is further supported by the PPG, which states that “Plans should set out policies for the contributions expected from development to enable fair and open testing of the policy at examination”.   7.19 The NPPF is also clear that planning policies should have regard to the economic viability of sites (Para 68) and should not undermine the deliverability of the Local Plan (Para 34). To this end, the DLPP1R will need to be supported by a viability assessment that cumulatively tests the impact of policy requirements on the viability of sites allocated in the DLPP1R – including the impact of a 15% SCB requirement for sites delivering over 30 dwellings. 7.20 Should the DLPP1R include the proposed Policy H20 SCB requirement, this will need to be tested through this process. This is because the provision of SCB will invariably reduce the viability of development and lessen the delivery of other policy requirements, such as affordable housing. As such, St Modwen considers that should the Council include this policy within the DLPP1R, this should be tested through the viability assessment to ensure that it would not undermine the deliverability of the DLPP1R on the whole (i.e. Para 34). | Noted.  Further clarity on what would be required to justify a scheme at variance with the housing mix can be provided by changing the second sentence of H20 Part A.  In regard to comments regarding affordable housing, housing for disabled and older people and self and custom build housing a plan-wide viability assessment is to be undertaken the findings of which will be considered in making any necessary changes to emerging Local Plan policy requirements.  The Council does not seek information as to the preferred locations for those wishing to acquire self and custom build plots, the national requirement simply being that the Council grant planning permission for a sufficient number of serviced plots to meet demand for such purposes within the District.  The threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold avoids the introduction of policy requirements which small to medium scale builders may find challenging to accommodate.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii). |
| 1248307 | Copesticks on behalf of Alexander Bruce Estates Ltd. | Copesticks on behalf of Alexander Bruce Estates Ltd. | H20 | 1.19 We support the inclusion of Policy H20 Housing Balance, but we are concerned with the proposed mix, principally. Firstly, it is suggested that a caveat be added to the first paragraph, such as: “housing and mixed-use major development proposals, that accord with policy H1 …” 1.20 Regarding the housing mix, the term “broadly apportioned” is welcomed, in that it adds come flexibility, however, from ours and our client’s experience, the open market demand for 4+ bed houses, in many of the key service villages, is higher than 20%. One-bed units are niche, that is accepted and most small households would prefer two bedrooms, simply for additional space and room for a guest and that is factored into the table’s figures. That same motivation applies to larger households; 3-bed units would meet typical family home “needs”, but not “demand” and in the open market, demand should be the determining factor, not “need”.  1.21 In this regard, it is recommended that either a greater degree of flexibility is added to the whole of the market sector on the matrix, or the percentages be adjusted to: market 1 bed 5% market 2 bed 30% market 3 bed 35% market 4 bed + 30% |  |
| 1243556 | Stantec on behalf of Parker Strategic Land South of Mickleover |  | H20 | 4.7 Policy H20: Housing Balance & Custom/Self-Build 4.7.1 PSL recognises the need to ensure an appropriate housing mix, including supporting the delivery of custom/self-build dwellings. However, the proposed amendments to Policy H20 lack flexibility and are overly onerous. 4.7.2 For instance, it is unclear why the Policy needs to specifically refence 2-bedroom homes in relation to bungalows or other suitable single level accommodation. This effectively curtails 1- bedroom single level accommodation coming forward. It would be appropriate for the policy to refer to a proportion of new dwellings coming forward as single level accommodation. 4.7.3 Limb E, specifically ii) which requires sites of 30 or more homes to make provision for 15% of housing capacity to be for serviced plots for self and custom housebuilding. Land South of Mickleover (STRA2) is considered by PSL to be capable of delivering up to 3,400 new homes (without a Secondary School). If 15% of plots were made available for custom or self-build it would amount to 510 plots. 4.7.4 The Council’s website does not provide information on the number of individuals or couples who are on the self-build register. However, paragraph 6.49 confirms that between 2015 and October 2023, the Council has 98 new entries at an average of 12.25 per year. Across the plan period this can be extrapolated to a future need of 294 plots across the whole of South Derbyshire. 4.7.5 An email received from the Council on 29 November 2024 confirmed that only 116 people were currently on the self-build register. 4.7.6 As such, the proposal for 15% custom/self-build is not justified as it is not based on proportionate evidence. We would suggest the following considerations in regard to custom and self-build for policy amendments: Large strategic site such as STRA2 should provide custom and self-build plots as appropriate through negotiation during the application stage, which is to be based on appropriate evidence at the time. 4.7.7 The Policy needs to be clear as to how these plots would be delivered on larger sites, ie: through Design Codes or Plot Passports. 4.7.8 Over-provision of self-build and custom build plots can significantly slow down the delivery of sites, result in unsightly gaps in the street scene, and have unintended consequences of causing financial losses for developers if they have to return to site to complete plots that have been left vacant as they have not been taken up. | In relation to Policy H20 Part C, the wording of the second sentence can be changed to refer to both one and two bedroom homes.  The threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold avoids the introduction of policy requirements which small to medium scale builders may find challenging to accommodate.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17 years) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision to new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii). |
| 1243614  1243615  1244310 | Stantec on behalf of JSC Efarms LLP Boulton Moor;  JSC Efarms LLP London Rd;  JSC Efarms LLP Land off Aston Ln and Cowlishaw Close |  | H20 | Policy H20 ‘Housing Balance & Custom/Self-build’ sets out housing mix. Particular attention is drawn to subsection E ii) which states: 30 or more homes should make provision for 15% of housing capacity to be for serviced plots for self and custom housebuilding. Developers will be expected to enter into a legal agreement to facilitate their delivery and a lower proportion will only be accepted where a viability assessment clearly demonstrates that the full policy requirement cannot be achieved. The requirement for 15% of dwellings to be self-build plots is unjustified and should be based on the identified needs of the self and custom build housing register. The LPA state that between 2015, when the register was first established and 30 October 2023, 98 new entries for persons seeking individual plots were added, representing an average of 12.25 per year. The LPA therefore calculate that 294 plots would be required until the end of the plan period. Infinity Garden Village is proposed for 2,000 dwellings, on the basis of this site alone, the LPA would be able to provide an excess of self-build and custom plots. The 15% requirement should therefore be reconsidered by the LPA. Moreover, the policy makes no provision for developments which can’t deliver self-build (i.e. apartment schemes or fully affordable schemes). The policy should be reworded to make allowances for when self-build cannot be delivered in cases of tenure or mix. | The threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold avoids the introduction of policy requirements which small to medium scale builders may find challenging to accommodate.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision to new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii). |
| 1243215 | Trent and Dove Housing Association |  | H20 | H20 Housing Balance – whilst there is mention of properties that are adaptable M4(3), there is equally a need for M4(2). In addition, it would be appropriate to make mention of property sizes aligned with the nationally described space standard (NDSS) for both market and affordable homes. Homes England allow for 85% and above of NDSS property sizes, whilst other Local Authority prescribe NDSS for affordable homes being delivered by planning gain. | It is understood that the Government intends to make M4(2) Building Regulations mandatory, hence the absence of a reference to this category in Policy H20. |
| 1243634 | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley |  | H20 | 7.0 Policy H20: Housing Balance & Custom / Self Build Housing Balance 7.1 Draft Policy H20 (Part A) states that residential and mixed-use developments “should comprise a range of dwelling sizes, broadly apportioned as follows” and includes a table within the policy for market and affordable tenure housing mixes. The policy goes on to state that where “a proposal comprises a range of dwelling sizes that is significantly at variance with these proportions, the applicant will be expected to provide written justification”. 7.2 Paragraph 63 of the NPPF is explicit that “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”. In this regard, the draft Policy reflects this requirement, and St Modwen supports the inclusion of the policy within DLPP1R. 7.3 Additionally, St Modwen is supportive of the inclusion of flexibility within the policy. In considering a suitable housing mix, the Council should allow a degree of flexibility to account for the site and context characteristics, and the market demand in the locality to ensure that the required housing mix is justified. In particular, market housing mixes should be based on market signals and evidence of housing need and demand at the point of decision-making, rather than a prescribed housing mix that could quickly become out-of?date. A more up-to-date assessment of local housing needs could likely supersede the LHNA at the point of decision-making. In this regard, NPPF paragraph 82(d) states that: “planning policies should be 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.” 7.4 However, paragraph 16(d) of the NPPF states that policies should be “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.” In this context, it is not clear from the policy what could represent ‘written justification’. St Modwen therefore considers that the Council should provide further clarity of what evidence would be acceptable (e.g. Housing Mix Assessment, Viability Assessment etc.). 7.5 Notwithstanding the above, the Council must ensure that this requirement is robustly tested through the viability assessment to ensure that the deliverability of the DLPP1R is not undermined (i.e. Paras 34 and 69). The Needs of People with Disabilities and Older People 7.6 Draft Policy H20 (Part B) sets out that the Council will seek the provision of sufficient numbers of new homes to meet the identified needs of people with disabilities and older people. The LHNA underpins this requirement and identifies a need for: • 573 residential care and nursing bed spaces. South Derbyshire's Draft Local Plan Part 1 Review : Representations on behalf of St Modwen Homes Ltd Pg 18 • 1,012 market and affordable ‘Housing with support (sheltered/retirement housing)’ dwellings (Use Class C3); • 549 market and affordable ‘Housing with care (extra care housing)’ dwellings (Use Class C2). 7.7 It is noted that the DLPP1R does not identify clear thresholds, requirements and spatial areas within the policy, nor does the DLPP1R include a specific allocation to meet the identified needs. In consideration of paragraph 63 of the NPPF, the Council should assess and reflect in policy the need for older persons housing (including those who require retirement housing, housing-with-care and care homes). St Modwen notes that the PPG also sets out how the housing requirements of specific groups (including older persons) can be addressed in local plans: “Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period.” (PPG ID 63-006) (Emphasis Added) 7.8 The PPG goes on to provide further commentary on this at ID: 63-012, setting out that “Plans need to provide for specialist housing for older people where a need exists.” 7.9 It is therefore clear that the NPPF and PPG expect plans to respond to the needs of the elderly population, where such a need is identified. Whilst it does not require the allocation of sites to meet needs in full, the PPG expects plans to ‘provide’ for such needs. 7.10 St Modwen therefore supports the inclusion of a policy within the DLPP1R to meet these needs. However, St Modwen also considers that indicative figures are required so that this requirement can be tested through the viability assessment to ensure that it would not undermine the deliverability of the DLPP1R (i.e. Paras 34 and 69) and is responsive to market and housing needs over the plan period. Custom/Self-build 7.11 In consideration of paragraph 63 of the NPPF, the Council should also assess and reflect within policy H20 the need for people wishing to commission or build their own homes. St Modwen notes that the PPG is clear that there are several measures which can be used to do this and these include: “Supporting Neighbourhood Planning groups where they choose to include self-build and custom-build housing policies in their plans; Working with Homes England to unlock land and sites in wider public ownership to deliver self-build and custom-build housing; and When engaging with developers and landowners who own sites that are suitable for housing, encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the register where the landowner is interested; South Derbyshire's Draft Local Plan Part 1 Review : Representations on behalf of St Modwen Homes Ltd Pg 19 Working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need.” (PPG ID: 57-025) 7.12 Draft Policy H20 (Part Eii) states that sites that propose 30 dwellings or more should make available 15% as serviced plots for self and custom-built housing (“SCB”). Whilst the NPPF is clear that the Council must make provision for self and custom build housing (paragraph 62), St Modwen is concerned that the 30-dwelling threshold and 15% requirement has not been adequately justified. 7.13 The LHNA outlines evidence in respect of the need for self-build and custom housebuilding plots. The LHNA concludes that the Council has an annual average of 13 registered expressions of interest in a serviced plot of land (Table 11.4). Extrapolated over the plan period, this would equate to a need of 221 SCB plots. The assessment also states that the Council should: “consider whether larger sites should make a contribution (e.g. 5%- 10% of plots marketed for Custom and Self-build before reverting back to Affordable or General Housing if there is a lack of interest after 12 months). Alternatively, the Council could allocate sites specifically for this self and custom build housing.” (Para 1.86). 7.14 St Modwen acknowledges that the LHNA demonstrates that there is a need for SCB plots within the District. St Modwen also supports a proposed policy for SCB as it would align with the requirements set out in the NPPF (Para 63). However, whilst the assessment demonstrates that there is demand, the Council has not provided evidence to explain the 15% requirement set out within the policy or the 30-dwelling threshold. 7.15 Notwithstanding St Modwen’s comments on the STRA1 and STRA2 allocations, on the basis of draft Policy H20 requirements, one of these sites alone would be required to deliver SCB well in excess of the Council’s whole requirement over the plan period. For example, STRA2 (Land South of Mickleover) would need to deliver 375 SCB plots. In this context, the Council must show how the 30-dwelling threshold and 15% requirement align with the identified need. 7.16 St Modwen also has concerns that the policy as drafted applies District-wide and does not allow flexibility to respond to local circumstances. It is acknowledged that there is evidence of need for some c.221 self-build plots in the District, however, this does not automatically mean that there is demand everywhere. Further evidence is therefore needed to justify the policy applying District-wide. 7.17 Additionally, the NPPF is clear that: “Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.” (Para 34) 7.18 This is further supported by the PPG, which states that “Plans should set out policies for the contributions expected from development to enable fair and open testing of the policy at examination”.10 10 PPG ID: 23b-004  7.19 St Modwen also notes that the NPPF is clear that planning policies should have regard to the economic viability of sites (Para 68) and should not undermine the deliverability of the Local Plan (Para 34). As previously stated, the DLPP1R will need to be supported by a viability assessment which appropriately tests the impact of policy requirements on the viability of sites allocated in the DLPP1R. This should include the impact of a 15% SCB requirement for sites delivering over 30 dwellings. 7.20 If the DLPP1R is to include the proposed Policy H20 SCB requirement, this must be tested through this process. The provision of SCB will reduce the viability of development and could impact the delivery of other policy requirements (e.g. affordable housing). Consequently, St Modwen considers that should the Council include this policy within the DLPP1R, this should be tested through the viability assessment to ensure that it would not undermine the deliverability of the DLPP1R (i.e. Para 34). Equally, further evidence should be provided to justify the policy applying District-wide. As previously noted, is recognised that there is evidence of need for some c.221 self-build plots in the District, however, this does not automatically mean that there is demand everywhere. M4(3)(a) and M4(3(b) 7.21 St Modwen is overall supportive of the provision of M4(3)(a) and M4(3)(b) homes to meet the needs of residents throughout their lifetimes. Notwithstanding this, the NPPF is explicit that planning policies should have regard to the economic viability of sites (Para 68) and should not undermine the deliverability of the Local Plan (Para 34). 7.22 In this regard, the DLPP1R must be supported by a viability assessment that appropriately tests the impact of policy requirements on the viability of sites allocated within the DLPP1R. This should include the impact of the 5% M4(3)(a) and 10% M4(3)(b) requirement for sites over 0.5 ha. | Noted.  Further clarity on what would be required to justify a scheme at variance with the housing mix can be provided by changing the second sentence of H20 Part A.  In regard to comments regarding affordable housing, housing for disabled and older people and self and custom build housing a plan-wide viability assessment is to be undertaken the findings of which will be considered in making any necessary changes to emerging Local Plan policy requirements.  The Council does not seek information as to the preferred locations for those wishing to acquire self and custom build plots, the national requirement simply being that the Council grant planning permission for a sufficient number of serviced plots to meet demand for such purposes within the District.  The threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold avoids the introduction of policy requirements which small to medium scale builders may find challenging to accommodate.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability tersting. It is therefore proposed to reword the first sentence of Part E ii).  In regard to comments regarding housing for disabled and older people a plan-wide viability assessment is to be undertaken the findings of which will be considered in making any necessary changes to emerging Local Plan policy requirements. |
| 1243190 | David Lock Associates on behalf of Hallam Land |  | H20 | H20 and H21 (Housing Balance, Custom/Self Build, and Affordable Housing) Hallam acknowledges the pressing need for affordable homes, but contends it is not appropriate to propose this level of change to housing mix and affordable housing provision at a Local Plan ‘Review’ stage without the necessary suite of supporting evidence on viability. | In regard to housing balance, self build/custom and affordable housing a plan-wide viability assessment is to be undertaken, the findings of which will be considered in making any necessary changes to emerging Local Plan policy requirements. |
| 1243628 | Define Planning on behalf of Bloor Homes Ltd |  | H20 | Policy H20 The proposed amendments to Policy H20 are extensive and triple the length of the policy. Various elements of the policy including the housing mix could be included in the supporting text instead, with reference to relevant evidence documents such as the Derby and South Derby Local Housing Needs Assessment (December 2023). This would also enable the requirements to change over time to reflect the most recent evidence needs where possible. However, BHL support the policies flexibility in allowing justification for significant variances to the mix. The Council’s aim to provide homes for everyone is supported. The Derby and South Derby LHNA sets out an analysis of wheelchair users at a national level and uses this information to predict the current and potential future households with a wheelchair user. The level of information available, and its age in some regards, alongside the clear cross over of wheelchair users and need for other types of housing such as extra care or supported housing, clearly means that setting stringent requirements cannot be supported by the evidence. It is recognised that due to the aging population there could be a rise in need for accessible homes, however in many cases this may be adapting existing homes and/or the need to move to other types of accommodation such as extra care or supported living where other needs arise. The percentages included within the policy are broadly in line with the suggestions of the LHNA in relation to M4(3)(a). Notably, the report makes this suggestion in the context of where it is viable, which is not reflected in the current iteration of the policy. This should be reflected in the policy both for market and affordable homes, alongside allowing for other justification to be considered. Clarification should also be added, either in the policy or the supporting text, the circumstances in which M4(3)(b) can be required. The LHNA at paragraph 8.70 states M4(3)(b) can only be requested for homes where the Council have nomination rights. The policy also proposes to require 15% of housing capacity on sites of 30 or more homes to be provided as serviced plots for self and custom housebuilding. This is a significant requirement which could have a detrimental impact on delivering much needed homes. Whilst the policy does allow for these plots to be developed out if they have not been sold on the market within at least 6 months, this would be a significant delay for any development. Developing self or custom building plots within market schemes can be practically very challenging and is often dependent on the ability to provide independent construction access and infrastructure, and deal with difficult health and safety issues. It also has the potential to undermine consistent design principles across a scheme, and can negatively impact on delivery timescales. The evidence base does not include an analysis of the need for self-build housing to justify the policy requirement. Self and Custom Build registers are not means tested and registration on the register rarely equates to a genuine desire and ability to develop a self or custom build plot. Therefore, the actual demand often falls well below the number of registrations. A more appropriate method of meeting demand for self-build and custom build housing would be to have a criterion based policy, allowing development of self-build homes where they are in an appropriate and sustainable location. There is no evidence that providing self-build plots on larger development sites could meet any demand that may exist, especially regarding size and location. This is an approach currently taken in the area, and as acknowledged in the Issues and Options consultation document, this has been effective in meeting the demand for self-build plots to date. | Noted. The Council considers that there is sufficient flexibility in the policy to accommodate changing circumstances over time, but does propose to provide further clarity concerning written justification for schemes that are at variance with housing mix policy requirements by amending the last sentence of part A.  In regard to comments regarding housing for disabled and older people a plan-wide viability assessment is to be undertaken the findings of which will be considered in making any necessary changes to emerging Local Plan policy requirements.  The Council does not seek information as to the preferred locations for those wishing to acquire self and custom build plots, the national requirement simply being that the Council grant planning permission for a sufficient number of serviced plots to meet demand for such purposes within the District.  The threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold avoids the introduction of policy requirements which small to medium scale builders may find challenging to accommodate.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability tersting. It is therefore proposed to reword the first sentence of Part E ii).  There will still be opportunities for self build proposals in other locations throughout the district subject to the requirements of Policy H1, which establishes the settlement hierarchy, and Local Plan Part 2 Policy BNE5, which addresses development outside settlement boundaries. |
| 1242865 | Turley on behalf of Hallam Land |  | H20 | Policy H20 Housing Balance and Custom/Self-Build The Policy sets out the range of housing types and tenures development will be expected to provide. Although this should be used as a starting point for development, recognition should be given to site constraints, site location and local context. It is noted that applicants unable to provide the mix/type identified by the policy will be required to provide “written justification” this should explicitly refer to site context/constraint as a justification for not meeting the prescriptive mix/type set out by the policy. This should also apply to other aspects of the policy, for instance, the provision of bungalows and homes for people with disabilities, to ensure that these needs are met in the most appropriate locations. An overly prescriptive policy requiring specific percentages of homes to be provided to specific standards, for all sites, is not considered appropriate and should take site constraints and context in to account. | Noted. The Council proposes to provide further clarity concerning written justification for schemes that are at variance with housing mix policy requirements by amending the last sentence of part A.  The Council wishes to avoid being too prescriptive in identifying what any written justification should comprise as it does not wish to exclude the submission of other information that the applicant may judge to be pertinent, such as any material relating to context and constraints.  The policy in respect of homes for people with disabilities is not considered to be overly prescriptive and it is therefore not proposed to change Part B.  Part C of the policy is proposed to be made more flexible by referring to both 1 and 2 bedroom homes. |
| 1243218 | Planning Issues Town Planning and Architecture on behalf of Churchill Living and |  | H20 | Policy H20: Housing Choice and Custom/Self Build  Further to our original comments, the best approach towards meeting the diverse housing needs of older people is for the plan to:  · Allocate specific sites to meet the needs of older people that are in the most sustainable locations close to key services. · Include a standalone policy actively supporting the delivery of specialist older people’s housing with good access to services and facilities for older people. We appreciate that no one planning approach will be appropriate for all areas, an example policy is provided that, we hope, will provide a useful reference for the Council: “The Council will encourage the provision of specialist housing for older people across all tenures in sustainable locations and under appropriate management arrangements.  The Council aims to ensure that older people are able to secure and sustain independence in a home appropriate to their circumstances by providing appropriate housing choice, particularly retirement housing and Extra Care Housing/Housing with Care. The Council will, through the identification of sites, allowing for windfall developments, and / or granting of planning consents in sustainable locations, provide for the development of retirement accommodation, residential care hoclose care, Extra Care and assisted care housing and Continuing Care Retirement Communities.” We recommend that the above is introduced as a separate policy given the importance of providing dedicated housing for older people. Policy H20 should then be amended to remove reference to housing for older people given that the policy largely deals with non-age restricted typologies. We note that Policy H20 requires at criteria A, a set mix of bedroom sizes. These are generic and should not be applied to specialist housing for older people given that 60% of the target is for 3 bedroom plus. Recommendation: Criteria A of Policy H20 is amended as follows:  Where a proposal comprises a range of dwelling sizes that is significantly at variance with these proportions, the applicant will be expected to provide written justification. These targets will not be applied to specialist housing for older people which will primarily provide accommodation to facilitate downsizing and the release of under occupied housing stock.  Criteria C seeks that where schemes of 15 dwellings or more are proposed, a proportion of 2 bedroom bungalows should be provided. This is unworkable for wholly flatted schemes. Recommendation: Criteria C is amended to make clear that this is to be applied to schemes proposing houses and not apartments given there will be a minimum number of apartments required for economies of scale and the provision of bungalows will severely impact site capacity on smaller sites where older persons housing is typically provided. Criteria D requires that 5% of market homes are provided to M4(3) a standard. We would remind the council that requiring M4(2) and M4(3) requirements must be proven to be viable in most cases and for each typology and therefore, up to date plan wide viability analysis must be prepared to ensure the requirement does not make development unviable. Criteria E deals with self-build. Similar to criteria C above, there is a generic target for sites proposing 30 or more dwellings to provide self-build plots which is clearly unworkable for wholly flatted developments. Recommendation: Criteria E is amended to make clear that this is to be applied to schemes proposing houses and not apartments given there will be a minimum number of apartments required for economies of scale and the provision of bungalows will severely impact site capacity on smaller sites where older persons housing is typically provided. | The Part 1 Local Plan review is concerned with making provision for strategic scale housing, employment and mixed use development. As part of this it seeks to ensure that appropriate provision for such is incorporated in development proposals for the STRA1 and STRA2 allocations. Policy H20 is worded in such a way as to allow it to be applied should windfall sites come forward.  Any proposals for individual sites for housing to meet the specific needs of older people may be addressed as part of a subsequent full review of the Local Plan.  Housing schemes to meet the needs of older people have been permitted within settlement development boundaries and as part of permissions for development on some of the housing allocations being rolled forward from the adopted Local Plan Part 1, including those at Boulton Moor (H13), Drakelow (H6) and Hatton (H11).  Emerging neighbourhood plans may provide another opportunity to allocate land for such provision in appropriate circumstances, where supported by the local community.  The first sentence of Part B of Policy H20 can be amended to remove the reference to older people`.  Likewise references to such in the explanatory text can be changed and/or removed.  In regard to the proposed changes to Part A of the policy, housing proposals for older people can represent part of the mix of housing on strategic sites which also comprise non-specialist housing, as will be the case in respect of the STRA1 and STRA2 allocations. In such circumstances housing proposals for older people can contribute toward meeting the overall housing mix target for the site. However a sentence can be added at the end of part A to address stand alone proposals for housing for older people on unallocated sites.  In regard to the comment concerning bungalows, a further sentence can be added at the end of part C.  In regard to comments in respect of part D, a plan-wide viability assessment is to be undertaken the findings of which will be considered in making any necessary changes to emerging Local Plan policy requirements.  In regard to comments on Part E, a further sentence can be added at the end of part ii). |
| 1243194  1243184 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited; Wilson Bowden Devts and Barrett Redrow |  | H20 | Policy H20: Housing Balance & Custom/ Self build 2.47. Criterion A of Policy H20 details housing mix percentage requirements (including bedroom sizes) of market, affordable home ownership and affordable housing (rented).  2.48. The housing mix inserted into Policy H20 is taken from paragraphs 7.34 to 7.37 of the Derby and South Derbyshire Local Housing Needs Assessment (December 2023) which forms part of the evidence base for the draft Local Plan.  2.49. Whilst the Derby and South Derbyshire Local Housing Needs Assessment assesses and advises on housing mix for Derby City and South Derbyshire separately, it does not assess or advise on housing mix at a settlement or sub-area level. As a result, the difference in the need of housing mix between urban centre, urban edge and village locations is not taken into account.  2.50. The suggested housing mix is therefore based on averages and does not allow for sufficient flexibility at a sub-area level or during the course of plan period. Our client considers a percentage range, or provision within the policy which will have regard to the evidence of housing needs at time of applications, other evidence of market demand or needs within the local housing sub-area, character and context of the site and development viability and deliverability.  2.51. Criterion C states that for schemes of 15 dwellings or more a proportion of the 2-bedroom homes should be in the form of bungalows or other suitable single level accommodation. The quantum of need/demand for bungalows is hard to quantify as identified by the Derby and South Derbyshire Local Housing Needs Assessment (2023) and therefore a flexible approach is supported which balances the characteristics of the site and the other policy requirements relating to the development.  2.52. The requirements for at least 5% of all market homes to be M4(3)(a) compliant and at least 10% of all affordable homes to be Part M4(3)(b) compliant where justified and agreed with the Council as outlined within Criterion D are not supported. Paragraph 8.64 of the Derby and South Derbyshire Local Housing Needs Assessment (2023) outlines that to meet the identified need the Council could seek a proportion of “maybe up to 5%” of all new market homes to be M4(3) compliant and potentially a higher figure in the affordable sector “say 10%”.  2.53. Importantly, the assessment outlines that where it is viable a proportion should be requested and that this figure should be “up to 5%” not “at least 5%”. Accordingly, the policy requirements should be updated to refer to ceiling figures and should be subject to viability and technical assessments.  2.54. Criterion E (ii) requires 15% of housing capacity to be for serviced plots for self and custom housebuilding on development sites of over 30 dwellings.  2.55. The evidence base (paragraph 11.50 - Derby and South Derbyshire Local Housing Needs Assessment, 2023) states that in the last 7.5 years, there has been a total of 95 registered expressions of interest in a serviced plot in South Derbyshire, an average of 13 plots per annum. The requirement for 15% self/ custom build plots is therefore entirely unjustified. In addition, the requirement for this amount of self/custom build plots would significantly affect the deliverability and phasing of the site, for example, if not taken up these plots would create issues pertaining to site access and health and safety, gaps in the street scene, as well issues with connectivity and infrastructure provision.  2.56. It is considered that to provide certainty in meeting the need for self/custom build, the Council should provide a criteria-based approach to provide flexibility for more sustainable sites outside settlement boundaries to come forward and boost the supply of self/custom build within the district. Pockets of land within medium and large sites of over 30 dwellings are not an appropriate nor desirable means of meeting this need. It is unlikely this approach will meet the aspirations of someone looking to construct their own home.  2.57. The evidence base (paragraph 11.60 - Derby and South Derbyshire Local Housing Needs Assessment, 2023) supports an alternative approach stating sites specifically for self and custom build housing could be allocated as an alternative to requiring a percentage of larger sites. A specific Call for Sites could be undertaken to assist with allocating sites for self and custom build in locations which are likely to be taken forward.  2.58. Our client is committed to delivering high-quality housing in a mix appropriate for the local community, however, Policy H20 in its current drafted form lacks flexibility and is not appropriately evidenced or justified resulting in failure of the NPPF soundness tests. | In regard to comments on Part A of the policy, the final sentence provides for the submission of a written justification where proposals at variance with housing mix requirements are put forward. This is considered sufficient to meet the concerns expressed by the consultee. However, it is proposed that a further sentence be added at the end of Part A to provide greater clarity.  Comments in support of Part C noted. It is proposed to make the policy more flexible by referring to both 1 and 2 bedroom homes.  In regard to Part D, the M4(3) (a) and (b) requirements will be considered as part of the plan wide viability assessment. However, policy changes are proposed.  In regard to comments on Part E the threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold avoids the introduction of policy requirements which small to medium scale builders may find challenging to accommodate.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii).  In regard to the proposal to allocate specific sites for self build development, the Local Plan Part 1 review is focused on providing for strategic housing employment and mixed use development, primarily arising from the need to assist in accommodating Derby’s surplus housing requirement. Proposals for smaller scale allocations can be considered in a subsequent full Local Plan review.  There will still be opportunities for self build proposals in other locations throughout the district subject to the requirements of Policy H1, which establishes the settlement hierarchy, and Local Plan Part 2 Policy BNE5, which addresses development outside settlement boundaries. In addition there may be opportunities to bring forward sites for this purpose through neighbourhood plans where supported by the local community. |
| 1243217 | Harris Lamb on behalf of Talland Capital Ltd |  | H20 | Policy H20: Housing Balance and Custom/Self-Build TCL acknowledge that the delivery of new homes should seek to address the needs in both market and affordable housing within the District. The table included within the policy specifies those proportions of tenure and size of dwellings that are required. Clearly the size and scale of the proposed site at Walton Road means that it could broadly accord with the housing mix requirements that the Council are seeking to achieve. However, there may be some variation in this and TCL welcome the stipulation within the policy that where this may be necessary there is the opportunity to justify why this is required. TCL also note the requirement for specific numbers and proportions of new dwellings to meet accessible home standards and specifically the requirement for the provision of bungalows. Whilst in principle TCL have no objection to delivering bungalows TCL have noted that in doing so this will impact on the developable area that can be achieved on specific sites as bungalows are land hungry and would impact on the density of development that could be achieved. This is not an issue in itself but the Council will need to satisfy themselves that their density assumptions are consistent with the housing mix as proposed.  In respect of self-build and custom homes we note the requirement that for sites of 30 or more homes they should make provision for 15% of housing capacity to be for service plots and custom housebuilding. TCL consider that this is significantly higher than is required elsewhere and not supported by the evidence. Paragraph 6.49 states there is only a need for 294 self build plots and it is not clear how this equates to 15% of new sites, which appears completely disproportionate to the total need for houses.  Another thing to consider with self-build and custom homes is whether the demand is for 294 self build plots on large housing sites. In our experience, people who want to build their own home do not want to do this on large housing sites. Those people who want a self build home, generally want something unique / bespoke. They do not want to be a new housing estate where the housebuilder delivers a more uniform product The result is the take up is really poor / non-existent and the plots sit there vacant.  Our view is that an alternative solution should be found, which allows for a relaxation to normal planning policy, such as dwellings in the open countryside, to allow for self build plots. This will provide the sites that are in demand. If you do progress with a requirement on larger housing sites, the percentage should be smaller to reflect the demand and likely take up. Furthermore, there should be provision to allow these plots to be released for open market homes if the marketing does not identify a buyer for the self build plot in 6 months. | Noted. Part C of the policy, which addresses bungalow provision, is intended to be flexible in relation to the proportion of total housing numbers to be required on a site.  In regard to comments on Part E the self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii).  The Councils policy on development in the countryside forms part of the Local Plan Part 2 (Policy BNE5). Accordingly any proposals for a new approach in regard to self and custom build housing can be considered as part of a full review of the Local Plan, subsequent to the adoption of the new Part 1 plan.  There will still be opportunities for self build proposals in other locations throughout the district subject to the requirements of Policy H1, which establishes the settlement hierarchy, and Local Plan Part 2 Policy BNE5, which addresses development outside settlement boundaries. In addition there may be opportunities to bring forward sites for this purpose through neighbourhood plans subject where supported by the local community. |
| 1242103 | Marrons on behalf of Rainier Developments |  | H20 | Policy H20: Housing Balance & Custom/Self-build:  The requirement for 15% of all dwellings to be self and custom housebuilding (criteria E) is excessive and not justified by the evidence within paragraph 6.49. The effect on viability also needs to be considered, particularly on smaller sites more attractive to SME housebuilders. The threshold for sites accommodating self and custom build should be reviewed prior to Regulation 19 stage. | In regard to comments on Part E the self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii).  The provision of self build plots within housing sites will be considered as part of a plan wide viability assessment |
| 1242620 | Savills on behalf of David Wilson Homes East Midlands |  | H20 | Policy H20 – Housing Balance & Custom / Self-Build  We object to the proposed amendments to Policy H20 on the basis that they are unjustified and are not supported by relevant evidence to demonstrate that they will not result in significant viability challenges. Part A of the policy proposes to require arrange of dwelling sizes for residential applications, broadly apportioned as follows:  Table on house tenure - see attachment  We consider that it is unjustified for a prescriptive approach to be followed with regards to setting out a specific % housing mix. Whilst the above table accords with the findings of the December 2023 Local Housing Needs Assessment (LHNA), this document represents a ‘snapshot in time’ and housing needs could change throughout the plan period, which is proposed to run until 2039. Whilst we welcome the inclusion of policy wording which states that written justification can be provided by applicants where there is significant variance with the proportions set out in the above table, we consider that greater flexibility could be provided through the removal of the table altogether and the consideration of housing mix on a site-by-site basis based on available evidence at the time a planning application is submitted. Planning Practice Guidance1 supports this approach, stating that “when producing policies to address the need of specific groups, plan-making authorities will need to consider how the needs of individual groups can be addressed having regard to deliverability”.  Part C states that “for schemes of 15 dwellings or more a proportion of the 2 bedroom homes should be in the form of bungalows or other suitable single level accommodation”. This policy wording does not make clear what this ‘proportion’ is and we consider that this should be made explicit. Evidence has not been provided to demonstrate the impact of providing bungalows on achieving the efficient use of land, which is a clear requirement of the NPPF (paragraph 128), therefore the inclusion of this requirement is unjustified.  Part D of the policy proposes to require major development proposals to provide at least 5% of all market dwellings as M4(3)(a) compliant homes, and at least 10% of all affordable dwellings as M4(3)(b) compliant homes. Planning Practice Guidance2 states that, where LPAs intend to require such accessibility standards, appropriate evidence should be provided (including considering the overall impact on viability). On the basis that a viability assessment has yet to be undertaken, we object to the inclusion of Part D of Policy H20. This is because the proposed requirements, which are optional requirements within Building Regulations, have not been robustly justified as per the requirements of NPPF paragraph 35. It is considered that this requirement could present viability challenges for sites and may ultimately be unfeasible for many sites, for example where site levels vary and the space / accessibility requirements are more challenging to achieve. If retained, the policy wording should be amended to require such standards ‘where practicable’.  Part E of the policy requires 15% of all dwellings to be provided as self/custom build units on sites of 30 or more dwellings. We object to this requirement because it is unjustified, as appropriate evidence to demonstrate a significant need for self/custom build housing has not been provided. As set out in paragraph 6.49 of the draft plan, the Council’s self/custom build register grew by an average of 12.25 persons per year between 2015 and 2023. This gives rise to a need over the plan period for 294 self/custom build dwellings. It is considered that a requirement of 15% self/custom build housing will generate significantly more self/custom build dwellings than the identified need, rendering this proposed policy requirement unjustified as per the requirements of NPPF paragraph 35. Additionally, it is noted that individuals seeking self/custom build plots are unlikely to want to live on the edge of a major development where a major housebuilder may be working to an approved design /layout.  Should the 15% requirement be adopted along with the proposed 40% affordable housing requirement in policy H21, this would mean that major residential sites would only deliver 45% traditional market housing. This would pose a difficulty in meeting the district’s market housing needs over the plan period. Whilst we note that there is provision in part E(iii) of the policy to allow developers to build out self/custom-build plots which have not been disposed of after 6 months of marketing, we consider that this will slow down the delivery of housing as developers would then be required to pursue small-scale detailed permissions for these plots on a plot-by-plot basis, which would be onerous and costly for large housebuilders such as DWH. We consider this requirement to be impractical and request that the self/custom-build requirement is reduced and part E(iii) deleted. | In regard to comments on Part A of the policy, it is not proposed to remove the table setting out % targets for the mix of housing as the policy provides for a written justification to be provided where proposals are significantly at variance with these. However it is proposed that the last sentence of Part A be changed to provide greater clarity.  Part C of the policy is worded to provide flexibility and it is not intended that this should be changed.  In regard to comments on Part E the threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold avoids the introduction of policy requirements which small to medium scale builders may find challenging to accommodate.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii).  Self build homes can be developed as affordable housing and it is therefore incorrect to treat them as being discrete from each other by adding them together. |
| 1242408 | Lichfields (on behalf of St Philips Land Ltd) |  | H20 | Draft Policy H20 (Housing balance & Custom self -build) Custom/ Self Build  2.54 Paragraph 63 of the NPPF sets out that: “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.” (emphasis added) In this regard, draft Policy H20 sets out that sites of 30 or more dwellings will ensure that 15% of dwellings are made available as serviced plots for self-build or custom housing. Supporting text to the policy sets out the Councils reasoning (paragraph 6.49): “Between 2015, when the register was first established, and 30 October 2023, 98 new entries for persons seeking individual plots were added , representing an average of 12.25 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 16 years of the plan period to 2039, can be calculated as follows: 98 + (12.25 x 16) = 294.” 2.56 St Philips recognises that this demonstrates that there is a need for self and custom build housing plots. However, it is important to note that “registers may give a misleading impression as people can sign up in more than one local authority, thus potentially overstating the overall level of demand” (South Derbyshire Strategic Housing Market Assessment, 2020). 2.57 St Philips notes that the LHNA concludes that South Derbyshire has an average of 13 registered expressions of interest (per year) in serviced plots of land (Table 11.4). Over the plan period, this would equate to a need for 221 SCB plots. The LHNA also states that the Council should “consider whether larger sites should make a contribution (e.g. 5%- 10% of plots marketed for Custom and Self-build before reverting back to Affordable or General Housing if there is a lack of interest after 12 months). Alternatively, the Councils could allocate sites specifically for this self and custom build housing.” (Para 1.86). Whilst the assessment demonstrates some demand, no evidence has been provided to justify the 30- dwelling threshold and 15% requirement within draft policy H20, particularly given that the 15% requirement is above what the LHNA recommends (i.e. 5-10%). 2.58 St Philips is also concerned that the policy as drafted applies District wide and offers no flexibility to respond to local circumstances. Whilst there is evidence of a need for self-build plots in South Derbyshire, this does not automatically mean that there is demand in every location. St Philips therefore considers that further evidence (including viability testing) is needed which justifies the policy applying District wide. Accessible Homes.  2.59 Draft policy H20 goes on to require that major developments (and sites of over 0.5ha) will ensure that 5% of all market homes meet Part M4(3)(a) of the Building Regulations (wheelchair adaptable dwellings). St Philips welcomes that the Council is committed to making housing accessible for all, however St Philips is concerned that the policy is not sufficiently flexible as required by paragraph 86(d) of the NPPF. In regard to the introduction of accessibility standards, St Philips notes that the PPG is clear that: “Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.” (PPG I.D: 56-008). 2.60 St Philips is concerned that, as drafted, Policy H20 does not allow for site specific circumstances or viability to be considered. This contradicts the guidance set out within the PPG. In this regard, St Philips considers that the policy must be amended to introduce flexibility and recognise that not every site will be able to achieve the accessibility standards (for example where there are technical or viability constraints). 2.61 St Philips notes that a Viability Assessment is currently in progress, however, has yet to be completed as of Autumn 2024. The Council must ensure that the requirements of draft policy H20 are robustly tested through the Assessment to ensure they would not undermine the DLPs deliverability. | In regard to comments on Part E the threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold avoids the introduction of policy requirements which small to medium scale builders may find challenging to accommodate.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii).  It is acknowledged that registers are likely to be misleading in the way described by the respondent, but the national requirement is that the number of entries on the register should match the number of plots granted planning permission, so the local planning authority has no choice in this regard.  In regard to the proposal to allocate specific sites for self build development, the Local Plan Part 1 review is focused on providing for strategic housing employment and mixed use development, primarily arising from the need to assist in accommodating Derby’s surplus housing requirement. Proposals for smaller scale allocations can be considered in a subsequent full Local Plan review.  There will still be opportunities for self build proposals in other locations throughout the district subject to the requirements of Policy H1, which establishes the settlement hierarchy, and Local Plan Part 2 Policy BNE5, which addresses development outside settlement boundaries. In addition there may be opportunities to bring forward sites for this purpose through neighbourhood plans where supported by the local community.  District wide viability testing to be undertaken as part of the Local Plan evidence base will take account of self and custom build plot provision and part M4(3) Building Regulation requirements.  In regard to comments in respect of Part D of the policy, which deals with M4(3) Building Regulations, to provide for greater flexibility it is proposed that the wording be changed. |
| 1243178 | Freeths on behalf of Commercial Development Projects Ltd |  | H20 | H20 – Housing Balance & Custom/self build We OBJECT to the proposal at Criterion ‘E’ of Policy H20. This proposes that “Sites of 30 or more homes should make provision for 15% of housing capacity to be for serviced plots for self and custom housebuilding.” This is an unjustified requirement that is not based on evidence and will have serious implications for delivery of housing. Paragraph 6.49 of the draft Plan states; “The Council is required to keep a register of persons and organisations seeking self or custom build housing within the District and to grant sufficient permissions for suitable serviced plots to meet recorded demand. Between 2015, when the register was first established, and 30 October 2023, 98 new entries for persons seeking individual plots were added, representing an average of 12.25 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 16 years of the plan period to 2039, can be calculated as follows: 98 + (12.25 x 16) = 294.” Firstly, the supporting paragraph makes no assessment about whether any of the 98 entries on the register have found self-build plots and if so whether these are on sites of under 30 dwellings (ie: smaller sites are more likely to contribute to this type of need). However, even taking the self?build/service plots need at face value, this only equates to 294 dwellings over the plan period. Typically, policies on allocations of a certain scale have a requirement for a proportion of self-build plots, but this is normally between 2-5%. Both the percentage figure of 15% and the threshold on which schemes need to provide self-build/service plots is too high and will adversely affect viability of residential schemes | The threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold avoids the introduction of policy requirements which small to medium scale builders may find challenging to accommodate. It should be emphasised that the policy does not preclude the submission of applications for self and custom build development on sites of fewer than 30 dwellings where there is a desire to do so.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period. This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year. On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:  116 + (12.88 x 17) = 335  A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites. Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%. As per the published draft policy, this would be subject to viability testing. It is therefore proposed to reword the first sentence of Part E ii).  There will still be opportunities for self build proposals in other locations throughout the district subject to the requirements of Policy H1, which establishes the settlement hierarchy, and Local Plan Part 2 Policy BNE5, which addresses development outside settlement boundaries. In addition there may be opportunities to bring forward sites for this purpose through neighbourhood plans where supported by the local community.  District wide viability testing to be undertaken as part of the Local Plan evidence base will take account of self and custom build plot provision. |
|  |  |  |  |  |  |
| 1242055 | Mr Eddie Pickering |  | H20 | We strongly agree with Policy H20 and the reference to the provision of sufficient numbers of new homes to meet the identified needs of people with disabilities and older people, including housing with support, housing with care and residential care bed spaces. Plus the reference to Residential development in the form of bungalows or other suitable single level accommodation will be supported where they would not cause harm to the character of the surroundings. This need should be linked to rural exception sites. | **Noted. A number of changes are proposed to the policy relating to** housing with support, housing with care and residential care bed spaces and bungalows (see responses to other respondent comments).  It is not proposed to link the reference to bungalows to rural exception sites as it is difficult to quantify need for bungalows. The Local Plan Part 1 review is concerned with strategic scale development, but small scale housing allocations can be considered as part of a review of policies contained in the Local Plan Part 2. There may also be opportunities to pursue housing allocations through neighbourhood plans where there is support from the local community. |

**H21: Affordable Housing**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1242629 | Derby City Council |  | H21 | Dwelling Types H21  In the context of meeting Derby’s unmet housing need, we feel it is important and appropriate to also consider the types of dwellings that are required. In particular, Derby City has significant needs for affordable housing, as evidenced in the recent Derby City and South Derbyshire Local Housing Needs Assessment. We note and welcome the new Affordable Housing policy that seeks up to 40% affordable housing on major residential sites. While it is not for a local plan to set out which local authority residents should be nominated to affordable homes, we would request that reference is made in the Affordable Housing policy H21 that when determining planning applications for housing on the edge of the city, officers of South Derbyshire District Council will seek to work with officers of the City Council. This will ensure that evidenced specialist housing needs, including in particular that of affordable housing, and that a mechanism for nomination rights to affordable housing to meet Derby City needs is agreed. | **Noted. A new paragraph can be made in the explanatory text to cross boundary working on specialist housing needs.** |
| **National Organisation** | | | | | |
| 1243542 | Home Builders Federation (HBF) |  | H21 | Policy H21: Affordable Housing  The policy begins by stating that:  “A. The Council will seek to secure up to 40% of new housing development as affordable housing as defined in the NPPF on sites of over 10 dwellings. B. Lower proportions of affordable housing will only be accepted where a viability assessment, prepared in accordance with national planning policy and guidance, clearly demonstrates that the full policy requirement cannot be achieved. C. Affordable housing shall be expected to be provided within the application site unless the circumstances identified in the NPPF (or its successor) are met.”  It will be important for the affordable housing policies to be subject to robust testing through the whole plan viability appraisal. Without this work having been completed it is difficult for HBF to come to a view on whether or not the affordable housing policies are viable. At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. HBF therefore suggest that flexibility is needed within the Affordable Housing policy.  Viability must be an integral part of the plan-making process, and the findings of the viability appraisal should have helped inform and test policy development. HBF highlight the need for the Viability Assessment to consider all the costs and requirements facing developers. For example, HBF information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal.  Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable.  As this is still a new policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment must clearly set out how it considered the implications of mandatory BNG and how it as arrived at using the most up to date BNG costs information available. There may need to be further additional flexibility in policies elsewhere in the Plan to reflect the non-negotiable nature of 10% BNG costs.  The costs of BNG need to be considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council’s viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use.  At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kind of issues to be considered.  The geographical distribution of development may also impact on the Plan’s ability to deliver affordable housing where it is most needed. HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.  It will be also be important to understand if there any geographically specific viability considerations such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. The Viability Appraisal will may also need to consider the size type and tenure of housing that needs to be delivered, for example green fields allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided. This adds further weigh to the need to undertake a Green Belt review and consider Green Belt release(s).  The difference in viability between greenfield and brownfield sites need to be recognised. The ability of greenfield sites to deliver more affordable housing needs to be understood within the wider context of the Plan policies and strategy. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  The Derby and South Derbyshire Housing Needs Assessment considers whether there is a case for raising overall housing provision in order to deliver additional affordable housing, but does not make any recommendation to do so. |
| **Landowner/Developer** | | | | | |
| 1243190 | David Lock Associates on behalf of Hallam Land |  | H21 | H20 and H21 (Housing Balance, Custom/Self Build, and Affordable Housing) Hallam acknowledges the pressing need for affordable homes, but contends it is not appropriate to propose this level of change to housing mix and affordable housing provision at a Local Plan ‘Review’ stage without the necessary suite of supporting evidence on viability. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21. |
| 1242620 | Savills on behalf of David Wilson Homes East Midlands |  | H21 | Table for Housing Type Dwellings delivered since 1 April 2011 see attached documents  As set out above, affordable housing delivery has averaged 17.4% over the adopted plan period to date, which is significantly short of the adopted 30% Policy H21 requirement. As has been DWH’s experience at its Castle Gresley site, we consider that this may be in part due to abnormal costs associated with contaminated land, ground conditions and other constraints arising from the district’s mining legacy. We therefore consider that it is unjustified to increase the affordable housing requirements. Robust viability evidence would need to be presented to demonstrate that this is achievable.  We do welcome the inclusion of part B of Policy H21, which states that lower proportions of affordable housing will be accepted where a viability assessment can demonstrate that the full policy requirement cannot be achieved. However, we reiterate that the 40% affordable housing requirement needs to be subject to robust viability testing.  Whilst not covered expressly in Policy H21, paragraph 6.59 of the supporting text states that “Affordable housing tenures will be negotiated on a site by site basis having regard to the conclusions of the LHNA and any other up-to-date evidence of housing need and affordability”.  Overall, we consider that Policy H21 as written does not comply with the requirements of NPPF paragraph 35 because appropriate evidence has not been provided to justify the proposed 40% affordable housing requirement. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21. |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) |  | H21 | 8.0 Policy H21: Affordable Housing 8.1 Draft Policy H21 of the DLPP1R sets out the Council’s proposed affordable housing requirement for sites over 10-dwellings – at 40%. It also sets out a circumstance where a lower level of provision will be considered acceptable: “Lower proportions of affordable housing will only be accepted where a viability assessment, prepared in accordance with national planning policy and guidance, clearly demonstrates that the full policy requirement cannot be achieved.” 8.2 This, as highlighted in the supporting text, is underpinned by the Council’s LHNA. Notably, the Council’s LHNA identified a need for 214 affordable homes for rent per annum and 196 affordable homes for ownership per annum; albeit the LHNA considers that the need for affordable home ownership is “less conclusive” (Para 6.160). However, contrary to the Council’s position in the DLPP1R – at paragraph 6.55, which excludes affordable home ownership – this would cumulatively equate to c.81% of the District’s total LHN figure (507 dpa), or 68% of the Council’s potential LHN figure under the proposed new SM. 8.3 There is a clear and cogent need to make provision for affordable housing, in both the rented and ownership tenures, within the District. In this regard, St Modwen recognises the importance of, and fundamentally supports, delivering affordable homes, with paragraph 63 of the NPPF stating that the size, type and tenure of housing needed for different groups (including those who require affordable housing) should be reflected in planning policies. 8.4 However, it is understood that neither the NPPF nor PPG requires the Council to meet these needs in full, as per the Kings Lynn Judgment.14 Indeed, the PPG is clear that: “The total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments” (PPG ID: 2a-024). 8.5 Crucially, as set out above in St Modwen’s response to draft Policy H20, both the NPPF and PPG are clear that contributions should be tested through the viability process, so as to ensure that they do not undermine the deliverability of the plan. In this regard, it is acknowledged that the Council has recognised in the DLPP1R, that the 40% requirement is but is still “subject to detailed viability testing” (Para 6.55). Whilst the Council should seek to meet as much of its identified affordable housing needs as possible, St Modwen considers that this should be tested through the viability assessment to ensure that it would not undermine the deliverability of the DLPP1R on the whole (i.e. Para 34). 8.6 Notwithstanding the above, St Modwen would support the continued inclusion of part b of the policy (i.e. a viability caveat) to enable flexibility where it is required and can be justified. The NPPF is clear that planning policies should be flexible enough to adapt to unforeseen circumstances and changing economic conditions (paragraph 82d). As proposed, St Modwen considers that part b of the draft policy would allow developers to react flexibly to changing economic circumstances, and this should therefore be retained. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  The new standard method published in draft for consultation in mid 2024 is quite different to that which was published in December 2024. This matter is dealt in in responses to Question 4. However, for the purposes of the Local Plan Part 1 review the South Derbyshire Local Plan need has been calculated using the previous standard method to 2024 of 507 dwellings per annum. |
| 1243556 | Stantec on behalf of Parker Strategic Land South of Mickleover |  | H21 | 4.8 Policy H21: Affordable Housing 4.8.1 The Council proposes several amendments to Policy H21 as part of the Local Plan review. This includes the volume of affordable housing increasing from the adopted position of 30% to 40% and a reduction in the starting point that affordable housing will be sought from over 15 dwellings to over 10 dwellings. 4.8.2 PSL does not object to the reduction from 15 to 10 dwellings for the starting point of affordable being sought as this aligns with the NPPF. However, there are concerns with the increase from 30% to 40% of new housing on developments to be affordable. 4.8.3 Whilst it is recognised that the LHNA (December 2023) shows a need across the plan-period of 3,638 for affordable rented homes, under the standard method for all housing this would amount to 41% of homes delivered. 4.8.4 The Council acknowledges at paragraph 6.55 that this has not been subject to any detailed viability testing, and that the percentage sought is therefore solely based upon the need identified in the LHNA without due consideration of whether this is ultimately deliverable. 4.8.5 In the absence of detailed viability work including clear details on infrastructure delivery, PSL retains the right to review any future evidence base, and to set out what it believes is a robust approach to affordable housing. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21. |
| 1242854 | Stantec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodv |  | H21 | Policy H21: Affordable Housing  7.2.9 The updated policy seeks 40% affordable housing on new housing developments on sites of over 10 dwellings, compared to the current local plan target of 10%. This is a 33% increase (ten percentage point) increase from the adopted policy. It should be noted that the 40% figure has been derived from the Housing Needs Assessment and has not been the tested through viability work. Furthermore, the policy has no concession for purpose built to rent residential development and it is unclear whether such opportunities have been considered.  7.2.10 There is a significant risk this higher affordable housing figure will undermine the delivery of housing overall as many sites will be unviable at this level, and particularly sites in lower value areas where growth and regeneration is most needed. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  The Derby and South Derbyshire Local Housing Needs Assessment considers build to rent development in the context of Houses in Multiple Occupation within Derby City, noting that they can deliver affordable private rent, but makes no specific recommendations in this regard. |
| 1243614 | Stantec on behalf of JSC Efarms LLP Boulton Moor; JSC Efarms LLP London Rd; JSC Efarms LLP Land off Aston Ln and Cowlishaw Close |  | H21 | Policy H21 ‘affordable housing’ seeks to increase the affordable provision sought by the LPA from 30 per cent to 40 per cent. JSC Efarms LLP supports the delivery of affordable housing in the district, however, for some developments due to viability reasons it will not be possible to meet this affordable housing threshold therefore we are supportive of ‘Criteria B’ which identifies such a scenario. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21. |
| 1243634 | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley |  | H21 | 8.0 Policy H21: Affordable Housing 8.1 Draft Policy H21 states that sites of over 10-dwellings should deliver 40% affordable housing, however it notes that: “Lower proportions of affordable housing will only be accepted where a viability assessment, prepared in accordance with national planning policy and guidance, clearly demonstrates that the full policy requirement cannot be achieved.” 8.2 As stated in the supporting text, this is underpinned by the Council’s LHNA. The Council’s LHNA identified a need for 214 affordable homes for rent per annum and 196 affordable homes for ownership per annum; albeit the LHNA considers that the need for affordable home ownership is “less conclusive” (Para 6.160). However, contrary to the Council’s position in the DLPP1R (at paragraph 6.55, which excludes affordable home ownership) this would cumulatively equate to c.81% of the District’s total LHN figure (507 dpa), or 68% of the Council’s potential LHN figure under the proposed new SM. 8.3 There is a clear need to make provision for affordable housing within the district, and St Modwen recognises the importance of delivering affordable homes. It is noted that paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups (including those who require affordable housing) should be reflected in planning policies. Notwithstanding this, neither the NPPF nor the PPG requires the Council to meet these needs in full, as per the Kings Lynn Judgment. The PPG is clear that: “The total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments” (PPG ID: 2a-024). 8.4 Importantly, both the NPPF and PPG are clear that contributions should be tested through the viability process to ensure that they do not undermine the deliverability of the plan. In this regard, St Modwen recognises that the DLPP1R states that the 40% requirement is still “subject to detailed viability testing” (Para 6.55). Whilst the Council should seek to meet as much of its identified affordable housing needs as possible, St Modwen considers that this should be tested through the viability assessment to ensure that it would not undermine the deliverability of the DLPP1R (i.e. Para 34). 8.5 St Modwen also wishes to support the inclusion of part b of the policy (i.e. a viability caveat) to enable flexibility where it is needed. Paragraph 82d of the NPPF makes clear that planning policies should be flexible enough to adapt to unforeseen circumstances and changing economic conditions. In this regard, St Modwen believes that part b of the draft policy would allow developers to react flexibly to changing economic circumstances, and this should be retained within the plan. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  The new standard method published in draft for consultation in mid 2024 is quite different to that which was published in December 2024. This matter is dealt in in responses to Question 4. However, for the purposes of the Local Plan Part 1 review the South Derbyshire Local Plan need has been calculated using the previous standard method to 2024 of 507 dwellings per annum. |
| 1243628 | Define Planning on behalf of Bloor Homes Ltd |  | H21 | Policy H21 BHL supports the Councils proactive approach to affordable housing provision, in recognising in the supporting text that a lower target may be needed on site where the target of 40% is not viable. A flexible approach to First Homes is recommended where demonstrated they are appropriate as part of the housing mix. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  The Derby and South Derbyshire Local Housing Needs Assessment identifies that there is little evidence of genuine need for First Homes in the study area, whereas the need for social rented housing is acute. |
| 1242137 | Bellway Homes |  | H21 | Policy H21: Affordable Housing Under this policy, the Council is now proposing to increase the affordable housing contributions on qualifying sites over ten dwellings from 30 to 40%. We object to this proposed change to the policy, based on the following. As we have shown in our response to Policy S1, and if the data is to be accepted, the overall affordable housing need has fallen across the different studies prepared by the Council in recent years (though these needs are still not being met in terms of delivery). The decreasing level of need does not, in our view, justify an increase in the proportionate contribution on individual sites going forward.. Furthermore, the Council’s own monitoring figures show that between 2011 and 2023 an average of 16% of total (gross) completions during this period were affordable homes (see Table 1 of the Issue and Options document for the completions figures). At no point, in any year, has the Council delivered 30% affordable housing based on the figures provided, or got close to achieving 30%, let alone 40%. The highest proportion achieved was just 22.5% in 2019/20. In fact, since the adoption of the LPP1 in 2016, the proportion of affordable homes built as a proportion of total completions has actually fallen, to 11.7% last year (2022/23). We summarise the completion figures including affordable completions over the period in the table below, which illustrates the problem.  Table  In this context, it is critical that any proposal to increase the percentage contribution towards affordable provision from individual sites through the LPP1 review must be underpinned by robust and up to date evidence, in accordance with national policy . Notably, paragraph 34 of the NPPF makes clear that where plans set out the contributions expected from development, including affordable housing, such policies should not undermine the deliverability of the plan. This includes the deliverability of land allocations identified in the plan. However, no viability assessment has been issued by the Council as part of the LPP1 review consultation to justify a move from a 30% to 40% contribution. Based on the data summarised above, there appears to a major problem is a clear issue with the Council’s ability to secure the provision of adequate affordable homes in line accordance with its own policies. We would be speculating on the reasons for this, but it may well be due to issues regarding the viability of the 30% contribution in the adopted LPP1. In this context, it would be illogical, and contrary to the evidence base, and therefore unsound, to increase the contribution on individual sites. In our view, the appropriate and proportionate response to this problem, in order to help increase affordable delivery overall in the District, would be to increase the number of sites allocated in the LPP1 review. By doing so, this would reduce the financial burden on individual sites and create more favourable conditions for increasing affordable supply overall. In this context, the evidence on recent delivery of affordable housing clearly demonstrates that increasing the percentage contribution from 30% to 40% is not currently justified in South Derbyshire. To do so would clearly threaten the deliverability or viability of the allocations in the plan as a whole, contrary to national policy . In summary, the evidence on affordable housing delivery shows that the LPP1 review should do more than simply allocate new sites to meet the unmet needs of Derby, but should go further and identify additional land to meet the needs of those households in South Derbyshire who cannot access open market housing and where affordable homes are not being provided. Furthermore, any increase in the current policy standard (30%) must be robustly evidenced (not currently the case) to ensure that it would not threaten the deliverability or viability of the LPP1. Accordingly, we object to proposed Policy H21 and strongly suggest would recommend that the Council modify Policy H21 and to reduce the percentage contribution to a maximum of 30% (subject viability considerations) prior to the pre-submission consultation stage. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  The Derby and South Derbyshire Housing Needs Assessment considers whether there is a case for raising overall housing provision in order to deliver additional affordable housing, but does not make any recommendation to do so.  The Derby Local Plan Part 1 review is primarily concerned with strategic scale housing, employment and mixed use development. Any need for smaller scale allocations will be considered as part of a subsequent review of Local Plan Part 2 policies. |
| 1242865 | Turley on behalf of Hallam Land |  | H21 | Policy H21 Affordable Housing Policy H21 identifies a requirement for all developments comprising 10 dwellings or more to provide 40% affordable housing across the entire District. Although the principle of affordable housing delivery is supported, this requirement is considered to be substantial, an increase of 10% above the existing requirement, and may not be achievable when taking into consideration site constraints and increasing costs, impacting upon viability. As a minimum, this should be presented as a target in the wording of the policy. Any target should be appropriately tested prior to submission of the Plan Review for examination. A more appropriate approach may be to identify a range of value areas, with higher value areas contributing higher percentages of affordable housing, where it could be sustained. Notably, this approach is included in the emerging Amber Valley Local Plan. This should however still be the subject of appropriate wording in the policy to recognise that this is subject to viability. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  Part B of the policy provides for the consideration lower proportions of affordable housing where a viability assessment (submitted with a planning application) clearly demonstrates that the full policy requirement cannot be achieved. It is considered that this sufficiently addresses the point concerning provision in higher and lower value areas of the District. |
| 1243218 | Planning Issues Town Planning and Architecture on behalf of Churchill Living and |  | H21 | Policy H21 – Affordable Housing The policy seeks to secure up to 40% affordable housing from all new housing development which may be reduced subject to viability assessment. This requirement has been set with reference to housing need but not with reference to evidence of financial viability. The policy applies to older persons housing but no consideration is given to how the policy may be applied in practice, in particular the practicalities of on site delivery (if viable or indeed feasible). Given the emphasis placed on viability testing at the plan making level within national policy, it is imperative that the council test the typology appropriately and set a reasonable typology specific expectation. We note from the council’s website that viability testing was undertaken in 2015 which concluded that: Neither sheltered housing nor extracare housing is shown as viable on greenfield or brownfield sites and also when subject to the affordable housing requirement  The most recent available viability evidence therefore concludes that the requirement to provide affordable housing on this typology is unlikely to be viable. We have engaged in considerable local plan representations over the last number of years and can point to a number or recently adopted or emerging local plans where suitable bespoke affordable housing policies have been brought forward. We would draw the Council’s attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that: 5.33… The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing. Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing BCP  The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not..  …apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).  Birmingham  Due to specific viability challenges of delivering older person’s housing, the evidence suggests on the basis of market research, appraisal inputs and policy requirements, Older Persons Housing is exempted from Affordable Housing provision.  Charnwood  Our viability evidence shows that neither affordable housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought. It is clear that in this case, a similar exemption should be examined to enable the typology to come forward. The benefits of specialist older persons’ housing extend beyond the delivery of planning obligations as these forms of development contribute to the regeneration of town centres and assist Council’s by making significant savings on health and social care as well as the added benefit of enabling housing ‘rightsizing’. It is also worth considering that paragraph 008 of the PPG Viability section requires that when a viability assessment is submitted at the development management stage, reference is taken from the plan wide viability assessment underpinning the policy requirement and the applicant is required to set out what changes have taken place since the plan wide viability assessment was undertaken. In this case it is likely that the plan wide viability assessment would be entirely consistent with the application viability assessment. Therefore, by not adopting a different policy in respect of housing for older people, the policy is adding uncertainty and an unnecessary layer of cost and delay to such proposals. Given that the only viability evidence base available to date shows affordable housing delivery on older persons housing to be unviable, we recommend the following amendments. Recommendation: Criteria E is added to Policy H21 which should state:  In line with the findings of the plan wide viability study, the affordable housing policy will not apply to specialist housing proposals for older people. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21. The viability of affordable housing in association with proposals wholly for sheltered or extra care housing can be considered as part of this. |
| 1242100 | RPS on helaf of Bellway and Clowes (Thulston Fields) |  | H21 | Policy H21: Affordable Housing As indicated in the response to the issues and options consultation, RPS has very strong concerns that the Council’s approach to the affordable housing requirement. There is a real risk that the affordable need identified by the Council will be severely undershot, as the Council has not considered its previous track record of delivery on this matter. The Council’s own monitoring figures show that between 2011 and 2023 an average of 16% of total (gross) completions during this period were affordable homes (see Table 1 of the Issue and options document for the completions figures). At no point, in any year, has the Council delivered 30% affordable housing based on the figures provided, or got close to achieving 30%, let alone 40%. The highest proportion achieved was just 22.5% in 2019/20. In fact, since the adoption of the LPP1 in 2016, the proportion of affordable homes built as a proportion of total completions has actually fallen, to 11.7% last year (2022/23). In 2022 median house prices were 7.21 times median (gross) annual workplace earnings. Clearly, affordable housing need persists in the District, but nonetheless RPS considers that the percentage contribution set out in the new Local Plan should be reduced to reflect this past delivery trend. RPS suggests the scale of contribution should be reduced to a level that has greater chance of being met on qualifying sites. RPS recommends that the figure in the new Local Plan should be somewhere between 20 to 25%, and that this should be used as basis for negotiations at the planning application stage on qualifying sites. We summarise the completion figures including affordable completions over the period in the table below, which illustrates the problem.  Table  In this context, it is critical that any proposal to increase the percentage contribution towards affordable provision from individual sites through the LPP1 review must be underpinned by robust and up to date evidence, in accordance with national policy . Notably, paragraph 34 of the NPPF makes clear that where plans set out the contributions expected from development, including affordable housing, such policies should not undermine the deliverability of the plan. This includes the deliverability of land allocations identified in the plan. However, no viability assessment has been issued by the Council as part of the LPP1 review consultation to justify a move from a 30% to 40% contribution. Based on the data summarised above, there appears to a major problem with the Council’s ability to secure the provision of affordable homes in line with its own policies. In our view, the appropriate and proportionate response to this problem, in order to help increase affordable delivery overall in the district, would be to increase the number of sites allocated in the LPP1 review. By doing so, this would reduce the financial burden on individual sites create more favourable conditions for increasing affordable supply overall. By setting a more realistic and deliverable target contribution, this will result in more speedier negotiations and a more efficient and less time-consuming decision-making process, which will ultimately lead to faster delivery of housing overall (including affordable housing). In this context, the evidence on recent delivery of affordable housing clearly demonstrates that increasing the percentage contribution from 30% to 40% is not currently justified in South Derbyshire. To do so would clearly threaten the deliverability or viability of the allocations in the plan as a whole, contrary to national policy . In summary, the evidence on affordable housing delivery shows that the LPP1 review should do more than simply allocate new sites to meet the unmet needs of Derby, but should go further and identify additional land to meet the needs of those households in South Derbyshire who cannot access open market housing and where affordable homes are not being provided. Furthermore, any increase in the current policy standard (30%) must be robustly evidenced to ensure that it would not threaten the deliverability or viability of the LPP1. Accordingly, we would recommend that the Council modify Policy H21 and reduce the percentage contribution to a maximum of 30% (subject viability considerations) prior to the pre-submission consultation stage. The solution here would be to ensure that Green Belt release sites deliver an increased supply of affordable housing. However, in the case of allocating larger scale development sites such at Thulston Fields, which RPS contend is ‘Grey Belt’ site, there would be a need (based on the proposed NPPF reforms) to deliver 50% affordable housing on such a site typology. Thereby, securing the ongoing delivery of a steady stream of affordable housing to meet the affordable housing needs of Derby and South Derbyshire. This would be beneficial to the Council in reaching the Local Housing Needs Assessment recommendations that there is a net need of 214 affordable rental homes per annum or 3,638 over the plan period from 2022-2039. Using the standard method of calculating housing this would represent 41% of the houses built over the plan period. This could be practicable through the use of Grey Belt sites such as Thulston Fields. RPS supports paragraph 6.59 of the LPP1 with regards to how affordable housing tenures will be negotiated on a site-by-site basis having regard to the conclusions of the LHNA and any other up-to-date evidence of housing need and affordability. This ensures that policies can remain up to date and relevant in decision-making, rather than being based on rigid or prescriptive criteria that can become outdated over time, which would trigger the costly and time-consuming plan review process. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  The Derby and South Derbyshire Housing Needs Assessment considers whether there is a case for raising overall housing provision in order to deliver additional affordable housing, but does not make any recommendation to do so.  Comments regarding land at Thulston Fields are addressed under Question 13. IN terms of the Local Plan strategy no exceptional circumstances have been identified that would justify the release of land from the Green Belt. |
| 1238831 | Savills on behalf of Midland Land Portfolio Limited (MLPL) |  | H21 | Policy H21: Affordable Housing MLPL objects to the proposed amendments to Policy H21, which include a proposal to increase the affordable housing requirement, which is currently 30% for sites over 15 dwellings, to 40% for sites over 10 dwellings. MLPL notes, as set out in paragraph 6.54 of the consultation document, that the main evidence base for affordable housing is the LNHA, published December 2023. This sets out a requirement for 214 affordable rental dwellings per annum, which does equate to 41% of the proposed South Derbyshire District housing need (as per the current version of the Standard Method). Whilst this may represent the affordable housing need, in the absence of a Viability Assessment the evidence base for the emerging Local Plan does not demonstrate that figure this is deliverable and viable for the range of sizes and types of sites which are being relied upon to deliver the housing need. Furthermore the most recently published Authority Monitoring Report for South Derbyshire (1 April 2022 – 31 March 2023) identifies that over the course of the current adopted Local Plan period (beginning 1 April 2011) 9,336 dwellings have been delivered, of which 1,627 dwellings (17.4%) are affordable dwellings. This falls significantly short of the both the 30% affordable target in the current adopted Local Plan and the proposed 40% target within the emerging Local Plan. Overall, MLPL considers that Policy H21 does not comply with the requirements of NPPF paragraph 35 because appropriate evidence has not been provided to justify the proposed 40% affordable housing requirement. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  The new standard method published in draft for consultation in mid 2024 is quite different to that which was published in December 2024. This matter is dealt in in responses to Question 4. However, for the purposes of the Local Plan Part 1 review the South Derbyshire Local Plan need has been calculated using the previous standard method to 2024 of 507 dwellings per annum. |
| 1243194 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited |  | H21 | Policy H21: Affordable Housing 2.59. Policy H21 states the Council will seek to secure up to 40% affordable housing on sites of over 10 dwellings. Lower proportions of affordable housing will only be accepted where a viability assessment clearly demonstrates that the full policy requirement cannot be achieved.  2.60. It is recognised from the evidence base (paragraph 6.157 - Derby and South Derbyshire Local Housing Needs Assessment) that the analysis suggests a need for 672 affordable homes per annum in Derby City and 214 in South Derbyshire. This is referenced in the draft Local Plan at paragraph 6.55 which also acknowledges the 40% ‘may not be practicable’.  2.61. Whilst the policy and supporting text allows for some flexibility in the 40% provision subject to viability, this would result in protracted negotiations with the Council and is subject to the provision of a Viability Assessment which is again, a timely process that could delay the Site coming forward.  2.62. The Council’s own admission that 40% ‘may not be practicable’ suggests that the policy needs to be refined and evidenced further with viability evidence to ensure it is positively prepared and justified in accordance with the NPPF soundness tests. The national guidance is clear that the affordable housing target should be viability tested and that this should not be left for individual applications, where viability should only need to be considered where there is a change in circumstances | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow |  | H21 | Policy H21: Affordable Housing 2.45. Policy H21 states the Council will seek to secure up to 40% affordable housing on sites of over 10 dwellings. Lower proportions of affordable housing will only be accepted where a viability assessment clearly demonstrates that the full policy requirement cannot be achieved.  2.46. It is recognised from the evidence base (paragraph 6.157 - Derby and South Derbyshire Local Housing Needs Assessment) that the analysis suggests a need for 672 affordable homes per annum in Derby City and 214 in South Derbyshire. This is referenced in the draft Local Plan at paragraph 6.55 which acknowledges the 40% ‘may not be practicable’.  2.47. The policy makes an exception to the 40% rule for Rural Exception Sites; however, strategic allocations are not referenced. Our clients are supportive of the Council’s aim to provide affordable housing, and are willing to work with the Council to bring affordable housing forward, by ‘maximising opportunities’ for provision, however, it must be recognised that strategic sites are already contributing significantly to the local community in terms of costly infrastructure provision and services and facilities.  2.48. Whilst the policy and supporting text allows for some flexibility in the 40% provision subject to viability, this would result in protracted negotiations with the Council and is subject to the provision of a Viability Assessment which is again, a timely process that could delay the Site coming forward.  2.49. Our clients consider a reduced affordable housing provision contribution for strategic sites would ensure much-needed homes (both affordable and market) are delivered as soon as possible to respond to the needs of local communities and in accordance with the Vision of the Local Plan.  2.50. The Council’s own admission that 40% ‘may not be practicable’ suggests that the policy needs to be refined further to ensure it is positively prepared and justified in accordance with the NPPF soundness tests. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21. |
| 1242615 | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd |  | H21 | Policy H21: Affordable Housing  Policy H21 is noted to seek up to 40% affordable housing provision on sites of 10 dwellings or more. However, the evidence base justifying this percentage is unclear as the Local Plan Viability Assessment is yet to be prepared (as noted at Appendix 4 of the draft Local Plan). In the absence of the Local Plan Viability Assessment, the threshold for affordable housing provision has not been tested and so is not known to be viable, particularly when taking into account any other infrastructure requirements.  Part B of Policy H21 is noted to allow for lower proportions of affordable housing subject to a viability assessment demonstrating that the full policy requirement cannot be achieved. This is welcomed as it allows for flexibility for affordable housing provision to be considered on a site-by?site basis. However, Part B of Policy H21 makes no reference to an approach for off-site and/or financial contributions in lieu of on-site provision, which should be included in the policy wording to allow for flexibility in how affordable housing is provided on a site-by-site basis. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  In regard to off-site contributions, the mechanism to be used to achieve this may change over time, so it is not considered appropriate to enshrine this in the policy itself. |
| 1242408 | Lichfields (on behalf of St Philips Land Ltd) |  | H21 | Draft Policy H21 (Affordable Housing) 2.62 Draft Policy H21 (Affordable Housing) sets out that, for sites of over 10 dwellings, the Council will seek a provision of 40% affordable housing. St Philips supports the delivery of affordable homes and notes that paragraph 63 of the NPPF is clear that the size, type and tenure of housing needed for different groups (including those who require affordable housing) should be reflected in planning policies. Part b of draft Policy H21 goes on to state that: “Lower proportions of affordable housing will only be accepted where a viability assessment, prepared in accordance with national planning policy and guidance, clearly demonstrates that the full policy requirement cannot be achieved.” 2.63 St Philips welcomes the inclusion of part b and considers that this ensures that the plan complies with national policy. Paragraph 86d of the NPPF requires that planning policies should be flexible enough to adapt to unforeseen circumstances and changing economic conditions. St Philips also notes that the supporting text sets out the evidence which underpins the affordable housing requirement, with paragraph 6.55 stating: “The LHNA sets out that within South Derbyshire there is a net need of 214 affordable rental homes per annum or 3,638 over the plan period from 2022-2039. Using the standard method of calculating housing this would represent 41% of the houses built over the plan period. This may not be practicable, however there must be a maximization of the opportunities. In the Local Plan Part 1 Review Draft Plan this has been rounded to 40% but is still to be subject to detailed viability testing.” 2.64 St Philips welcomes that the Council has clarified that detailed viability testing will be carried out. It is vital that the Council robustly tests the 40% requirement to ensure the deliverability of the plan in accordance with NPPF paragraph34. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21. |
| 1243215 | Trent and Dove Housing Association |  | H21 | H21 Affordable Housing – It is great to see 40% of new housing developments as affordable housing but could the policy be more explicit about the tenure. In line with government policy to deliver more social rent homes, it would be preferable that the policy is explicit that rental homes are only social rent and not affordable rent. Affordable rent is not necessarily affordable, and customers would be using more than 30% of their household income on their housing costs. A report undertaken by Savills and Joseph Rowntree Foundation found that affordability of housing costs should be less than 28% of their household income. The only benefit of affordable rent is to the developer and subsequently the land owner, who get a higher payment or land costs. Point 6.59 – allows for the affordable housing to be negotiated out and doesn’t provide clarity for developer at the beginning. Some Local Authorities such as South Oxfordshire have a Supplementary Planning Document that clearly states that of the X% of affordable housing, X with be for each tenure. The clarity of what affordable housing tenure should be delivered, means that from first negotiation of the land, the developers knows what they are expected to deliver in terms of tenure and can negotiate the land price appropriately. This would help in terms of eliminating a common practice of developers looking to reduce the amount of affordable housing using viability as a driver. Being clear at the beginning about amount and tenure split of affordable housing should help to ensure that developers do not overpay for the land.  Rural Exception Sites In other Local Planning Authorities, there are separate policies for rural exceptions sites, rather than this being included within the Affordable Housing Policy. A separate policy makes it clearer that exception sites deliver affordable housing in a different way to planning gain affordable housing. Regardless of whether there is a separate policy, the way the current policy has been written will not bring forward exception sites and will be open to challenge from objectors, including “NIMBYS”. The local plan acknowledges under point 6.61 that exception sites will help deliver housing to settlements that will see little or no housing growth but the final part of the sentence “the houses provided on a ‘rural exception site’ will be for identified locally specific needs through evidence collected by the Strategic Housing team” works against the principle that rural exception sites are essentially a community driven issue, not necessarily using the strategic housing team to collect evidence. The need is usually identified via a Parish Housing Needs Survey or Assessment and where possible in conjunction with Parish Councils. Often, Rural Housing Enablers are the “glue” that work with the communities, LAs and Housing Associations to identify need and to deliver the affordable homes. The 4 point under a ‘rural exception sites will only be permitted where’ does not take into account for housing need in the parish(es), the local connection criteria or as identified in point 6.61, that exception sites can help deliver homes in settlements that need them. It would be preferable that the rural exception site policy or points within H21 Affordable Housing Policy has the following included: - Sites lie immediately to the existing village development boundary - A housing need has been identified in the parish, or in one or more of the adjacent parishes - Proposed developments are considered suitable by the size & scale in relation to the existing village, the services and proximity to public transport, infrastructure and services - Initial and subsequent occupancy is controlled through planning condition or legal agreement as appropriate In addition, rural exception sites will be particularly appropriate for the following categories of people in housing need: - Households in the parish/village who are homeless or currently in accommodation which does not meet their needs. - New households either from the parish/village or with a local connection  - Persons who are dependants of households living in the parish/village or adjacent parishes/village - Retired or disabled people who have lived and worked in the parish/village - Households including persons employed in the parish/village and living elsewhere - Households including persons seeking or about to take up employment or provide a rural service in the Parish and who require living locally. The rural exception site policy in many parts of England has been successful in delivering truly affordable homes (in perpetuity), which otherwise would not have been delivered. The pandemic has widened the affordability gap between those living and working in rural parishes ( ‘race to countryside’). In addition, there has been a loss of affordable housing via the Right to Buy policy. A good rural exception site policy can assist in contributing to a thriving and sustainable rural economy. | The Derby and South Derbyshire Local Housing Needs Assessment identifies that 214 homes representing social/affordable rent in combination, without disaggregating these. Although the point being made by the respondent is understood, in the absence of a clear evidence basis for doing so it is not intended to change the policy in this regard.  It is considered the identification in Policy H1 of the locations where rural exception sites can be considered in combination with Policy H21 D (which sets out the policy requirements to be met) and the Local Plan Glossary definition of a rural exception site in combination provide sufficient clarity to effectively support the decision making process.  Whilst It is accepted that evidence may come forward from a range of sources, including the Council’s own data, in all cases the evidence would be subject to assessment by the Council’s Strategic Housing team. The last sentence of para 6.61 of the explanatory text can be amended to reflect this.  In regard to the policy requirements proposed by the respondent, most of these are already covered in Part D. The policy specifies that the development should be kept in perpetuity as affordable housing.  As many parishes in rural areas are quite large it is important that the policy ensure that exception sites are to meet the needs of the particular settlement rather than those of another which may be some distance away and may be poorly connected to the point of need. For this reason the Council does not propose to refer to need arising from adjacent parishes.  It is not considered necessary to refer to the categories of people for whom affordable housing may be needed as this will be a matter for the Council’s Strategic Housing service in consultation with all relevant parties, having regard to the particular circumstances that a development proposal seeks to address. |
| 1242281 | Nightingale Land on land north of Linton Road, Castle Gresley |  | H21 | Policy H21: Affordable Housing Policy H21 seeks to increase the affordable housing target from up to 30% to up to 40% on qualifying sites subject to viability. It also builds upon the criteria for rural exception sites outlined in Policy H1.  The Government’s Written Ministerial Statement (June 2024) affirms the importance of affordable housing delivery. It states that:  “Although increasing supply will be an essential part of improving affordability, we must also go further in building a greater share of genuinely affordable homes. That is why the Government is committed to the biggest growth in social and affordable housebuilding in a generation...”  Since the start of the current Local Plan period the delivery of affordable housing has lagged representing 18% of the total housing completions. It is therefore questionable whether increasing the affordable housing requirement will result in any meaningful increase to affordable housing delivery. Furthermore, it does not appear that this policy has been subject to a viability assessment bringing into question the likelihood that this policy is deliverable.  Notwithstanding this, Nightingale Land support the principle to increase affordable housing delivery to ensure people have access to affordable housing. However, previous delivery rates suggest that affordable housing has not kept up with net additional dwellings. As such, it is unlikely that increasing the affordable housing requirement will deliver a significant increase in affordable housing delivery. Alternatively, the Council should consider increasing the total housing requirement to increase affordable housing delivery overall in line with the comments raised in response to Policy S1 above. | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  The Derby and South Derbyshire Housing Needs Assessment considers whether there is a case for raising overall housing provision in order to deliver additional affordable housing, but does not make any recommendation to do so. |
| 1243178 | Freeths on behalf of Commercial Development Projects Ltd |  | H21 | H21 – Affordable Housing We OBJECT to the proposed requirement for 40% affordable housing on new housing development over 10 dwellings. The existing Local Plan requirement is 30%. No viability evidence has been included with the consultation documents to demonstrate that 40% is viable and deliverable | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21. |
| 1244437 | CBRE on behalf of Labcorp | CBRE on behalf of Labcorp | H21 | Policy H21: Affordable Housing This policy details the provision of affordable housing expected of new housing development of over 10 dwellings, the expected contribution is proposed to increase from 30% to 40%. Details of alternative amounts "will only be accepted where a viability assessment, prepared in accordance with national planning policy and guidance, clearly demonstrates that the full policy requirement cannot be achieved''. Within the policy supporting text, the Council outlines that "The LHNA sets out that within South Derbyshire there is a net need of 214 affordable rental homes per annum or 3,638 over the plan period from 2022-2039. Using the standard method of calculating housing this would represent 41% of the houses built over the plan period':  Whilst we recognise that the evidence base identified a need for 214 affordable homes per annum throughout the plan period, the Derby LHNA specifies that "despite the level of need, it is not considered that this points to any requirement for the Councils to increase the Local Plan housing requirement due to affordable needs". As such, we challenge the premise of increasing affordable housing provision to 40% for all new developments, on the basis that the provision will vary depending on the location as it will not be appropriate everywhere, without a site-by-site basis consideration.  Similarly, in the Amber Valley Borough Council Regulation 19 Local Plan (February 2024), the Council identify different percentages of affordable housing provision depending on the location of a proposed development. We suggest a similar approach for South Derbyshire, as affordable home provision will not be appropriate for all new developments up to the quantum of 40% based on location and proximity to infrastructure and complementary uses. The NPPF (December 2023) details major developments to include at least 10% of the housing capacity to be available for affordable home ownership. In this instance we suggest the following modifications to the wording of Policy H21:  "The Council will seek to secure up to 30% of new housing development as affordable housing as defined in the NPPF on sites of over 10 dwellings. However. the quantum of contribution will be assessed obiectively on a site-by-site basis based on the location of development. and what proportion of affordable housing provision is appropriate and viable". | Noted. A Whole Plan Viability Assessment is to be undertaken and this will be used to inform any necessary adjustment to the affordable housing requirement identified in Policy H21.  Part B of the policy provides for the consideration lower proportions of affordable housing where a viability assessment (submitted with a planning application) clearly demonstrates that the full policy requirement cannot be achieved. It is considered that this sufficiently addresses the point concerning the assessment of provision on a site by site basis. |
| **Members of the Public** | | | | | |
| 1236731 | Ewan Thompson |  | H21 | Also related to policy H21, given H1 defines the number of houses allowed in rural exception sites, how does that interact with “the development is proportionate in scale to the existing settlement and is compliant with all other relevant policies in the Local Plan.”? Does H1 take precedence or can several sites of up to (say) 25 houses be built around an existing community? | The Local Plan should be read as a whole. Policy H1 sets out the maximum number of dwellings allowed as a rural exceptions site within the various tiers of the Hierarchy. Policy H21 provides further information of when rural exception sites will be permitted., including criteria iv which states “the development is proportionate in scale to the existing settlement and is compliant with all other relevant policies in the Local Plan”. Both policies would be used in the determination of a planning application for a Rural Exception site.  The wording of Policy H21 will ensue that exception sites are to meet the needs of the particular settlement rather than those of another which may be some distance away and may be poorly connected to the point of need. |
| 1242367 | Grace McCullouch |  | H21 | Also related to policy H21, given H1 defines the number of houses allowed in rural exception sites, how does that interact with “the development is proportionate in scale to the existing settlement and is compliant with all other relevant policies in the Local Plan.”? Does H1 take precedence or can several sites of up to (say) 25 houses be built around an existing community? |
| 1242055 | Mr Eddie Pickering | resident | H21 | Policy H21 we do not agree that the rural exception sites should only meet the local need from the adjoining settlement. This assumes no-one moves between areas within the District. If the district has an overwhelming need for affordable single level fully accessible housing then the opportunity to provide this should be taken when presented the local need should not just relate to the immediate local area around the site. |

**H22: Gypsies and Travellers and for Travelling Showpeople**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1242629 | Derby City Council | Derby City Council | H22 | H22 On the matter of providing sites for Gypsies, Travellers and Travelling Showpeople, we note that policy H22 sets out that 5 pitches for these uses should be provided on sites over 1,000 dwellings at a rate of 5 pitches per 500 dwellings. This policy would establish the number of pitches that should be required on any specific strategic site allocation of that size, yet the policies for the strategic housing sites proposed at Mickleover and Chellaston do not mention pitch numbers specifically. It would add clarity to the policies if they set out the specific number of pitches required within the site allocation policy.  We would like to further understand the rationale for setting a threshold that Gypsy and Traveller pitches will be provided on sites of 1,000 or more dwellings. We see no ‘planning’ reason for this. It appears somewhat disingenuous as a policy when the plan provides only two new strategic sites of this scale. There are other sites in the plan which would deliver over 1,000 homes with no reference to Gypsy and Traveller pitches in the policies. For example, we note that the strategic housing site at Drakelow has been amended through the Review but with no mention of Gypsy and Traveller pitches.  Criterion B of Policy H22 identifies that Gypsy and Traveller accommodation needs will be met in a number of ways, including through ‘Future local plan allocations’ and we are unsure what this means and how current needs can be met in future plans. Given that the HMA SA work identified that the best place to meet Derby’s unmet housing need was around the edge of the city, we would like to understand how the most appropriate locations have been selected to meet South Derbyshire Gypsy and Traveller needs. | South Derbyshire Gypsy and Traveller pitch need is high, with a need of 59 pitches between 2020-2040 (as set out within the Derby, Derbyshire, Peak District National Park and East Staffordshire Gypsy and Traveller Accommodation Assessment. The District Council is taking a proactive approach to secure provision. This involves providing gypsy and traveller pitches on strategic mixed use allocations (or the developers of these sites providing alternative land (as set out within Policy H22)), making future Local Plan allocations and determining planning applications for Gypsy and Traveller pitches.  Securing provision on strategic allocations or providing developers with an option to find suitable alternative land has been assessed by the Sustainability Apprisal and found to be sustainable development.  In terms of Policy H6 Drakelow Park is a housing allocation carried forward from the Draft Local Plan Part 1. The Site already has Outline Permission and Reserved matters. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | H22 | Gypsies and Travellers The policy approach to Gypsies and Travellers is set out in Policy H22. Firstly, Derbyshire County Council welcomes and supports the fact that the Draft Local Plan’s policy approach to the provision of sites to accommodate Gypsies and Travellers, has been informed by the recently completed Derby, Derbyshire, Peak District National Park and East Staffordshire Gypsy and Traveller Accommodation Assessment (GTAA). In 2019, Derbyshire County Council commissioned an update to the 2015 GTAA on behalf of all the local authority partners. Severe delays to progressing the GTAA by RRR Consultancy Ltd were subsequently experienced due to the on-set of Covid 19 and restrictions on public engagement for the best part of two years. However, the final GTAA was completed in July 2023 and was published in September 2024 and sets out updated Traveller pitch requirements for all the local authority areas between 2020 and 2040. It is welcomed and supported that the Draft Local Plan has used the findings of the GTAA to inform the proposed pitch requirements for the District over the period 2020 to 2040, which are appropriately set out in Table 3 on page 106 of the Plan that indicates an overall pitch requirement for the District over this period of 59 pitches, of which 20 pitches are required within the period 2020 – 2025. The methodology and approach used in the GTAA is based on policy and recommendations for carrying out accommodation needs assessments set out in national policy in Planning Policy for Traveller Sites and other best practice. This is considered to provide for a sound and robust basis on which to plan for Traveller pitch provision in the Draft Local Plan. The methodology and approach has been tested at all the local plan examinations in the County for the last round of local pan reviews between 2015 and 2021 and has been deemed by Planning Inspectors to provide a sound and robust basis to determine both policy and accommodation needs for Travellers. A number of recommendations in the GTAA will also have implications for South Derbyshire, particularly the need to consider the provision of negotiated stopping places for Travellers across the Study area. This issue will be taken forward for further consideration by the Derbyshire Traveller Issues Working Group, of which South Derbyshire District Council is represented. | Noted. |
| **Landowner or Developer** | | | | | |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | H22 | 9.0 Policy H22: Gypsies and Travellers and for Travelling Showpeople 9.1 Whilst St Modwen do not have any general comments about the approach proposed within the draft Policy H22: Gypsies and Travellers and for Travelling Showpeople, St Modwen notes that the Council is proposing to re-define the definition of ‘strategic sites’. Notably, the Council’s proposed definition comprises “sites which are defined as housing or mixed-use sites of over 1000 dwellings”.  9.2 This is a significant change to the Council’s approach to strategic housing. By way of example, in the Local Plan Part 1 the Council considered strategic as being 99+ dwellings, with the Local Plan Part 2 allocating non-strategic sites (i.e. sites under 99 dwellings). However, the Council has not presented any evidence in the DLPP1R, or sporting evidence base, to justify why the threshold for strategic sites has significantly increased. On the face of it, it would appear that the Council has done this to justify post hoc their proposed spatial strategy which only directs growth to the edge of Derby on two large SUEs, rather than considering smaller sites elsewhere within the District. 9.3 The consequence of this is, that a package of smaller sites – such as St Modwen’s – arbitrability won't even be considered through the SA process. Moreover, when considering the Council’s position in the DLPP1R, that the proposed  DLPP1R should be read as a whole with the Development Plan (Para 1.29), this creates an inconsistency in the Council’s approach (i.e. the Local Plan Part 2 confirms that strategic sites are in excess of 99 dwellings). To this end, St Modwen considers that the Council should revisit this definition, particularly in light of the increased housing needs for the District set out in St Modwen’s responses to draft Policies S1 (Sustainable Growth Strategy) and S4 (Housing Strategy), as this would unreasonably preclude the Council from considering other reasonable alternative sites to address these needs. | Allocating housing and mixed-use schemes of 1000 dwellings+ provides the opportunity to deliver comprehensive infrastructure with a great deal of containment on large sites. The scale of sites will allow the provision of infrastructure such as schools, open space, local centres, employment etc, which will help provide a sustainable development.  In terms of smaller scale housing schemes, outstanding allocations within the Local Plan Part 1 have been carried forward, Part 2 allocations remain and there are outstanding non-strategic sites within the Districts housing supply. It is not considered that there is a shortage of variety of housing sites within the District. |
| 1243556 | Stantec on behalf of Parker Strategic Land South of Mickleover | Stantec on behalf of Parker Strategic Land South of Mickleover | H22 | 4.9 Policy H22: Gypsies and Travellers and for Travelling Showpeople (GTTS) 4.9.1 PSL recognises the identified need for GTTS accommodation within South Derbyshire. However, the supporting evidence base including the Sustainability Appraisal (SA) have failed to demonstrate that the Council has fully considered whether any other reasonable alternatives exist for locating the unmet demand. 4.9.2 The Council must demonstrate with evidence that the proposed approach is the most robust and that other reasonable alternatives do not result in a better outcome. PSL reserves the right to comment further on this once the evidence is available. 4.9.3 The policy as worded requires all serviced plots to be provided before the completion of any housing on strategic sites such as STRA2. However, no reasonable evidence justifying this has been provided as to why that must be the case, nor does it give any thought as to how reasonable phasing of development and infrastructure, and how this relates to the best location for GTTS accommodation. 4.9.4 As such, should the Council continue to seek GTTS accommodation on strategic sites, there must be far greater flexibility in the policy in terms of delivery of serviced plots. We suggest alternative wording should be: B. Strategic sites which are defined as housing or mixed-use sites of over 1000 dwellings will be required to: i) provide 5 serviced Gypsy and Traveller pitches per 1000 dwellings up to a maximum of 15 pitches, to be delivered at an appropriate time during development phasing, as agreed through any future planning application; or (if it can be demonstrated that the pitches cannot be viably delivered on site) ii) provide serviced plots on alternative land that meets the criteria set out in part (C) of this policy, to accommodate the required number of pitches within Part Bi of the policy. The plots are to be delivered during the development phase through detailed negotiations during a future planning application. Or where sites are unable to accommodate permanent pitches a financial contribution for off-site provision should be made. | See Council response to Derby City Council.  The District Council can amend the Policy to be more flexible regarding when the provision of Gypsy and Traveller pitches are to be provided on site. |
| 1243634 | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | **H22** | 9.0 Policy H22: Gypsies and Travellers and for Travelling Showpeople 9.1 St Modwen do not have any general comments about the approach set out within draft Policy H22: Gypsies and Travellers and for Travelling Showpeople. However, St Modwen notes that the Council is proposing to re-define ‘strategic sites’ as “sites which are defined as housing or mixed-use sites of over 1000 dwellings”. 9.2 This is a notable change to the Council’s previous approach to strategic housing. Indeed,within the adopted Local Plan Part 1 the Council considered strategic as being 99+ dwellings, with the Local Plan Part 2 allocating non-strategic sites (sites under 99 dwellings). 9.3 St Modwen considers that the Council has not provided sufficient evidence to justify why the threshold for strategic sites has increased by such a significant amount. The Council appears to have done this to justify post hoc their proposed spatial strategy, which directs growth to two large SUEs on the edge of Derby, rather than considering smaller sites throughout the District. 9.4 Consequently, smaller sites such as the Land south of Station Street, Castle Gresley have not been considered through the SA process. Additionally, when considering the Council’s position in the DLPP1R, that the proposed DLPP1R should be read as a whole with the Development Plan (Para 1.29), this creates an inconsistency in the Council’s approach (i.e. the Local Plan Part 2 confirms that strategic sites are in excess of 99 dwellings). 9.5 In this context, St Modwen would urge the Council to reconsider this definition, especially in light of the increased housing needs for the District (see St Modwen’s responses to draft Policies S1 (Sustainable Growth Strategy) and S4 (Housing Strategy)). This would ensure that Council does not unreasonably preclude the consideration of other reasonable alternative sites to address these needs. | See Council response to Question 3.  Allocating housing and mixed-use schemes of 1000 dwellings+ provides the opportunity to deliver comprehensive infrastructure with a great deal of containment on large sites. The scale of sites will allow the provision of infrastructure such as schools, open space, local centres, employment etc, which will help provide a sustainable development.  In terms of smaller scale housing schemes, outstanding allocations within the Local Plan Part 1 have been carried forward, Part 2 allocations remain and there are outstanding non-strategic sites within the Districts housing supply. It is not considered that there is a shortage of variety of housing sites within the District. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | H22 | Policy H22: Gypsies and Travellers and for Travelling Showpeople 2.51. The evidence base includes the Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Report (July 2023), which identifies two accommodation needs figures for Gypsy and Travellers. The first based on the Planning Policy for Travellers (DCLG, 2015) definition of Gypsy and Travellers which excludes Gypsies and Travellers who have ceased to travel and the ethnic definition, which includes all households who ethnically identify as Gypsies and Travellers and have ceased to travel.  2.52. The Council have opted to use the ethnic definition. Under this definition the evidence base identifies a need for 59 pitches between 2020 and 2040. As a result, Policy H22 states that on strategic sites of over 1000 dwellings, 5 serviced Gypsy and Traveller pitches per 1000 dwellings up to a maximum of 15 pitches are required. The need for such provision is district wide, and it is therefore unclear why a requirement for land provision or indeed financial contribution is only required on sites of over 1,000 dwellings. Our clients consider a financial contribution should be collected on all housing sites, including smaller sites, in accordance with the evidence base.  2.53. It does not appear from a review of the evidence base that this provision has been subject to any kind of viability assessments or testing and as a result it is not justified nor evidenced, and it fails the NPPF soundness tests.  2.54. It is not clear from the evidence base whether the option for a suitably evidenced and justified developer contributions to be collated to contribute towards the provision of a dedicated and purpose-built Site that meets all the specific requirements of criterion C has been considered.  2.55. As set out by the York Travellers Trust in a Hearing Statement to the City of York Local Plan Review dated February 2024 and their representations leading up to this point, extensions to existing traveller sites is the preference of the communities who will reside there. When rebutting the relevant policy (Policy H5) and its requirement for developers to provide pitches onsite, at paragraph 62, the York Travellers Trust Hearing Statement states ‘Effective policy will create opportunities and resources for those who do want to develop Traveller sites to do so, rather than imposes onerous and unachievable obligations on those who do not’. Our clients consider this approach is preferential for Gypsy and Traveller communities opposed to the fragmented provision of pitches across the district. | See Council response to Derby City Council.  It is not considered that seeking financial contributions on all housing sites is viable. |
| 1242615 | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | H22 | Policy H22: Gypsies and Travellers and for Travelling Show people  Policy H22 appears to require that provision for Gypsies and Travellers and for Travelling Show people is obtained from all strategic allocations, future local plan allocations and through determining planning applications. The requirement for ‘all’ sites, allocations and planning applications to make such provision is unjustified. The Council should not be looking to all developments to address such provision but undertake the appropriate evidence base to identify the accommodation need and then seek to allocate sites in appropriate locations to address this need. The evidence base justifying the requirement for the provision of Gypsy and Traveller pitches at Policy H22 is therefore unclear. Appendix 4 of the draft Local Plan refers to “Gypsies and Travellers Accommodation Assessment (GTAA), 2024”, however this document does not appear to be available on the consultation page nor the Council’s website. In the absence of the evidence base, the requirements of Policy H22 cannot be found sound. | The Derby, Derbyshire, Peak District National Park and East Staffordshire Gypsy and Traveller Accommodation Assessment (GTAA) can be found on the Local Plan Review evidence base page. The GTAA was available on the Councils website from the 18th October 2024.  [Local Plan Review Evidence Base | South Derbyshire District Council](https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/evidence-base-2/district-wide-and-derby-hma-evidence)  The Council will amend Policy H22 to clarify that Part A of the policy refers to determining Gypsy and Traveller planning applications, not all planning applications. |

**Other comments on Housing**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | Housing General | Housing site policies – there are a large number of proposed housing allocations set out within the Plan, from Page 67. How have these been assessed and where is the heritage impact assessment evidence base? We note that a number of the proposed allocation sites include a reference to the historic environment including mitigation measures. We welcome reference to heritage, however, would require sight of the evidence base to assess whether the harm to the significance of heritage assets has been fully considered and there are appropriate mitigation measures in place to overcome any harm. We would recommend that the Council provides us with the appropriate evidence base and then we have a meeting to discuss all the site allocations in detail, ahead of a Regulation 19 consultation. We are supportive of the approach to include site specific policies with the proposed site allocations, as this is a useful way to incorporate the evidence base and mitigation/enhancement measures. | All Housing sites in the Housing chapter were previously allocated in the adopted than of 2016. Whilst some amendments have been made to the specific policies, the principle of allocation has already been accepted. The only new mixed use sites to be proposed are those set out in Section 5 – STRA 1, 2 and 3. The Council’s own Conservation Officer has assessed these sites. |
| **National Organistion** | | | | | |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | Housing gen | HBF do not comment on individual sites, but it will be important for the Council to be certain that any sites being carried forward form the previous Plan remain deliverable. It will be important for the new South Derbyshire Plan to be supported by evidence, monitoring and analysis to demonstrate that all the sites in the Plan, remain deliverable, if they are to continue to be relied upon. There may be site specific challenges which could impact on the timescales for delivery of currently allocated sites, it will be important for the Council to understand these if the Plan is to continue to rely on these sites as part of the housing land supply. This information should be used to inform a site by site housing trajectory.  HBF would also recommend undertaking a BNG baseline survey for allocated sites to ensure BNG is deliverable and the aspiration for on-site BNG are realistic and deliverable. There may be occasions where off-site BNG could deliver greater biodiversity benefits, then small bits of isolated habitats on-site. HBF would encourage the Council to consider this at the site allocation stage, drawing on the LNRS, and ensuring policy wording reflects the evidence to ensure the Plan as a whole delivered maximum benefits for biodiversity and nature recovery in South Derbyshire.  HBF is also supportive of the deletion of sites from the plan when they have been developed.  HBF would also question to appropriateness of providing self-build and custom-build plots on allocated sites. It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. HBF support the specific site allocation of sites for self-build.  HBF also advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. HBF considers that Councils can play a key role in facilitating the provision of land for self-builders as set in the PPG. This could be done, for example, by using the Councils’ own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.  The NPPF also requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have.  HBF would wish to see the Plan’s policies and evidence base to set out how the plan will deliver 10% of homes on sites of less than one hectare, as required by paragraph 69 of the NPPF. Indeed, HBF would advocate that a higher percentage of small sites are allocated if possible. Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers once accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%.  The Plan should also recognise that the time taken to bring forward larger allocations, and this underlines the need for a range of site types and sizes to ensure a five-year land supply on adoption, and an effective housing land supply over the plan period. | A site by site housing trajectory will be prepared taking account of any significant constraints that will need to be addressed.  In regard to the NPPF requirement to identify in the Local Plan a proportion of sites of less than 1ha, the Local Part Part 1 review is concerned with new strategic scale housing, employment and mixed use development. Any need for additional non-strategic allocations will be taken into account as part of a subsequent review of policies contained in the Part 2 Local Plan.  In regard to comments on the provision of self build plots within new general housing developments, consideration has been given to the potential challenges that this may present. The threshold of 30+ homes for delivery of self and custom build plots was decided upon with reference to NPPF para 73, which in seeking to support the delivery of new homes by small to medium size builders, identifies an upper site size threshold of 1ha. Government land use statistics identify a national average new build housing density of some 30 per ha. Thus the threshold avoids the introduction of policy requirements which small to medium scale builders may find more challenging to accommodate than would a larger builder.  Design reviews for sites STRA1 and STRA2 will include consideration of how the developments can accommodate self build plots.  It is likely that purely self build sites would be on sites of less than strategic scale and any needs for such can be considered as part of a Local Plan Part 2 policy review as referred to above. |
| **Parish Council and other Community Group** | | | | | |
| 1244412 | Etwall Parish Council | Etwall Parish Council | Housing | Section 6 – Housing It is noted that Etwall remains as a “key service village” and apart from the Freeport, there are no principal policy statements directly affecting the village, however Policy H21 permits sites of 25 or less houses adjoining the settlement boundary to be considered. There are a number of SHELLA sites on the planning portal on the Etwall settlement boundary and we are concerned that these could be permitted as a series of 25 house sites. As Section 106 and similar considerations will be minimised due to the small site size, essential developer funded community improvements could be lost. The highway infrastructure in Etwall will not be able to cope with the additional traffic generated by these developments. | Any proposals for rural exception sites would be for affordable housing only and would need to be supported by evidence of unmet need for such within the village. The National Planning Policy Framework states that local planning authorities should support opportunities to bring forward such sites. Any such proposal would need to be compliant with all other relevant policies in the plan including those related to traffic generation. |
| 1241376 | Rosliston Parish Council | Rosliston Parish Council | Housing chapter | There seems to be a lack of joined up thinking, adding new homes in South Derbyshire, without the infrastructure to support them. Surely the infrastructure should be in place either prior to the homes being built or at the very least the same time. Highways are not able to support the additional traffic. No schools, medical centres, bus routes, pavements for people to walk safely. | The housing need of the district is identified through the use of a set Government formula, known as the Standard Method.  Provision of services and infrastructure in association with significant new housing development is determined with reference to the policy requirements of the Local Plan, established in consultation with the relevant highways, education, health and other agencies and having regard to known deficiencies in provision and those which may arise as a consequence of the proposed new development.  The Council strives to ensure that this will be provided in a timely manner by identifying appropriate trigger points within legal agreements negotiated in association with planning permissions. |
| 1243603 | SAVE (Save Aston & Weston Village Environment) | SAVE Aston and Weston Residents Group | New | (Additional policy)  As stated above, a policy on housing density, architectural design and landscape design is needed for new residential developments. | It is not considered necessary to include a new policy on housing density, architectural design and landscape design is needed for new residential developments  The Council has a Design SDP which makes use of appropriate densities, which can include high densities on appropriate sites. In addition, the Council is undertaking a design review process for the new strategic allocations which will explore appropriate densities of new strategic allocations.  The Local Plan also contains policy BNE1 which sets out principles for Design. |
| **Landowner or Developer** | | | | | |
| 1242621 | Fisher German on behalf of David Wilson Homes East Midlands |  | Reserve Site | 2.45 Given the issues we have identified within these representations, we consider it to be prudent that the Council seek to identify reserve sites ahead of Regulation 19, with a supporting policy of when the sites would be released, tied into a range of factors including the strategic sites missing key triggers, for example. This approach would de-risk the Plan examination in respect of Matthew Pennycook MP’s direction to the Planning Inspectorate (July 2024) which set out plans should be robust at submission and not reliant on protracted examination processes for fundamental issues of soundness to be rectified. If there are issues with supply, for any of the reasons discussed above or others that arise through the examination, then the sites needed to ameliorate that shortfall will already be in front of the examination and thus the Inspector can introduce these as allocations via Main Mods. As parties will have the opportunity to comment these sites at Regulation 19, then there will not be a requirement for multiple consultations through the examination and this change can be dealt with via the existing and anticipated main mods process, thus increasing the likelihood this work could be completed in the 6 months now allowed to conclude examinations.  2.46 It is noted having regard to our client’s interests that the site in Hilton is both positively assessed in the South Derbyshire Strategic Housing and Economic Land Availability Assessment (2022)(Site Ref: 109 Land at Sutton Lane, Hilton) and was also positively assessed as part of a broader area of search (D1: Hilton northern expansion) within the Derby Housing Market Area Growth Options Study (2021).  2.47 The land at Findern has not been assessed through the Derby Housing Market Area Growth Options Study (2021) or the 2022 SHELAA. However, it is noted that the surrounding land has all been positively assessed (e.g. Site Ref: 162 Land north east of the A38 A50 Toyota junction, Findern & Site Ref: 161 Land to the east of the A38 and south of Doles Lane, Findern) and there is nothing to suggest that an assessment of our client’s land as delineated at Figure 1 will result in a different outcome.  2.48 Both sites are therefore eminently suitable to be introduced should the need arise, in a geographically and spatially appropriate location to meet the needs of either South Derbyshire or Derby City. As both sites are in control of national housebuilder, there is the ability to expedite early delivery, in collaboration with the Council, to aid with any potential issues around 5-year housing land supply for example. | The new standard method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree. For the purposes of the Local Plan Part 1 review the South Derbyshire Local Plan need has been calculated using the previous standard method to 2024 of 507 dwellings per annum.  In regard to any need for reserve sites the District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility. |
| 1243572 | Fisher German on behalf of Mrs E Goodson |  | Omission site  Rerserve site | Additional/reserve site  Given the issues we have identified within these representations, we consider it to be prudent that the Council seek to identify reserve sites ahead of Regulation 19, with a supporting policy of when the sites would be released, tied into a range of factors including the strategic sites missing key triggers, for example. This approach would de-risk the Plan examination in respect of Matthew Pennycook MP’s direction to the Planning Inspectorate (July 2024) which set out plans should be robust at submission and not reliant on protracted examination processes for fundamental issues of soundness to be rectified. If there are issues with supply, for any of the reasons discussed above or others that arise through the examination, then the sites needed to ameliorate that shortfall will already be in front of the examination and thus the Inspector can introduce these as allocations via Main Mods. As parties will have the opportunity to comment these sites at Regulation 19, then there will not be a requirement for multiple consultations through the examination and this change can be dealt with via the existing and anticipated main mods process, thus increasing the likelihood this work could be completed in the 6 months now allowed to conclude examinations. 2.46 It is noted having regard to our client’s interests that the site is both positively assessed in the South Derbyshire Strategic Housing and Economic Land Availability Assessment Methodology (2024) (Site Ref: 72 Land east of Walton on Trent) and whilst assessed as potential coalescing with Drakelow to the north as part of a broader area of search (F1: North-east of Walton on Trent) within the Derby Housing Market Area Growth Options Study (2021), the opportunity exits to create a strong landscape buffer towards the north of the site, with development contained to the south and adjacent to the existing settlement. 2.47 The site is therefore eminently suitable to be introduced should the need arise, in a geographically and spatially appropriate location to meet the needs of either South Derbyshire or Derby City, also contributing towards any potential issues around 5-year housing land supply. | The new standard method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree. For the purposes of the Local Plan Part 1 review the South Derbyshire Local Plan need has been calculated using the previous standard method to 2024 of 507 dwellings per annum.  In regard to any need for reserve sites the District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility. |
| 1243598 | Fisher German on behalf of Mr Grantham Newton Solney |  | Omission site  Reserve site | Additional/reserve site  Given the issues we have identified within these representations, we consider it to be prudent that the Council seek to identify reserve sites ahead of Regulation 19, with a supporting policy of when the sites would be released, tied into a range of factors including the strategic sites missing key triggers, for example. This approach would de-risk the Plan examination in respect of Matthew Pennycook MP’s direction to the Planning Inspectorate (July 2024) which set out plans should be robust at submission and not reliant on protracted examination processes for fundamental issues of soundness to be rectified. If there are issues with supply, for any of the reasons discussed above or others that arise through the examination, then the sites needed to ameliorate that shortfall will already be in front of the examination and thus the Inspector can introduce these as allocations via Main Mods. As parties will have the opportunity to comment these sites at Regulation 19, then there will not be a requirement for multiple consultations through the examination and this change can be dealt with via the existing and anticipated main mods process, thus increasing the likelihood this work could be completed in the 6 months now allowed to conclude examinations. 2.46 It is noted having regard to our client’s interests that the site in Newton Solney is both positively assessed in the South Derbyshire Strategic Housing and Economic Land Availability Assessment (2024) (Site Ref: 52 Land at Newton Road, Newton Soley) and was also positively assessed as part of a broader area of search (E2: Land between Burton Upon Trent and Swadlincote) within the Derby Housing Market Area Growth Options Study (2021), which stated that specifically the site, to the north west of the search area, is a suitable area for growth, we therefore request that the Council consider allocating the site within the new development plan for South Derbyshire. 2.47 The site is therefore eminently suitable to be introduced should the need arise, in a geographically and spatially appropriate location to meet the needs of either South Derbyshire or Derby City, also contributing towards any potential issues around 5-year housing land supply. | The new standard method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree. For the purposes of the Local Plan Part 1 review the South Derbyshire Local Plan need has been calculated using the previous standard method to 2024 of 507 dwellings per annum.  In regard to any need for reserve sites the District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility. |
| 1244437 | CBRE on behalf of Labcorp | CBRE on behalf of Labcorp | Housing allocations | Policies H2- H19, STRA1 and STRA2 (Housing Allocations)  Policies H2 - H19, STRA1 and STRA2 include a number of site allocations which are proposed to meet the 13,347 dwellings requirement for South Derbyshire, however these are all typically large sites of around 300no. dwelling capacity plus with 2no. strategic housing allocations for 2,000no. and 2,500no. dwellings (Policy STRA1 and Policy STRA2). These larger strategic sites are unlikely to be fully delivered within the plan period. Both sites do not yet have a planning application submitted, and it is our experience that larger and strategic allocations typically take longer to assemble and deliver, with the first phase of a larger site taking up to 5 years to begin delivery.  As a consequence, we consider that the identified 6,950no. dwellings will likely not come forward within the plan period and benefit South Derbyshire and address City of Derby's unmet housing needs (see Table 2). This is because larger strategic sites take a significant amount of time to mobilise, as such we recommend that in addition to existing larger and strategic allocations, consideration is given to the allocation of smaller sites outside of settlement boundaries to benefit in meeting local and district housing needs, whilst significantly boosting the speed in which homes are supplied, in accordance with Paragraph 60 of the National Planning Policy Framework.  Table 2- supply and deficit of draft allocated site  Table 1 identifies the draft allocated sites in the Local Plan Part 1 review (polices H2 - H19, STRA1 and STRA2), alongside their dwelling supply and current site status. These sites have been assessed based on their deliverability during the draft plan period; deliverability has been measured against the assembly, construction and application status of the site, alongside any potential complexities against delivery.  Based on standard delivery rates from one housebuilder of c.50no. dwellings p/a, there is likely to be an estimated shortfall of 2,400no. dwellings at the expiry of the plan period (based on the involvement of 1 housebuilder per development, this number may change with the number of housebuilders on any one site). This is because based on our experience whilst construction may begin on this sites, full site dwelling capacity may not be delivered in its entirety during the plan period. This is due to increased mobilisation rates for larger capacity and strategic allocations, and longer assembly periods. If Policy H16 (Primula Way, Sunny Hill) for 500no. dwellings comes forward to deliver within the next 5 years from the emerging plans adoption, it is likely this dwelling capacity will be delivered in its entirety or a shortfall of approximately 50no. dwellings. Chapter 5 of the National Planning Policy Framework (December 2023) identifies the importance of ensuring a sufficient amount and variety of land that can come forward when it is needed without delay. Having a variety of housing sites capable of delivery across the entirety of the Plan period is an important consideration, to accommodate future unexpected growth leading to an increased dwelling demand outside of draft allocations.  The Labcorp site promotes the opportunity to provide in the region of 150no. dwellings across 2 parcels of land in a suitable and sustainable location for delivery of housing to accommodate the unmet needs of City of Derby where there is existing infrastructure and facilities in place to enable future residents to thrive. Residential development on this site can contribute towards unlocking the accessibility to local countryside. In this way, development supports the requirements set out in the Derby HMA Sustainability Appraisal of Housing Options whereby dwellings are delivered in an area where there is existing transport networks and facilities alongside access to complementary uses. We therefore consider that these sites should be put forward for a residential allocation to assist SDDC in delivering land to meet its housing need in the short term. | The new standard method for calculating housing need, which came into being in December, 2024, changes the needs of the three authorities significantly, substantially reducing Derby’s overall minimum need, whilst increasing South Derbyshire’s, albeit to a much lesser degree. For the purposes of the Local Plan Part 1 review the South Derbyshire Local Plan need has been calculated using the previous standard method to 2024 of 507 dwellings per annum.  In regard to any need for reserve sites the District Council’s current position is that although the extent of Derby’s unmet need has been reduced substantially, there remains a strong case for South Derbyshire to maintain the overall level of provision identified in its Draft Local Plan, published October, 2024.  This is to reflect a better understanding of delivery issues around the two housing led strategic sites allocated under policies STRA1 and STRA2 with neither to be built out during the proposed plan period, a recognised need to extend the time period of the Local Plan to give 15 years post adoption which is an extension of two years to 2041, current uncertainty regarding the outcome of the Amber Valley Local Plan examination particularly in relation to meeting Derby’s unmet needs; to recognise and reflect the sustainability appraisal findings that allocations in SouthDerbyshire in close proximity to the City of Derby amount to sustainable development, the high level of housing delivery recorded for South Derbyshire over the past several years, the need to match affordable housing need with delivery as closely as possible and to provide a buffer for flexibility. |
| **Members of the public** | | | | | |
| 1241993 | Alan Mercer Jones | Individual | Additional Policy | Add an additional Housing policy (H23 ?): Permanently staffed supported provision (Elderly, Disabled adults, Childrens homes) should have sufficient parking within the boundary of the site to accommodate vehicles of the maximum number of staff likely to be on site including at shift change times. | The proposed strategic allocations are in line with the evidence base.  The Derby Capacity Study identifies an unmet need of 9022 dwellings. The Local Plan Part 1 Review looks to update strategic policies and help address Derby City’s unmet need.  The Derby HMA Growth Options Study identifies potential locations for future growth in the HMA and considers at a strategic level, their pros and cons.  The study defines strategic growth locations of accommodating a minimum of approximately 1000 homes). The study identified ‘Unsuitable Areas of Strategic Growth’ ‘Potential Areas for Strategic Growth’ and ‘Suitable Areas for Strategic Growth’. Within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Apprisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fiels was not progressed as there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  Strategic allocations on the edge of Derby will provide the critical mass of development needed to deliver essential infrastructure, such as primary and secondary schools and new local centres.  An Infrastructure Delivery Plan will be provided at submission which (in consultation with service providers) will assess and identify the infrastructure needed for new development and considers how this will be delivered  In terms of the timing of new infrastructure the Local Plan Review is looking to provide infrastructure earlier on in the development of the proposed strategic allocations. Policies STRA1, STRA2 and STRA3 require that prior to the occupation of that phase, the necessary infrastructure is provided for that phase.  Furthermore, the District Council will be undertaking a Transport Assessment and a Flood Risk Assessment which will form part of the evidence base for the Local Plan.  In terms of parking, Policy INF2 will be used in the determination of any planning application, which requires that development should include appropriate car parking provision having regard to a list of criteria. In addition, Derbyshire County Council Parking Guidance for New Developments (September 2024) includes parking standards.  Part L of the Building Regulations set out requirements for energy efficient standards of new and existing buildings and Part O (Overheating) cover the overheating mitigation requirements for new residential dwellings. The Local Plan Part 1 Review will not repeat the requirements set out in Building Regulations nor go beyond those  The Council has a Design SDP which makes use of appropriate densities, which can include high densities on appropriate sites. In addition, the Council is undertaking a design review process for the new strategic allocations which will explore appropriate densities of new strategic allocations.  The Local Plan also contains policy BNE1 which sets out principles for Design.  The District Council is working towards submitting the Local Plan Part 1 Review to the Inspector on or before to the 12th March, in line with the transitional arrangements set out within the December 2024 NPPF. However, it should be noted that the Local Plan Review does contain Policy REV1, which sets out details of a future review of the Local Plan. |
| 1234342 | Julia Bather |  | Housing | The area around the edge of Mickleover, Etwall and Hilton has been heavily built on over the last 5 years. There has been no investment in improved infrastructure, roads, health centers, secondary school,mobile phone signals etc. The traffic is becoming intolerable, you cannot get a dr appointment, have to call 111, John Port School causes issues in Etwall at school start , finnish times, parking is dangerous, blocking access for Emergency vehicles. No more new houses in S Derbyshire until, A38 is improved, Swarkestone Bridge is replaced and more Secondary school place where the existing new estats have been build, Dr Surgery built in either Etwall or new estate on outskirts of Mickleover |
| 1234532 | Michelle Garnham |  | General Housing | Infrastructure is coming too late and developers aren't being held to account for delivering on them. |
| 1242574 | Christian Murray-Leslie |  | Housing policies | Solar panels and heat pumps needed for all new housing. Failure to do this means you are not taking the climate emergency seriously. |
| 1242135 | Matt Coxon |  | General housing | The housing that gets built is of poor standard and any employment is usually of cheap poor labour. Snagging post sale is rife with the state of some houses being a joke. brickwork is poor and not straight and the roads in and out are never finished leaving raised manholes throughout.  Building more housing is already leading to flood plains being reduced and the surround areas are suffering because of it. If the council were that committed to building with minimal environmental impact then you would look at derelict factory sites to be re-purposed or brownfield land which is already not usable. That is real commitment.  Health and wellbeing of people SHOULD be the first consideration. The residents who already live in these areas are losing value on their homes and having their views spoilt by these new developments. No new doctor surgeries or Schools every get provided either which just adds to it. More anti-social behaviour from people whoh have never lived in the area so don't care about upkeeping it. |
| 1238657 | Clare Wood |  | General housing allocations | The housing will concrete over more of our precious green spaces and will increase carbon emissions, which will contribute further to the climate emergency. More needs to be done first to tackle empty properties, properties which are being bought to let and private student accommodation, most of which stands empty for half of the year (from around April to September). Homes should be built in the right places - near existing amenities and public transport hubs and networks. Housing should not be car-dependent as this increases air pollution (which impacts health and causes thousands of deaths every year in the UK alone), increases noise (which also impacts health), increases carbon emissions and lowers activity levels (which also impacts health). It also contributes significantly to the rising obesity epidemic. |
| 1242052 | Susan Marshall |  |  | As stated above, a policy on housing density, architectural design and landscape design is needed for new residential developments. A Policy is also needed on the impact of changes to the Governments Planning Framework. This could take the form of a risk analysis or sensitivity study to look at how the Local Plan would cope with changes in housing requirements resulting from changes to the Planning Framework. |

## Chapter 7: Employment

**Policy E1: Strategic Employment Land Allocation**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Landowner or Developer** | | | | | |
| 1243582 | CBRE Ltd on behalf of Land Project UK (LPUK) |  | E1 | Below we set out key comments to each Emerging Local Plan policy of relevance to employment for the short, medium and long term Planning Strategy for the site. - Policy E1: Strategic Employment Land Allocation: As outlined in our response to Question 3, we do not consider the Council’s approach to bringing forward allocations from the 2016 Local Plan Part 1 to be sound and have concerns these will not be delivered over the plan period. There is also a question around validity of this approach and how the allocations are “strategic” given their size. | All the sites rolled forward from the adopted Local Plan Part 1 have been assessed as part of the Derby and South Derbyshire Employment Land Review. All but one of the sites assessed was found to remain suitable for employment use. The site found no longer to be suitable has not been carried forward in the Local Plan Part 1 review. Most of the sites represent remaining plots or areas within allocations which have otherwise been built upon, meaning that supporting infrastructure to enable their development is already in place. Planning permission for employment has been granted on all but one of the sites to date. The Council is therefore confident that the sites can be brought forward. |
| 1242643 | Andrew Large Surveyors Ltd & The Staunton Harold Estate |  | E1, E2 and E7 | Policy E1, E2 and E7 – Removal of Permitted Development Rights This is contrary to national policy and current legislation, is anti-development and is not justified. | Some of the uses that fall under Use Class E represent main town centre uses under the National Planning Policy Framework definition and as such are subject to the town centre sequential test. The use of planning conditions to limit their uses to those falling within Class E(g) is intended to ensure that the vitality and viability of town centres will not be significantly adversely affected by development that could otherwise take place without the need to obtain planning permission and thus circumvent the sequential test requirement. It is proposed that for clarification policy wording of Policy E1 Part G and the final sentences of Policies E2 and E7 be changed.  The explanatory text accompanying Policy E1 at para. 7.16 will also be changed. |
| 1243190 | David Lock Associates on behalf of Hallam Land |  | E1 | E1 (Strategic Employment Land) Hallam wholly supports the principle of this policy, and particularly that Sinfin Moor is allocated for 70 hectares of employment development. As aforementioned, Hallam is the Applicant for a live planning application proposing employment uses across 21 hectares of the land proposed to be allocated. As with the Wragley Way application, Hallam wishes to reassure SDDC that it remains fully committed to working with them towards the successful determination, Implementation, and delivery of this scheme as soon as practicable.  Hallam supports the explicit recognition at item D of the policy that employment uses at Sinfin Moor / IGV will serve as an extension of Infinity Park in Derby to the north. Infinity Park is a key socio-economic driver for the region and accordingly it is important that it is tailored towards regional and national businesses as much as local, small, and ‘grow on’ businesses. If, under item B of the policy, SDCC wishes to secure a particular proportion of space for small and ‘grow on’ businesses, then there should be clear definitions of these in the Local Plan or Planning Obligations SPD. | Noted. A definition of “small” and “grow on” units can be included in Part B of the policy. |
| 1243617 | Chave Planning on behalf of DKA Commercial Limited |  | E1 | Policy E1: Strategic Employment Land Allocation DKA Commercial Limited objects to Policy E1 and considers that the allocation of employment land at only 3 new strategic allocations, in addition to existing allocations being carried forward, will not deliver a range of employment floorspace across the district to meet local needs. There are likely to be delays in delivery of development at both carried-forward allocations and at strategic allocations, such that the continuous supply of floorspace would be affected. Allocation of further, smaller sites across the district would contribute towards meeting local needs for employment floorspace and providing choice and quality for business investment. Paragraph 4.96 of the Draft Local Plan identifies that, while the Derby and South Derbyshire Employment Land Review (ELR) identified a small oversupply of employment land of 10.23ha, the development of additional land may potentially still be justified for a number of reasons, including (inter alia): • to enable the expansion of premises occupied by established businesses, allowing them to continue to grow and prosper within the District; • to provide for particular types of business accommodation for which there is an identified unmet demand within the District, such as small and grow-on units; • to allow for employment development beyond settlement boundaries to help diversify the rural economy; • to meet the locational requirements of particular economic sectors; • to allow flexibility in responding to currently unanticipated needs; and • to balance any loss of established employment sites. The above reasons indicate that there could be various types of local need for employment development, which might not be met by strategic allocations, or carrying forward of existing allocations, either in terms of size and location of site, or in terms of the timescale for delivery. Allocating insufficient sites could mean that existing businesses cannot expand and grow to serve their local markets and there are insufficient opportunities to support the rural economy and employment. Infinity Garden Village and the Former Drakelow Power Station both have major infrastructure requirements that are likely to delay delivery until late in the plan period. These sites are likely to deliver large format B2/B8 floorspace, which is unlikely to meet local needs. The sites carried forward from the adopted Local Plan have seen little activity in terms of planning applications taking them forward for development since being allocated in the Local Plan Part 2 in 2017, or earlier in Part 1 in 2016. This indicates that they are not necessarily optimised to meet needs that are coming forward. Further site allocations should be considered, particularly for small sites, to diversify the offering of employment land allocations and provide greater opportunity for meeting local needs. DKA Commercial Limited would submit that further consideration should be given to an employment site allocation on land north of the A516/A50 junction at Hilton. DKA Commercial have put forward site 234 (1.1ha) in this location. The site is adjacent to site 192 (6.47ha), which has also been put forward for B2/B8 General Industrial and Warehousing development. Although site 234 has not been assessed in the ELR, site 192 was assessed as B- quality, owing to the following credentials: “Site enjoys a strong position on the A516, close to a junction with the A50 and north of Hilton. The A50/A38 Corridor is identified as the prime employment corridor of South Derbyshire, with strong demand for industrial and warehouse uses here. Site is adjacent to the successful Badger Farm scheme of rural offices and workshops. The site could represent an expansion of Badger Farm, but proposals seem to be for larger B2/B8 units. Largely unconstrained area of greenfield land on a main A Road corridor. Subject to agreeing access arrangements a B2/B8 development, likely of a local scale, would be deliverable here”. This particularly highlights how the location could serve to meet local needs. There is only one 3ha site allocation proposed for employment at Hilton, carried forward from the Local Plan Part 2, for which there has been no planning application activity. As a Key Service Village, Hilton is significant in the settlement hierarchy, and yet the Draft Local Plan does little to support the settlement in terms of employment floorspace to meet local needs. The ELR says at paragraph 11.17 that much of the existing employment land supply, plus the emerging sites, comprise a small number larger strategic options, primarily aimed at a larger than local B2/B8 market. It says that the offer for smaller industrial, warehouse businesses is presently limited, and that this is against the strong local industrial demand for 500-1,000 sqm units reported in South Derbyshire. It goes on to say that as there is no quantitative need for large new local site allocations, but in many cases only a modest supply of employment land suited to meet specifically local requirements, small scale development is likely to have an increasingly important role in meeting needs. It goes on to recommend at paragraph 11.21 that the Local Plan is supportive of small E(g)/B2/B8 developments, re-uses, etc., typically on smaller sites, which will provide properties of less than 1,000 sqm each, aimed at local markets. The ELR says at paragraph 11.24 that, while it may be possible to identify some opportunity sites, it is broadly recommended that a flexible approach be taken allowing the market to determine where and when opportunities are brought forward, building on existing Local Plan Policies E2 and E3 of the South Derbyshire Local Plan. However, Policy E2 seems to have become more restrictive in the Draft Local Plan, with criterion i requiring other business and industrial development to be within a settlement boundary, whereas the adopted Local Plan permits such development within or on the edge of settlements. Policy E7 for rural economic development is also subject to a number of additional criteria, compared to the adopted Local Plan. Therefore, the Draft Local Plan does not follow the recommendation to take a flexible approach towards development coming forward to meet local needs on smaller sites. In view of the above, Policy E1 is not positively prepared, nor is it justified by the evidence base. The evidence base would indicate that a flexible approach should be taken, or opportunity sites should be identified, to meet local needs on smaller sites. Neither such approach has been taken and instead the Draft Local Plan carries forward site allocations that are not delivering, and makes strategic allocations for employment that are unlikely to serve local need and likely to take significant time to come forward, bearing in mind infrastructure requirements. DKA Commercial Limited would therefore submit that further consideration should be given to allocation of additional small sites for employment, in particular site 234 on land north of the A516/A50 junction at Hilton, which is highlighted as being a strong location in the ELR. | The Derby and South Derbyshire Employment Land Review identifies that South Derbyshire already has a quantitative employment land oversupply comprising remaining land on adopted Local Plan Part 1 allocations, all but one of which have been granted planning permission and which are being rolled forward as part of the Local Plan Review and other unimplemented or partially implemented planning permissions. Almost all these sites are already served by necessary infrastructure. It is not therefore considered that the continuous supply of floorspace is in jeopardy.  Furthermore Policy E1 Part B requires that the rolled forward sites and the employment elements of the STRA1, STRA2 and STRA3 allocations include provision for small and grow on business accommodation. They lie in close proximity to large areas of existing and proposed housing development, meaning that they are well placed to help meet local employment needs. Collectively these allocations cover a wide geographic area and represent a range of site sizes.  The policy addressing rural employment development, E7, is highly accommodating in line with the National Planning Policy Framework, as is E2 which addresses employment development and redevelopment outside allocated sites.  The site allocated for employment development at Hilton, identified as site E1E in the Local Plan review, is the remnant of a larger allocated area for which outline planning permission has been granted, the remainder of which has been developed for employment purposes. It is therefore incorrect to say that there has been no planning application activity here. It adjoins an area of land for which outline penning permission for employment redevelopment has also been granted, measuring an additional 2.3ha.  The Local Plan Part 1 review is concerned with new strategic scale housing, employment and mixed use needs. Any need for new smaller scale employment sites will be considered as part of a Local Plan Part 2/Full Local Plan review. |
| 184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow |  | E1 | 7. Employment and the Economy Policy E1: Strategic Employment Land Allocation 2.56. Our client’s site provides 70 hectares of employment land, including Use Classes E(g), B2 and B8, as part of a sustainable mixed community under policy STRA1. As set out above, our client is supportive of this allocation.  2.57. Criterion B of Policy E1 states that developments shall include provisions to meet the needs of small and “grow on” businesses. Whilst our client recognises there is a need for this type of provision as identified in the evidence base (Employment Land Review Derby City Council and South Derbyshire District Council October 2023) it must be located in the most appropriate geographical areas to encourage uptake. Again, this is another matter that would impact viability and delivery that does not appear to have been considered. It is therefore considered that criterion B should be removed as it is not suitably evidenced nor justified.  2.58. The evidence base (at paragraph 4.91) identifies that there is demand for more industrial and warehouse development on strategic road corridors like the A50, and as a result, our clients consider that strategic industrial and warehousing provision should be maximised on the Site due to its key location adjacent to the A50 and being directly accessed via a new junction on the A50 when built.  2.59. It is not clear from the evidence base why the requirement for ‘small and grow on businesses’ has been included for the Site as its need in this location has not been suitable evidenced or justified. As a result, this requirement fails the NPPF soundness tests and should be removed.  2.60. Criterion G states that where planning permissions include provision within Use Class E(g), representing office, light industrial and research and development uses, permitted development rights allowing changes of use to other types of development outside that Use Class will be removed through the use of planning conditions. Our clients consider that the most suitable way of restricting the uses on site is by controlling the original planning permission via a planning condition rather than removing all permitted development rights and potentially stifling the future evolution of units as they respond to market need and demand. | In regard to comments in respect of Part B, the employment allocation forms part of the Infinity Garden Village strategic mixed use development proposal identified under Policy STRA1, which will includes large residential areas, local services and facilities and a wide range of employment accommodation. In such a location it is considered highly appropriate that small and grow on employment space should be included as part of the development mix. On a large employment allocation there is scope to accommodate a substantial quantum of large scale logistics development alongside an element of smaller scale accommodation, particularly as the latter would provide a more suitable neighbour to adjacent housing. A design review of the STRA1 allocation is being undertaken and the proposals for a range of scales of business accommodation will be considered as part of this.  A whole plan viability assessment is to be undertaken which will consider include consideration of housing and mixed use development and will inform any necessary changes to Policy E!.  Some of the uses that fall under Use Class E represent main town centre uses under the National Planning Policy Framework definition and as such are subject to the town centre sequential test. The use of planning conditions to limit their uses to those falling within Class E(g) is intended to ensure that the vitality and viability of town centres will not be significantly adversely affected by development that could otherwise take place without the need to obtain planning permission and thus circumvent the sequential test requirement. It is proposed that for clarification policy wording of Policy E1 Part G and the final sentences of Policies E2 and E7 be changed.  The explanatory text accompanying Policy E1 at para. 7.16 will also be changed. |
| 1242615 | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd |  | E1 | Policy E1: Strategic Employment Land Allocation  Policy E1 includes for 5-10ha of employment land, Use Class E(g), B2 and B8 through proposed allocation of STRA 2 Land South of Mickleover, being a proposed mixed-use strategic allocationunder Policy STRA2, which is welcomed. | Noted. |
| 1241834 | Rula Developments Limited |  | E1 | Policy E1: Strategic Employment Land Allocation  Policy E1 sets out the Strategic Employment Land Allocations. This comprises 8 sites, which are carried forward from the 2016 Local Plan and 3 new allocations (STRA 1, Infinity Garden Village, Sinfin Moor, STRA2 (Land South of Mickleover) and STRA3 (Former Drakelow Power Station).  In respect of the sites carried forward from the last local plan, delivery of these has been slow. Whilst the draft Local Plan identifies that as of 31 March 2024 61.39ha of employment land has been delivered, this is a significant leap from the latest published Annual Monitoring Report (AMR), which covers the period 1 April 2022-31 March 2023.The latest AMR identifies gross completions of 46.98ha since the start of the Plan period. Whilst the draft Local Plan is considering an additional year of delivery, it seems unlikely that an further 14.41ha (and 23.5% of delivery since 2011) has taken place in the last year. The Local Authority must publish evidence of up-to-date employment land uptake to justify its position with regards to delivery.  The AMR also identifies losses of 24.77ha of employment land. Against the published delivery figures in the AMR this would equate to a net delivery of only 22.21ha, which over an 11 year period equates to only 2.02 ha per annum. Furthermore, of that 46.98ha, 12.91ha has been delivered on the Nestle Site in Hatton. This was for the expansion of the existing business and the ELR notes on the Nestle site that “only occupier ever likely to be Nestle. Future after Nestle likely to be in alternative use”. If the 12.91ha Nestle expansion is taken out of the figures, then only 34.07ha has been completed since April 2011. Noting loses of 24.77ha, that leaves a delivery of 9.3ha in the last 11 years, which equates to 0.84ha per annum. In addition, the completions table demonstrates that a significant proportion of employment development is from smaller sites (a further 32%).  Looking at the ELR and the AMR, it is clear that the strategic sites allocated in the existing Local Plan are not delivering. Delivery on sites other than small sites or for specific operators is very low and allocated sites have not delivered any significant quantum of employment development. We therefore consider that continued reliance on these sites is unlikely to deliver significant employment land to meet identified need and the growth ambitions of the district.  The Local Plan proposes three further allocations, all of which are large sites: Infinity Garden Village, Land south of Mickleover and Drakelow Power Station.  The three proposed allocations are large strategic sites and are likely to be delivered later in the plan period. The ELR recognises this, stating that “much of the existing employment land supply, plus the emerging sites [recommend for allocation], comprise a small number of larger strategic options, primarily aimed at a larger than local B2/B8 market. The offer for smaller industrial, warehouse businesses is presently limited. This is against the strong local industrial demand reported in both Derby and South Derbyshire….with a particular shortage of…500-1,000sq m units in the case of South Derbyshire”.  Specifically in respect of the proposed allocation at Drakelow Power Station, the site is identified in the ELR as being a strategic development serving a larger than local market. The site is owned by E.ON and the ELR notes that “at the time of writing, it is unclear whether development in the south will focus on energy infrastructure or B2/B8 uses”. We note that there has been a screening opinion submitted for the development of a solar farm on a large part of the proposed allocation site (reference DMOT/2024/0152). Whilst an application has not yet been submitted this identifies real concern that the site may not be utilised for employment development. There are also large infrastructure constraints to the delivery of this site, in terms of connecting the land with the A38, including crossing the River Trent. Land at the top of the site also comprises Drakelow Nature Reserve. Whilst we recognise that this is a brownfield site where inevitably development of some form will take place, there seems significant uncertainty and infrastructure constraints to justify that this will deliver employment land at any speed. There are significant concerns about the deliverability of this site within the forthcoming plan period.  In order to reduce the over reliance on strategic sites we consider that there is an urgent need to consider medium sized sites that can deliver quickly and early in the plan period so as to address the availability of units as set out in the ELR and summarised in our response to question 11. Failure to do will perpetuate a vacuum of medium sized sites being brought to the market.  The Site being promoted by Rula Developments Limited comprises approximately 6.5ha of grazing land to the north-west of the A516. It is a short distance from the junction with the A50 and to the north of the settlement of Hilton. The site has existing planting along its boundaries, with a small block of woodland to the north and hedging adjoining the A516 to the south-east.  Rula Developments Limited are promoting the site for employment development. At this stage this potentially could be a mix of Use Class E(g) (Office/research & development/light industry), B2 (general industry) or B8 (storage and distribution). The site represents a logical extension to the successful development at Badger Farm.  The Site has been promoted through the SHELAA (site 196) and representations were sent in April 2021 to SDDC. That representation included a site masterplan, a technical highways note, an initial landscape and visual statement and a heritage note. The submission identified that there were no significant constraints to the delivery of the site and that the site provided an opportunity to provide employment development in a strategically appropriate location.  Hilton is the second largest settlement in South Derbyshire with circa 3,300 houses. Significant housing has been delivered here in the past 25 years, but employment opportunities and services and facilities have not been developed at the same pace. The Hilton Neighbourhood plan notes that “Hilton has a facilities deficit compared with other places in Derbyshire with a similar population. For example it does not have a café, care home, butchers, bakers, library, swimming pool or petrol station”. It also notes that “Hilton is a dormitory village with residents commuting to work in a wide range of locations”.  The current Local Plan Part 1 allocates 7ha of land at Hilton Business Park (Policy E1B). To date only 0.27ha of this has been delivered. Proposed Policy E1(e) now identifies only 3ha of land in Hilton for employment development. This reflects the removal of the backland part of the site at Don Amott Leisure Kingdom, which is not available for development by any other party.  In respect of the remaining 3ha the ELR notes that “No identified development plans on the remaining land. It is likely that the developer will seek a majority housing development on the site, given what has been developed to the west”. We note there is also an application for 60 affordable dwellings on part of this site (application reference DMPA/2023/0822), albeit this has been submitted for some time.  As such Hilton is a settlement which should be looking to provide additional employment land in order to assist with sustainability and avoid becoming a dormitory village. To date limited employment land has been delivered in this settlement and this site represents a good opportunity to deliver employment development, but without increasing traffic concerns within the village itself.  Moreover, a key economic asset for South Derbyshire is the A50 which is a strategic corridor connecting to the M1, A38 and M6. The ELR consistently refers to the importance of the A50 growth corridor, and we note that delivery which has taken place in the plan period has been strongest at Dove Valley Business Park, where there is good access to the A50.  However, with the exception of Dove Valley, there are very few sites with allocations or unimplemented planning permissions in the existing supply of employment land which can capitalise on the identified demand for development on strategic road corridors like the A50. Whilst Infinity Garden  Land will in time provide employment land alongside this growth corridor, this is unlikely to be during the early phase of the plan period. The Site also provides the opportunity to capitalise on the strength of the A50 corridor early in the Plan period. | The published employment monitoring data referred to by the respondent, indicating completion of employment development on land measuring 61.39ha since 2011 is correct, reflecting large scale delivery during the monitoring year 2023/24. The figure of 46.98ha relates to the previous monitoring year 2022/23.  The Council is satisfied with the rate of delivery on the employment sites allocated in the adopted Local Plan Part 1.  The sites rolled forward from as part of the Local Plan review have been assessed as part of the Derby and South Derbyshire Employment Land Review. All but one of the sites assessed was found to remain suitable for employment use and the site found no longer to be has not been carried forward. Most of these represent remaining plots or areas within allocations which have otherwise been built upon, meaning that supporting infrastructure to enable their development is already in place. Planning permission for employment has been granted on all but one of the sites to date. The Council is therefore confident that the sites will be developed.  Policy E1 Part B requires that the rolled forward sites and the employment elements of the STRA1, STRA2 and STRA3 allocations include provision for small and grow on business accommodation. They lie in close proximity to large areas of existing and proposed housing development, meaning that they are well placed to help meet local employment needs. Collectively the adopted Local Plan Part 1 employment allocations being carried forward and the proposed strategic sites cover a wide geographical area and offer a range of site sizes.  In regard to allocation STRA3, infrastructure provision for the mixed use development at the former Drakelow power station site, identified under Policy H4, currently under construction, is to be in accordance with the planning permission and related S106 agreement for that site. These requirement the provision of a new River Trent crossing in the form of a Walton-on-Trent bypass, which is required to be provided in advance of the occupation of 785 dwellings on the site. This will greatly enhance access to the site from the A38.  The site owner has expressed the intention to develop this very large site for employment purposes (68ha), alongside energy generation and other uses, whilst retaining the established nature reserve, which is to be protected by a buffer. A design review of the STRA3 site is in progress, which will assist in identifying any further delivery requirements, as will subsequent transport and viability assessments and the production of an Infrastructure Delivery Plan.  In terms of meeting demand for employment development in the A50 corridor, 22.82ha of land remains to be built out at Dove Valley Park, which offers a direct highway connection to the trunk road, whilst at the STRA1 allocation 70ha of land has been identified for employment development on a site that will be served by a link road offering direct access to the A50. Furthermore, the proposed EM Freeport/Strategic Rail Freight Interchange site at Egginton Common, protected under Local Plan Policy INF3, represents a very large employment proposal of sub regional importance in the A50 corridor within a short distance of Hilton. |
| 1242112 | Cushman & Wakefield (on behalf of E.ON UK plc) |  | E1 | Policy E1: Strategic Employment Land Allocation The Former Drakelow Power Station is included as a new allocation (ref. STRA3). The corresponding table should be updated to refer to a range of uses to be permitted, consistent with the uses identified in draft Policy STRA3 and the opportunity to deliver a strategic employment allocation:  Paragraph B notes sites, including STRA3 Former Drakelow Power Station should include provision to meet the needs of small and “grow on” businesses to be secured by planning condition or legal agreement attached to a planning permission.  E.ON support the provision of a range of unit sizes but these should not prejudice the delivery or function of Site STRA3 Former Drakelow Power Station as a Strategic Employment Allocation to meet the objectives of Policy S5  Other Clarification  The following clarifications are requested to wording in the draft Plan: • Paragraph 5.19 – The cooling towers were demolished in 1998. The C Station was decommissioned in 2003, and the final structures demolished in 2006. The Former Drakelow Power Station site is bounded by the River Trent to the north, Walton Road and the Drakelow Park development.  Drakelow Nature Reserve is located within the site allocation.  • Paragraph 5.20 – Renewable Energy from Waste Centre  The existing facility on site is a Renewable Energy from Waste Centre, operated by Vital Energi. | Noted. The text of para 5.19 is proposed to be amended.  The text of para 5.20 is proposed to be amended. |
| 1242620 | Savills on behalf of David Wilson Homes East Midlands |  | E1 | Proposed Employment Allocation E1C  Policy E1 – Strategic Employment Land Allocation  As set out above, Appendix A details DWH’s land interests at Castle Gresley. In respect of employment requirements, we are aware of the Council’s intention to retain allocation E1G (Cadley Hill, Swadlincote) in the current adopted plan, renaming this E1C. We also note that the policy wording has been amended to propose that a number of allocations, including E1C, “include provision to meet the needs of small and “grow on” businesses. This will take the form of premises or serviced plots, to be brought forward during the course of the development and will be secured either by planning conditions or a legal agreement attached to a planning permission”.  DWH will shortly be submitting a full planning application for residential development. The application site comprises approximately 6.77ha of unallocated land to the west of proposed employment allocation E1C. A small parcel of land within the eastern area of the application site (approximately 0.51ha / 1.27 acres) forms part of the employment allocation. Whilst no residential development is proposed on this land, its inclusion in the application boundary is necessary in order to provide access to the proposed development via the existing roundabout on Swadlincote Lane to the east of the site. The residential application boundary and employment allocation are shown on the plan at Appendix B, with the part of the employment allocation which is included in the application boundary shaded in pink.  Based on the proposal to include some of the employment allocation in the application to facilitate access, DWH requests that the Council considers realigning the southern boundary of the proposed employment allocation E1C to accord with the red line application boundary for the forthcoming residential application (as shown in Appendices A and B). To do so would only result in the loss of 0.51ha (1.27acres) of employment land – a parcel which we consider would be difficult to deliver given its irregular shape. We consider that this amendment would not prejudice the future delivery of the employment allocation, particularly if the amended Part 1 Local Plan Review is seeking to prioritise the delivery of “small and grow-on businesses” as set out in Policy E1(B). A technical note has been prepared by Rodgers Leask Ltd to demonstrate that a safe and suitable access could be provided to the remainder of the employment allocation via Swadlincote Lane. This note is attached at Appendix C.  Notwithstanding the above, we consider that there is a limited demand for employment development at the proposed E1C site, particularly given that the proposed allocation is almost entirely surrounded by residential development. The site has not come forward for employment development since it was allocated in the current adopted plan some 8 years ago, which further demonstrates a lack of demand.  NPPF paragraph 8 highlights the importance of the economic objective of sustainable development, which places an importance on ensuring that sufficient land of the right types is available in the right place and at the right time to support growth. Research undertaken by Savills and submitted to SDDC in 2022 (provided at Appendix D) found that occupier demand in this location would be severely constrained, with a good supply of alternative suitable employment sites in close proximity to the proposed E1C allocation. We consider that the E1C site would therefore be more suitable for residential development in light of this research and the requirements of NPPF paragraph 8, and consider that demand will be higher in this location for this type of development.  In summary, it is considered that DWH’s forthcoming application for residential development, for which SDDC have confirmed the principle of development exists, will not prejudice the delivery of the remaining element of the proposed employment allocation E1C.  A minor point we have also noted is that the allocation size has been scaled back to 3ha from 5ha in the adopted plan. Having measured the site, we consider this to be an appropriate correction of an oversight in the adopted plan as we understand the allocation to measure approximately 3.08ha. As set out above, given DWH are proposing to submit an application including 0.51ha of the employment allocation, we request that if proposed allocation E1C is to be included in the plan, it is reduced to 2.57ha to reflect this. | Whilst residential development in the Swadlincote urban area continues to expand rapidly, with planning permission granted for a substantial number of additional homes, opportunities for new employment development in the area are limited. An imbalance of housing and employment in the area could lead to growth in outward commuting to jobs located elsewhere, contrary to sustainability objectives.  The Derby and South Derbyshire Employment Land Review (2023) assesses all employment sites allocated in the Draft Local Plan Part 1 including the land at Swadlincote Lane. It notes that due to the development of the extension to the Keystone Lintel premises to the north the only remaining means of access is the Swadlincote Way/Brunel Way junction. However it concludes that the site still links reasonably closely to the main employment areas of Swadlincote and should continue to be protected for E9g)/B-Class uses in the next Local Plan. This assessment post dates that submitted by the respondent, which is dated January, 2022.  It is noted that the respondent has submitted material in regard to an alternative point of access along Swadlincote Lane, although this would entail some earth filling operations.  The respondent suggests that the allocation would be a more suitable site for residential development, however the Keystone Lintels premises to the north is a significant noise generator and development of homes on the site would raise substantial concerns in regard to the amenity of any future occupiers.  In light of the above considerations it is not proposed to amend the boundary of the Policy E1C employment allocation boundary. Any case to use part of the site as an access to a housing development proposal would need to be made in the context of a planning application. |
| 1243653 | Marrons on behalf of Brackley Properties (Burnaston Cross) |  | Yes | 1. INTRODUCTION 1.1 BACKGROUND 1.1.1 These representations have been prepared by Marrons on behalf of Brackley Property Developments (hereafter “Brackley”) to comment on the soundness and legal compliance of the South Derbyshire Local Plan Part 1 Review Regulation 18 Consultation.  1.2 ACCESS 50 (FORMERLY KNOWN AS BURNASTON CROSS), WILLINGTON. 1.2.1 Brackley is promoting Access 50 (the Land formerly known as Burnaston Cross), Etwall Road, Willington (“the Site”) for up to 100,000 sq m of commercial floor space within uses B2 (General Industrial) and B8 (Storage and Distribution) with ancillary offices alongside associated landscaping, surface drainage infrastructure and access works.  1.2.2 An outline planning application was submitted in 2019 under Local Planning Authority reference DMPA/2019/0948, which has been held in abeyance following positive discussions with officers in respect of a potential allocation of the Site in the forthcoming Plan review. Unfortunately, despite the Site’s clear merits, the emerging local plan does not propose an allocation at the Site.  1.2.3 Out of the portfolio of sites considered in Derby and South Derbyshire, only one site is ranked as “A+,” namely the Land at Access 50 (i.e. the Land formerly known as Brunaston Cross), Etwall Road, Willington. The “A+” rank connotes that the site has no large-scale constraints and that it is well-placed and of a size to meet strategic demand as well as being in developer control. Such sites are deemed within the ELR to be “strong candidates” for allocation within the local plan. Despite the fact that the Land at Access 50 is the strongest performing site out the employment land portfolio within Derby and South Derbyshire (no other site scores A+), the Council has opted not to allocate it in favour of sites which are demonstrably less deliverable and desirable to the market. That decision is not justified by reference to either the SA process or the employment land evidence base and is therefore unsound.  1.3 STRUCTURE OF REPRESENTATIONS 1.2.4 Our representations raise matters in relation to the substantive content of the emerging Plan drawing on elements of the evidence base where appropriate and have been broadly structured as follows: • Scope of the Plan, Vision and Objectives • Employment Land Requirement • Spatial Strategy & Site Selection Process • Land Access 50 (the Land formerly known as Brunaston Cross), Etwall Road, Willington  2. SCOPE, VISION AND OBJECTIVES 2.1 PLAN PERIOD 2.1.1 The Draft Plan sets out a growth strategy for South Derbyshire between 2022 and 2039. Paragraph 22 National Planning Policy Framework (NPPF) (December 2023) requires strategic policies to look a minimum of 15 years beyond adoption. Paragraph 1.38 of the Draft Plan anticipates adoption by the end of 2025. As the end date of the Plan should be calculated from the first full monitoring year following adoption, the Council’s timeline indicates that the Draft Plan should extend to March 31, 2041 as a minimum based upon its current anticipated timescales.  2.1.2 Notwithstanding the above, that the Draft Plan is only at Regulation 18 stage and the likely need to update its content given the impending changes to the NPPF, it is highly improbable that adoption will occur by the end of 2025. A more realistic estimate would be end of 2026 and this would (following the advice of the NPPF) require the plan period to extend to March 31, 2042.  2.1.3 The Plan period underpinning the Draft Plan, which runs only to 2039 is not compliant with paragraph 22 of the NPPF. It is therefore unsound for want of compliance with national policy.  2.2 SCOPE OF THE PLAN 2.2.1 Paragraph 1.6 of the Draft Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow after adoption of the Part 1 Review. Further, Paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby’s urban fringe: Infinity Garden Village and the area south of Mickleover.  2.2.2 Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates. The most recent LDS available for South Derbyshire covers the period 2022 to 2025. Inter alia, the LDS sets out that the Joint Advisory Board for the Derby Housing Market Area (HMA) agreed a minimum plan period of 15 years and that most of the policies of the Local Plan Part 2 for South Derbyshire will be reviewed alongside the Part 2 Local Plan and assimilated into a single, composite local plan. In addition, the LDS states the new Part 1 Plan will provide a long?term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”  2.2.3 As noted above, the Draft Plan currently under consultation conflicts with the most recently adopted LDS. It neither meets the minimum 15-year planning period requirement nor includes a review of the adopted Part 2 Local Plan, which remains unchanged. Most critically, the Plan now published for consultation lacks a long-term vision for the overall spatial development of the entire District and largely only considers sites on the edge of Derby. In summary, the Draft Plan, presented as a partial review to address unmet housing needs solely on the edge of Derby, does not align with the latest LDS. The purpose of the LDS is to create certainty for the public, stakeholders and the development industry over the timescales and scope of plan preparation. Here the LDS has not been followed nor has it been updated to reflect a significantly altered scope from the publication of the most recent LDS.  2.2.4 Paragraph 1.13 of the Draft Plan, which states that its focus will be upon two specific strategic allocations at Derby urban fringe, illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  2.2.5 Although the Draft Plan updates the evidence base for employment land needs and introduces new employment land allocations, it provides no explanation of how these allocations were selected or assessed against reasonable alternatives. A proper and transparent SA process has not been undertaken with regard to employment land, as illustrated below. Instead, the Plan’s narrowly defined and pre-determined scope—limited to addressing Derby’s unmet housing needs through a partial review—is unjustified and has inappropriately influenced decisions on the spatial distribution.  3. EMPLOYMENT LAND REQUIREMENTS & PROVISION 3.1 INTRODUCTION 3.1.1 Draft Policy S5 (Employment Land Need) outlines that a variety of sites will be allocated for industrial and business development to support both the Council’s economic growth strategies and those of the broader sub-region. Additionally, Draft Policy S1, which addresses the Council’s overall growth strategy, emphasises the promotion of sustainable growth to meet objectively assessed needs for both commercial and housing development. Below we consider the overall requirement for employment land and the Draft Plan’s strategy for meeting it in further detail.  3.2 EMPLOYMENT LAND NEEDS 3.2.1 Paragraph 4.96 of the Draft Plan indicates that the Derby and South Derbyshire Employment Land Review (“ELR”) has determined a need for 35.86 hectares of employment land in South Derbyshire through 2039, with an effective supply of 46.09 hectares, resulting in an over?supply of 10.23 hectares. However, the paragraph cites several factors—such as meeting the needs of specific economic sectors, ensuring flexibility, and addressing sub-regional demands— that support the provision of additional employment land. While this recognition is positive, the evidence base lacks any analysis connecting the level of employment growth planned for to objectively assessed needs. The result is an approach that is opaque and unjustified by the evidence.  3.2.2 The ELR has utilised a historic land take-up scenario based on completions between 1991/1992 and 2021/2022, estimating that South Derbyshire has seen 139.98ha gross take-up over that period or an average of 4.52 hectares per year. Adjusted for losses,this lowers to 1.63ha per year, which is then projected forward across the plan period to 2039. A 5 year buffer is then added for flexibility.  3.2.3 Past-take up models are based upon historic trends, but fail to account for the future consequences of economic volatility or long-term structural changes within the economy which have happened recently. They will not, for example, take account of the consequences of recent and unprecedented shifts in the economy or unforeseen events like Brexit or the pandemic, which have considerable effects on employment demand, particularly in logistics and office space. Amongst other things, relying solely on past-take up ignores the potential for rapid change and can result in under-provision for growing sectors and over-provision for shrinking industries. Critically, such an approach also does not recognise the consequences of long-term suppression of demand as a result of limited economic land availability over an extended period of time. The ELR contains clear indicators of suppressed demand in South Derbyshire. For example, the ELR states:  “While there is demand for more industrial and warehouse development, particularly on strategic road corridors like the A50, development is inhibited by rising construction costs and a shortage of readily available employment land.”  3.2.4 Furthermore, market research undertaken within the ELR indicates that there is substantial demand for suitably-located employment land to serve Mid Box and Big Box logistics in good locations with good access to the Strategic Road Network (SRN). It also reports upon indicators of an extremely tight market such as significantly rising rents and the utilisation of poor quality premises. Therefore, a methodology which quantifies needs in terms of what the market has delivered in the past based upon the clear evidence of insufficient land availability to meet demand will have significant limitations. There is also the matter of wider, sub-regional need which the ELR does not appear to consider in any detail other than to note the competition for wider sub-regional demand in other local authority areas. That is in spite of the clear strategic significance of the wider A50 corridor and the role that plan-making could play capitalising upon South Derbyshire’s competitive position, which has not been considered in any substantive way.  3.2.5 The employment land needs modelling within the ELR should build upon historic-take up and demand, adjusting these trends to account for historic supply shortages and the resultant loss in occupier take up. The rationale for taking account for suppressed demand is that when sufficient supply is not available, demand cannot be accommodated. The ELR should also consider future sectoral growth (such as e-commence), which is likely to drive further, specific land demands.  3.2.6 A further limitation of the ELR’s approach is despite the reference within Draft Policy S5 to the Economic Strategies of SDDC and those of the East Midlands Combined Authority, there is no consideration in how these strategies have informed the quantity of employment land required or planned for.  3.2.7 Notwithstanding the above, there is an implicit recognition within the Draft Plan and the ELR that further growth is needed beyond that anticipated by the historic take-up model utilised within the ELR. Hence, Chapter 9 of the ELR considers “further growth opportunities” to meet needs in addition to the “realistic” supply of employment land it identifies. It then goes onto consider 43 relevant sites identified within the SHELAA. Whilst that approach is to be welcomed given the limitations of the ELR’s modelling, it overlooks the critical point that a justified employment land requirement must be based upon robust evidence rather than vague and generalised reasons. Therefore, it is unclear what the Draft Plan’s employment land requirement is, which is reflected in the fact that neither Draft Policy S1 nor S5 set out an employment land requirement and merely refer to making provision for new employment land.  3.2.8 Overall, the employment land requirements for the Plan are unclear and are not based on full and robust evidence. This renders the Draft Plan unsound, for lack of effectives and justification.  3.3 THE SOUNDNESS OF STRATEGIC EMPLOYMENT POLICIES 3.3.1 The omission of a justified employment land requirement makes it impossible to evaluate the Draft Plan’s effectiveness in meeting growth needs, highlighting the need for policy revisions to establish a clear framework for employment growth over the plan period. Furthermore, despite the Plan’s evident preference for integrating employment provision within larger strategic allocations on the Derby fringe, it lacks a clear statement confirming this as the strategy and fails to justify why this approach is appropriate in light of reasonable alternatives.  3.3.2 The most recent iteration of the Sustainability Appraisal is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR. The ISA identifies for strategic sites on the edge of Derby as “reasonable alternatives” – Infinity Garden Village (Site 1), Thulston Fields, (Site 2) Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Draft Policies STRA1 and STRA3, respectively. The Former Drakelow Power Station is also mentioned (Draft Policy STRA3), albeit not tested along with the four options above nor in relation to any other site promoted for employment development. Therefore, it is evident that Council has closed its mind to reasonable alternatives which do not involve the above specific strategic site options on the edge of Derby.  3.3.3 Beyond the four identified strategic site options, the Draft Plan offers almost no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. While there is some reference to broader HMA studies regarding growth options (discussed further below), the ISA does not build on this work to explore and evaluate reasonable alternatives for meeting growth needs within the District beyond these four specific sites. Instead, the ISA relies on the HMA-wide work to justify concentrating growth on the Derby fringe as the most sustainable option, but has not assessed options for commercial development in any substantive way.  3.3.4 Following the commentary in the ISA, which only considers a narrow set of options, the Derby Housing Market Area Growth Options Study (“GOS”) by AECOM has been instrumental in framing the spatial strategy for the Draft Plan and, alongside the accompanying Sustainability Appraisal, has been relied upon to discount virtually every other location in South Derbyshire other than the four sites discussed within the ISA.  3.3.5 The Growth Options Study (GOS) divides the Housing Market Area (HMA) into six assessment areas, analysing these to identify 16 broad areas of search for further consideration in Stage 2. These areas were then categorised as unsuitable, potentially suitable, or suitable based on a more detailed assessment. It is important to note the limitations of the GOS, as outlined in the report. The broad locations identified are limited to areas with a minimum capacity of 1,000 homes, with no thresholds provided for employment or commercial land. The GOS does not specify individual sites or quantify the potential growth each area could support. The main analysis begins by evaluating key constraints within these large HMA assessment areas, which are substantial in scale. Consequently, the findings on constraints and opportunities are highly generalised and are not applicable to individual sites or settlements.  3.3.6 Following this thematic review, data in respect of constraints and proximity to services is combined in a land suitability and proximity map which uses various shades of purple to provide a “land suitability” score. The information is presented at such a high level it is practically impossible to understand the relative performance of individual sites or broad directions of growth around settlements. Following this very high level work, the GOS moves on to discuss the sixteen broad areas of search, but there is limited explanation as to how these have been selected or how the previous stages of analysis informed these choices. The GOS therefore proceeds from a very high level review of the HMA to selecting individual broad areas with very little in the way of context or explanation. Given the unexplained leap in reasoning, the GOS has limited utility in the way of understanding or testing reasonable alternatives. To illustrate this point, at least one of the options considered in the ISA by AECOM (South of Littleover) is not considered in the GOS. If this reasonable alternative to the selected growth strategy has been overlooked, then it begs the question what other potential sites have not been considered and this plainly evidences that the GOS is neither comprehensive, accurate nor sufficiently detailed, and therefore should be given no material weight.  3.3.7 The Derby HMA-wide SA carries forward the GOS and purports to demonstrate that meeting all the District’s housing need on the edge of Derby is the most sustainable option. Whilst we make no comment on that for the purposes of these representations, the HMA-wide SA is clear that it only relates to housing and does not consider employment or commercial land. Given the Council’s strategy has been broadly to co-locate employment with strategic housing allocations on the edge of Derby (though the proposed allocation at the Former Drakelow Power Station is anomalous to this), it is apparent that the strategy for meeting employment needs has not been considered or tested separately from housing options, which is clearly inappropriate. In a nutshell, the employment sites have been determined by the prior determination of the housing sites. There is no evidence that due consideration has been given to identifying the most appropriate location for employment sites. The evident lack of any SA testing whatsoever in respect of the growth strategy for employment as well as the lack of any strategy generally within the Draft Plan means that its approach to employment land is not justified and is plainly unsound.  3.4 THE SITE SELECTION PROCESS 3.4.1 Given the shortcomings in the SA process outlined above, it follows that employment sites have not been selected through a robust and objective framework that compares them with alternative options. However, Chapter 9 of the ELR conducts a comparative assessment of 43 relevant employment sites, based on the Council’s Strategic Housing and Employment Land Availability Assessment (SHELAA). These sites are then ranked according to a set of criteria, with grades ranging from A+ (indicating a site as a "strong candidate for inclusion in the Local Plan to meet strategic needs") to E (indicating a site should "not be allocated").  3.4.2 The 70 hectares of employment land proposed as part of Infinity Garden Village (IGV), located between Sinfin and Chellaston and included in Draft Policy STRA1 (which also encompasses 2,000 new homes, a potential retirement village, and social/green infrastructure), is appraised in the Employment Land Review (ELR) under reference 090/137. The employment component of STRA1 has been assigned a ranking of "A-", meaning that while there are some constraints that raise concerns about deliverability, a path forward remains possible if certain issues are addressed. Specifically, the land at IGV lacks direct access and depends on other land being developed. Therefore, there are clear doubts regarding its deliverability, and it is likely to come forward only towards the end of the plan period, if at all. In relation to the new junction off the A50 upon which delivery of IGV depends, despite the presence of Government funding in the amount of £49.6m granted in October 2021, it is not yet known what impact subsequent dramatic build cost inflation will have on the viability of this project.  3.4.6 The Draft Plan safeguards land for the development of a Strategic Rail Freight Interchange at Egginton Common (also known as East Midlands Intermodal Park). The role of this site in the overall employment land strategy is unclear and the Draft Plan expects this proposal to be progressed as a Nationally Significant Infrastructure Project (NSIP) under the Development Consent Order (DCO) regime. Nonetheless, it is clear that development of this site is an extremely long-term aspiration despite the fact that the concept has been under discussion since at least April 2014. The fact that so much time has passed despite strong market demand in this location with no form of application being made could be reasonably taken as indicating difficulties in bringing the project forward.  3.4.7 Given the urgent and immediate nature of employment land needs in South Derbyshire as evidenced by the ELR, the Council should prioritise immediately deliverable sites rather than selecting ones which face substantial barriers to deliverability. Land at Access 50 is clearly the most deliverable and most market desirable site within South Derbyshire’s commercial land portfolio, as indicated by the Council’s own evidence base, and as such it should be selected for an allocation.  4. LAND AT ACCESS 50 4.1 INTRODUCTION 4.1.1 As set out above, the Marrons is promoting Land at Access 50 on behalf of Brackley Property Investments for approximately 100,000 sq m of commercial floorspace.  4.2 ELR FINDINGS  4.2.1 The ELR concludes that the site has no significant constraints and is a strong candidate for inclusion in the local plan to meet strategic employment needs. In its specific assessment of the site, the ELR identifies no major constraints, aside from some trees and existing farm buildings. Regarding its market suitability, the ELR correctly notes that the site is located immediately south of the A50/A38 corridor, which it has identified as the prime employment corridor within South Derbyshire, particularly for industrial and warehouse development. The numerous enquiries received by marketing agents to date, a recent selection of which have been included in Appendix 1, support these observations. The ELR also highlights the site’s excellent access to the A50/A38 junction via the B5008. Furthermore, as the ELR points out that Brackley, as an experienced developer of commercial property, combined with the pending outline planning application, suggests that the site is well-positioned to be developed swiftly in response to the immediate and acute employment land needs. That is in stark contrast to the employment land currently advanced within the Draft Plan which, as discussed above, all face major barriers to delivery.  4.3 PLANNING MERITS 4.3.1 As part of the preparation for the pending outline planning application for the site, a series of technical studies were conducted. The Site is located in a highly sustainable area, with nearby residential areas and local amenities that support sustainable transport options. Additionally, the existing bus service between Derby and Burton upon Trent could be re-routed to serve the site, providing links to the established bus and rail services in Repton and Willington.  4.3.2 Assessments of traffic generation indicate that the proposed site junction onto the B5008 will accommodate traffic flows arising from the proposed development plus existing traffic in a satisfactory measure. The Site’s position and connectivity to the SRN means that HGV traffic associated with the proposals will not need to pass through Willington. Road traffic emissions are predicted to be below the relevant air quality objectives at all receptor locations that were considered within the application’s evidence base.  4.3.3 The Site is located entirely within Flood Zone 1, meaning low risk of flooding from rivers and seas. Flood risk from other sources have also been assessed within the submitted Flood Risk Assessment (FRA) as low. A robust surface water drainage strategy has been prepared to ensure that the Site will not increase flood risk elsewhere.  4.3.4 In ecology terms, the Site is dominated by intensively managed semi-improved and species-poor grassland of low ecological value. Mitigation measures will be implemented for those protected / notable specifies identified on site.  4.3.5 As indicated within the outline proposals, the Site creates the opportunity to bring forward significant landscape areas around the perimeter of the Site and green corridors to the southern and eastern perimeters, encompassing approximately 25% of the total site area. The landscape assessment work undertaken as part of the application demonstrates that upon completion of the proposed development the landscape effects will be negligible.  4.3.6 Given the above, the Site should be considered favourably for an allocation given its unique ability to meet presently identified strategic employment growth needs now in a sustainable location with demonstrable market demand for that use.  5. SUMMARY & CONCLUSIONS 5.1 EMPLOYMENT LAND NEEDS 5.1.1 The ELR has carried out a review of employment land needs within Derby and South Derbyshire and concluded that needs will be met by the “realistic” supply of committed sites. The review of employment land needs has been carried out on a past take-up scenario with no consideration of demand suppression or wider sub-regional employment land demand. However, the ELR itself and the Draft Plan appears to recognise that more employment land is needed than suggested by the ELR, a proposition with which we agree, but no effort has been made to quantify that need or address it within the Draft Plan. The Plan’s approach in this regard is therefore unsound.  5.2 EMPLOYMENT LAND STRATEGY 5.2.1 The Draft Plan contains no clear strategy for meeting employment growth needs. The strategic polices do not articulate an employment land requirement nor they identify an overarching approach to spatial distribution. The underlying Sustainability Appraisal work does not consider the approach to meet employment growth needs either in quantitative, distributional or site-specific terms and the policies relating to employment growth within the Draft Plan are both unsound.  5.2.2 Finally, those sites that have been selected to host employment growth within the current plan period have key deliverability constraints and perform poorly when compared with client’s site at Etwall Road, Willington. Given the deficiencies in the SA process described above, the sites selected for employment land allocations are not soundly based and should be re?considered.  5.3 RECOMMENDATIONS 5.3.1 In light of our comments above, we make the following recommendations • That the ELR considers wider sub-regional need and suppressed demand rather than simply relying on past trends to model future requirements;  • That this work is used to inform a robust employment land requirement over an appropriate plan period to at least 2042, which should be set out within policy; • That the Plan clarifies a clear, deliverable appropriate strategy for meeting employment growth needs which are justified against reasonable alternatives through a robust SA process; • That further work is undertaken in respect of site-selection to ensure that it is informed by deliverability considerations and market demand, recognising the considerable need for commercial land within South Derbyshire along the A50 corridor; • That the Land at Access 50, Etwall Road, Willington is allocated for commercial development on the basis of its clear sustainability credentials, lack of constraints and unique market positioning; and • That sites whose deliverability is questionable are deleted from Plan. | The findings of the Derby and South Derbyshire Employment Land Review represent the expert opinion of consultants appointed by the Council to identify South Derbyshire’s employment land needs for the plan period and to assess the value of existing, allocated and potential employment sites. It includes consideration of sub regional demand from potential investors in the A50 corridor but does so in the absence of any higher level study quantifying demand in this part of the region.  The Employment Land Study indicates that the quantitative employment land need for the District for the plan period 2022-41 is 39.12ha. Whilst this is met by sites rolled forward from the adopted Local Plan Part 1 (40.53ha), all but one of which have been granted planning permission, further allocations have been made in order to support sustainable growth as part of mixed use strategic development on the southern edge of Derby comprising Infinity Garden Village (STRA1, 70ha) and land to the south of Mickleover (STRA2 5-10ha). In addition to balancing proposed large scale housing development STRA1 is ideally placed to take advantage of investor interest from across the sub region as it is to offer convenient highway access via a new A50 junction.  A further site at Drakelow (STRA3-68ha), is already identified for employment and energy development in the adopted Local Plan Part 2 (Policy BNE 12). The formal allocation of this largely redundant brownfield site as part of the current review allows for clarification concerning the scale of the employment development to be provided for and the matters that will need to be addressed as part of any development proposal.  In total the sites rolled forward from the adopted Local Plan Part 1 sites and STRA1, STRA2 and STRA3 comprise land measuring 178-183ha, representing South Derbyshire’s employment land provision.  In addition the East Midlands Freeport Site (173ha), is to be allocated to assist in meeting national, regional and sub regional needs business accommodation needs.  To address the above changes to Policy S1 (ii) are proposed.  To address the above changes to Policy S5 are proposed.  In regard to comments on the process followed in determining site allocation proposals, the findings of the HMA Growth Options Study informed the findings of the HMA Sustainability Appraisal, which in turn informed the findings of the Interim South Derbyshire Sustainability Appraisal, at all times considering a full range of reasonable alternatives. In addition to this, to ensure that all potential sites have been afforded due consideration, a sustainability assessment of each will be undertaken. |
| 1243556 | Stantec on behalf of Parker Strategic Land South of Mickleover |  | E1 | We suggest that Policy E1 is reworded in respect of STRA2 in the following way (see responses to Policy E1).  4.5.15 The table at the top of page 110: STRA2 is amended read as follows: Policy No. Location Area (new) ha. Area (redevelopment) ha. Use Classes to be permitted STRA2 Land South of Mickleover. To be determined through outline application: Small and grow on space – E(g) and B2  4.5.16 We then suggest amending limb E of the policy as follows: Employment land on Site STRA2 will deliver small scale and grow on space for employment uses in a proportionate manner as part of a wider community centre, the extent of which is to be determined through a future planning application. 4.5.17 The above amendment does not jeopardise the Council’s wider employment strategy, it solely seeks to supplement it and create a more vibrant and cohesive community on the STRA2 allocation by seeking an appropriate mix of uses. | The employment element of the STRA2 allocation is needed to assist in balancing the large scale housing provision by providing opportunities for jobs within the development. It is not intended to accommodate strategic scale employers, but rather to provide local business accommodation integrated within the mixed use development. The design review for the allocation should provide more clarity on this. To better reflect this intent Part E i) of Policy STRA2 can be amended.  For the above reasons it is not intended to make any changes to Policy E1 in this respect. |

**Policy E2: Other Industrial and Business Development**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Landowner or Developer** | | | | | |
| 1243582 | CBRE Ltd on behalf of Land Project UK (LPUK) |  | E2 | Policy E2: Other Industrial and Business Development: We advise this policy should go further and enable additional development opportunities. As drafted, development of land for industrial and business uses outside of allocations will only be permitted where the proposal: i. lies within a settlement boundary or ii. is for the redevelopment of established industrial or business land or premises or iii. is for the expansion of an existing business. We would advise that an additional clause is added that states where there is evidence of demand or it can assist in the creation of an employment cluster. This enables other developments to come forward and be assessed on their own merits. | It is considered unnecessary to provide an additional criteria as suggested. Policy E2 and the remaining policies are considered to provide sufficient flexibility to meet employment needs in accordance with the Local Plan strategy established in Policy S1 and the employment strategy established in Policy S5. |
| 1242643 | Andrew Large Surveyors Ltd & The Staunton Harold Estate |  | E1, E2 and E7 | Policy E1, E2 and E7 – Removal of Permitted Development Rights This is contrary to national policy and current legislation, is anti-development and is not justified. | Some of the uses that fall under Use Class E represent main town centre uses under the National Planning Policy Framework definition and as such are subject to the town centre sequential test. The use of planning conditions to limit their uses to those falling within Class E(g) is intended to ensure that the vitality and viability of town centres will not be significantly adversely affected by development that could otherwise take place without the need to obtain planning permission and thus circumvent the sequential test requirement. It is proposed that for clarification policy wording of Policy E1 Part G and the final sentences of Policies E2 and E7 be changed.  The explanatory text accompanying Policy E1 at para. 7.16 will also be changed. |
| 1243617 | Chave Planning on behalf of DKA Commercial Limited |  | E2 | Policy E2: Other Industrial and Business Development As explained above in representations under Policy E1, the Derby and South Derbyshire Employment Land Review has recommended that a flexible approach be taken allowing the market to determine where and when opportunities are brought forward for smaller sites, aimed at local markets, building on existing Local Plan Policies E2 and E3 of the South Derbyshire Local Plan. However, Policy E2 seems to have become more restrictive in the Draft Local Plan, with criterion i requiring other business and industrial development to be within a settlement boundary, whereas the adopted Local Plan permits such development within or on the edge of settlements. No justification has been provided for this. Therefore, Draft Policy E2 is neither justified nor positively prepared. It would act counter to ensuring that there is sufficient choice of smaller employment sites to meet local economic development needs. Policy E2 should not be amended as proposed. | The policy as previously worded allowing for development on the edge of the Swadlincote urban area, Derby or Burton upon Trent, or a Key or Local Service Village would be inconsistent with the Local Plan strategy established in Policy S1 and the employment strategy established in Policy S5. Policy S7 provides sufficient flexibility to address industrial and business development outside allocated sites and settlement boundaries, including the development of new buildings where needed. No change proposed. |

**Policy E3: Existing Employment Areas**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Landowner or Developer** | | | | | |
| 1243582 | CBRE Ltd on behalf of Land Project UK (LPUK) |  | E3 | Policy E3 Existing Employment Allocations: As drafted, the policy enables a change of use to non industrial uses in allocated areas if there is evidence of marketing for a period of 6 months. LPUK advise that given the demand for this land use, as demonstrated within the Council’s own emerging Local Plan evidence base, the Council should further strengthen the marketing test to at least 12 or 24 months. The Council’s position should be to enhance protection of this land use. | It is agreed that a marketing period of 12 months would provide a more appropriate time period to fully test market interest from potential investors. It is therefore proposed that the wording of Policy E3(ii) and explanitory text be changed. |

**Policy E6: Woodville Regeneration Area**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1242040 | North West Leicestershire District Council |  | E6 | Policy E6 Woodville Regeneration Area  The Strategic Employment Land Allocation (E6) ‘Woodville Regeneration Area’ that was allocated in the 2016 South Derbyshire Local Plan is being carried forward. The site adjoins NWLDC boundary and forms the northern extent of our SHELAA site Av1. As in the adopted South Derbyshire Local Plan the Part 1 Review seeks to protect the area for employment-led redevelopment that should incorporate a minimum of 4.6Ha of new industrial and business development (use classes E(g), B2 and B8), and up to 300 new dwellings (adopted Local Plan requirements were 20Ha of employment land and up to 150 new dwellings).  The supporting text refers to there being further opportunities for regeneration within the area identified in the policy and major development in the area, including development on adjacent land outside South Derbyshire within North West Leicestershire. It notes that this will be brought forward through joint working with developers and NWLDC, whilst maintaining the separate identity of nearby Albert Village and avoiding unacceptable traffic impacts within Derbyshire and NWL. As the proposed wording is a continuation of the existing plan, there is no objection in principle. NWLDC would welcome further cross boundary discussions and working on this issue under the Duty to Cooperate. | Noted. |
| 1243643 | Sport England |  | Housing & Employment  H2,  H4,  H11,  H18,  E6 | Sport England appear to not have been consulted on a number of planning applications, particularly those associated with the following site allocations: • Policy H2: Land north of William Nadin Way, Swadlincote • Policy H4: Land at Broomy Farm, Woodville • Policy H11: Land north east of Hatton • Policy H18: Hackwood Farm, Mickleover • Policy E6: Woodville Regeneration Area As such, Sport England are unclear if existing sports facilities have been lost or adversely affected and/or the necessary contributions towards either the enhancement of existing sports facilities and/or the creation of new sports facilities have been secured for these new developments. | This is not a matter for the Local Plan review. However, in regards to Policy E6, no existing sports facilities have been lost. The S106 legal agreement associated with the outline planning permission for the site identifies developer contributions toward off-site recreation outdoor sports and built facilities. |
| 1242612 | National Forest Company |  | E6 | Policy E6: Woodville Regeneration Area  Existing wording: Woodville Regeneration Area is protected for employment-led redevelopment, to enable the economic, social and environmental regeneration of Woodville and Swadlincote. Development of the area should incorporate a minimum of 4.6 ha of new industrial and business development defined by Use Classes E(g), B2 and B8, up to 300 new dwellings and a highway, cycle and pedestrian route linking Bridge Street, Church Gresley to Hepworth Road/Kiln Way, Woodville. Proposals for the redevelopment or changes of use of existing employment land and premises, including vacant or redundant buildings, in the area should be for E(g), B2 and B8 uses only. Proposals will be supported where they seek to maximise economic, social and environmental benefits, including the protection, conservation and enhancement of heritage features within the Regeneration Area.  Recommended wording: Woodville Regeneration Area is protected for employment-led redevelopment, to enable the economic, social and environmental regeneration of Woodville and Swadlincote. Development of the area should incorporate a minimum of 4.6 ha of new industrial and business development defined by Use Classes E(g), B2 and B8, up to 300 new dwellings and a highway, cycle and pedestrian route linking Bridge Street, Church Gresley to Hepworth Road/Kiln Way, Woodville. Proposals for the redevelopment or changes of use of existing employment land and premises, including vacant or redundant buildings, in the area should be for E(g), B2 and B8 uses only. Proposals will be supported where they seek to maximise economic, social and environmental benefits, including National Forest planting and the protection, conservation and enhancement of heritage features within the Regeneration Area.  Reason for change/comment: It would be beneficial for the National Forest planting requirement to be explicitly referenced in the policy to ensure developers are clear that this is a requirement. | Agreed. Amend policy wording of final sentence. |

**Policy E7: Rural Employment Development**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England |  | E7 | Section 7 strategic employment allocations – we note the strategic employment allocations are the same as the strategic housing allocations, and as such our comments are the same as above. Where there are proposed new employment allocations, the same comments as above in respect of the housing allocations apply. Once we have had sight of any relevant evidence base, we can meet to discuss our comments in respect of the site allocations.  Policy E7: Rural Employment Development – consider re-phrasing clause 1) iv) heritage assets are an ‘irreplaceable resource’ and as such any harm should be ‘wholly/exceptional’ (National Planning Policy Framework paragraphs 195/206). | Noted. As the plan is to be read as a whole proposals with implications for heritage assets would also be considered with reference to Policy BNE2 of the Local Plan Part 1 and BNE10 of the Local Plan Part 2. It is therefore considered unnecessary to change Policy E7 as requested. |
| 1242601 | National Trust |  | E7 | E7 - Our comment at Issues and Options stage of the Local Plan in respect of rural employment development set out that we supported the adopted local plan policy. Having regard to the emerging policy, we are supportive in principle however are mindful of challenging viability conditions facing the rural economy. We would therefore recommend that a degree of flexibility is introduced into the policy, subject to appropriate safeguards, to ensure that businesses are able to pivot to maintain viability. We are especially supportive of the re-use and conversion of existing buildings, subject to this maintaining the economic viability of the use of the building. | Some of the uses that fall under Use Class E represent main town centre uses under the National Planning Policy Framework definition and as such are subject to the town centre sequential test. The use of planning conditions to limit their uses to those falling within Class E(g) is intended to ensure that the vitality and viability of town centres will not be significantly adversely affected by development that could otherwise take place without the need to obtain planning permission and thus circumvent the sequential test requirement. The requirement to seek planning permission does not necessarily imply that it would be denied, but simply provides a degree of control. It is proposed that for clarification policy wording of Policy E1 Part G and the final sentences of Policies E2 and E7 be changed.  The explanatory text accompanying Policy E1 at para. 7.16 will also be changed. |
| **Landowner or Developer** | | | | | |
| 1242643 | Andrew Large Surveyors Ltd & The Staunton Harold Estate | Andrew Large Surveyors Ltd & The Staunton Harold Estate | E1, E2 and E7 | Policy E1, E2 and E7 – Removal of Permitted Development Rights This is contrary to national policy and current legislation, is anti-development and is not justified. | Some of the uses that fall under Use Class E represent main town centre uses under the National Planning Policy Framework definition and as such are subject to the town centre sequential test. The use of planning conditions to limit their uses to those falling within Class E(g) is intended to ensure that the vitality and viability of town centres will not be significantly adversely affected by development that could otherwise take place without the need to obtain planning permission and thus circumvent the sequential test requirement. The requirement to seek planning permission does not necessarily imply that it would be denied, but simply provides a degree of control. It is proposed that for clarification policy wording of Policy E1 Part G and the final sentences of Policies E2 and E7 be changed.  The explanatory text accompanying Policy E1 at para. 7.16 will also be changed. |
| 1242643 | Andrew Large Surveyors Ltd & The Staunton Harold Estate | Andrew Large Surveyors Ltd & The Staunton Harold Estate | E7 | Policy E7 Rural Employment Development There is no exception for the extension of existing buildings. The negative effects including substantial costs of displacing businesses from existing premises when during phases of growth cannot be understated. Therefore, an allowance for extension of buildings to serve existing businesses should be included. Paragraph 88 of the NPPF states that planning policies should enable the sustainable growth and expansions of all types of business in rural areas, the omission of exceptions for extensions is contrary to this i) “the applicant can demonstrate that they will support the social and economic needs of rural communities” How is this meant to be demonstrated within an application? Is an economic report expected to be submitted alongside all applications irrelevant on the scale of the development? | Proposals for extensions to an existing business will be considered under Policy E2.  In regard to the requirement to demonstrate that proposals will support the social and economic needs of rural communities, the primary purpose is to ensure that development would be sustainable in terms of numbers of on-site jobs being in scale with the employment needs of the local area, to avoid inducing significant inward commuting from further afield as referred to in para 7.30. The extent of any evidence submitted should be proportionate to the scale of the proposed development.  This can be made clear through a change to the wording of the explanatory text. |
| 1243617 | Chave Planning on behalf of DKA Commercial Limited | Chave Planning | E7 | Policy E7: Rural Employment Development As explained above in representations under Policy E1, the Derby and South Derbyshire Employment Land Review has recommended that a flexible approach be taken allowing the market to determine where and when opportunities are brought forward for smaller sites, aimed at local markets, building on existing Local Plan Policies E2 and E3 of the South Derbyshire Local Plan. With Draft Policy E2 only allowing employment development within settlement boundaries, this means that Policy E7 needs to be supportive of such opportunities in rural areas. However, Draft Policy E7 is subject to a number of additional criteria compared to the adopted Local Plan, making it more difficult to bring forward small sites to meet local needs. No justification has been provided for this. Therefore, Draft Policy E7 is neither justified nor positively prepared. It would act counter to ensuring that there is sufficient choice of smaller employment sites to meet local economic development needs. Policy E7 should not be amended as proposed. | The purpose of the changes is to improve clarity as to how proposals will be assessed. In considering any proposal regard must be had to the Local Plan as a whole. Thus the inclusion of additional criteria in the policy is simply intended to assist the reader in understanding the diversity of the range of considerations already covered by other policies that will need to be taken into account. No further changes are proposed. |

**Other comments to the Employment chapter**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Regional Organisation** | | | | | |
| 1242640 | Derbyshire Association of Local Councils | Derbyshire Association of Local Councils | General | General  We are pleased to note that this development within the Local Plan proposes a number of employment opportunities. However, we are concerned that Business rates are high. Should high rates be beyond the proposed business developments then employment will not occur. Is there scope to offer reduced rates to kick start the economy? | Noted.  The Local Plan is not a relevant document through which to offer business rate relief. |

# Chapter 8: Sustainable Development

**Policy SD1: Amenity and Environmental Quality**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| **1243643** | **Sport England** | Sport England | SD1 | In accordance with paragraph 193 of the NPPF, Sport England advises that Policy SD1: Amenity and Environmental Quality and its supporting text are redrafted to take into consideration noise, sports lighting and ball strike issues that may be associated with sports facilities. | Disagree. Draft Policy SD1 addresses relevant concerns in its current form. Existing policies address related issues and additional amendments are not considered necessary.  Further bad neighbour considerations are addressed through other policies. |
| **Parish Council and other Community Group** | | | | | |
| 1243603 | SAVE (Save Aston & Weston Village Environment) | SAVE Aston and Weston Residents Group | SD1 | (Policy SD1)  A policy is required on the control and reduction of light pollution. | Disagree. The Council is not proposing new policies in the current review of the Plan. Policy SD1 addresses issues relating to amendity concerns in its draft form. |
| **Members of the Public** | | | | | |
| 1233131 | Mariah Senaa |  | SD1 | Policy SD1: Amenity and Environmental Quality – This policy highlights the importance of protecting environmental quality, yet the large-scale developments proposed, especially at STRA1, STRA2, and STRA3, threaten to undermine this objective. The potential for increased traffic, noise, and pollution could significantly detract from the quality of life for lif | Agreed. STRA1, STRA2 and STRA3 have been assessed in relation to SD1 and associated impacts through the Sustainability Appraisal process. Following the Interim SA report, the next iteration of the SA will continue to consider such potential impacts. |

**Policy SD2: Flood Risk**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | SD2 | Policy SD2: Flood Risk – consider the implications for the historic environment through any proposed flood risk measures, such as but not exhaustive to, impacts on the watercourse which could have an effect on water logged archaeology. We would be happy to provide further information if required. | Agreed. The Council is currently updating its Strategic Flood Risk Assessment Level 1. This will inform policies such as SD2. The Council will seek additional advice from Historic England in this regard. |
| 1242409 | National Highways | National Highways | SD2 | Drainage and Flood Risk Policy SD2 of the Local Plan relates to Flood Risk. With respect of drainage proposals, development sites adjacent to the SRN should note Paragraph 59 of DfT Circular 01/2022 which prohibits new connections into our drainage systems from third party development. National Highways will wish to review drainage proposals for these sites to ensure that proposed drainage strategies accord with our policy. | Agreed. The Council is currently updating its Strategic Flood Risk Assessment Level 1. This will inform policies such as SD2. The Council will liaise with National Highways in reviewing drainage proposals for such sites. |
| **National Organisation** | | | | | |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | SD2 | Policy SD2: Flood Risk  HBF are keen to understand how this policy interacts with BNG and the LNRS, particularly in relation to the requirement for “developers will be expected to work with the regulating authorities to develop watercourse restoration schemes.” Although reference is made to “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” further information on how this is intended to work in practice would be helpful. HBF would suggest that the inter-relationship between the LNRS and the Local Plan requires further thought and explanation. | Agreed. The LNRS is currently in its preliminary phase of production. Clarity will be sought from County partners as to the interaction between BNG and the LNRS. Relevant policies such as SD2 may be amended to better articulate this interaction. |
| **Parish Council and other Community Group** | | | | | |
| 1244412 | Etwall Parish Council | Etwall Parish Council | SD2 | Policy SD2 - Flood Risk Brownfield land should be subject to the same conditions as greenfield land. This will have the potential of reducing the current flood risk downstream. Comment 8.15 - Although national policy allows surface water drainage to go into a combined sewer as the final option, this will inevitably cause pollution discharges and should be vigorously resisted. In 2023 there were 73 sewage dumps into Etwall Brook lasting over 1,236 hours. Action needs to be taken to address this and the impact on the health of local wildlife, ecological systems and public health. Particularly as more development is planned. | Disagree. Policy SD2 is not required to be amended due to NPPF compliance.  In addition to the Strategic Flood Risk Assessment Level 1 currently underway, the Council will liaise with stakeholders such as Severn Trent and other utility providers to ensure that such potential impacts are considered. The issues raised, while significant within the locality, are sufficiently addressed in the draft Local Plan and will be examined further in the SFRA Level 1 |
| 1242585 | Egginton Parish Council | Egginton Parish Council | SD2 | Policy SD2; Flood Risk. Para Bv): importantly, groundwater in general should be considered in any flood risk assessment. This requirement should not be restricted to ground water arising from former coal mining areas. Brownfield land should be subject to the same conditions as greenfield land, to reduce flood downstream and off-site. | Partially agree. Policy SD2 is not required to be amended due to NPPF compliance. The issues raised, while significant within the locality, are sufficiently addressed in the draft Local Plan and will be examined further in the SFRA Level 1.  In addition to the Strategic Flood Risk Assessment Level 1 currently underway, the Council will liaise with stakeholders such as Severn Trent and other utility providers to ensure that such potential impacts are considered |
| 1238750 | Hilton Parish Council | Hilton Parish Council | SD2 | Policy SD2 B ii needs to be strengthened by adding 'regularly maintained' | Disagree. Policy SD2 is not required to be amended due to NPPF compliance. The issues raised, while significant within the locality, are sufficiently addressed in the draft Local Plan and will be examined further in the SFRA Level 1. |
| **Landowner or Developer** | | | | | |
| 1243614 | Stantec on behalf of JSC Efarms LLP Boulton Moor | Stantec on behalf of JSC Efarms LLP Boulton Moor | SD2 | Policy SD2 seeks to summarise flood risk policy. Criterion A refers to the sequential approach to flood risk management. Should a speculative application be submitted to the local authority, the policy as currently drafted seems to suggest the LPA should consider the site in relation to all other speculative sites. Due to the nature of speculative sites, this would be impossible. The text states that sites with the lowest risk of flooding will get priority, which requires all speculative sites to be available for ranking, which again would be impossible. Moreover, all sites put forward through the Local Plan process would need to be tested through the SFRA before being allocated, Criterion A would therefore be redundant for allocated sites. Criterion A therefore needs to be reworded as its intended purpose isn’t clear. In relation to the other criterion, there is a degree of repetition between criterion C and criterion G in relation to surface water flows and criterion E as currently written is not consistent with national policy. The principles of seeking to enhance watercourses are supported, however reference to this would be better placed within Policy SD3 ‘Sustainable Water Supply, Drainage and Sewerage Infrastructure’ or Policy BNE3 ‘Biodiversity’. | Partially agree. Policies SD2, BNE3 and/or SD3 are not considered to be required to be amended.  In addition to the Strategic Flood Risk Assessment Level 1 currently underway, the Council will liaise with stakeholders such as Severn Trent and other utility providers to ensure that such potential impacts are considered.  Sites allocated previously as well as the strategic allocations proposed in this draft Local Plan have been assessed through the sequential approach (and where necessary an exceptional approach) and it is considered that it is appropriate to select these sites based on the findings of this process. The Sustainability Appraisal process will further address the analysis of these assessments. |
| 1243615 | Stantec on behalf of JSC Efarms LLP London Rd |  | SD2 | Policy SD2 seeks to summarise flood risk policy. Criterion A refers to the sequential approach to flood risk management. Should a speculative application be submitted to the local authority, the policy as currently drafted seems to suggest the LPA should consider the site in relation to all other speculative sites. Due to the nature of speculative sites, this would be impossible. The text states that sites with the lowest risk of flooding will get priority, which requires all speculative sites to be available for ranking, which again would be impossible. Moreover, all sites put forward through the Local Plan process would need to be tested through the SFRA before being allocated, Criterion A would therefore be redundant for allocated sites. Criterion A therefore needs to be reworded as its intended purpose isn’t clear. In relation to the other criterion. There is a degree of repetition between criterion C and criterion G in relation to surface water flows and criterion E as currently written is not consistent with national policy. The principles of seeking to enhance watercourses are supported, however reference to this would be better placed within Policy SD3 ‘Sustainable Water Supply, Drainage and Sewerage Infrastructure’ or Policy BNE3 ‘Biodiversity’. | Partially agree. Policies SD2, BNE3 and/or SD3 are not considered to be required to be amended.  In addition to the Strategic Flood Risk Assessment Level 1 currently underway, the Council will liaise with stakeholders such as Severn Trent and other utility providers to ensure that such potential.  Sites allocated previously as well as the strategic allocations proposed in this draft Local Plan have been assessed through the sequential approach (and where necessary an exceptional approach) and it is considered that it is appropriate to select these sites based on the findings of this process. The Sustainability Appraisal process will further address the analysis of these assessments. |
| 1244310 | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | SD2 | Policy SD2 seeks to summarise flood risk policy. Criterion A refers to the sequential approach to flood risk management. Should a speculative application be submitted to the local authority, the policy as currently drafted seems to suggest the LPA should consider the site in relation to all other speculative sites. Due to the nature of speculative sites, this would be impossible. The text states that sites with the lowest risk of flooding will get priority, which requires all speculative sites to be available for ranking, which again would be impossible. Moreover, all sites put forward through the Local Plan process would need to be tested through the SFRA before being allocated, Criterion A would therefore be redundant for allocated sites. Criterion A therefore needs to be reworded as its intended purpose isn’t clear. In relation to the other criterion, there is a degree of repetition between criterion C and criterion G in relation to surface water flows and criterion E as currently written is not consistent with national policy. The principles of seeking to enhance watercourses are supported, however reference to this would be better placed within Policy SD3 ‘Sustainable Water Supply, Drainage and Sewerage Infrastructure’ or Policy BNE3 ‘Biodiversity’. | Partially agree. Policies SD2, BNE3 and/or SD3 are not considered to be required to be amended.  In addition to the Strategic Flood Risk Assessment Level 1 currently underway, the Council will liaise with stakeholders such as Severn Trent and other utility providers to ensure that such potential.  Sites allocated previously as well as the strategic allocations proposed in this draft Local Plan have been assessed through the sequential approach (and where necessary an exceptional approach) and it is considered that it is appropriate to select these sites based on the findings of this process. The Sustainability Appraisal process will further address the analysis of these assessments. |
| **Members of the Public** | | | | | |
| 1243173 | Trevor Yeomans |  | SD2 | 8.1. Page 126 - Policy SD2 - Flood Risk 8.1.1. With reference to flood risks in the areas south of Mickleover, and associated with Doles Brook, Hell Brook and Twyford Brook, and the SDDC SFRA, attention is drawn to the separate Ground Water and Flood Risk report by a resident of Findern, dated 1 October 2024 | Noted. In addition to the Strategic Flood Risk Assessment Level 1 currently underway, the Council will liaise with stakeholders such as Severn Trent and other utility providers to ensure that all allocations in the Plan remain compliant with national legislation and policy in relation to flood risk. |

**Policy SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | SD3 | Policy SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure - consider the implications for the historic environment through any proposed flood risk measures, such as but not exhaustive to, impacts on the watercourse which could have an effect on water logged archaeology. We would be happy to provide further information if required. | Agreed. The Council is currently updating its Strategic Flood Risk Assessment Level 1. This will inform policies such as SD3. The Council will seek additional advice from relevant stakeholders including Historic England. |
| 1242867 | Natural England | Natural England | SD3 | Policy SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure – Natural England welcome the provisions in iv (d) for the enhancement of green infrastructure, wildlife and biodiversity within SuDS schemes. River Mease: Natural England considers that Policy SD3 with respect to the River Mease is unclear and requires amendment. The situation on the Mease has changed since the introduction of Nutrient Neutrality in March 2022 and there is now no longer any capacity within the DCS scheme. These changes need to be reflected in the Policy and it may be clearer to have a separate policy on the River Mease SAC. Currently there seems to be misunderstanding of: • How work to restore the site interacts with work to avoid impacts from development • When mitigation is required • What effect the pump out scheme will have • Where it is acceptable to use non- mains drainage systems in an area served by the mains sewer The policy needs to clarify that ANY development, even that connecting to mains, must demonstrate that on its own and cumulatively with other built and permitted development, will not have an adverse impact, directly or indirectly, on the integrity of the River Mease SAC. This may be achieved via nutrient neutrality, using the nutrient budget calculator to quantify the impacts, then using either bespoke mitigation, or financial contribution to a future strategic mitigation solution. The HRA for the plan then needs to carefully consider the amount of mitigation required to avoid an effect on the SAC from all allocated development and consider the effect of this on the ability to restore the SAC. i.e. cannot use up all available site improvement measures just to enable development. There must be enough left to restore the site. Our previous response (2022) included the need for NN safeguarding policy & robust assessment of mitigation requirement & consideration of the ability to restore the SAC.  Please see detailed comments below (suggested changes in red):  SD3 – Av: ‘Ensuring that all relevant developments within the catchment of the River Mease, support the delivery of the River Mease Water Quality Management Plan in order to improve the quality of the River Mease Special Area of Conservation, *~~by means of financial contribution, in order that the unmitigated addition of phosphorous does not lead to deterioration of the Mease Special Area of Conservation (SAC) or any other watercourses.’~~*  - There should not be any unmitigated addition of phosphorous (P) to the SAC. This needs to be reworded. The LPA have a responsibility to both avoid adverse effects on the SAC from development, AND to restore the SAC (i.e. help it to achieve its conservation objectives). - Unless there is another scheme ongoing that takes financial contributions from developers specifically to RESTORE the SAC this wording needs to be amended. We suggest just omitting the second part of the paragraph.  SD3 – **Avi:** *~~In securing such improvements to the SAC, where, until wastewater is pumped out of the River Mease catchment~~, ~~n~~* New development within the catchment will only be allowed where there is sufficient headroom capacity available at the named/identified Wastewater Treatment Works to which flows from the development will go; and the proposed development will not cause an adverse effect on the integrity of the SAC where appropriate, the provision of bespoke mitigation measures or contribution to any future strategic mitigation scheme should be made. *i~~nfrastructure or water quality improvements proposed in the Developer Contributions Scheme in operation at the time.~~*  - Need to clarify that the Developer Contributions Scheme is no longer in operation. - Only wastewater from Measham and Packington WwTW will be pumped out of the catchment, so pump out will not affect SDDC as none of its’ catchment discharges to these two WwTW. The policy explanation needs to provide further detail on what pump out is and the effect it will have on this authority. SD3 – C: - *‘Where there is no headroom capacity available at appropriate wastewater treatment works; or no capacity available within the Developer Contributions Scheme in operation at the time; or exceptionally, as part of the development, it is proposed to use a non mains drainage solution for the disposal of foul water with the agreement of the Environment Agency; development will only be allowed where it is demonstrated that the proposal, on its own and cumulatively with other built and permitted development, will not have an adverse impact, directly or indirectly, on the integrity of the River Mease SAC.’*  - Natural England strongly disagrees with this wording. - The need for Nutrient Neutrality Mitigation is unlikely to qualify a proposal to use a non-mains drainage solution, where a mains connection is available. Where there is no strategic mitigation available, developers should propose bespoke mitigation to avoid an adverse effect on the Mease SAC. - This also contradicts para 8.28 too which discusses avoiding a proliferation of non-mains drainage systems. - See NE’s standing advice on this matter attached. - - EA should be consulted on this as they are ultimately responsible for permitting any such system as it would not meet the General Binding Rules.  Para 8.34: ‘To address the issue of water quality, Severn Trent Water has proposed that foul sewage will be pumped from the Sewage Treatment Works at Packington and Measham to treatment works outside of the River Mease catchment. This is currently scheduled to take place in 2027. When pumping out has been achieved, this will mean that future development will not need to be restricted in terms of numbers as has been the case over the last few years.’   - This is not correct. It will mean the foul water contributions of P to the SAC from developments connecting to Measham & Packington will be removed. P from foul water from developments connecting to any other treatment works, or non mains systems, will still need to demonstrate they will not increase the P input to the SAC & avoid an adverse effect.  SuDS – Policy SD3 – Aiv: - Should include wording to stress the importance of SuDS in reducing surface water P and pollutants runoff to the SAC. SuDS are a key tool in reducing the mitigation burden on developers who are trying to deliver Nutrient Neutral Development in the River Mease SAC catchment. | Agree. Additional clarity will be sought with Natural England regarding proposed amendments. Policy SD3 will be amended as requested. The draft Local Plan Part 1 is not proposing new policies, however, the proposed amendments will be incorporated into existing policies where appropriate.  An HRA will be undertaken with such concerns assessed.  The Council will liaise with Severn Trent, Natural England and other stakeholders to ensure that such potential impacts and mitigation measures are fully incorporated. |
| 1242867 | Natural England | Natural England | 8.22  SD3 | Para 8.22: - Welcome acknowledgement of council’s role as Competent authority. - BUT a HRA is not also referred to an Appropriate Assessment. The Appropriate Assessment is a stage within the HRA: Habitats regulations assessments: protecting a European site - GOV.UK | Agreed. Wording to be amended. |
| 1242867 | Natural England | Natural England | Para 8.24 – 8.25  SD3 | Para 8.24-25: - Welcome background information on DCS & acknowledgement the schemes are full now. | Agreed. |
| 1242867 | Natural England | Natural England | Para 8.33 – 8.34  SD3 | Para 8.33-34: - Welcome brief NN background info & acknowledgement it only affects overnight stay developments. - The sentence: ‘In either case the Council as a ‘competent authority’ must be able to conclude that proposed development would not result in an adverse impact on the SAC.’ In para 8.34 is correct, but this is not reflected clearly in the remainder of the actual policy wording. | Agreed. Wording to be amended. |
| **National Organisation** | | | | | |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | SD3 | Policy SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure  This policy references a water efficiency standard of 110 litres/person/day. HBF note that Part G Building regulations already stipulates 125lpppd normal conditions and 110lpppd in water stressed areas. Therefore, HBF question whether there is a need for this to be referred to within the Local Plan as it is already required by other regulatory frameworks.  Again, HBF are keen to understand how this policy interacts with BNG and the LNRS and suggest further thought and explanation should be given to he inter-relationship between the LNRS and the Local Plan. | Agreed. Please see response to SD2. |
| **Landowner or Developer** | | | | | |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | SD3 | 8. Sustainable Development Policy SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure 2.61. Criteria A iii) and iv) are repetitious and have the same objectives. It is considered that criterion iii) should be deleted. 2.62. Changes to this policy at criterion B include requirements already outlined within the Building Regulations and should not be included within planning policy. | Disagree. No amendments required. |

**Policy SD4: Contaminated Land and Mining Legacy**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1244753 | Canal and River Trust |  | SD4 | Policy SD4: Contaminated Land and Mining Legacy We note that Policy SD4 also addresses the potential risks associated with sites where land instability is present. We consider that the policy should be clear that this also extends to the risk of creating land instability as a result of construction operations. For example, there is a risk that the canal network can be adversely affected by construction operations, including any excavations required for foundation construction in proximity to it, which may create land instability that could adversely affect the stability of canal wash walls, cutting or embankment slopes or other structure such as locks, bridges, culverts, weirs etc.  Canals are not water-tight and retain their water through a combination of waterway wall construction, clay lining and earth pressure. Vibrations (for example, from piling operations, ground compaction or plant/vehicle movement) and excavation of the group in the vicinity of the canal can create land instability or landslips on cutting or embankment slopes and lead to leaks or even, in extreme cases, breached if the canal which in turn results in flooding of adjacent land.  We consider that the supporting text to Policy SD4 should highlight the risks of new development creating instability and adversely affecting existing nearby infrastructure such as canal network and the need for development proposals to take this into account when a planning application us submitted. | Disagree. The issues surrounding the integrity of the canal network are already adequately considered within the Policy. |
| **Landowner of Developer** | | | | | |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | SD4 | Policy SD4: Contaminated Land and Mining Legacy 2.63. Criterion B refers to soils of high environmental value and seeks to ensure that soil resources are conserved and managed in a sustainable way. To ensure the policy is precise then an explanation within the post-script to the policy needs to be provided in respect of what soils of high environmental value constitute. If it constitutes best and most versatile agricultural land, then this criterion is a duplication of national policy and should therefore be removed in accordance with the NPPF. | Agreed. Further explanation of soils of high environmental value will be provided in the supporting text. Criterion B will be removed.  Soils of high environmental value to refer to best and most versatile agricultural land and are covered by Policies in the draft Local Plan at SD6 and BNE4. |

**Policy SD5: Minerals Safeguarding**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Members of the Public** | | | | | |
| 1241993 | Alan Mercer Jones | Individual | Par 8.43 (SD5) | Paragraph 8.43: Delete "coal" as it is no longer an economic mineral. | Agreed. The reference will be removed. |

**Policy SD6: Sustainable Energy and Power Generation**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | SD6 | Policy SD6: Sustainable Energy and Power Generation – we recommend including a clause that sets out what type of evidence base will be required to accompany planning applications of this type of nature. For example, heritage impact assessments, landscape and visual impact assessments, archaeological desk and field excavation assessments may be required to fully understand the impacts to heritage. The policy should also consider what happens when the proposal affects a heritage asset, for example solar mounted panels on a listed building? How will this be considered? There are areas where the historic environment is referenced and then other energy typologies with no reference to heritage. We would consider re-phrasing the policy to fully take account of heritage considerations. Additional detail can then be included within the justification text to provide planners and prospective developers with the appropriate information required. We consider that Policy | Agreed. Further text to be added with specific requirements specified in accordance with the Local Plan in its entirety, national legislation and the NPPF. Policy A i. already attaches weight to potential impacts on the historic environment. Additional text added at paragraph 8.50 to clarify additional information to be submitted on individual applications. |
| 1242409 | National Highways | National Highways | SD6 | Sustainable Energy and Power Generation Policy SD6 of the Local Plan sets out the Council’s policy on proposed development for the production of renewable energy. National Highways is supportive of such proposals in principle, however we would like to draw your attention to our policy with respect of proposals close the SRN. As set out in DfT Circular 01/2022 paragraph 65-67, wind turbines should not be located where motorists need to pay particular attention to the driving task, such as the immediate vicinity of connections, sharp bends, and crossings for pedestrians, cyclists and horse-riders. To mitigate the risks to the safety of road users arising from structural or mechanical failure, wind turbines should be sited a minimum of height + 50 metres or height x 1.5 (whichever is the lesser) from the highway boundary of the SRN. In addition, as per DfT Circular 01/2022 paragraph 70, some developments, notably solar farms, wind turbines and those with expansive glass facades, have the potential to create glint and glare which can be a distraction for drivers. Where these developments would be visible from the SRN, National Highways should be consulted on an appropriate assessment of the intensity of solar reflection likely to be produced. This should satisfy National Highways that safety on the SRN is not compromised. In light of the above, we would welcome that the policy wording also state that development proposals will only be acceptable where there is no unacceptable impact on highway safety. Thereafter, we should be consulted on any relevant planning applications as above. | Agreed. Additional text has been added at 8.55. National Highways will also be required to be consulted on any relevant planning applications within the Policy. |
| **Parish Council and other Community Group** | | | | | |
| 1238750 | Hilton Parish Council | Hilton Parish Council | S6 | Policy S6 needs to have words added that ensure currently closed footpaths are opened up. | Disagree. No addition is required to Policy S6 given that connectivity is addressed through various Policies in the Local Plan and the opening of currently closed footpaths should be pursued through contact with the County’s Rights-Of-Way Officer. |
| **Landowner or Developer** | | | | | |
| 1242636 | Lichfields on behalf of Lightsource bp | Lichfields on behalf of Lightsource bp | SD6 | 3.0 Review of Policy / Identified Policy Amendments Policy SD6 (Sustainable Energy and Power Generation)  3.1 The retention of, and updates to, Policy SD6 (Sustainable Energy and Power Generation) show SDDC’s continued support for renewable energy generation. Lightsource bp generally support the amendments made to Policy SD6. However, Lightsource bp request amendments to the updated Policy SD6 to align with National Planning Policy. Part A  3.2 The additions to Part A of Policy SD6 are welcomed. However, in anticipation of the adoption of the revised NPPF, it is requested that Policy SD6 is updated to reflect the latest National Planning Policy. Of importance here is the significant weight to be placed on a proposals’ contribution to renewable energy generation and a net zero future. Lightsource bp therefore request the following wording is included within Part A of the Policy, immediately following subpoint iii): Where impacts, in respect of one or more of the above criteria, are identified, any residual harm arising from those impacts, following mitigation, will be considered in the planning balance against the significant weight that will be given to the proposal’s contribution to renewable energy generation and a net zero future”. Part E  3.3 Part E has been introduced to Policy SD6 as part of the SDDLP Part 1 Review and seeks solar farm developments to avoid using Best and Most Versatile (BMV) Agricultural Land where possible. Whilst national planning guidance encourages the use of brownfield land generally and lower grade (non ‘best and most versatile’) agricultural land, it does not prevent solar farm developments from being located on such greenfield agricultural land where it has been proven to be necessary.  3.4 Lightsource bp, therefore, request the following amendments to the wording of Part E of Policy SD6 : “Proposals for solar energy developments including both mounted and standalone ground mounted installations and extensions are required to demonstrate the proposed use of agricultural land is necessary (avoiding the best and most versatile agricultural land where possible).”  Part G  3.5 Lightsource bp welcomes the inclusion of policy specific requirements for battery energy storage systems (BESS) and the Council’s acknowledgement that BESS developments are a key part of the national decarbonisation and Net Zero targets. Nevertheless, it is considered that parts of the proposed criteria do not align with National Planning Policy and are overly prescriptive. Accordingly, Lightsource bp request amendments to the draft policy, as set out in detail below. Subpoint i)  3.6 Subpoint i) of the policy states that: “schemes should be located on previously developed land and/ or in existing industrial areas, wherever possible, close to existing users who can make use of the heat and/or power generated.”  3.7 It should firstly be noted that there is no requirement, within National Planning Policy or Guidance, for BESS developments to be located on previously development land / and or existing industrial areas and, therefore, the inclusion of this within the policy wording is inconsistent with national policy and, therefore, unsound. Furthermore, the requirement of the policy to locate BESS developments close to existing users who can make use of the heat and/or power generated is not aligned with the key purpose of commercial scale BESS developments, which is to provide stabilisation to the National Grid, and not provide power(storage) to existing local users.  3.8 The location of a BESS development is consequently influenced by the need for grid stability nationally and locations of proposed BESS installations are often determined by proximity to available network connections. For this reason, it is not logical for Part i) of the policy to require BESS development to be located in proximity to existing users who can make use of the heat and/or power generated. The need for energy storage is a national one, across the national grid, and their location is determined by opportunities across the grid network infrastructure. It is incorrect to apply (and impractical to meet) a policy requirement that seeks to determine the appropriateness of the location of the proposal based upon it being local to existing users.  3.9 Lightsource bp therefore request that subpoint i) of the policy is removed. Subpoint ii)  3.10 Subpoint ii) requires proposals to avoid the loss of BMV agricultural land. Again, there is no National Planning Policy or Guidance specifically for BESS developments which requires the avoidance of BMV agricultural land for energy storage proposals. It is, therefore, requested that subpoint ii) of the policy is removed. However, if SDDC are minded to retain subpoint ii) of Policy SD6, Lightsource bp request that its wording is amended as follows:  “ii) proposals should demonstrate why the use of best and most versatile agricultural land is necessary”  Subpoint V)  3.11 Subpoint v) of the policy requires developments to utilise existing power lines structures and infrastructure wherever possible. The proposed policy wording continues, setting out that where it can be demonstrated that this is not possible and new power lines and pipelines are proposed, their impact on the landscape must be acceptably minimised or preferably buried underground wherever possible.  3.12 There is nothing in National Planning Policy that establishes a requirement to demonstrate the feasibility of reusing existing infrastructure when proposing energy development / storage installations. To do so, would place a policy hurdle on energy development that does not exist in other forms of development (i.e. to demonstrate the feasibility of reusing industrial buildings, dwellings or commercial properties, before proposals for their redevelopment are to be considered acceptable).  3.13 The way in which a developer constructs and connects a proposed BESS scheme, and the extent to which it reuses existing infrastructure, is a commercial and logistical decision of the developer. It is, however, unreasonable to require applicants to demonstrate the feasibility of reusing existing infrastructure. Instead, as is the case ordinarily, the applicant should demonstrate that the impact of installing new infrastructure is acceptable (or can be made acceptable) in planning terms. Lightsource bp therefore request subpoint v) of the policy is removed.  4.0 Conclusions 4.1 In summary, Lightsource bp welcome the retention of, and updates to, Policy SD6 (Sustainable Energy and Power Generation). However, Lightsource bp request further amendments to Policy SD6 to align with National Planning Policy and ensure that it’s objectives and requirements are justified. Without these amendments, Lightsource bp contends that the SDDLP Part 1 Review cannot be considered sound. | Partially agree.  Policy SD6 will be amended to reflect up-to-date NPPF wording and requirements.  Part G i will not be deleted as it provides a preferential approach for schemes to be supported at such locations, as discussed by the NPPF, while also allowing for a level of flexibility. There is already the qualifying point ‘’where possible’’. There is nationally-defined guidance that the development of previously developed land is preferable to greenfield sites.  The Policy lists the criteria theta the Council will take into account. It is not necessary to make reference to national policy in relation to the significance of sustainable and low carbon energy, which is fully addressed in the Policy. |
| **Members of the Public** | | | | | |
| 1241993 | Alan Mercer Jones | individual | SD6 (E) | Policy SD6(E): In light of the Councils declaration of an ecological emergence, at the end of this text a requirement should be added that the operator will provide a land management plan identifying how the site will be managed to maximise wild flower and insect presence and encourage the presence of ground nesting birds, and for stands for solar panels to be at such a height to allow for plant growth. See documents listed below. | Partially agree. The Ecological Emergency is referenced already (under…) and subject to national legislation and NPPF requirements. |
| 1240150 | Ian Turner | - | S4  SD6 | Yes Housing near to jobs and jobs near to housing, existing and proposed, seems to underlie the strategy and I support this PROVIDED the Plan includes policies to safeguard food production by protecting productive agricultural land and the countryside generally AND policies to stop any further solar arrays and wind turbines on protected food growing land AND supporting solar arrays on all buildings with south-facing roofs. These provisos are essential components of sustainability policies to be included in the revised Local Plan. | Partially agree. Policies, including S4 and SD6 address such concerns in points (…), These issues are already included in the Plan and/or including other legislation including Building Regulations. |

## Chapter 9: Built & Natural Environment

### Policy BNE1: Design Excellence

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | BNE1 | BNE1: Design Excellence can be amended to include further information on local distinctiveness and character and how new design can respect the historic environment and broader local distinctiveness of different areas. This should be fully evidenced by appropriate documents such as historic townscape/ landscape assessments as well as information from Conservation Area Appraisals etc. We welcome a policy for the historic environment and are supportive of its inclusion within the Plan. | Policy BNE2 and Adopted Local Plan Part 2 Policy BNE10 Heritage deals with the historic environment and will be used in the determination of heritage assets. The policies address the majority of Historic England points regard to heritage assts,  Policy BNE1 will be amended to include local distinctiveness. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | BNE1 | With regards to Policy BNE1: Design Excellence, the County Council would suggest additional text as shown in italics below: i) Design principles b) Street design, movement and legibility: Streets should be designed to relate to their context, with a balance being struck between place-making needs and vehicle movement needs. Streets should be attractive, pedestrian and cycle friendly and meet the needs of all users. New development should be easy to find your way around, have a clear hierarchy of streets and take advantage of available opportunities for connections to local services, including public transport; *Street layouts should be designed to ensure that a hierarchy of movement is in place, with walking, cycling and wheeling as the primary modes of transport. Street layouts should be such that routes to everyday local destinations, including schools, shops and services, are more appealing, direct and easier than those for motorised transport, thus encouraging the use of active and sustainable modes*.  j) Healthy Lifestyles: 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. *All new dwellings should be provided with appropriate cycle storage in line with LTN 1/20.* *All new commercial and employment developments should include integrated cycle storage in line with LTN 1/20, in order to encourage this mode of travel.* | Agree to part b change: “*Street layouts should be designed to ensure that a hierarchy of movement is in place, with walking, cycling and wheeling as the primary modes of transport. Street layouts should be such that routes to everyday local destinations, including schools, shops and services, are more appealing, direct and easier than those for motorised transport, thus encouraging the use of active and sustainable modes*.”  Derbyshire County Council Parking Guidance for New Developments (September 2024) includes requirements for bicycle parking standards. Its therefore not considered that this needs to be included within the Policy. |
| 1242867 | Natural England | Natural England | BNE1 | Policy BNE1: Design Excellence Natural England support point j which highlights the principle of healthy lifestyles. Good quality Green Infrastructure (GI) and access to nature has an important role to play in urban and rural environments for improving health and wellbeing. Natural England recommends that reference should be made within this policy to the Natural England Green Infrastructure Planning and Design Guide 2023 (GI Design Guide)’ designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Design Guide - Green Infrastructure Framework.pdf. This Guide provides details of what good GI design looks like linked to the ten characteristics of well-designed places as set out in the National Model Design Code and the National design guide. It provides evidence based practical guidance on how to plan and design good green infrastructure and can be used to help planners and designers develop local design guides and codes with multifunctional green infrastructure at the heart. This will help to inspire the creation of healthier, nature-rich, climate resilient and thriving places to live, learn, work and play. This policy could be cross referenced to the Green Infrastructure policy to ensure that the provision of Green Infrastructure is fully integrated into new designs for development. | The District Council has chosen not to cross reference policies within the Local Plan, as the Local Plan should be read as a whole when assessing planning applications. Nevertheless the District Council will look to cross reference policy INF7: Blue and Green Infrastructure within BNE1.  The District Council will look to include Green Infrastructure Planning and Design Guide 2023. |
| 1243643 | Sport England | Sport England | BNE1 | In accordance with paragraph 135 of the NPPF, Sport England advises that Policy BNE1: Design Excellence and its supporting text, in particular paragraph 9.15 has regard to the 10 principles of Active Design. | The District Council will include the 10 principles of Active Design. |
| **National Organisations** | | | | | |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | BNE1 | Policy BNE1: Design Excellence Criteria ii) states that “All proposals for new development will be assessed against the Council’s Design SPD and any future Council Design Guide and/or Codes”. This seems to be seeking to give Local Plan Policy status to SPDs, which is not appropriate. The role of the SPD should be to provide advice and guidance on the interpretation of policy and not to set policies, especially as policies in the plan should be subject to testing through the whole plan viability appraisal. | Have regard to )change word)  Criteria ii of the policy will be amened to “All policies for new development have regard to… |
| **Regional Organisations** | | | | | |
| 1242612 | National Forest Company | The National Forest Company | BNE1 | Policy BNE1: Design Excellence Existing wording: A, i) f) National Forest: Within The National Forest, new development should follow any National Forest Design Guides/Design Charter such as the Sustainable Tourism Accommodation Design Guide and Guide for Developers & Planners and fully reflect the forest context;  Recommended wording: f) National Forest: Within The National Forest, new development should follow the Guide for Developers & Planners, any National Forest Design Guides/Design Charter and where relevant the Sustainable Tourism Accommodation Design Guide and fully reflect the Forest context;  Reason for change/comment: Reword so that the first document referred to is the Guide for Developers and Planners, as the updated version will contain guidance on creating National Forest character.  Capitalise ‘Forest.’ | Agree with change:  Criteria f will be amended to:  Within The National Forest, new development should follow the Guide for Developers & Planners, any National Forest Design Guides/Design Charter and where relevant the Sustainable Tourism Accommodation Design Guide and fully reflect the Forest context; |
| **Developers and Landowners** | | | | | |
| 1243614 | Stantec on behalf of JSC Efarms LLP Boulton Moor | Stantec on behalf of JSC Efarms LLP Boulton Moor | BNE1 | Policy BNE1 discusses design excellence, particular attention is drawn to subsection G which states Visual attractiveness: New development should be; visually attractive, sustainably constructed, appropriate, respect important landscape and existing natural features, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality; JSC Efarms LLP queries the phrase ‘visually attractive’ given this is a subjective phrase which is open to interpretation. Instead, the policy should refer to ‘robust materials’ or ‘longevity’ which is more quantifiable. | It is not considered that a change needs to be made to the Policy. It is considered that the policy as worded seeks to achieve sustainable development. |
| 1243615 | Stantec on behalf of JSC Efarms LLP London Rd |  | BNE1 | Policy BNE1 discusses design excellence, particular attention is drawn to subsection G which states Visual attractiveness: New development should be; visually attractive, sustainably constructed, appropriate, respect important landscape and existing natural features, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality; JSC Efarms LLP queries the phrase ‘visually attractive’ given this is a subjective phrase which is open to interpretation. Instead, the policy should refer to ‘robust materials’ or ‘longevity’ which is more quantifiable. | It is not considered that a change needs to be made to the Policy. It is considered that the policy as worded seeks to achieve sustainable development. |
| 1244310 | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | BNE1 | Policy BNE1 discusses design excellence, particular attention is drawn to subsection G which states Visual attractiveness: New development should be; visually attractive, sustainably constructed, appropriate, respect important landscape and existing natural features, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality; JSC Efarms LLP queries the phrase ‘visually attractive’ given this is a subjective phrase which is open to interpretation. Instead, the policy should refer to ‘robust materials’ or ‘longevity’ which is more quantifiable. | is not considered that a change needs to be made to the Policy. It is considered that the policy as worded seeks to achieve sustainable development. |
| 1242865 | Turley on behalf of Hallam Land | Turley on behalf of Hallam Land | BNE1 | Policy BNE1 Design Excellence The policy sets out at part g in respect of the “visual attractiveness” criteria, that development should be “sustainably constructed”. However, it is unclear how sustainable construction relates to visual attractiveness, and it is suggested that this is clarified in the policy. | is not considered that a change needs to be made to the Policy. It is considered that the policy as worded seeks to achieve sustainable development. |
| 1242100 | RPS on behalf of Bellway and Clowes (Thulston Fields) | RPS on behalf of Bellway and Clowes (Thulston Fields) | BNE1 | Policy BNE1: Design Excellence The Council have included in the explanation to draft Policy BNE1 reference to Design Guides and Design Codes (page 147 of the LPP1). Whilst it is appropriate to engage local communities in preparing these codes, it is nonetheless important also to work with landowners and developers, particularly given both these parties may wish to prepare their own codes and / or guides for their sites. This is also highlighted in the NPPF (para 129). Consequently, the new Local Plan must acknowledge that design codes or other guides can legitimately be prepared by developers in support of planning applications for their sites. | Noted.  It is not considered that the District Council needs to amend the policy or explanatory text regarding Design Codes and Design Guides. |
| 1243194 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited | Pegasus Group | BNE1 | Policy BNE1: Design Excellence 2.65. Policy BNE1 sets out design principles for new development and at criterion G states that new development should be visually attractive, sustainably constructed, appropriate, and respect important landscape and existing natural features. Our client considers the reference to “existing natural features” needs further refinement in respect of ensuring this relates to high value existing natural features only. | It not considered that a change needs to be made to the Policy. It is considered that the policy as worded seeks to achieve sustainable development. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | BNE1 | 9. Built and Natural Environment BNE1: Design Excellence 2.64. Policy BNE1 sets out design principles for new development and at criterion G states that new development should be visually attractive, sustainably constructed, appropriate, and respect important landscape and existing natural features. Our clients consider the reference to “existing natural features” needs further refinement in respect of ensuring this relates to high value existing natural features only; this aligns with our client’s response to Policy STRA1. | It not considered that a change needs to be made to the Policy. It is considered that the policy as worded seeks to achieve sustainable development. |
| 1242071 | Green 4 Development | Green 4 Development | BNE1 | Policy BNE1 should include a more definitive criteria seeking carbon efficient development. | To reduce carbon emissions in new residential development the government has introduced Future Home Standards and Future Building Standards which come into effect in 2025. In advance of this Part L of the Building Regulations set out requirements for energy efficient standards of new and existing buildings and Part O (Overheating) cover the overheating mitigation requirements for new residential dwellings. The Local Plan Part 1 Review will not repeat the requirements set out in Building Regulations nor go beyond those. However, Policy S3 does support developers seeking to higher standards than set out in Building Regulations where justification exists, |
| **Members of the Public** | | | | | |
| 1241896 | Margaret Holmes |  | BNE1 | Only to remark that the design of the built/managed environment is of tremendous importance in people's appreciation of what is available to them. Attractive surroundings would be of great value to their well-being. | Noted. |

**Policy BNE2: Heritage Assets**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | BNE2 | Policy BNE2: Heritage Assets – consider introducing a clause at the beginning of the policy to state that applications which cause harm to the significance of heritage assets, including their setting, will be resisted. We would recommend a separate clause to address heritage at risk and the appropriate re-use of heritage assets. We welcome the policy considering these issues. As the policy is detailed and refers to specific assets and their needs, we consider it would be easier to understand and implement, if the policy was split into different sections or different policies based on asset type. Under development proposals the policy should request appropriate evidence base to accompany planning applications, including a heritage impact assessment/ heritage statement and to set out what this may mean in practice. Clause 3, there should be a clause that states that harm to heritage assets will be avoided. The development proposal reads as if from the NPPF and might need re-phrasing to be clear on what is required. Overall, we consider re-writing the policy and simplifying the contents to make it effective. Additional detail will be required to understand the impacts for archaeology and what developers should do and information they will be required to submit. If you would like to meet to discuss specific wording amendments to the heritage policy, we are available to do so. | Agree. Amend BNE2.  Policy BNE2 to be re-worded/re-written to address Historic England comments relating to clarity, breaking up into sections and the inclusion of a clause at the beginning of the policy relating to harm in addition to more detail relating to Archaeology.  Notes |
| 1242601 | National Trust | National Trust | BNE2 | BNE2 - The National Trust are supportive of this policy. Our comment at Issues and Options stage of the Local Plan in respect of heritage assets indicated that “National Trust generally supports adopted Policies BNE2 and BNE10. However, we believe there would be benefit reviewing these carefully against the latest update to the NPPF, and also considering whether BNE10 may unnecessarily paraphrase certain elements of the NPPF which could create issues of interpretation.” Having reviewed the proposed policy wording in the current consultation, we are satisfied that the Local Plan acknowledges the value of heritage assets and the positive contribution that they can make to South Derbyshire. As custodian of Calke Abbey and its many associated buildings across the estate and surrounds, we welcome the level of detail that the policy covers beyond what is set out in the NPPF. | Agree. Amend BNE2 as set out in response to Historic England’s comments. |
| **Landowner or Developer** | | | | | |
| 1243628 | Define Planning on behalf of Bloor Homes Ltd |  | General and BNE2 | Planning policies should be clear and concise to enable the user to understand the requirements for planning applications. A number of the draft policy changes, such as to policy BNE2 on heritage assets, are long and have the potential to be difficult to apply to schemes as well as become out of date quickly. Much of the text appears to repeat the NPPF. It is strongly recommended that the policies are audited and repetitions of national policy are removed to make the policies more accessible | Agree. Amend BNE2 as set out in response to Historic England’s comments. |
| 1243614 | Stantec on behalf of JSC Efarms LLP Boulton Moor | Stantec on behalf of JSC Efarms LLP Boulton Moor | BNE2 | Policy BNE2 as currently written is not consistent with national policy. Specific attention is drawn to criterion B which states: Development requiring planning permission will conserve and enhance heritage assets with an emphasis on preserving and enriching the social, cultural, economic, and environmental benefits that these assets provide. Heritage assets and their setting are irreplaceable and require careful management as the area undergoes significant growth and regeneration. This is inconsistent with national policy paragraph 196 which refers to a ‘desirability’ to enhance. Draft policy BNE2 should be amended to reflect this. Moreover, criterion D states: The Council will review existing Conservation Area designations to preserve or enhance their special architectural and historic interest. The Council will consider new destinations, particularly those put forward through the Neighbourhood Planning process. This statement is inconsistent with national policy, new designations put forward via the neighbourhood planning process should have no increased weight. The above statement also includes a spelling mistake ‘destinations’ should be amended to ‘designations’ In addition, the draft policy includes unnecessary text:  Scheduled Monuments Scheduled Monuments are of national importance. Applications for Scheduled Monument Consent are made directly to Historic England where works may affect a monument, either above or below ground level.  Listed Buildings Listed Building Consent is required for any proposal to demolish, alter or extend it. If the proposal involves ‘development’, planning permission is also required. Proposals to alter or extend any Listed Building will be assessed against conserving the special architectural or historic interest. There is a general presumption in favour of the conservation of Listed Buildings. Consent to demolish will only be granted in exceptional circumstances. The setting of a Listed Building may be affected by development. It is important that applications for planning permission for development affecting Listed Buildings, or their settings, include full details of the proposal so that an informed decision can be reached. Registered Historic Parks and Gardens and their setting Historic parks and gardens are an important historic, cultural and environmental asset. Historic England is responsible for compiling and maintaining the ‘Register of Parks and Gardens of Special Historic Interest in England’. Registration of a site means that its significance must be taken into account when considering any proposed development that may affect the site or its setting. Non-Designated Heritage Assets and their setting Non-designated heritage assets are not formally designated, but are identified locally as having a degree of significance because of their heritage, architectural or artistic interest. All of the above, reads like a validation list and goes beyond that stated in national policy. This text may be better contained in a glossary. It is suggested the whole policy is revisited and shortened to refer to the most up to date national policy. In its current form, this policy is inconstant with policy and requires re-drafting. It is also suggested Archaeology forms part of a separate policy. | Agree. Amend BNE2 as set out in response to Historic England’s comments. |
| 1243615 | Stantec on behalf of JSC Efarms LLP London Rd |  | BNE2 | Draft Policy BNE2 Draft Policy BNE2 as currently written is not consistent with national policy. Specific attention is drawn to criterion B which states: Development requiring planning permission will conserve and enhance heritage assets with an emphasis on preserving and enriching the social, cultural, economic, and environmental benefits that these assets provide. Heritage assets and their setting are irreplaceable and require careful management as the area undergoes significant growth and regeneration. This is inconsistent with national policy paragraph 196 which refers to a ‘desirability’ to enhance. Draft policy BNE2 should be amended to reflect this. Moreover, criterion D states: The Council will review existing Conservation Area designations to preserve or enhance their special architectural and historic interest. The Council will consider new destinations, particularly those put forward through the Neighbourhood Planning process. This statement is inconsistent with national policy, new designations put forward via the neighbourhood planning process should have no increased weight. The above statement also includes a spelling mistake ‘destinations’ should be amended to ‘designations’. In addition, the draft policy includes unnecessary text:  Scheduled Monuments Scheduled Monuments are of national importance. Applications for Scheduled Monument Consent are made directly to Historic England where works may affect a monument, either above or below ground level. Listed Buildings Listed Building Consent is required for any proposal to demolish, alter or extend it. If the proposal involves ‘development’, planning permission is also required. Proposals to alter or extend any Listed Building will be assessed against conserving the special architectural or historic interest. There is a general presumption in favour of the conservation of Listed Buildings. Consent to demolish will only be granted in exceptional circumstances. The setting of a Listed Building may be affected by development. It is important that applications for planning permission for development affecting Listed Buildings, or their settings, include full details of the proposal so that an informed decision can be reached. Registered Historic Parks and Gardens and their setting Historic parks and gardens are an important historic, cultural and environmental asset. Historic England is responsible for compiling and maintaining the ‘Register of Parks and Gardens of Special Historic Interest in England’. Registration of a site means that its significance must be taken into account when considering any proposed development that may affect the site or its setting. Non-Designated Heritage Assets and their setting Non-designated heritage assets are not formally designated, but are identified locally as having a degree of significance because of their heritage, architectural or artistic interest. All of the above, reads like a validation list and goes beyond that stated in national policy. This text may be better contained in a glossary. It is suggested the whole policy is revisited and shortened to refer to the most up to date national policy. In its current form, this policy is inconstant with policy and requires re-drafting. It is also suggested Archaeology forms part of a separate policy. | Agree. Amend BNE2 as set out in response to Historic England’s comments. |
| 1244310 | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | BNE2 | Policy BNE2 as currently written is not consistent with national policy. Specific attention is drawn to criterion B which states: Development requiring planning permission will conserve and enhance heritage assets with an emphasis on preserving and enriching the social, cultural, economic, and environmental benefits that these assets provide. Heritage assets and their setting are irreplaceable and require careful management as the area undergoes significant growth and regeneration. This is inconsistent with national policy paragraph 196 which refers to a ‘desirability’ to enhance. Draft policy BNE2 should be amended to reflect this. Moreover, criterion D states: The Council will review existing Conservation Area designations to preserve or enhance their special architectural and historic interest. The Council will consider new destinations, particularly those put forward through the Neighbourhood Planning process. This statement is inconsistent with national policy, new designations put forward via the neighbourhood planning process should have no increased weight. The above statement also includes a spelling mistake ‘destinations’ should be amended to ‘designations’ In addition, the draft policy includes unnecessary text: Scheduled Monuments Scheduled Monuments are of national importance. Applications for Scheduled Monument Consent are made directly to Historic England where works may affect a monument, either above or below ground level. Listed Buildings Listed Building Consent is required for any proposal to demolish, alter or extend it. If the proposal involves ‘development’, planning permission is also required. Proposals to alter or extend any Listed Building will be assessed against conserving the special architectural or historic interest. There is a general presumption in favour of the conservation of Listed Buildings. Consent to demolish will only be granted in exceptional circumstances. The setting of a Listed Building may be affected by development. It is important that applications for planning permission for development affecting Listed Buildings, or their settings, include full details of the proposal so that an informed decision can be reached. Registered Historic Parks and Gardens and their setting Historic parks and gardens are an important historic, cultural and environmental asset. Historic England is responsible for compiling and maintaining the ‘Register of Parks and Gardens of Special Historic Interest in England’. Registration of a site means that its significance must be taken into account when considering any proposed development that may affect the site or its setting. Non-Designated Heritage Assets and their setting Non-designated heritage assets are not formally designated, but are identified locally as having a degree of significance because of their heritage, architectural or artistic interest. All of the above, reads like a validation list and goes beyond that stated in national policy. This text may be better contained in a glossary. It is suggested the whole policy is revisited and shortened to refer to the most up to date national policy. In its current form, this policy is inconstant with policy and requires re-drafting. It is also suggested Archaeology forms part of a separate policy. | Agree. Amend BNE2 as set out in response to Historic England’s comments. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | BNE2 | Policy BNE2: Heritage Assets 2.65. Policy BNE2 states that ‘where a non-designated heritage asset is affected by development proposals, there will be a presumption in favour of its retention’. This policy requirement goes well beyond the requirements of the NPPF which states at paragraph 209 that ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.  2.66. Whilst our clients of course recognise the importance of protecting, conserving and enhancing heritage assets, both designated and non-designated, this specific policy requirement risks additional policy burdens that are not in line with the NPPF. As set out in the NPPF, a balanced judgement is required when assessing the scale of any harm on a non?designated heritage asset before a presumption in favour of retention can be applied. The policy needs to be revised to align with the requirements of the NPPF. | Agree. Amend BNE2 as set out in response to Historic England’s comments. |
| 1242281 | Nightingale Land on land north of Linton Road, Castle Gresley | Nightingale Land | BNE2 | Policy BNE2: Heritage Assets Policy BNE2 relates to the historic environment and outlines the way in which applications affecting designated and non-designated heritage assets will be considered.  It states where a development proposal would result in less than substantial harm to a designated heritage asset, permission will only be granted where in accordance with the National Planning Policy Framework. Such a reference is unnecessary as it fails to provide a clear purpose and simply results in unnecessary duplication of policies within the Framework as outlined in paragraph 16(f) of the Framework. As such, this element of the policy should be deleted. | Agree. Amend BNE2 as set out in response to Historic England’s comments. |

**Policy BNE3:Biodiversity**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| **1242867** | Natural England | Natural England | BNE3 | Policy BNE3: Biodiversity Natural England generally welcomes this policy but has the following comments: • We note that the hierarchy of sites requires clarification – International sites include European sites (now known as Habitat Sites) which include Special Areas of Conservation such as the River Mease SAC. As SSSI’s and NNRs are of national importance they should be listed above above Irreplaceable habitats. • Whilst we welcome the inclusion and explanation of the mitigation hierarchy points D and H appear to say similar things. However, the policy should make it clear that any mitigation and/or compensation requirements for “Habitats Sites”, other statutory designated sites or irreplaceable habitats should be dealt with separately from biodiversity net gain provision. • In paragraph GI veteran trees are mentioned but this has been covered by B(iv). There also seems repetition of the mitigation hierarchy. Rather than listing the types of green space the overall catch-all of Green Infrastructure could be used here. • In the explanatory text we welcome the inclusion of the protection of swifts through the provision of swift boxes in new development and also other bird and bat nesting boxes • We note that paragraph 9.38 explains the protection of soils which is welcome though it is not specifically linked to the policy wording and that in the following policy, BNE2 Landscape, that there is specific policy wording on BMV agricultural land. Whilst Natural England welcome the content on soils we suggest it could be consolidated into one place. | Agreed. The amendments requested will be made within the Policy.  Paragraph 9.38 has been incorporated within Policy BNE4. |
| **National Organisation** | | | | | |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | BNE3 | Policy BNE3: Biodiversity The policy states: A The District will support development which contributes to the protection, enhancement, management and restoration of biodiversity or geodiversity and delivers a net gain in biodiversity consistent with all relevant national policy at the time that a planning application is determined. Development will be required to follow the mitigation hierarchy of avoid, minimise, restore and offset. Development will be expected to avoid an adverse impact on the nature conservation value of the following hierarchy of sites, (and any future designations not included below) with the weight afforded to their protection reflecting their position in the hierarchy (greatest weight first) along with any legislative and national policy requirements: i) Sites of international and National importance, ii) Special Area of Conservation (SAC). iii) Irreplaceable habitats30 iv) National designations: Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNRs); v) Local and Regionally Important Geodiversity Sites (RIGS) and candidate Regionally Important Geodiversity Sites (cRIGS); vi) Local Wildlife Sites (LWSs), Local Nature Reserves (LNRs) and candidate Local Wildlife Sites (cLWSs) which have been identified by Derbyshire Wildlife Trust, the County or Natural England; vii) Local and National Biodiversity Action Plan-related (BAP) priority habitats. viii) Ancient woodlands, veteran trees and hedgerows ix) Other priority habitats and species B Biodiversity in the District will also be supported by (in no particular order): i) Delivering long term plans to restore the River Mease Site of Special Scientific Interest (SSSI)/Special Area of Conservation (SAC) to an improved ecological condition and improve water quality within the Mease, other water bodies, and additional catchments failing to meet nutrient neutrality requirements. Such improvements must not negatively impact other watercourses. ii) Maintaining a District-wide ecological network of SSSIs and local wildlife sites to support the integrity of the biodiversity network, prevent fragmentation, deliver ecosystem services and enable biodiversity to respond and adapt to the impacts of climate change. iii) Supporting and contributing to the targets set out in the Lowland Derbyshire, the National Forest Biodiversity Action Plan (BAP) and/or any superseding plans, for priority habitats and species iv) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons as set out in National Planning Policy Framework and a suitable compensation strategy exists v) Development should avoid the loss of established woodland vi) Ensuring the implementation of further documents such as plans, declarations agreements and strategies, including the Action Plan for Nature and the Climate and Ecological Emergencies. vii) Working co-operatively with the County and other organisations to produce a Local Nature Recovery Strategy for Derbyshire. viii) Secure Biodiversity Net Gain in line with the requirements of the Environment Act ix) Ensuring that the quality of water courses is maintained and enhanced wherever possible C Planning proposals that could have a direct or indirect effect on sites with potential or actual ecological or geological importance (in lists A and B) will need to be supported by appropriate surveys or assessments sufficient to allow the District to fully understand the likely impacts of the scheme and the mitigation proposed. D Where mitigation measures, or exceptionally, compensation cannot sufficiently offset the significant harm resulting from the development and/or where the development can potentially be located on an alternative site that would cause less or no harm, planning permission will be refused. E On-site provision will be prioritised, wherever practicable, where compensation is required for the reduction or loss of existing biodiversity resources. Where off-site provision is necessary this should be well located in relation to the proposed development. Where applicable, completion of documents and agreements such as the biodiversity metric, biodiversity gain plan and the legal securing of biodiversity net gains will be required to provide details regarding how the post-development biodiversity values of the site and any supporting off-site provision will be secured, managed and monitored for at least 30 years. F In recognition of the Ecological and Climate Emergencies declared by the District, in addition to satisfying biodiversity net gain requirements, planning proposals will integrate, wherever possible, biodiversityenhancing features including: • Street trees • Green roofs and walls • Sustainable drainage systems (SuDS) • Swift bird boxes • Hedgehog-friendly garden fencing • Ponds • Storm water provision swales • Raingardens • Land that is not publicly accessible but designated for conservation purposes G In addition to the consideration of the features listed in Part E of the policy, strategic development will be expected to follow the mitigation hierarchy and create or contribute towards new greenspace (such as parks, allotments, woodlands, open space, fields and playing fields) and ensure that damage to existing assets, including trees, woodlands, hedgerows, ponds, lakes, rivers and canals is avoided. Veteran trees are to be protected wherever possible, in accordance with the National Planning Policy Framework. Connections will be sought, wherever appropriate, to cycleways and footpaths. H Planning permission will be refused where mitigation measures, or exceptionally, compensation cannot sufficiently offset the significant harm resulting from the development and/or where the development can potentially be located on an alternative site that would cause less or no harm.  In light of all the new guidance on BNG that has recently been published, the Council will need to ensure its approach to BNG to ensure it fully reflects all the new legislation, national policy and guidance.  HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time and note the final version of DEFRA BNG Guidance was published on 12th Feb 2024 and the final version of the PPG published on Feb 14th 2024. HBF understand that both may be further refined once mandatory BNG is working in practice, to reflect any early lessons learnt.  HBF note that there is a lot of new information for the Council to work though and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy so that it complies with the latest policy and guidance now this has been finalised. It should also be noted that the PPG is clear that there is no need for individual Local Plans to repeat national BNG guidance.  It is HBF’s opinion that the Council should not deviate from the Government’s requirement for 10% biodiversity net gain as set out in the Environment Act. There are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council’s viability assessment. It is important that BNG does not prevent, delay or reduce housing delivery. Although the national policies requiring 10% BNG cannot be subject to site specific viability discussion, any policy requirements over 10% can be. Any policy seeking more than 10% BNG needs to reflect this position.  Para 6 of the new BNG PPG clearly states:  Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented. It is also important to note that large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development was included in the revised PPG.  HBF also suggest particular care is needed in terminology to ensure the BNG policy reflects the national policy and guidance. For example, on-site and off-site biodiversity is referred to as units, and the statutory national credit system of last resort is referred to as credit. Similarly, it will be important to differentiate between the mitigation hierarchy, which seeks to avoid harm and then mitigate it in relation to protected habitats and the BNG delivery parts of the hierarchy which prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits. National BNG policy allows for all three of these options, and therefore the Plan should also reference statutory credits.  The costs of BNG must also be considered as part of the whole plan viability assessment and should be specified as a single specific item, not combined into a generic s106 costs item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council’s viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it was arrived at using the most up to date BNG costs information available.  HBF suggest that there will also be a need for the BNG policy and supporting text will need to say something more about Local Nature Recovery Strategies. Although these are new initiative, and one has yet to be prepared that covers South Derbyshire, which will be prepared by Derbyshire County Council, the LNRS will be an important part of setting a spatial strategy for Nature. As such, as the LNRS emerges it will be important for this Local Plan to be kept under review and further public consultation on the interaction between the two documents and/or changes to Local Plan policy to reflect the LNRS may be needed.  HBF would encourage the Council to ensure the Local Plan fully considers and evidence how BNG should inform the site selection process. This should include understanding the BNG requirement, including undertaking an assessment of the baseline to support the allocation. It is important to have an understanding the BNG costs and viability for the site and consider how this may impact other policy requirements such as affordable housing, other s106 or CIL contributions.  HBF also notes that there seems to be significant potential for confusion around environmental hierarchy, and suggest particular care is needed to avoid any confusion between the well-established mitigation hierarchy and the new BNG hierarchy. There is need for the policy wording and/or supporting text to be clearer about the differentiation between the mitigation hierarchy (which seeks to avoid harm in the first place, then mitigate and only then compensate it in relation to protected habitats) and the BNG delivery hierarchy (which avoids loss to start with, but then prioritises on-site BNG delivery, then off-site units and finally allows for statutory credits). There seems to be significant potential for confusion between the two difference hierarchies. HBF therefore suggest that the South Derbyshire Plan should do all it can to explain how the two hierarchies work in different ways and that they seek to achieve different aims. We would suggest the use of the term “BNG spatial hierarchy” may help with this issue.  Reference could also usefully be made within the Plan to the small sites metric. This is intended to be a less complex statutory metric that can be used to set out how 10% BNG will be secured on small sites. It can only be used for on-site BNG delivery. The national mandatory 10% BNG policy will apply to small sites from April 2024.  HBF believes BNG should be a significant factor in emerging Local Plans and may require additional research, evidence work, policy and guidance for it to be made to work in practice. Plan-making is the appropriate stage for many BNG issues to be considered and we therefore suggest that the South Derbyshire Plan will need ensure that it is doing all it can to support the delivery of the national mandatory BNG policy through providing clear advice guidance and, wherever possible, certainty for developers and landowners and communities on what is expected. | Agreed. The Policy has been clarified to define the expectations of on-site provision as preferable. The Council is not proposing a requirement exceeding 10% Net Gain and the Plan will undergo plan-wide viability testing. As the Local Nature Recovery Strategy has progressed since the consultation, additional reference will be made as appropriate. Further explanation of the small sites metric and the different hierarchies will be incorporated for clarification. |
| 1242601 | National Trust | National Trust | BNE3 | BNE3 - As custodian for Calke Abbey where we look after land designated as SSSI and national nature reserve, we are supportive of this policy and again welcome the level of detail given the unique and delicate habitats that are present in South Derbyshire. We are supportive of the ambition to maintain a District-wide ecological network of SSSIs and local wildlife sites to support the integrity of the biodiversity network, prevent fragmentation, deliver ecosystem services and enable biodiversity to respond and adapt to the impacts of climate change. We continue to express our support for the production of a Local Nature Recovery Strategy for Derbyshire and would welcome the opportunity for the National Trust to be involved in this. With regards to biodiversity net gain requirements, we consider that it would be useful for South Derbyshire to clearly specify their expectations in terms of the amount of net gain to be achieved as part of any eligible development – the reference to “in line with the requirements of the Environment Act” is assumed to mean a minimum of 10% however clarification of this would be welcome. | Agreed. Further information on the Local Nature Recovery Strategy will be provided. The Council is not proposing a BNG requirement greater than 10%. |
| **Regional Organisation** | | | | | |
| 1243652 | Derbyshire Wildlife Trust | Derbyshire Wildlife Trust | BNE3 | Policy BNE3: Biodiversity DWT support and welcome the policy and have only a couple of comments as follows: Paragraph v) refers to established woodland. The term established woodland is poorly defined and it would be advisable to determine what characteristics a woodland falling into this category needs to have e.g. age, structure, composition?  DWT support a requirement for swift bricks into new developments. We would like to see the policy reflect the British Standard (BS 42021:2022 Integral nest boxes – Selection and installation for new developments) and for the number of integral nest boxes on new residential developments to at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1. | Partially agree. For the purposes of the Local Plan, established woodland is considered to be at least 20 years of age and predominantly comprised of native species. The Council will consider a requirement for swift bricks for new residential development where appropriate, however an all-encompassing requirement may not be practicable. |
| 1242612 | National Forest Company | The National Forest Company | 9.42 | 9.42 (supporting text to Policy BNE3) Existing wording: The National Forest Company and other partners positively change the local landscape and on the way have contributed to the planting of 9.5 million trees increasing forest cover from 6% in the early 1990s to 23% in 2023, with nearly a third of planting delivered through the planning system.  Recommended wording: The National Forest Company and other partners positively change the local landscape and on the way have contributed to the planting of 9.5 million trees increasing forest cover from as low as 6% in the early 1990s to over 25% in 2024, with nearly a third of planting delivered through the planning system.  Reason for change/comment: In 2024, the planting figures were updated thanks to improved analysis using the latest technology to identify previously uncounted trees and woodlands across the area alongside concerted tree planting efforts and additional funding and support as part of the Nature for Climate Fund and England Tree Planting Programme. | Agreed. The wording will be amended as requested.  Ancient woodlands have been forested continuously since 1600AD.  Mature plantations have been established within the last century, often for timber production.  Secondary woodland is woodland that has developed through natural processes on land previously cleared of trees. It is usually species-poor compared to ancient woodland.  Aged trees similar to veteran trees. A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing.  Additionally, likely under BNE3 A viii: will be ‘’Ancient woodlands, mature plantation, aged trees, veteran trees and hedgerows’’  BNE3 B v to be amended to ‘’Development should avoid the loss of mature plantation, established woodland and secondary woodland’’  G amended to ‘’Veteran and aged trees are to be protected whenever possible, in accordance with the National Planning Policy Framework’’. |
| 1243909 | Derbyshire Swift Conservation Project | Derbyshire Swift Conservation Project | BNE3 | We welcome the changes to Policy BNE3: Biodiversity regarding the provision of nest sites for Swifts in new developments (para 9.35) but please amend as follows: Amend the checklist item F to “Swift bricks”, and add to the supporting paragraphs: “Swift bricks should be incorporated within developments (including refurbishments, extensions and new build) to provide nesting and roosting opportunities for birds, including species under threat such as swifts, house sparrows, house martins, and starlings, in addition to integral bat boxes. Swift bricks should be installed in accordance with best-practice guidance, e.g. BS 42021 or CIEEM, which recommends at least one swift brick per dwelling on average in each development, installed as high as possible.  Swift bricks are also used by house sparrows and other small bird species so are considered a ‘universal nest brick’. Integrated nesting bricks are preferred to external boxes for reasons of longevity, zero maintenance requirements, better temperature regulation with future climate change in mind, and aesthetic integration with the building design. Masonry-fronted swift bricks will regulate the internal temperature so can be placed on any elevation, but ideally should be installed under shade-casting eaves or avoiding southerly elevations. They should be installed in groups of at least two or three if practical, with at least 5m clear drop beneath, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible, avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction of the development, alternative designs of suitable swift nest boxes should be provided in their place”  The rationale for requesting this change is that Swift bricks should be specified rather than Swift boxes, for all the reasons specified above. Most importantly, they are a permanent feature of the development. It is well-established that by any number of parameters, Swift bricks are vastly superior to boxes in all aspects yet without a price premium and are the only type of bird box mentioned in national planning policy guidance (NPPG 2019 Natural Environment paragraph 023).  Secondly, in our experience, stating that Swift bricks should be installed without any reference to numbers, specification or location often results in poor quality installations. This can easily be avoided by including a reference to best practice and a more detailed specification of the numbers to be installed and an explanation of where they should be installed. Our proposed wording includes all the necessary text. | Partially agree. The amending wording will refer to ‘’swift bricks’’. |
| 1242069 | Swifts Local Network: Swifts & Planning Group | Swifts Local Network: Swifts & Planning Group | BNE3 | We support the updates to Policy BNE3: Biodiversity regarding artificial nest sites for Swifts in new-build developments (paragraph 9.35) but please update the checklist item F to “Swift bricks”, and please add to the supporting paragraphs:  Swift bricks are a universal nest brick for small bird species and should be installed in new developments including extensions in accordance with best practice guidance such as BS 42021 or CIEEM. Artificial nest cups for house martins may be proposed instead of swift bricks where recommended by an ecologist.  Also please add: Existing nest sites for building-dependent species such as swifts and house martins should be protected, as these endangered red-listed species which are present but declining in South Derbyshire return annually to traditional nest sites. Mitigation should be provided if these nest sites cannot be protected.  In more detail for supporting evidence, the reason for this is that nest sites in buildings and bird boxes/ bricks and other species features are excluded from the DEFRA Biodiversity Net Gain metric, so require their own clear policy.  The Government's response in March 2023 to the 2022 BNG consultation stated that: "We plan to keep species features, like bat and bird boxes, outside the scope of the biodiversity metric... [and] allow local planning authorities to consider what conditions in relation to those features may be appropriate" (page 27, https://consult.defra.gov.uk/defra-net-gain-consultation-team/technicalconsultation\_biodiversitymetric/).  Swift bricks are the only type of bird box specifically mentioned as valuable to wildlife in national planning guidance, along with bat boxes and hedgehog highways (NPPG Natural Environment 2019 paragraph 023). The National Model Design Code Part 2 Guidance Notes (2021) also recommends bird bricks (Integrating Habitats section on page 25, and Creating Habitats section on page 26).  Swift bricks are considered a universal nest brick suitable for a wide range of small bird species including swifts, house sparrows and starlings (e.g. see NHBC Foundation: Biodiversity in New Housing Developments (April 2021) Section 8.1 Nest sites for birds, page 42: https://www.nhbcfoundation.org/wp-content/uploads/2021/05/S067-NF89-Biodiversity-in-new-housing-developments\_FINAL.pdf ).  Swift bricks are significantly more beneficial than external bird boxes as they are a permanent feature of the building, have zero maintenance requirements, are aesthetically integrated with the design of the building, and have better thermal regulation with future climate change in mind.  Therefore, swift bricks should be included in all developments following best-practice guidance (which is available in BS 42021:2022 and from CIEEM (https://cieem.net/resource/the-swift-a-bird-you-need-to-help/)).  Many local authorities are including detailed swift brick requirements in their plans, such as Tower Hamlets Local Plan Regulation 19 stage (paragraph 18.72, page 328 - https://talk.towerhamlets.gov.uk/local-plan ), which follows the exemplary swift brick guidance implemented by Brighton & Hove since 2020, and Wiltshire Local Plan Regulation 19 stage, which requires an enhanced number of 2 swift bricks per dwelling (policy 88: Biodiversity in the built environment, page 246 - "As a minimum, the following are required within new proposals: 1. integrate integral bird nest bricks (e.g., swift bricks) at a minimum of two per dwelling;" https://www.wiltshire.gov.uk/article/8048/Current-consultation-Reg-19), and Cotswold District Council are proposing three swift bricks per dwelling in their current Local Plan consultation (Policy EN8 item 6, and paragraph 0.8.4, https://www.cotswold.gov.uk/planning-and-building/planning-policy/local-plan-update-and-supporting-information/ ), so such an enhanced level should also be considered. | Partially agree. The amending wording will refer to ‘’swift bricks’’. Swifts and house martins are adequately protected as drafted in the proposed Policy. Refer to response to Derbyshire Wildlife Trust. |
| **Parish Council and other Community Group** | | | | | |
| 1238750 | Hilton Parish Council | Hilton Parish Council | BNE3 | Policy BNE3 For offsite biodiversity land, solutions that ensure management in perpetuity should be sought e.g. by transferring the land to the relevant parish council, otherwise for this land, it is in danger of just postponing the biodiversity loss. | Such land arrangements are already addressed under Biodiversity Net Gain requirements. An all-encompassing approach in addition to national legislation is unnecessary. |
| 1239943 | Castle Gresley Parish Council | Castle Gresley Parish Council | BNE3? | General (Biodiversity)  There needs to be more increased focus and robust polices in the local plan to protect the environment and green spaces, for example; trees, hedges, rivers, water courses from to be protected against flooding, pollution/sewage and areas of natural beauty and wildlife should be maintained and developed instead of being reduced to accommodate houses. Trees should have protections for the life of the developments. There should be more TPOS on trees with more rigorous enforcement when those TPOs are ignored and trees are destroyed such as has happened on the Oak Close development. There should be Increased protection to stop the merging of villages and protection against the loss of the characteristics of villages by using green wedges (these are a method of designating open spaces between and around settlements to maintain a distinction between built-up areas and the countryside). More protections need to be in place to protect landscape and character and the heritage of villages and areas in the policies.  We welcome the fact that Local Derbyshire Wildlife Sites are now protected so they cannot be built on. | Ongoing work, such as the Strategic Flood Risk Assessment Level 1 will assist with the protection of such assets from potential disruption. Greater protection for trees will be incorporated within the wording of the Policy. However. The Council disagrees that all trees can be protected in perpetuity. This is not supported in national legislation or the NPPF. TPOs will be sought where such a designation is considered desirable and appropriate.  Existing and proposed Policies avoid settlement coalescence. Further work relating to the settlement hierarchy may be undertaken in the subsequent Plan review. |
| **Landowner or Developer** | | | | | |
| 1242100 | RPS on helaf of Bellway and Clowes (Thulston Fields) | RPS on helaf of Bellway and Clowes (Thulston Fields) | BNE3 | Policy BNE3: Biodiversity RPS recognises that current legislation in the Environment Act 2022 requires the provision of 10% net gain in biodiversity (BNG) value on development sites. However, there is no legal obligation to consider this as a minimum gain – it is simply stated as ‘10%’. Furthermore, and importantly, 10% Net Gain is enshrined in legislation/law already so there is no need for a locally set BNG policy. RPS is supportive of the Council’s approach not to set a target in excess of 10%. The LPP1 relies on the legislative framework for BNG which is currently a 10% target. Part F of Policy BNE3 sets out that planning proposals should integrate biodiversity-enhancing features such as habitat bricks or similar. Whilst this may benefit biodiversity there is no requirement in national policy and no current evidential basis at the local level that such bricks should be required. On a practical basis, it may not be appropriate or feasible to install habitat bricks on all development sites. If the landowner and / or developer wish to consider installing such features into the brickwork on a property this should be based on consultation with Ecologists and Ecology Officers at the Council and can be suitably secured by condition on consent where there is an evidence based site specific requirement to do so based on ecological survey work. Therefore, the policy should explicitly state where appropriately demonstrated. | The Council is proposing a minimum 10% BNG requirement, as required nationally. The installation of such bricks will be required wherever practicable. Refer to response to Derbyshire Wildlife Trust. Various Local Authorities have adopted such requirements within their Local Plans. |
| 1243194 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited | Pegasus Group | BNE3 | 2.66. Criterion B (v) of Policy BNE3 states that development should avoid the loss of established woodland. Our clients understanding is that this reference to ‘established woodland’ is referring specifically to non-designated woodland and vegetation.  2.67. In order for this policy to meet the soundness tests of the NPPF, the policy must evidence and justify this requirement by being underpinned by relevant assessments and evaluations. A review of the evidence base suggests this is not currently the case. Our client considers that non-designated woodland and vegetation of landscape, arboricultural and ecological value should be retained on site, however, in its current format the policy seeks to retain all woodland,’ and this is unnecessarily and unjustifiably restrictive.  2.68. In order to ensure the policy is sound in terms of the NPPF, the policy should be refined to ensure woodlands of landscape, arboricultural and ecological value are retained where possible. | Agree. Additional wording will be incorporated regarding the definition of established woodland and information on woodland retention. |
| 1238831 | Savills on behalf of Midland Land Portfolio Limited (MLPL) | Savills | BNE3 | Policy BNE3: Biodiversity MLPL notes that draft Policy BNE3 includes reference to securing Biodiversity Net Gain in line with the requirements of the Environment Act and the intention to work with Derbyshire County Council to produce a Local Nature Recovery Strategy. It is important to understand whether the approach to the production of the Local Nature Recovery Strategy will factor in opportunities for the delivery of BNG offsite for development sites within South Derbyshire. This is particularly important for the consideration of sites allocated within the current adopted Development Plan which do not benefit from planning permission, or where a new planning permission needs to be obtained, and where the delivery of 10% BNG onsite would otherwise result in a decrease in the deliverable housing capacity of the site (resulting in a need to allocate additional housing sites to address the shortfall). | Additional LNRS cannot be made within the Policy at this time due to the preliminary nature of the LNRS. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | BNE3 | Policy BNE3: Biodiversity 2.67. Criterion B (v) of Policy BNE3 states that development should avoid the loss of established woodland. Our understanding is that this reference to ‘established woodland’ is referring specifically to non-designated woodland and vegetation.  2.68. In order for this policy to meet the soundness tests of the NPPF, the policy must evidence and justify this requirement by being underpinned by relevant assessments and evaluations. A review of the evidence base suggests this is not currently the case. Our clients consider that non-designated woodland and vegetation of landscape, arboricultural and ecological value should be retained on site, however, in its current format the policy seeks to retain all ‘woodland’, and this is unnecessarily and unjustifiably restrictive.  2.69. In order to ensure the policy is sound in terms of the NPPF, the policy should be refined to ensure woodlands of landscape, arboricultural and ecological value are retained. | Partially agree. Additional wording will be incorporated regarding the definition of mature plantation, established woodland secondary woodland and retention requirements. |
| **Members of the Public** | | | | | |
| 1243173 | Trevor Yeomans |  | BNE3 | 9.1. Policy BNE3 – Biodiversity 9.1.1. It is seen that the Review goes into great detail on precise quantities and locations of housing provision. However, the Review gives only general provisions for biodiversity net gain and assumes that Developers will demonstrate and deliver the net gain required. 9.1.2. I do not support this inconsistency. I consider that using the BNG Metric, the Review should quantity the scale and location of biodiversity nett loss which will result directly from all housing development, and should quantify the scale and location for the compensating biodiversity +10% nett gain within the South Derbyshire District. | Partially agree. BNG, including the Metric, are required under national legislation. It is not incumbent on the Council to require BNG requirements which diverge from such conditions required in the BNG assessment process without significant evidence and accordance with the NPPF. The 10% Net Gain is required for all relevant developments and therefore the Council does not need to add additional requirements which have not been evidenced or assessed. |

**Policy BNE4: Landscape Character and Local Distinctiveness**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | BNE4 | We welcome the inclusion of Policy BNE4 Landscape Character and Local Distinctiveness. Clause D, a heritage impact assessment may also be required. Can the Council reference the evidence base which has informed the policy for example historic/ townscape area assessments/ conservation area appraisals etc. | Agreed. The Policy has been updated with reference to local, regional and national background information. Heritage Impact Assessments have been undertaken for the strategic allocation sites in this Local Plan. |
| 1242601 | National Trust | National Trust | BNE4 | BNE4 - Calke Abbey is of high value in terms of landscape character and local distinctiveness, making a significant positive contribution to the visual amenity of the surrounding local area as well as being of historic importance. The tree planting ambition of the National Trust and value of landscape, local character and heritage clearly aligns with the objectives of this policy. We are supportive of this policy and consider that the condition for major development and for other proposals where they are likely to have a significant impact upon the intrinsic landscape and character of the countryside to be supported by a landscape and visual impact assessment is proportionate and reasonable. We are also supportive of the inclusion of criteria for development within the National Forest area and the preservation of best and most versatile agricultural land. Our comment at Issues and Options stage of the Local Plan in respect of best and most versatile agricultural land set out that “A policy on Best and Most Versatile Agricultural Land should provide general protection, having regard to the NPPF and NPPG. It could then set out situations in which exceptions might be made (e.g. in association with specific types of development, specific locations, or insignificant or temporary/reversible losses).” | Agree. Support for the Policy is noted. BMV land is protected under Policy BNE4 as currently drafted. The Council maintains that sufficient protection has been afforded under the aforementioned policies. Ongoing Sustainability Appraisal work will also address these matters. |
| **Regional Organisation** | | | | | |
| 1242612 | National Forest Company | The National Forest Company | BNE4 | Policy BNE4: Landscape Character and Local Distinctiveness  Existing wording: F) Within the National Forest Area developers will be expected to demonstrate that close regard has been paid to the landscape types and landscape character areas identified in the National Forest Landscape Character Assessment within the design of the scheme, the incorporation of woodland planting and landscaping as well as the long-term management of woodland assets.  Recommended wording: No recommended change to wording.  Reason for change/comment: Welcome reference in the policy to long-term management of woodland. | Noted. No changes requested. Additional information regarding woodland management has been incorporated within the policy. |
| **Parish Council and other Community Groupo** | | | | | |
| 1238750 | Hilton Parish Council | Hilton Parish Council | BNE4 | Policy BNE4 The provision that on site existing trees and hedgerows should only be retained for 30 years should be removed and the current retention policy maintained i.e. no time limit. | No change proposed. BNG requires a 30-year retention commitment. Additional wording reflecting the protection of woodland assets will be incorporated where appropriate including Policy BNE4 |
| **Landowner or Developer** | | | | | |
| 1243614 | Stantec on behalf of JSC Efarms LLP Boulton Moor | Stantec on behalf of JSC Efarms LLP Boulton Moor | BNE4 | Policy BNE4 refers to Landscape Character and Local Distinctiveness. As currently worded the policy seeks to retain all trees and hedgerows. JSC Efarms LLP considers that the policy makes no distinction regarding the value, significance or quality of trees, woodland or hedges and just suggests all trees/hedges need to be protected limiting development proposals. The policy should add words “where possible” and “of good quality” to make a distinction within the Local Plan that good quality trees and hedges should be retained where possible. Moreover, criterion G states: The Council will seek to protect soils that are ‘Best and Most Versatile’, (Grades 1, 2 and 3a in the Agricultural Land Classification) This criterion should be amended to include the words ‘where possible’ following ‘will seek’. Footnote 62 of the NPPF states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development. This statement demonstrates a preference to utilise poorer quality land but recognises it’s a planning balance alongside policies contained within the NPPF and therefore by adding ‘where possible’ will ensure this criterion more closely aligns with national policy. | No change proposed. The existing wording of the Policy is consistent with national policy. |
| 1243615 | Stantec on behalf of JSC Efarms LLP London Rd |  | BNE4 | Policy BNE4 refers to Landscape Character and Local Distinctiveness. As currently worded the policy seeks to retain all trees and hedgerows. JSC Efarms LLP considers that the policy makes no distinction regarding the value, significance or quality of trees, woodland or hedges and just suggests all trees/ hedges need to be protected limiting development proposals. The policy should add words “where possible” and “of good quality” to make a distinction within the Local Plan that good quality trees and hedges should be retained where possible. Moreover, criterion G states: The Council will seek to protect soils that are ‘Best and Most Versatile’, (Grades 1, 2 and 3a in the Agricultural Land Classification) This criterion should be amended to include the words ‘where possible’ following ‘will seek’. Footnote 62 of the NPPF states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development. This statement demonstrates a preference to utilise poorer quality land but recognises it’s a planning balance alongside policies contained within the NPPF and therefore by adding ‘where possible’ will ensure this criterion more closely aligns with national policy. | No change proposed. The existing wording of the Policy is consistent with national policy. |
| 1244310 | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | BNE4 | Policy BNE4 refers to Landscape Character and Local Distinctiveness. As currently worded the policy seeks to retain all trees and hedgerows. JSC Efarms LLP considers that the policy makes no distinction regarding the value, significance or quality of trees, woodland or hedges and just suggests all trees/ hedges need to be protected limiting development proposals. The policy should add words “where possible” and “of good quality” to make a distinction within the Local Plan that good quality trees and hedges should be retained where possible.  Moreover, criterion G states: The Council will seek to protect soils that are ‘Best and Most Versatile’, (Grades 1, 2 and 3a in the Agricultural Land Classification) This criterion should be amended to include the words ‘where possible’ following ‘will seek’. Footnote 62 of the NPPF states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development. This statement demonstrates a preference to utilise poorer quality land but recognises it’s a planning balance alongside policies contained within the NPPF and therefore by adding ‘where possible’ will ensure this criterion more closely aligns with national policy. | No change proposed. The existing wording of the Policy is consistent with national policy. |
| 1242865 | Turley on behalf of Hallam Land | Turley on behalf of Hallam Land | BNE4 | Policy BNE4 Landscape Character and Local Distinctiveness Although the principle of retaining landscape features, including hedgerow, is supported, the policy should recognise that this may not always be possible, for instance where an access is required to serve development. The policy should make reference to retention of landscape features “wherever possible” and where it is not possible, appropriate mitigation is provided elsewhere on site to compensate for any loss/removal. | No change proposed. The existing wording of the Policy is consistent with national policy and as drafted allows for appropriate planning judgments to be made. |

## Chapter 10: Infrastructure

**Policy INF1: Infrastructure and Developer Contributions**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243623 | Derbyshire County Council | Derbyshire County Council | INF1 | Infrastructure Policy INF 1: Infrastructure and Developer Contributions indicates that the Councils Planning Obligations SPD covers infrastructure and service requirements, including site specific infrastructure, to be delivered through S106 Planning Obligations. If an infrastructure levy is adopted the Council will adopt a charging schedule to secure funding from new development towards infrastructure provision.  In 2023, the previous Government published a consultation on its proposals for the introduction of a National Infrastructure Levy, to which the County Council raised significant concerns, particularly that the Levy would be unlikely to raise sufficient developer contributions to meet the costs of strategic infrastructure across the County. These concerns were based on the County Council’s experience of working with Chesterfield Borough Council which is the only Local Planning Authority in the County to operate a CIL. Since its introduction in 2016 by CBC, its CIL has caused difficulties for the County Council in securing sufficient funding for its strategic infrastructure needed to support new development in the Borough, particularly school place provision.  Should the new government introduce a National infrastructure Levy, it will be important for South Derbyshire District Council to work closely with the County Council to ensure that the introduction of the Levy and the supporting charging schedule is fit for purpose in ensuring the Levy raises sufficient funding to support the need for new strategic infrastructure in the District.  The County Council’s preferred approach for securing developer contributions for new strategic infrastructure is for the continued operation and retention of the Section 106 process, which has been very effective across the County in securing the necessary funding for new strategic infrastructure to support new development. | The County Council’s experience of S106 being the more effective method to secure infrastructure in Derbyshire is noted. This matter will be investigated further as part of the Plan Wide Viability Work which will be undertaken once the transport modelling work is sufficiently advanced to understand the necessary transport interventions. |
| 1242409 | National Highways | National Highways | INF1 | Financial Contributions We note a number of the specific housing policies and Policy INF1: Infrastructure and Developer Contributions make reference to financial contributions being used to secure necessary highway improvements.  It should be noted that National Highways no longer accepts financial contributions with respect of works to the SRN. Instead, National Highways expects infrastructure improvements should be ‘developer led’, secured under the Highways Act 1980 through Section 278 Agreements. By way of explanation, Section 106 contributions can be an effective way of securing developer investment towards necessary highways mitigation. However, securing the ‘forward funding’ of highways schemes in the timescales necessary to deliver growth cannot be guaranteed, and any shortfalls in funding could jeopardise the delivery of a scheme. As such, there is a risk to highway authorities in accepting a S106 contributions which effectively allows the development to proceed without necessarily having the required mitigation in place.  A Section 278 agreement is an alternative method of securing highway improvements which puts the developer (or consortium of developers) in control of the highway scheme delivery, and subsequently more in control of when their development can come forward.  We would welcome that the requirement for ‘developer led’ highway mitigation is referenced in all of your applicable policies. | Agree in part.  Policy H15 secures the requirement that the necessary infrastructure is provided without further qualifying points. The text from policy H15 will be copied over to H16 to clarify this expectation. With the above amendment the requirement to amend the text to include reference to developer led contributions is unnecessary as the policy allows for public sector funding to be provided such as the Levelling up Fund or other funding streams. |
| 1243643 | Sport England | Sport England | INF1 | In accordance with paragraph 97 of the NPPF, Sport England advises that Policy INF1: Infrastructure and Developer Contributions and its supporting text provides the necessary clarification and justification that the necessary monies will be secured towards the enhancement and/or the creation of sports facilities. Please see the following weblink to Sport England’s CIL and Planning Obligations Advice Note. | Noted.  The Policy includes reference to the Developer Contributions SPD which details the potential contributions that might be required from a development, sports and recreational facilities are included within this SPD. It is not considered necessary to duplicate this in the policy. |
| **National Organisation** | | | | | |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | INF1 | Policy INF1: Infrastructure and Developer Contributions  Criterion B of the policy says “The Councils Planning Obligations SPD covers infrastructure and service requirements, including site-specific infrastructure, to be delivered through S106 Planning Obligations. If an infrastructure levy is adopted the Council will adopt a charging schedule to secure funding from new development towards infrastructure provision.”  This seems to be seeking to give Local Plan Policy status to SPDs, which is not appropriate. The role of the SPD should be to provide advice and guidance on the interpretation of policy and not to set policies, especially as policies in the plan should be subject to testing through the whole plan viability appraisal.  The remaining policy states:  ‘A New development that is otherwise in conformity with the Local Plan but only provided the necessary on and off-site infrastructure will normally be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:  i) Already in place, or  ii) There is a reliable mechanism in place to ensure that it will be delivered in the right place, at the right time and to the standard required by the Council and its partners.  C Where appropriate, the Council will permit developers to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions, such infrastructure must meet relevant standards.  D Where directly related to the development, and fair and reasonable in scale and kind, developers will be expected to contribute toward recruitment, skills and training programmes to ensure that the benefits of development are maximised for local communities. Such contributions will be sought through S106 Planning Obligations and the mechanism for negotiating these will be identified in a future review of the Council’s Planning Obligations SPD.  E It is expected that development is appropriately supported and its effects mitigated, in the interests of sustainability. The viability of developments will also be considered when determining the extent and priority of developer contributions in line with the Infrastructure Delivery Plan.  F Delivery of infrastructure critical to the delivery of a site (including drainage infrastructure) or critical to the site’s effects on land outside the site boundary, should be completed as an early phase of the site’s construction.’  Criteria B states that “All proposals for new development will be assessed against the Council’s Design SPD and any future Council Design Guide and/or Codes”. This seems to be seeking to give Local Plan Policy status to SPDs, which is not appropriate. The role of the SPD should be to provide advice and guidance on the interpretation of policy and not to set policies, especially as policies in the plan should be subject to testing through the whole plan viability appraisal.  Similarly, is in inappropriate to seek to give Local Plan policy states to SPD not yet written as suggested in criteria D. | The Draft Local Plan Part 1 policies set out the requirements of the Local Plan proposed allocations and the requirements for planning applications. The Plan will be subject to a viability appraisal prior to submission to the Secretary State.  The Councils Planning Obligations Supplementary Planning Document was adopted in November 2024 and contains further information on infrastructure and financial requirements. The SPD does not set policy. This is only done in the Local Plan. |
| **Parish Council and Other Community Group** | | | | | |
| 1240947 | Barrow Upon Trent Parish Council | Barrow upon Trent Parish Council | INF1 | (INF1)  Infrastructure is vital to the well-being of the residents. New housing has caused massive sewerage problems in our village as the sewer system has not been upgraded to cope with the increased usage. In addition, Deepdale Lane causes massive traffic problems along the canal side, and the small canal bridge that takes traffic southwards towards Melbourne and South Derbyshire. This leads to damage to the bridge, accidents along the road, and danger from reversing lorries. Please address this by some means – redesignation as a greenway perhaps.? As a matter or urgency | Noted.  At submission the local plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered |
| 1242585 | Egginton Parish Council | Egginton Parish Council | INF1 | Policy INF1; Infrastructure and Developer Contributions. Para 10.12: The PC considers Section 106 should be maintained within INF1. If a local area is impacted by development, then funding should be spent locally where the impacts are felt. Section 106 is the most effective instrument to guarantee the mitigation of adverse impacts. | Noted. |
| 1238750 | Hilton Parish Council | Hilton Parish Council | INF1 | Policy INF1 The commitment to CIL should not be watered down to 'if adopted' but maintained at 'when adopted'. | The Council does not consider that the wording ‘if adopted’ needs to be amended. The Council is not committed to a CIL and a final decision on this will need to wait for the Plan Wide Viability work. |
| **Landowner or Developer** | | | | | |
| 1243634 | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | INF1 | 10.0 Policy INF1: Infrastructure and Developer Contributions  10.1 The NPPF is clear that planning policies should be: “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” (Para 16d).  10.2 In this context, St Modwen notes that draft policy INF1 states that: “New development that is otherwise in conformity with the Local Plan but only provided the necessary on and off-site infrastructure will normally be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:”  10.3 St Modwen considers that the wording of the policy is unclear and should be considered further. Additionally, St Modwen notes that paragraph 68 of the NPPF is explicit that planning policies should have regard to the economic viability of sites and should not undermine the deliverability of the Local Plan (Para 34). It is therefore vital that the DLPP1R is supported by a viability assessment which appropriately tests the impact of policy requirements on the viability of sites allocations within the DLPP1R. This should include any Community Infrastructure Levy as well as site-specific infrastructure required to support the delivery of some sites. | Noted. A Plan Wide Viability Assessment of the Plan will be undertaken prior to submission of the plan.  In terms of wording of Policy INF1A, the District Council will look to update the wording to remove any ambiguity. |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | INF1 | 10.0 Policy INF1: Infrastructure and Developer Contributions 10.1 In general, St Modwen does not have concerns with the Council’s proposed approach set out in draft Policy INF1 (Infrastructure and Developer Contributions). However, the NPPF is clear that planning policies should be “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” (Para 16d). In this regard, St Modwen notes that Part of the proposed policy states that: “New development that is otherwise in conformity with the Local Plan but only provided the necessary on and off site infrastructure will normally be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:”  10.2 In this regard, St Modwen considers that the wording of this part of the policy is fundamentally unclear and requires further consideration.  10.3 In addition, and as stated throughout St Modwen’s responses above, the NPPF is also clear that planning policies should have regard to the economic viability of sites (Para 68) and should not undermine the deliverability of the Local Plan (Para 34). To this end, the DLPP1R will need to be supported by a viability assessment that cumulatively tests the impact of policy requirements on the viability of sites allocated in the DLPP1R. This should include any site-specific infrastructure required to support the delivery of some sites, as well as any Community Infrastructure Levy. | Noted. A Plan Wide Viability Assessment of the Plan will be undertaken prior to submission of the plan.  In terms of wording of Policy INF1A, the District Council will look to update the wording to remove any ambiguity. |
| 1243628 | Define Planning on behalf of Bloor Homes Ltd |  | INF1 | Policy INF1 Amendments to Policy INF1 include the addition of specific reference to seeking financial contributions toward recruitment, skills and training programmes. It is recognised and supported that the policy wording specifically notes that these will be sought “where directly related to the development, and fair and reasonable in scale and kind”.  The policy also suggests a Council’s Planning Obligations SPD will be reviewed in the future and an infrastructure levy may be introduced. Any development contribution sought should meet the tests set out in legislation and national policy. | Noted.  If the council decides to update its Planning obligations SPD or a Community Infrastructure Levy, the Council will ensure that, any development contribution sought should meet the tests set out in legislation and national policy. |
| 1242100 | RPS on behalf of Bellway and Clowes (Thulston Fields) | RPS on behalf of Bellway and Clowes (Thulston Fields) | INF1 | Policy INF1: Infrastructure and Developer Contributions In general terms, the broad nature of infrastructure issues that will need to be taken into account of the new Local Plan moves forward. This, in particular, includes the need to prepare an Infrastructure Delivery Plan (IDP) setting out the critical new or improved infrastructure that is necessary to support the growth in the Emerging Local Plan, and will identify the costs, funding sources, timescales, and delivery partners for the infrastructure.  RPS would also like to point out that the new Local Plan should recognise that new infrastructure can not only help to support future growth, but it can also help to make a location more sustainable through, for example, new or enhanced transport links, as acknowledged in paragraph 85 of the NPPF.  Consequently, the assessment of site options should reflect on the potential to improve the locational benefits of development through the provision of new or improved infrastructure, and not simply focusing on the current level of infrastructure provision in close proximity to the site as a measure of suitability. | Noted.  The SHELAA site assessments are a high-level assessment of the sites submitted to the District Council as options for development and have been assessed against the SHELAA methodology. The methodology provides a list of criteria and each criterion for the sites is scored either red, amber or green. Mitigation is looked at for some criteria, which includes what infrastructure could be provided in site. This however does not change the initial RAG score. It is recognised that development can be an effective way of securing infrastructure to make a place more sustainable. |
| 1243222 | Pegasus on behalf of Harworth Group Land at Site E Cadley Park | Pegasus on behalf of Harworth Group Land at Site E Cadley Park | INF1 | 10. Infrastructure 1.48. It is noted that Policy INF1: Infrastructure and Developer Contributions is non-committal on the specific infrastructure needed to support the development strategy and also mechanism to fund new or enhancements to infrastructure. The supporting text to the policy states that the Council may consider the introduction of an Infrastructure Levy, during future plan making.  1.49. The Plan needs to provide a framework by which s106 developer contributions can be sought which meet the Community Infrastructure Levy regulations. It is urged that the Council involve developers in its approach to infrastructure delivery to ensure the plan is deliverable over the plan period. | Noted.  No change to policy wording suggested. |
| 1243194 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited | Pegasus Group | INF1 | Policy INF1: Infrastructure and Developer Contributions 2.69. Policy INF1 seeks to secure developer contributions both on and offsite. Our client considers the policy needs further refinement in accordance with the comments below.  2.70. Criterion A lacks clarity and should be reworded. It appears that this criterion is seeking to ensure a S106 legal agreement or other mechanism is in place ensuring infrastructure provision in a timely manner.  2.71. Criterion B is unnecessary and should be removed. If the Council adopt a Community Infrastructure Levy (CIL) they are obliged by legislation to adopt and publish a charging schedule. This criterion is therefore an unnecessary duplication of national legislation and should be removed in accordance with the NPPF.  2.72. Our client seeks clarity regarding the ‘relevant standards’ referred to in criterion C. | Noted.  In terms of wording of Policy INF1A, the District Council will look to update the wording to remove any ambiguity.  It is not considered that the wording of part B of the Policy needs removing.  In relation to Criteria C. The policy has been amended to include reference to the SPD which includes information regarding standards |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | INF1 | 10. Infrastructure INF1: Infrastructure and Developer Contributions 2.70. Policy INF1 seeks to secure developer contributions both on and offsite. Our clients consider the policy needs further refinement in accordance with the comments below.  2.71. Criterion A lacks clarity and should be reworded. It appears that this criterion is seeking to ensure a S106 legal agreement or other mechanism is in place ensuring infrastructure provision in a timely manner.  2.72. Criterion B is unnecessary and should be removed. If the Council adopt a Community Infrastructure Levy (CIL) they are obliged by legislation to adopt and publish a charging schedule. This criterion is therefore an unnecessary duplication of national legislation and should be removed in accordance with the NPPF.  2.73. Our client seeks clarity regarding the ‘relevant standards’ referred to in criterion C.  2.74. Criterion D requires developers to contribute toward recruitment, skills and training programmes to ensure that the benefits of development are maximised for local communities. Whilst our clients understand and support this, this is an additional policy obligation which will need to be tested alongside other policy obligations in relation to the viability of the strategic sites and the Local Plan as a whole. This is further required due to recent communications from the Council regarding the potential inclusion of a ‘Roof Tex’ to raise monies towards delayed infrastructure provision.  2.75. Criterion F is unnecessary and risks directly contradicting the allocation policy STRA1. As set out above, our clients consider the appropriate method for ensuring the timely delivery of infrastructure and services would be via the submission and agreement of a phasing plan. | Noted.  In terms of wording of Policy INF1A, the District Council will look to update the wording to remove any ambiguity.  It is not considered that the wording of part B of the Policy needs removing.  A Plan Wide Viability Assessment of the Plan will be undertaken prior to submission of the plan.  In relation to Criteria C. The policy has been amended to include reference to the SPD which includes information regarding standards  It is not considered that the wording of part B or Part F of the Policy needs deleting. It is considered that the Part F of Policy INF1 and the criteria within the strategic policies regarding the timing of infrastructure delivery are not contradictory. It is considered that the policies can coincide. |
| 1244535 | Pegasus on behalf of Harworth Group Cadley Lane | Pegasus on behalf of Harworth Group | INF1 | 10. Infrastructure 2.44. It is noted that Policy INF1: Infrastructure and Developer Contributions is non-committal on the specific infrastructure needed to support the development strategy and also mechanism to fund new or enhancements to infrastructure. The supporting text to the policy states that the Council may consider the introduction of an Infrastructure Levy, during future plan-making.  2.45. The Plan needs to provide a framework by which s106 developer contributions can be sought which meet the Community Infrastructure Levy regulations. It is urged that the Council involve developers in its approach to infrastructure delivery to ensure the plan is deliverable over the plan period. | Noted.  No change to policy wording suggested. |
| 1243233 | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | INF1 | 10. Infrastructure 1.49. It is noted that Policy INF1: Infrastructure and Developer Contributions is non-committal on the specific infrastructure needed to support the development strategy and also mechanism to fund new or enhancements to infrastructure. The supporting text to the policy states that the Council may consider the introduction of an Infrastructure Levy, during future plan-making.  1.50. The Plan needs to provide a framework by which s106 developer contributions can be sought which meet the Community Infrastructure Levy regulations. It is urged that the Council involve developers in its approach to infrastructure delivery to ensure the plan is deliverable over the plan period. | Noted.  No change to policy wording suggested. |
| 1242615 | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd |  | INF1 | Policy INF1: Infrastructure and Developer Contributions Part B of Policy INF1 refers to “…If an infrastructure levy is adopted the Council will adopt a charging schedule to secure funding from new development towards infrastructure provision…”. Whilst it is noted that the previous Government administration had looked to bring forward a new infrastructure levy, which was to replace the existing Community Infrastructure Levy (CIL) and S106 system for securing developer contributions, such a change has not progressed and is no longer being pursued by the current Government. As such, reference to ‘infrastructure levy’ is not justified and should be removed from Policy INF1 and the supporting text.  Also, as the Local Plan Viability Assessment is yet to be completed, the wording of Policy INF1 may be subject to change and should look to allow for flexibility in how developer contributions are provided such as off-site and/or financial contributions in lieu of on-site provision. | Noted.  Part B of the Policy will amended to state Community Infrastructure Levy, rather than Infrastructure levy. The supporting text will be updated to reflect this change.  A Plan Wide Viability Assessment of the Plan will be undertaken prior to submission of the plan. |

**Policy INF2: Sustainable Transport**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243623 | Derbyshire County Council | Derbyshire County Council | INF2 | With regards to active travel (INF2) , the County Council is comfortable with the suggested policies for the continued growth and enhancements to the active travel networks for walking and cycling across the South Derbyshire area. In particular under Strategic Allocations, Policies STRA 1 Infinity Village, STRA 2 Land south of Mickleover and STRA 3 Drakelow Power Station, all capture the desired infrastructure requirements for the Key Cycle Network development. Additionally, each housing and employment allocation listed under relevant headings, identifies specific policies for the provision of high-quality walking and cycling infrastructure. Furthermore, under Infrastructure, Policy INF1 Infrastructure and Development Contributions allows for the planning process to request additional contribution for off-site active travel route enhancement/development as well as provision for additional new linkages where appropriate. Policy INF2 Sustainable Transport supports the provision of new infrastructure with regard to Derbyshire County Council’s Developer Contributions Protocol and also with reference to the SDDC new Cycle Network Supplementary Planning Document.  With regards to Policy INF2: Sustainable Transport our suggested additional text/amendments are shown in italics below: A i) B Noted. Consider amendment of the following from: appropriate provision is made for safe and convenient access to and within the development for pedestrians, cyclists, public transport users and the private car; and to: access to and within the development is prioritised for walking, cycling, wheeling and public transport users, and that routes to everyday local destinations, including schools, shops and services, are more appealing, direct and easier than those for motorised transport. Also: i) In order to achieve this, the Council will secure, through negotiation, the provision by developers of contributions towards off-site works or direct provision as part of the development, where needed. B Active Travel modes ii) Development that is likely to prejudice the use of disused railway lines or canals for walking, cycling or horse riding will only be permitted where it can be demonstrated that there would be no practical prospect of implementation in the future or where the development provides a suitable or enhanced alternative to the existing route. C Public transport iii) a. bus shelters and laybys, including the provision of real time information. c. financial contribution towards the cost of running public transport services, or suitable alternatives as appropriate, eg. Car club, car share or other shared mobility services. E Parking i) Parking considerations should also include the provision of cycle storage as per LTN 1/20. All residential dwellings should be provided with cycle storage, including those both with and without garages. ii) No comment iii) No comment iv) No comment v) Electric vehicle charge points should be provided in line with building regulations part S. The following wording in italics is also suggested for para 10.14: For the purposes of Transport Policy INF2 Part A(iv), above, the submission of transport assessments or statements and travel plans will be requested where appropriate, having regard to National Planning Practice Guidance and any local guidance issued by Derbyshire County Council, including the ‘Developer Contributions Protocol’ and the ‘Guidance for the preparation of travel plans in support of planning applications’. All new development proposals should be prepared in accordance with the guidance given in the Derbyshire Count Council documents ‘Planning Streets and Spaces – September 2024’ and ‘Parking Guidance for New Developments – September 2024’. In addition, all developments which generate a significant amount of movements should be accompanied by a Transport Assessment, or a Transport Statement, and a Travel Plan to ensure any negative transport impacts are mitigated and to promote sustainable development with particular emphasis on Active Travel Measures and Connectivity. The precise scope and detail of a Transport Assessment/Statement will vary depending on the site location, scale and nature of the development and developers are strongly encouraged to enter pre-application discussions with the Local Highway Authority to ensure that all parties have a better understanding of, and to reach a consensus on, the key issues to be addressed in respect of a particular development proposal. The issues agreed in such pre-application discussions should indicate the level and scope of assessment that will be required and will also provide an initial judgement on the need for, and scope of, a Travel Plan. | Agree. Make changes to INF2 as suggested by DCC.  Add additional text at para 10.14 |
| **National Organisation** | | | | | |
| 1235628 | Simon Richards | British Horse Society | INF2 | INF2 Horse riders should be included clearly in the policies regarding active travel. | Agree. Policy has been amended. |
| **Regional Organisation** | | | | | |
| 1242591 | MAG East Midlands Airport | MAG East Midlands Airport | INF2 | Sustainable Transport is covered by Policy INF2 in the Draft Local Plan Pt 1. As a major site close to the District, and employing substantial numbers of South Derbyshire residents, transport particularly staff access by public transport is important to access jobs and opportunities at EMA. The Council’s policy for public transport (INF2 C i) is supported, particularly the partnership approach to improve public transport services, infrastructure and information provision in the District. An example is the partnership support for the establishment and the operation of the Airline 9 service that links Burton upon Trent, Swadlincote, Ashby de la Zouch, Melbourne, EMA and the East Midlands Gateway. | Noted. Policy support welcomed. |
| **Landowner or Developer** | | | | | |
| 1243634 | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | INF2 | 11.0 Policy INF2: Sustainable Transport 11.1 St Modwen notes that draft Policy INF2 (Sustainable Transport) sets out that: “Land is protected against development that would prejudice the establishment of new passenger railway stations at Castle Gresley, Drakelow and Stenson Fields as shown on the Policies Map. Development likely to impair the continuity of the Burton to Leicester railway line or otherwise compromise the potential establishment of a passenger rail service on this route will not be permitted.” 11.2 St Modwen wishes to express support for the Council’s decision to safeguard land at Castle Gresley in order to help deliver the proposed Burton to Leicester Railway Line. In this regard, St Modwen notes that paragraph 110 of the NPPF is clear that “Planning policies should… 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. | Noted. Policy support welcomed. |
| 1243628 | Define Planning on behalf of Bloor Homes Ltd |  | INF2 | Policy INF2 To deliver sustainable developments, it is agreed that provision of cycle and pedestrian routes within a site and enhancing existing linkages is important. As demonstrated in representations to question 13 and within the submitted Vision Document, BHL’s site at Castle Gresley would provide opportunities for active travel within the site and linking into the surrounding area. Any requests for connections to walking and cycle routes outside the site should be necessary and justified to meet the tests for development contributions. | Noted. Policy support welcomed. |
| 1242865 | Turley on behalf of Hallam Land | Turley on behalf of Hallam Land | INF2 | Policy INF2 Sustainable Transport Part B, ii, of the policy sets out that “provision will be sought with reference to routes identified in the Council’s Cycle Network Supplementary Planning Document and may also include any new local links needed to connect to these.” It should be noted that the SPD sets out aspirational and proposed cycle routes through the District, whilst recognising and taking into consideration site specific conditions. This policy should be worded to reflect that the routes shown in the SPD are aspirational only to ensure consistency with the adopted document. Furthermore, the policy makes reference to “appropriate provision for electric vehicle charging”. This is supported in principle but is considered to be an ambiguous reference in the policy and should instead refer to Building Regulation requirements as a standard. | Disagree. No change other than those set out in Derbyshire County Council’s response. See above.  The Council prepared, consulted and adopted its Cycling SPD during 2024 and is already a material consideration in the determining of planning applications. Reference in the emerging Local Plan gives the SPD greater weight and therefore likelihood of securing contributions and reference to it in INF2 is retained. |
| 1242100 | RPS on helaf of Bellway and Clowes (Thulston Fields) | RPS on helaf of Bellway and Clowes (Thulston Fields) | INF2 | Policy INF2: Sustainable Transport RPS recognises that public transport can offer access for residents to enable them to travel by sustainable modes other than the car. RPS is broadly supportive of polices that would direct growth to locations such as south of Derby that promotes the integration of housing and transport objectives, building on opportunities that already exist with existing development. Such as the recognise land protected for an intermodal transport mobility hub at Boulton Moor (part C, indent 5). Policy INF2, Part E sets out the inclusion of an Electric Vehicle Charging policy which RPS sees as unnecessary duplication as it is covered by Building Regulations as set out in para 4.68 of the LPP1. | Noted. Policy amended in line with Derbyshire County Council comments which proposed a reference to Part S. The policy simply states compliance with Part S avoiding confusion. |
| 1243194 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited | Pegasus Group | INF2 | Policy INF 2: Sustainable Transport 2.73. Criterion E requires development to include appropriate car parking provision in accordance with the relevant and most up-to-date parking standards, however, following a review of the evidence base and existing development plan, it does not appear there are any adopted parking standards. Our client seeks clarity in this regard. | Noted.  Policy will be amended in line with Derbyshire County Council comments which includes reference to DCC’s latest parking standards. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | INF2 | INF 2: Sustainable Transport 2.76. Criterion E requires development to include appropriate car parking provision in accordance with the relevant and most up-to-date parking standards, however, following a review of the evidence base and existing development plan, it does not appear there are any adopted parking standards. Our clients seek clarity in this regard. | Noted.  Policy will be amended in line with Derbyshire County Council comments which includes reference to DCC’s latest parking standards. |
| **Members of the Public** | | | | | |
| 1243173 | Trevor Yeomans |  | INF2 | 10. Infrastructure 10.1. Policy INF2 – Sustainable Transport 10.1.1. It is seen that the Review goes into detail on precise quantities and locations of housing provision. However, the Review gives only general provisions for maintenance and improvement of transport infrastructure.  10.1.2. I do not support this inconsistency. I consider that the Review should quantify the scale and location of transport movements (vehicle, public transport, cycle, pedestrian) which will arise directly from the housing development and related population increase. The Review should then describe in detail if improvements in infrastructure are needed, where they are needed, and how they will be delivered | Noted.  The Council is preparing an Infrastructure Delivery Plan which includes Transport infrastructure. This will be part of the evidence base submitted alongside the draft Plan at Submission stage. |

**Policy INF3: Strategic Rail Freight Interchange/Freeport**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | INF3 | Policy INF3: Strategic Rail Freight Interchange/ Freeport – has there been any assessment undertaken on the impacts to the historic environment as a result of safeguarding land for this type of development? Are we able to have sight of the relevant evidence base? Clause C, iv) sets out that heritage assets will be affected and we would require additional detail to understand the impacts and offer appropriate advice. | Noted.  This policy – an existing policy from the Local Plan Part 1 adopted in 2016 with minor amendments related to the creation of a strategic rail freight interchange or ‘East Midlands Inter-modal Park or EMIP’ as East Midlands Freeport wish to refer to it. The site is one of three sites making up the Freeport offer. Paragraph C iv) does not state that there are heritage assets affected but that ‘the proposal shall preserve the character or setting of any listed buildings, conservation areas or other heritage assets’. There are no listed buildings, conservation areas or Scheduled Monuments on or immediately adjacent to the site. However, there are historic environment records relating to the site maintained by the County Council. A Heritage Impact assessment is being undertaken. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | INF3 | Safeguarding Land for the East Midlands Intermodal Park  The Draft Plan incorporates policy INF3: Strategic Rail Fright interchange / Freeport, which seeks to identify and safeguard land to facilitate the development of the East Midlands Intermodal Park (EMIP), which forms one of three sites within the East Midlands Freeport proposals. Since the EMIP scheme was first promoted in around 2014/2015, Derbyshire County Council has been supportive of the principle of the development of the EMIP scheme, not least due to the potential significant job creation opportunities it would create for over 6,000 new jobs and also the positive contribution it would provide to the Derbyshire economy. Since 2014/15, Derbyshire County Council has continued to engage with the promoters of the scheme and South Derbyshire District Council and such engagement is on-going. The EMIP scheme, if consented through the Nationally Significant Infrastructure Projects process via a development Consent Order to the Secretary of State, will have major implications for the District in terms of job creation, new supporting infrastructure and potential new housing growth. Given the scale and nature of the EMIP proposals, it will be important that the proposed scheme provides for an exemplar development in terms of its sustainability credentials and so it will be important that the Local Plan should set out priorities to complement the EMIP scheme that includes extensive new green and blue infrastructure, green energy production, new sewerage infrastructure, supporting new highway and rail infrastructure and facilities for new public transport connectivity, new cycling and walking routes connecting to the existing Rights of Way Network, new publicly accessible open space, new sustainable drainage and flood risk mitigation measures. Although the EMIP proposal will be determined by the Secretary of State through a Development Consent Order, it is considered important that the Local Plan should include a specific policy for the proposal to safeguard the site and to set out priorities to guide the detailed development of the scheme. Key considerations will include the need to minimise and mitigate the landscape and visual impacts of the scheme; mitigate the impacts of the scheme on the highway network; improve and enhance walking and cycling connectivity of the site to the existing Right of Way network; mitigate the impacts of the scheme on drainage and flood risk; mitigate the potential impacts on heritage assets in the surrounding area; ensure the scheme mitigates and minimises the impact on C02 emissions and includes a wide range of climate change mitigation and adaptation measures; ensure the scheme minimises the impacts on the ecology of the site and surrounding area, including proposals for biodiversity net gain either on site or off-site. It is welcomed and supported that the Policy INF 3 sets out a range of criterion for the need to consider the implications of the scheme on the environmental as indicated above. | Noted. Policy Support welcomed. |
| 1242601 | National Trust | National Trust | INF3 | INF3 - Our comment at Issues and Options stage of the Local Plan in respect of the Freeport included that priorities to complement the Freeport should include significant woodland buffers around development to protect the sub-regional landscape and views, while providing benefits in terms of biodiversity net gain and green infrastructure. We also indicated that any policy around the Freeport should include a requirement that applications are accompanied by a full Landscape and Visual Impact Assessment, avoiding tall or visually obtrusive structures that would adversely impact on landscape character, including long range views from Calke Park (Grade I Registered Historic Park and Gardens). Having reviewed the proposed policy, we are pleased to see that our recommendations for the policy have been incorporated and reference is made towards green infrastructure, biodiversity net gain and preservation of heritage assets. | Noted. Policy support welcomed.  This policy directly relates to the proposed strategic rail freight interchange adjacent to the A38 and A50 trunk roads. As outlined above there are no listed buildings or conservation area within or directly adjacent to the proposal, Calke Abbey being much closer to the East Midlands Airport, also part of the Freeport initiative, to the east of South Derbyshire. However, support for the policy is welcomed for the inclusion of a reference to green infrastructure within the criteria |
| **Regional Organisation** | | | | | |
| 1244529 | East Midlands Freeport | East Midlands Freeport | INF3 | South Derbyshire District Council’s consultation on the Draft Local Plan Part 1 Review. East Midlands Freeport (EMF), approved by the UK Government and operational since 2023, represents a transformative opportunity to deliver sustainable and inclusive economic growth, create high-skilled jobs, and attract significant UK and international investment to the region. EMF encompasses three strategic sites: the East Midlands Airport and Gateway Industrial Cluster (EMAGIC) in North West Leicestershire, the Ratcliffe-on-Soar Power Station site in Rushcliffe, Nottinghamshire, and the East Midlands Intermodal Park (EMIP) in South Derbyshire. EMIP is a critical element of EMF and is identified in the Draft Local Plan Part 1 Review (‘the draft plan’) through Policy INF3 as a safeguarded site for the delivery of a Strategic Rail Freight Interchange (SFRI) at Egginton Common. We welcome South Derbyshire Council’s recognition of EMIP and it’s potential to contribute significantly to local and regional growth. However, we believe the Local Plan has the potential to better highlight the importance of EMF and could provide stronger support to facilitate the successful delivery of EMIP, which in turn will enable the Council’s own objectives for sustainable economic and job growth. Terminology We would suggest that the Local Plan should reference the project as the East Midlands Intermodal Park or ‘EMIP’ rather than ‘Egginton Common’. This will ensure alignment with the terminology used by the land promotors and the EMF. | Agreed. Amendment to refer to Egginton Common as *‘proposed East Midlands Intermodal Park (EMIP) located at Egginton Common’.* The retention of ‘Egginton Common’ is to retain local reference within the plan prior to any application, albeit that a location plan is now included in the emerging plan.  EMF propose changes to the policy to give stronger support. These are set out in detail below in a separate response below. |
| 1244529 | East Midlands Freeport | East Midlands Freeport | INF3 | INF3  Policy Status and Flexibility Located adjacent to the nationally significant Toyota manufacturing plant, EMIP has the potential to become one of the next generation of rail connected employment parks. The proposed investment would also enable a significant modal shift, from road to rail freight, reducing carbon emissions for businesses within the region. The site provides the opportunity to deliver automotive and advanced manufacturing while supporting the more established markets in the region and delivering a rail connection as part of the development.  While we welcome the recognition of EMIP in the Local Plan, the current approach to safeguarding the site could go further to provide sufficient certainty for a development of this scale and importance. In our view, the suggested approach to treat the site as a ‘safeguarded’ underplays the potential of the EMIP and suggests a separation between the Local Plan and SDDC’s strategic support for the development. A clear land-use allocation within the Local Plan would better reflect EMIP’s strategic status and help to unlock its full potential, by ensuring that it is afforded the same prominence as the other Local Plan allocations. Furthermore, the Local Plan should allow for flexibility in the delivery of the EMIP site, particularly in relation to its designation as a Nationally Significant Infrastructure Project (NSIP). While we are committed to delivering a rail connection as part of the development, flexibility in delivery mechanisms and phasing is essential to ensure progress is not unnecessarily delayed. This could include enabling early stage employment development on site while preserving the ability to deliver a rail connection in the future. We also encourage South Derbyshire District Council to acknowledge EMF’s commitment to proactive community engagement and collaboration will be key to ensuring long-term support for the development and shared benefits across the region. We therefore suggest the following enhancements to Policy INF3: • *Broaden the policy to support both development of the site as a whole via NSIP or through alternative delivery mechanisms (pursuant to a wider site masterplan) under other appropriate consenting routes. • Enable employment development that aligns with Freeport objectives, provided it does not prejudice future delivery of rail connection. • Include a criteria-based assessment to guide development and ensure alignment with local and strategic objectives.*  Collaboration and Commitment EMF values our strong partnership with South Derbyshire District Council and remains committed to working collaboratively to achieve our shared goals. We are keen to engage further to refine the Local Plan and ensure it fully supports the strategic vision for EMIP and the wider freeport. EMF is already well aligned with local, regional and emerging national priorities, including the UK industrial strategy. EMF will play a crucial role in addressing these objectives, by driving innovation, supporting Net Zero ambitions, and delivering inclusive growth. In summary, we believe that: 1. The Local Plan should explicitly recognise the strategic importance of EMF and its transformative potential for South Derbyshire and the East Midlands. 2 EMPI should be identified as a strategic site allocation at Policy INF3, with criteria that provide certainty and flexibility for delivery.  3. The policy framework should secure the potential for a rail connection while enabling phased development that delivers immediate economic and employment benefits. | Partially Agreed. Amend policy in accordance with changes as set out below:  A: Land is ~~safeguarded~~allocated for the development of a Strategic Rail Freight Interchange at the proposed East Midlands Inter Modal Park as part of the East Midlands Freeport at Egginton Common as shown on the Policies Map. |
| 1244529 | East Midlands Freeport | East Midlands Freeport | 10.24 | Para 10.24  East Midlands Freeport (EMF) is pleased to respond to  The Strategic Importance of EMF Freeports are a key UK Government initiative aimed at promoting economic regeneration, attracting global trade and investment, and fostering innovation. The new Government has reaffirmed its commitment to Freeports in October 2024. EMF, as the UK’s only inland freeport, is uniquely positioned at the heart of the nation’s economy to capitalise on the region’s industrial strengths. To support our collective objectives, we believe the Local Plan would benefit from clearer and stronger policy commitments that acknowledge EMF’s socio- economic importance. In particular, we recommend emphasising: · Economic Regeneration: EMF’s role in driving investment and supporting the East Midlands’ advanced manufacturing and supply chain growth through the creation of significant new employment hubs and related activities. · Job Creation: The potential to deliver tens of thousands of high-quality jobs, spanning diverse sectors, such as automotive, aerospace, and life sciences, alongside robust skills training and workforce development. We refer to EMF’s Full Business Case (FBC), which provides specific job numbers and growth potential at EMIP.  · Sustainability: EMF’s contribution to decarbonisation and Net Zero goals, including through sustainable rail freight infrastructure at EMIP. · Strategic Importance: EMIP’s role in enhancing East Midlands’ manufacturing and logistics capabilities through a world-class intermodal facility and associated infrastructure delivery. This includes safeguarding existing manufacturing operations, such as those at the adjacent Toyota plant, alongside supporting future growth. Therefore, we recommend that the following summary of EMF’s status and purpose is substituted for Paragraph 10.24 in the draft Local Plan:  *‘The East Midlands Freeport has been approved by the UK Government and has been operational since 2023. It aims to deliver a world-leading, low carbon advanced manufacturing and logistics hub, with unrivalled connectivity by rail, road and air. It will deliver through three major development sites: East Midlands Airport and Gateway Industrial Cluster (EMAGIC), Ratcliffe-on-Soar Power Station and East Midlands Intermodal Park.*  *East Midlands Freeport is the biggest growth opportunity in the region, in terms of additional jobs, increase in GVA, investment in skills and productivity. Its sites support concentrations of strategic industry vital to the UK’s future – energy, aerospace, automotive and advanced logistics. Eligible businesses will have access to a suite of tax reliefs to incentivise new investment within its boundaries. Businesses operating inside designated areas inside and around the Freeport known as Customs Sites can also receive a number of additional VAT and duty benefits.’* | Agree in part. The text at paragraph 10.24 has been edited with some suggested text from EMF which updates and clarifies the position of the Freeport. |
| **Parish Council and other community group** | | | | | |
| 1244412 | Etwall Parish Council | Etwall Parish Council | INF3 | Policy INF3 – Strategic Rail Freight Interchange / Freeport Policy INF5 safeguards East Midlands Airport. A similar policy is required to protect Derby Airfield near Egginton from unsuitable development, particularly from the Freeport.  B i) The new rail connection must not increase waiting times at Egginton Level Crossing as this would negatively affect the ability of Etwall residents to access the A38 at Willington. The nearby manually operated Hilton crossing must also be considered for an upgrade in order to reduce traffic congestion and pollution from idling cars at this point | Noted. Policy INF5 sets out the area to be safeguarded around East Midlands Airport. EMA is listed as a designated Aerodrome by the Civil Aviation Authority. Derby Airfield is not included on this list. Whilst Circular 1/2003 does not include Derby Airfield as officially safeguarded, the circular recommends operators *‘take steps to protect their locations from the effects of possible adverse development by establishing an agreed consultation procedure between themselves and the local planning authority or authorities. One method, recommended by the Civil Aviation Authority to aerodrome licensees, is to lodge a non-official safeguarding map with the local planning authority or authorities.’* As the Council has no proposed safeguarding area in place, no policy is proposed.  Increased use of the Derby Crewe line as part of the EMIP will inevitably mean greater use of the level crossing at Egginton Road (A5132). |
| 1242585 | Egginton Parish Council | Egginton Parish Council | INF3 | Policy INF3; Strategic Rail freight Interchange / Freeport. The PC wishes to point out that the principal development of the freeport would be on Etwall Common. The PC requires the Local Plan to delete the reference to Egginton Common and substitute Etwall Common in its place. Please verify this with Ordnance Survey. Within INF3, wherever the term ‘undue’ is used, the term ‘adverse’ should be included. For example, in C ii) ‘undue harm’; ‘undue safety impacts’; ‘undue amenity’ should be ‘undue or adverse harm’; ‘undue or adverse safety impacts; ‘undue or adverse amenity’. This would provide greater community reassurance and protection. | Noted.  No change other than incorporating comments made by East Midlands Freeport. The site identified is both to the north and south of the existing Derby to Crewe line. This land to the south of the A50 is identified on the Ordnance Survey base mapping as Egginton Common. Land to the north of the A50 is identified as Etwall Common. |
| 1238750 | Hilton Parish Council | Hilton Parish Council | INF3 | Policy INF3. Consideration should be given to re-opening Egginton Station with appropriate connections to the Freeport. Also, it should be made clear that the walking routes etc should be to and within the recreational area. | Noted.  INF2 seeks to promote sustainable travel and Part C (Public transport) in addition to criterion x) of INF3 which requires *‘access to the site on foot by cycle and public transport…*’If the re-opening of Egginton Station were considered viable and effective option as part of the proposal the current drafting is considered sufficient. |
| **Landowner or Developer** | | | | | |
| 1242126 | Lichfields on behalf of Goodman UK | Lichfields | INF3 | East Midlands Intermodal Park (INF3) We write on behalf of our client, Goodman UK Ltd (‘Goodman’) to provide a representation on the recently published South Derbyshire Draft Local Plan Part 1 Review (October 2024). This is an update to the currently adopted Part 1 Local Plan, and this consultation follows on from previous consultations on the Council’s Issues and Options Paper, undertaken October-December 2022. The Draft Local Plan now includes detail on the East Midlands Freeport (‘EMF’) and invites comments on draft amendments to policies. Goodman, as promoters of the East Midlands Intermodal Park (‘EMIP’), one of the three strategic sites that make up the EMF, welcome the opportunity to comment on this Draft Plan, and look forward to working with the Council as the Plan progresses towards adoption.  East Midlands Freeport By way of context to this representation, the East Midlands Freeport (EMF) zone comprises three main sites: East Midlands Airport and Gateway Industrial Cluster in North West Leicestershire; the Ratcliffeon-Soar Power Station site in Rushcliffe in Nottinghamshire; and the EMIP that falls within South Derbyshire. The Government’s ambitions for the EMF are for it to drive economic regeneration in the East Midlands, with the creation of thousands of new job opportunities alongside upskilling of the local employment catchment. It is hoped that through collaboration of all interested parties, including Government departments, local authorities and the private sector, the EMF will help secure a prosperous social and economic future for the region, as an integral component of Government policy ambitions for the East Midlands.  The East Midlands Intermodal Park - Status in Draft Local Plan Goodman welcomes the inclusion of the EMIP within the Draft Local Plan Part 1. The benefits of this project were previously identified within the Issues and Options Consultation paper published by South Derbyshire District Council (‘SDDC’) in October 2022. Goodman noted its support for this inclusion in its representations submitted for this stage in December 2022 and supplied additional evidence of its benefits to supply chain efficiency, the advanced manufacturing sector, low carbon and renewable energy production, research and development, and initial analysis of labour market impacts to quantify the magnitude of employment benefits. This evidence indicated the potential provision of between 3,540 and 5,980 FTE jobs on-site, with roles including warehouse operatives (1,500-2,530 FTE jobs); IT, customer services, sales an engineering roles (930-1,560 FTE jobs; as well as management and admin roles (730-1,270 FTE jobs) (EMIP Labour Market Insight, Lichfields, July 2022).  Goodman supports the recognition of these benefits through the inclusion of the EMIP in Policy INF3 of the Draft Local Plan, which will help to secure the delivery of this important project. Additionally, Goodman welcomes the reference to the scheme’s strategic benefits to UK Freight Rail targets within the explanatory text, with additional recognition of its value in paragraph 2.11, and a reference to the expansion of rail freight for meeting Policy S6, ‘Sustainable Access’. Goodman recognises that the EMIP will contribute to a wide range of identified goals for South Derbyshire, supporting employment, the manufacturing sector, and supporting sustainable goods transport to aid climate change and decarbonisation ambitions.  However, whilst this recognition is acknowledged, Goodman has identified several opportunities to strengthen the wording of Policies and supporting text within the Draft Local Plan Part 1 to ensure the delivery and operational success of the EMIP. In particular, there is a concern that the ecision not to allocate the EMIP as a strategic development site has the potential to undermine its clear economic value to South Derbyshire going forward. Further additional amendments to policy detail and supporting text are also suggested, to both emphasise the benefits of the EMIP, whilst also aiding consistency of reference.  1. Allocation for the EMIP Goodman recognises and appreciates the consistent SDDC support for the EMIP and acknowledgement of the clear and significant economic benefits that the EMIP will help deliver to the area. This has resulted in policy support for the delivery of the EMIP through the suggested “safeguarding” of the site within Policy INF3. In addition, the site is identified on the Key Diagram and there is some detail of the proposals included at Policy INF3, which sets out specific requirements for the scheme. The use of “safeguarded” rather than the promotion of a site allocation is, however, queried. The Explanatory text for Policy E1, ‘Strategic Employment Land Allocation’ explains why the site is “safeguarded”:  ‘East Midlands Freeport designation includes the proposed Strategic Rail Freight Interchange (SFRI) at Egginton Common, identified under Policy INF3. As this would represent a Nationally Significant Infrastructure Project (NSIP) development consent would need to be given at national level, rather than by the local planning authority. The land being promoted for this purpose is not therefore being formally allocated for development, but rather is safeguarded so that the potential opportunity to establish an SRFI in this location will not be compromised.’ - (Strategic Rail Freight Interchange/Freeport, Paragraph 7.14)  This wording indicates incompatibility between the NSIP consenting route and an allocation at the Local Plan level. However, there is no such incompatibility, and the potential status of the proposals as an NSIP should not influence the status of the site in the Local Plan.  Indeed, precedent examples of NSIPs that have been consented alongside emerging Local Plans infrastructure allocations include the following: • DIRFTIII – The rail freight interchange DCO was granted in July 2014. At that time, the emerging West Northants Joint Core Strategy supported further rail-connected storage and distribution uses at DIRFT. The Core Strategy was subsequently adopted in December 2014; • East Midlands Gateway – The rail freight interchange DCO was granted in January 2016. At that time, a draft Core Strategy had included a site allocation for East Midlands Gateway, but was withdrawn in September 2013. In addition, the North West Leics Cabinet reaffirmed its in principle support for the NSIP in December 2013, to ensure clarity on the position of NWLDC in advance of the resubmission of the Core Strategy. The Core Strategy was subsequently adopted in November 2017.  The NSIP consenting process (through the issue of a Development Consent Order) has primary regard to National Policy Statements (NPSs). The National Networks NPS (March 2024) is the relevant document in this case, and this helpfully identifies a strong need for rail freight infrastructure but critically, does not identify the sites for delivery. As such, as part of the DCO Examination process, a site’s appropriateness to accommodate development of an NSIP is assessed. Without an allocation in the Local Plan, there can be a degree of uncertainty regarding a particular location’s suitability to accommodate the development as proposed, with additional uncertainty regarding the availability of alternative development options. In the event that the DCO consenting strategy is advanced for the EMIP (noting Point 4 below), securing a site allocation would clearly demonstrate to the determining authority that SDDC supported the EMIP, and further had assessed the site, within the context of its evidence base prepared for the Local Plan, as an appropriate location for the development.  This approach is also supported by the following established evidence: • The opportunity to accommodate rail-linked logistics and manufacturing alongside Toyota was first identified over 30 years ago at the time of the original planning application for Toyota Motor Manufacturing UK (SDDC ref 9/0689/0290/O). The Environmental Statement recognised that the location has excellent communications connectivity and confirmed that the production facility could be easily linked to the railway line; • The EMIP opportunity has been reconfirmed through a sequence of evidence base documents. The current adopted South Derbyshire Local Plan Part 1 (June 2016) already acknowledges the Strategic Distribution Site Assessment Study for the Three Cities Sub-Area of the East Midlands (Paragraph 9.31). The report was prepared by AECOM on behalf of a partnership of local authorities, National Highways and Network Rail. It provides a critical assessment of the nrelative merits of a range of potential sites for this type of use throughout the Derby, Leicester and Nottingham area. It concludes that the EMIP, as part of the wider network, would respond to market demand, benefit from very good rail and road access, benefit from proximity to a ready labour market, and benefit from a minimal level of environmental constraints; • The D2N2 Strategic Economic Plan acknowledged that Toyota is a leading strategic element of the region’s world-class advanced manufacturing offer. It is a world-class business utilising leading-edge technologies including advanced manufacturing alongside Just in Time (JIT) and other complex logistics procedures. Moreover, Toyota is a major local employer with strong roots in the local economy and extensive capital assets. It makes a significant direct contribution to the area’s GVA and has invested £2.75bn in the UK economy. It is an established major exporter, comprising some 85% of vehicles. In terms of additionality value, Toyota supports a wide range of complex supply chain and supporting business activity. The EMIP is absolutely aligned with the Core Sector of ‘Transport Equipment Manufacturing’. Automotive manufacturing is specialised, highly productive and forecast to grow in the future and the EMIP would further contribute to the critical mass of activity in the area in respect of advanced manufacturing, advanced logistics and e-commerce. In addition, the intermodal element of the EMIP exemplifies the Opportunity Sector of ‘Logistics and E-Commerce’, which is a strong commercial cluster. Given its size, position and connectivity, the EMIP offers a significant opportunity to strengthen the area’s transport hub function and builds on the established knowledge base in the area of systems integration. Moreover, in the context of wider automotive activity, it offers the potential for sequenced supply chain partners to be located to serve the established commercial requirements;  • The most recent evidence underpinning the EMIP relates to its function as a strategic element of the Freeport, as referenced above. A Full Business Case was approved by the Government in March 2023. SDDC is a vital partner in this process and sits on the Freeport Board. Therefore, at the corporate level, SDDC is already fully integrated into the EMF, including strategic decisions and oversight of operations; • To further support the delivery of the EMF, ongoing workstreams include the formation of a more detailed Masterplan Vision. Studio Egret West have been appointed by the EMF in relation to the Masterplan Vision; • The EMF, including the EMIP, is also a means of realising strategic national Government priorities for the South Derbyshire area. For example, the Government has announced “We’ll upgrade the Midlands’ strategic roads, including the A50/500 corridor, reducing congestion for the 90,000 drivers who use the road each day and benefitting iconic businesses and their employees at Rolls-Royce, Toyota and Magna Park” (Network North: Transforming British Transport, October 2023). Similarly, the Government wants businesses to “co-locate in clusters to take advantage of economies of scale, talent pipelines, land, supply chains, knowledge spillovers” [including] clean energy industries in Aberdeen and Derby” (Invest 2035: The UK’s Modern Industrial Strategy, October 2024).  In contrast, its current “safeguarding” status suggests a separation between the Local Plan preparation and consideration of the EMIP as a strategic development site by the Council. Safeguarding within Local Plans tends to occur where there is a recognised need to control subsequent development when a nationally important scheme has previously been approved – such as airport safeguarding zones or safeguarding of the HS2 route. Clearly no such prior approval is in place for the EMIP and the adoption of “safeguarding” approach to the project by the Council, therefore, appears misplaced.  Helpfully, it is noted that the level of detail set out in Policy INF3 is consistent with that of the three strategic allocations within the Draft Local Plan. Policies STRA 1-3 set out requirements for each strategic site, mirroring Policy INF3, with all policies noting the value of the developments in meeting the ambitions of the Local Plan. These similarities and the inclusion of the EMIP on the Key Diagram indicate that SDDC’s strategic intentions for the delivery of the EMIP site are consistent with a formal allocation.  Goodman would therefore request the allocation of the EMIP site to identify the Council’s support for this strategically important development. This will remove any uncertainty regarding the interpretation of its current “safeguarding” status and ensure that the EMIP scheme is afforded the same weight, consideration, and prominence as the other Strategic Allocations in the Local Plan.  For consistency, the use of ‘safeguard’ should be replaced with ‘allocation’ throughout the Draft Local Plan (Including Part A of Policy INF3, and paragraphs 1.17, 4.84, 7.14, 10.27).  2. The Socio-Economic Value of the Freeport There is an opportunity within the Local Plan to provide a clearer statement of the socio-economic value of the EMF to South Derbyshire and the wider catchment, to ensure its status as a key driver of economic success is acknowledged. Paragraph 10.24 currently lists the three projects to be included within the EMF – the East Midlands Airport and Gateway Industrial Cluster, the Ratcliffe-on-Soar Power Station redevelopment, and the EMIP. However, there is limited indication within this a text as to the socio economic benefits of these projects and the associated advantages of the Freeport designation to both the local area, and the wider UK economy. Without such clarity, there is a risk that the importance of the EMF, either considered as a complete scheme or as three individual projects, will be underplayed in planning decisions going forward. It is suggested that this text could benefit from a broader justification, drawing on some of the key benefits of the EMF, as recognised by Central Government. In particular, the text could benefit from reference to: • The role of EMF in securing the economic regeneration for the East Midlands, recognising its potential to both directly and indirectly support the Region’s existing manufacturing sector; • The potential for the creation of a major employment hub for the Region, delivering tens of thousands of jobs for the local economy and providing a skills boost through training and development opportunities; • The potential for the EMF to provide high-quality roles in sectors spanning research and development, engineering, management, customer-facing and operational roles, to transform the Region’s economic outlook; and, • The role of the EMF in supporting the decarbonization and Net Zero goals of the Local Plan, through low carbon energy investments, not how, for example, the EMIP could deliver an expansion of sustainable rail freight at a strategically important node on the national network, consolidating the region’s position as a leading centre for manufacturing by future-proofing its distribution capabilities.  The remaining recommendations relate to consistency of phrasing and opportunities for simplification and flexibility within the Draft Local Plan Part 1.  3. Consistency with the National Policy Statement As referenced above, the National Networks NPS (March 2024) sets out the Government’s policies on the provision of SRFIs, and helpfully at paragraphs 4.80-4.89, establishes a series of operational criteria for such facilities.  Rail Infrastructure Provision The issue of timing for the delivery of rail infrastructure is addressed at Paragraph 4.86 and 4.88, initially calling for the provision of connection at the onset of development, but subsequently acknowledging the need for some flexibility in this regard. Paragraph 4.88 states the Secretary of State recognises that applicants may need to deliver warehousing ahead of the final delivery and commissioning of connections to the rail network coming forward. In these circumstances “…the Secretary of State will want to ensure that operational rail connections are brought forward in a timely manner, which may include using requirements that secure operational rail connections after a specified period and/or before a development threshold is reached. The applicant should provide evidence of discussions and demonstrate agreement with Network Rail regarding the planned timeframe for the delivery and commissioning of rail network connections”.  This follows on from various DCOs issued by the Secretary of State (for example the East Midlands Gateway referenced above), whereby the delivery of on-site warehousing was permitted prior to the completion of the rail connection.  It is envisaged that the rail connection at the EMIP will be provided in advance of building occupancy, as currently specified by Policy INF3 (B). However, whilst this remains the objective, it is appropriate to allow for some flexibility in this regard to reflect the nature of the consenting process required with Network Rail, and also to ensure consistency with the NPS.  It is requested, therefore, that Criterion B is amended to delete reference to the need for rail connections to be completed prior to building occupancy, but to insert at the end of Policy INF3 the following additional statement: “Prior to occupancy of any on-site buildings, the applicant shall demonstrate to the satisfaction of the local authority that agreement has been secured with Network Rail regarding the planned timeframe for the delivery and commissioning of rail network connections”.  Rail links to Buildings Paragraph 4.87 of the NPS states that “Applications for a proposed SRFI should provide for a number of rail connected or rail accessible buildings, plus rail infrastructure to allow more extensive rail functionality within the site in the longer term. Applicants should deliver rail terminal infrastructure and / or buildings capable of rail connection in conjunction with the wider development” (our emphasis).  It is important to note that this reference represented a change from the previous version of the NPS (December 2014), which had called for SRFIs to incorporate a “significant element” of rail connected buildings within development (paragraph 4.88). This requirement was challenged by the industry (both through various planning and DCO applications and through representations to the draft NPS, given that it failed to reflect the nature of the rail freight market.) In summary, buildings with their own rail connection require single-occupancy, necessitate one-sided HGV access, and require access to complete trains – a volume of freight only likely to be attractive to some of the country’s largest retail operators. In contrast, the larger market for rail freight remains smaller operators, seeking access to rail infrastructure, part loading trains operating out of dedicated freight handling facilities. Hence the distinction in the March 2024 NPS to a requirement for either rail connected or rail accessible buildings.  As a consequence, it is requested that criterion B(iii) of Policy INF3 is amended to state “rail connected or rail accessible buildings” to both reflect the requirements of the rail freight market and to ensure consistency with the NPS.  4. Project Reference Consistency Consistent reference to the project as the East Midlands Intermodal Park or ‘EMIP’ should be ensured, avoiding the use of ‘Egginton Common’ (or ‘Eggington Common’ on one occasion) as in Part A of Policy INF4 and paragraphs 1.17, 2.11, 4.27, 4.56, 4.84, 7.14 10.24, 10.25, 10.27. This will ensure recognition of the project as it moves through the stages of consultation, consent and development.  5. Consenting NSIPs As above, there is a reference to the EMIP as an NSIP in Policy INF3 and at paragraphs 7.14 and 10.25. The Planning Act 2008 identifies the qualifying criteria for NSIPs, that extend to include strategic rail freight interchanges which as a consequence, has the potential to encompass proposals for the EMIP. There is no flexibility in schemes qualifying as NSIPs when considered against these criteria, ensuring that all nationally significant projects are consented through the DCO route. However, at this stage, whilst it remains highly likely that the EMIP will ‘trigger’ the need for a DCO, it is not necessarily the case, noting the potential for alternative options to be pursued. Definitive references to the EMIP’s status as a NSIP, therefore, are potentially misleading, and it is suggested that this text is amended accordingly.  Summary Goodman supports the ambitions of SDDC’s Draft Local Plan Part 1, which aims to deliver growth in employment, local skills, and support the region’s strategic importance for research and development, manufacturing, and rail freight. Goodman welcomes the inclusion of the EMIP within the Local Plan, and the recognition of its substantial contributions to these goals.  However, the suggested approach to treat the site a “safeguarded” location appears to both underplay the economic role of the EMIP and misinterpret the importance of a site allocation in the DCO consenting process.  Goodman look forward to working with SDDC as the Local Plan is progressed, and would welcome the opportunity to continue discussions regarding the EMIP proposals | Noted. The policy has been amended broadly in line with representations received from East Midlands Freeport which raise similar issues. |
| **Members of the Public** | | | | | |
| 1236731 | Ewan Thompson |  |  | INF2 and INF3 – Large-scale developments have the potential to significantly increase traffic on roads that are already busy. An example is the river crossing between Repton and Willington and Willington village centre. Section C iii states there shall be no undue amenity or safety impacts including noise, vibration, odours, light pollution and traffic generation; It is unclear how this can be met if hundreds of employees work at a such a facility and attempt to travel on roads that are already, at times, full. More detail is required on how this policy will be delivered. Is a second river crossing being considered? Given the emphasis on active travel in INF2 B, SDDC should be reminded that Repton parish NDP policy T2 promotes this, with a cycle track across the river Trent being specifically mentioned. | Noted. INF2 will be amended in line with comments made by Derbyshire County Council.  Whilst policy INF3 safeguards land adjacent to the A38 and A50 the proposal is of regional/national importance and as such will not be a proposal to be determined by South Derbyshire but is a National Strategic Infrastructure Project. SDDC will therefore be a consultee in the determination process of approval. SDDC will refer to this policy and other relevant policies, including any Neighbourhood Development Plan policies relevant when the NSIP application consultation process is undertaken. |
| 1242367 | Grace McCullouch |  |  | INF2 and INF3 – Large-scale developments have the potential to significantly increase traffic on roads that are already busy. An example is the river crossing between Repton and Willington and Willington village centre. Section C iii states there shall be no undue amenity or safety impacts including noise, vibration, odours, light pollution and traffic generation; It is unclear how this can be met if hundreds of employees work at a such a facility and attempt to travel on roads that are already, at times, full. More detail is required on how this policy will be delivered. Is a second river crossing being considered? Given the emphasis on active travel in INF2 B, SDDC should be reminded that Repton parish NDP policy T2 promotes this, with a cycle track across the river Trent being specifically mentioned. |

**Policy INF4: Transport Infrastructure Improvement Schemes**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | INF4 | Policy INF4: Transport Infrastructure Improvement Schemes - has there been any assessment undertaken on the impacts to the historic environment, as a result, of proposed road infrastructure projects? Are we able to have sight of the relevant evidence base? | Noted. No change.  Proposals set out in INF4 are largely carried over from the adopted Local Plan Part 1. The only new references in the policy relate to a new junction on the A50 as part of the Infinity Garden Village proposal, which the LPA has an outstanding Outline application (DMPA/2019/1097). The second new reference is to the Walton on Trent Bypass, a new bridge over the River Trent at Walton on Trent and access road. This has recently been granted consent in 2024.  Historic Impact Assessments have been undertaken for the Strategic Sites but should be considered for other transport infrastructure. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | INF4 | Highways and Transport As noted above, a Derby HMA Transport Strategy Group has recently been established that includes officers from National Highways, the City and County Highway Authorities and planning officers from the four HMA authorities, including Amber Valley Borough.  At its recent meetings, a range of HMA highways and transport issues were discussed that have particular implications for the South Derbyshire Local Plan and the development growth proposed in the Plan, particularly to the north of the District. Key issues identified are the importance of the delivery of the A38 Derby Junctions Scheme to deliver growth in the A38 corridor; and the need for greater and better public transport accessibility and provision to many of the planned and permitted urban extensions to the City that are located within South Derbyshire and Amber Valley. The HMA authorities are also intending to jointly commission transport modelling works to assess the potential highway impacts of the strategic housing allocations planned with both areas, particularly those close to the Derby City administrative boundary. These areas of joint working will be important considerations in South Derbyshire.  The County Council is currently working with the District Council to identify a priority order of the forward Transport Investment Programme to support development of the forward Derbyshire pipeline e.g. for inclusion in the proposed East Midlands Combined County Joint Local Transport Plan. The Local Plan references all projects identified by the District Council, but as this list is fairly extensive it would be helpful if the Local Plan could reflect the outcome of prioritisation at a Derbyshire scale (when complete) so to provide a more realistic insight into the deliverability of infrastructure programmes during the lifetime of the Local Plan.  The A514 Swarkestone Bridge/ Causeway Bypass is referenced in the Local Plan as a preferred bypass solution. Whilst the County Council understands and supports the rationale behind this proposal it is not convinced that there is an affordable and deliverable solution to the problem. Since the project has not yet advanced to the point of selecting a definitive option, it would be beneficial to refer to the need for a solution to protecting the Ancient Monument, rather than being specific that this will be a ‘bypass’. This would avoid suggesting that other options have been ruled out prematurely.  Whilst the Local Plan references local transport investment opportunities it does not fully reflect the national and sub-national priorities being developed for the A50 Corridor by Midlands Connect and being promoted for further development during the Road Investment Strategy 3 Period. It would be helpful to support the future prioritisation of national and sub-national priorities if the Local Plan was aligned to the priorities within this document: accessibility-checked-keeping-the-midlands-moving-our-ris-3- recommendations.pdf | Noted.  The Council will consider amending the list should agreement on priority be provided to the District Council at a time when the Council could make the change prior to adoption of the Local Plan. However, the list is not set out in order of priority at this time.  As regards the need for a solution to protecting the Scheduled Monument, which undoubtedly would have an impact on the transport network, it is considered that the proposed text on this issue is adequate at this time. |
| **Regional Organisation** | | | | | |
| 1242591 | MAG East Midlands Airport | MAG East Midlands Airport | INF4 | The transport schemes identified in Policy INF4 are also supported, particularly improvements to the A50 junctions as the route is a link to EMA. The Swarkestone Causeway Bypass is also supported on the grounds of heritage and local amenity. | Noted. Policy support welcomed, |
| **Landowner or Developer** | | | | | |
| 1243190 | David Lock Associates on behalf of Hallam Land | David Lock Associates | INF4 | INF4 (Transport Infrastructure Improvement Schemes) Hallam supports the inclusion of the new A50 junction in the list of schemes that the Council will work with partners to deliver, along with SDITL phases 1 and 2.  Hallam also supports the principle of safeguarding indicative routes of the SDITL and A50 junction on the policies map, however there is no revised policies map included in the consultation. Hallam agrees with the indicative alignment of the SDITL through the Wragley Way housing allocation as shown on the IGV diagram on page 54 of the Plan which, crucially, shows the SDITL utilising the portion of Wragley Way between Arleston Lane and Stenson Road – as is proposed in the live planning application. For the avoidance of doubt, Hallam would not support the re-adoption of the existing policies map (under the Local Plan Part 2) which shows the SDITL running centrally through the Wragley Way allocation which would significantly reduce site capacity for housing. In any event, any safeguarded alignment must be clearly acknowledged as indicative and subject to change at application stage should alternative routing be demonstrated as more appropriate to deliver the function of the SDITL taking into account site constraints/wider design and placemaking considerations.  In respect of the A50 junction and SDITL, supporting Paragraph 10.29 states “public sector funding has been identified to help deliver this new infrastructure, although a significant proportion of the cost will be expected to be met through developer contributions”. Hallam understands that the South Derby Growth Zone is collectively exploring solutions to funding this infrastructure and, accordingly, the inclusion of wording expecting developer contributions is premature.  It is assumed that an Infrastructure Delivery Plan (IDP) will be provided in due course, appropriately testing and costing all infrastructure required to serve the strategic sites included in the plan to ensure they are sound. | Noted. No change to INF4.  It was not necessary or a statutory requirement to provide a Policies Map at Reg 18 stage, individual policy plans being sufficient to provide context for the draft plan. A revised Policy Map will be set out as part of the Reg 19 Plan with sufficient detail relating to this policy. Whilst the precise route is not set out here, the route may need to change subject to the East Midlands Design Panel conclusions and will be shown on the Plan relating to STRA1.  The Infrastructure Delivery Plan will be prepared in due course and submitted alongside the Reg 19 Plan at submission including transport requirements for the strategic sites and potential sources of funding. |
| **Members of the Public** | | | | | |
| 1241993 | Alan Mercer Jones | Individual | INF4 | Policy INF4(A)(v): Delete "Swarkestone Causeway Bypass". The economic case for this proposal was to improve lorry access to Swadlincote from the north. Any such objective should require a review of the whole route of the A514 from the A50 to the A511. This route includes a historic arch and narrow street with on street parking at Ticknall, a school with substandard width footway and limited visibility 90 degree corner at Hartshorne, and a congested roundabout with restricted lorry movements at Woodville. The proposal to enable lorry access at Swarkestone is likely to cause blight along this route. In a previous Local Plan (around 1995) the protected route of the A50 Swadlincote Northern Bypass was removed at the request of the then Government because of the blight caused by a proposal which was not likely to be realised within the next 10 years. | Noted.  The Council is committed to working with partners to identify a route that would replace the causeway, a Scheduled Monument, as the main vehicular access to Melbourne from the north. Whilst some feasibility work has been carried out, there is currently no preferred route and, as the draft plan states, ‘*a broad range of further work and to secure funding before any scheme can be brought to the implementation stage’.*  The Council can do no more than promote the Leicester to Burton rail line and protect those sites along the route for stations/car parking as set out in INF2. Public funding for the conversion of the route for passengers has yet to be secured. |
| 1233743 | Matt Hunt |  | INF4 | If sustainable transport was being taken seriously the Burton to Leicester railway would be funded immediately along with Stenson Fields station and pushing for electrification from Lichfield TV HL to Derby to provide sustainable frequent services for the communities. |
| 1240150 | Ian Turner | - | INF4 | Do NOT under any circumstances include a new river Trent crossing to supersede Swarkestone Causeway: the causeway protects Melbourne from becoming even more of a Derby dormitory and a new road would encourage more traffic and car commuting and therefore be unsustainable. As a generality, recent local and government policies have given far too much priority to wildlife protection at the expense of people's livelihoods and homes, and such policies should NOT be included as strategic objectives in the Local Plan. |

**Policy INF5: East Midlands Airport**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | INF5 | Policy INF5: East Midlands Airport – has there been any assessment undertaken on any proposals relating to the airport? The policy would benefit from reference to the historic environment and the need to protect the significance of heritage assets, including their setting. | Noted. The Council maintain regular contact with East Midlands Airport and has a seat on the East Midlands Airport Consultative Committee, as do local parish councils and action groups. The Council responds to consultations such as EMA draft Noise Action Plan in 2023 which has subsequently been adopted following government approval.  East Midlands Airport is within North West Leicestershire District and as such NWLDC is the Local Planning Authority responsible for determining development proposals at the site. Policy INF5 specifically relates to the safeguarded area around the airport, part of which lies within South Derbyshire. The policy sets out the type of development that they must be consulted on if proposed within the area shown on the safeguarding map. A reference to the historic environment is not considered necessary in this context. |
| 1242601 | National Trust | National Trust | INF5 | INF5 - East Midlands Airport is located approximately 6km north east of Calke Abbey and falls under the flight path for specific routes. We note the policy which seeks to preserve the operational viability and feasibility of the airport which is acknowledged as a major employer in the area. We are also aware of the work that is ongoing to amend flight paths with some options having a greater impact on Calke Abbey in terms of the noise impact on the wellbeing of our livestock and wildlife at Calke Abbey and the tranquillity of the estate which is appreciated by so many of our visitors and local residents. Whilst outside of the plan-making process, we would be grateful if our comments are taken into account in terms of the impact that any expansion or alteration could have upon Calke Abbey. We note the element of the policy which relates to any works within a 13km radius of the airport which could attract large numbers of birds, including significant landscaping or tree planting; reservoirs; or nature reserves. The National Trust’s aspirations for Calke Abbey include all of these elements in the interests of restoring nature and delivering nature recovery. We note that any development of this nature within the safeguarding area would require consultation with East Midlands Airport. Whilst we do not object to this in principle, we are concerned that much of the work would fall outside of the planning system on the grounds that Calke Abbey is an established national nature reserve, with established reservoirs on the edge of the estate. The greatest extent of work would be related to our tree planting ambition which would not require planning permission so we would be keen to understand the process to secure such consultation. We are of the view that further consideration needs to be made towards the relationship that the airport has with other surrounding land uses and enterprises and regard should be had towards a process of consultation that can be followed to meet the requirements of this policy without putting further pressure on limited resources and capacity. | Noted. No change to the policy.  The purpose of the policy is set out above in response to Historic England’s comments as well as the Council’s ongoing relationship with the Airport.  Calke Abbey and grounds are within the safeguarding area. As the National Trust points out, much of the work that they may undertake would not require planning permission. Given the existence of Calke Abbey and grounds pre-dates the airfield it is likely that any proposal that the Trust might wish to undertake would have an adverse impact on the operational impact of the airport. Advice on birdstrike hazards is set out in DfT Circular 01/2003. |
| **Regional Organisation** | | | | | |
| 1242591 | MAG East Midlands Airport | MAG East Midlands Airport | INF5 | EMA’s aerodrome safeguarding requirements are set out in Policy INF5. This airport-specific policy is welcomed and supported to ensure the protection of the operational integrity of the airport and the safe operation of aircraft.  Aircraft noise and the operation of the airport, particularly at night can cause disturbance in local communities closest to the airport including Melbourne, Kings Newton, and Aston-on-Trent. The airport therefore works hard with its airline partners to minimise noise nuisance and to keep the numbers of people affected by aircraft as low as reasonably possible. The long-term aim is to ‘limit and reduce where possible, the number of people affected by noise as a result of the Airport’s operation and development’. There is a commitment to minimising the number of people affected by aircraft noise by routinely reviewing the airport’s noise policies and targets, these are included in the EMA Noise Action Plan, the most recent plan as approved by DEFRA in November 2024. Noise Action Plan | East Midlands Airport EMA is also undertaking a review of its surrounding airspace including aircraft arrival and departure patterns, the evolving Local Plan will be considered as part of this process. https://www.eastmidlandsairport.com/community/future-airspace/ | Noted. Support welcomed. |

**Policy INF6: Community Infrastructure**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243623 | Derbyshire County Council | Derbyshire County Council | INF6 | Policy INF6: Community Facilities. Point C could be expanded to “Alterations or expansion of an existing community facility to enhance, extend or diversify the level of service *provided or improve energy efficiency or renewable energy generation and storage* will be supported.” | The District Council has policy INF6: Sustainable Energy and Power Generation. Proposals for renewable energy generation and storage will need to comply with this policy. Therefore it is not considered appropriate/necessary to add the suggested wording into Policy INF6. |
| 1243643 | Sport England | Sport England | INF6 | INF6 Sport England are unclear as to which policy would be applicable if a planning application is received that concerns the loss of a sports facility as there appears to be three policies, all with different wording and requirements (i.e. Policies IF6, IF7 and IF9). Sport England notes that the ‘Community Facilities’ definition within the Glossary includes ‘sporting facilities.’ As a result Policy INF6 criterion D and its supporting text particularly paragraph 10.40 would be contrary to paragraph 103 of the NPPF. For clarity, Sport England would strongly advise that the Local Plan contained one policy for sport that accords with Sport England’s Playing Fields Policy, Planning for Sport as well as paragraph 103 and 193 of the NPPF. | Agree.  The District Council will ensure that there is no cross over in Policies for community facilities and sporting facilities.  Reference to open space sports and reaction facilities will be removed from INF7. Reference to sporting facilities will be removed from the definition of community facilities. The same protection is contained within policy INF9. |
| **National Organisation** | | | | | |
| 1241914 | Theatres Trust | Theatres Trust | INF6 | We welcome and support Policy INF6.D (Community Facilities) as this provides strong protection against the loss of existing valued facilities in line with paragraph 97 of the NPPF (2023), as well as support for new and enhanced facilities. | Noted. |
| **Parish Council and other Community Group** | | | | | |
| 1244412 | Etwall Parish Council | Etwall Parish Council | INF6 | Policy INF6 – Community facilities (protection / enhancing facilities) We support this policy and similar environmental policies. | Noted. |

**Policy INF7: Blue and Green Infrastructure**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | INF7 | Policy INF7: Blue and Green Infrastructure – we welcome the inclusion of heritage within this policy, as a component of landscape. | Noted. |
| 1242867 | Natural England | Natural England | INF7 | Policy INF7: Blue and Green Infrastructure Natural England welcome the list of multiple benefits of BGI set out in paragraph 10.7. Natural England supports the addition of “Blue” infrastructure within the title of the policy and the wording. Whilst we welcome the overall content of the policy, we note that there is repetition within the first four points of the policy which could be streamlined and given greater clarity. We also consider that these points repeat some of the policy wording within Policy BNE3: Biodiversity. We note that the Lowland Derbyshire and Nottinghamshire Local Nature Partnership has been mentioned within paragraph H which has not been in operation for several years. It may be better to mention the Derbyshire Local Nature Recovery Strategy which will set out how to improve, expand and connect habitats across the County and address wildlife decline and provide wider environmental benefits for people. We suggest that paragraph I fits better within Policy BNE3:Biodiversity. We welcome the reference to Natural England’s Green Infrastructure Framework (GIF) within paragraph J of the policy and in paragraph 10.49 of the explanatory wording. We would however like to see the guidance contained within the GIF applied and integrated within the whole policy approach. The Plan should be clear how GI can deliver multifunctional benefits and how it is linked to environmental, social, health and economic policy. Reference could be made to the five ‘Why’ Green Infrastructure Principles (nature, health, prosperity, water management and climate resilience) and the five ‘What’ Green Infrastructure Principles (multifunctional, varied, connected, accessible and reflecting local character). The GIF sets out a set of National GI Standards which can be applied locally that will help deliver good GI networks for people and nature and you may consider doing this within the local plan. The Standards include - Green Infrastructure Strategy, Accessible Greenspace, Urban Nature Recovery, Urban Greening Factor, and Urban Tree Canopy Cover. These standards can provide output measures so that developers have certainty over what green infrastructure is needed on site. They can be included as site specific and area-based requirements in site allocation policies. To help the GI standards to be delivered local authorities should set green infrastructure targets. These should include delivery levels over time. For instance, the % of people having good quality publicly accessible greenspaces within 15 minutes’ walk from home by 2030. We would also like to see a stronger reference in the policy to the health benefits of GI. Green and blue spaces can have a positive impact on preventing health issues through providing opportunities for more active and healthy lives. GI can also supply other health benefits by helping to address some of the environmental causes of poor health, such as poor air quality, by filtering particulates, and reducing urban summer temperatures by cooling the air. The policy should address unequal access to natural green space and the needs of different user groups. (See the Green Infrastructure Framework mapping database, bringing together data from around 50 sources of environmental and socio-economic data. Green Infrastructure Map  (Deleted reference to suggested changes to NWLDC) | Agreed.  Unnecessary repetition will be removed as requested.  Amendments in reference to the LNRS will be made to ensure that references are made to the most up-to-date document and to strengthen and clarify the policy.  Point I will be moved into BNE3.  Additional GI references and information regarding Standards, health benefits and the Framework will be incorporated. |
| 1244753 | Canal and River Trust |  | INF7 | Policy INF7: Blue and Green Infrastructure We consider that Policy INF7 is appropriate and offers clear support to the role of the canal network as a significant strategic blue/green infrastructure corridor within South Derbyshire which helps to provide a link between other such assets and wildlife habitats. We consider therefore that it is positive that the Policy specifically identified the River Trent and the Trent & Mersy Canal at INF7 A v) a) as opportunity areas where improved blue/green infrastructure provision is to be promoted.  The canal in South Derbyshire also links to the wider canal network across the country and acts as a leisure and recreation attraction that contributes to the local tourist and visitor economy as well as being a prime example of a historic asset that is widely used; a major aspect of its value is that is both usable and accessible, for borders and towpath users, as a piece of working heritage. As well as being an important visitor attraction in its own right, the canal provides links to other visitor destinations and attractions in the locality.  Appropriate and sensitive development can help to enhance this varied role and encourage more visitors to the area by making it an attractive environment for boaters choosing to travel along this part of the canal network and an accessible resource that can be sued by local communities. It is therefore important that in protecting the value of the canal as a blue/green infrastructure corridor, appropriate associated development is still permitted to help it fulfil these roles. Policy INF7 strikes an appropriate balance in this regard. | Noted. |
| 1242601 | National Trust | National Trust | INF7 | INF7 - Our comment at Issues and Options stage of the Local Plan in respect of blue and green infrastructure stated “A Local Plan Policy on green and blue infrastructure – and an associated district or countywide green infrastructure strategy –could help to ensure that opportunities for active travel are maximised through new development. Priorities could include green infrastructure corridors through settlements, linking settlements with recreational opportunities in the countryside, and linking settlements with one another.” Elsewhere in our response, we acknowledged that many river corridors and green wildlife/access are closely linked. We maintain this view and are supportive of the inclusion of this policy within the Local Plan. With regards to the detail of this policy, we are supportive of the commitment that the policy makes towards SSSIs and National Nature Reserves. We welcome the acknowledgement and support for existing and potential green infrastructure corridors and the opportunities that they can deliver for many different reasons, including health and wellbeing, nature recovery and enhancement, and conservation. We are supportive of the requirement for all major development, where appropriate, to contribute towards the delivery of new green infrastructure which connects to and enhances the existing network of multi-functional spaces and natural features throughout the district. Calke Abbey and the associated estate is well placed to connect existing and emerging green infrastructure and should be considered to be an integral part of the existing green infrastructure network. The National Trust also care for Foremark and Staunton Harold reservoirs in partnership with Severn Trent. We would welcome the opportunity to discuss the benefits that Calke can contribute to the green and blue infrastructure network with officers and members of the Council to fully realise the contribution that the National Trust’s assets could make in this area. | Noted. The Local Plan is not proposing new policies at this stage; however such recommendations are noted for future plan production and review. The importance of river corridors and green wildlife/access are some aspects of the LNRS that will be addressed further as it progresses and will be referenced in the Local Plan where appropriate. The invitation to discuss additional considerations is welcomed. |
| **Landowner or Developer** | | | | | |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | INF7 | 11.0 Policy INF7: Blue and Green Infrastructure 11.1 In general, St Modwen is supportive of the Council’s proposed Policy INF7 (Blue and Green Infrastructure). In particular, St Modwen would note that the proposals for Land off Egginton Road ensure that the Site would maintain and enhance, where possible, the existing network of trees and hedgerows and LWS within the Site. As shown in the supporting Vision Document (Appendix 1), the LWS would be retained and integrated into the green infrastructure network, which would align with the requirements of proposed Policy INF7 (Blue and Green Infrastructure). In addition, the proposals would seek to deliver BNG across the Site through a comprehensive and integrated approach to green and blue infrastructure, which would ensure that it enhances the local environment. | Noted. |
| 1243190 | David Lock Associates on behalf of Hallam Land | David Lock Associates | INF7 | INF7 (Blue and Green Infrastructure) The proposed additions to this policy serve to make it wide reaching and, as a result, lengthy and complex. Many of the additions, for instance the majority of items D, E, and F, are also dealt with, at least in part, by policies INF6 (Community Facilities) and INF9 (Open Space, Sport, and Recreation) - and there is already a degree of overlap between those two. It is acknowledged that blue and green infrastructure is naturally multi-functional, and Hallam is therefore supportive of an overarching strategic policy, however the policy wording could be shortened and simplified for instance through signposting to other policies that contain further detail on specific aspects of, rather than repeating the similar objectives with different wording. | Partially agree.  Unnecessary repetition will be removed. |
| 1242865 | Turley on behalf of Hallam Land | Turley on behalf of Hallam Land | INF7 | Policy INF7 Blue and Green Infrastructure  Having regard to the additions to this policy, it is noted that it comments on Green Infrastructure from an ecological and landscape perspective, but also in respect of community facilities (i.e. playing fields). Although it is appreciated that they often serve multiple purposes, community infrastructure should be dealt with by a separate policy to that of GI for clarity and to ensure the preciseness of the policy. Furthermore, the policy at point K, makes reference to specific types of “biodiversity enhancing features” including swift bird boxes and hedgehog friendly fencing. There should be text within the policy setting out that this will be required “where appropriate” and otherwise enhancements should be considered on a site-by-site basis, to ensure that they are acceptable and appropriate. This would be more flexible approach to this biodiversity enhancements but would also likely lead to better outcomes which take into account site characteristics and habitats on or near the site. | Partially agree.  References to community facilities will be differentiated from GI.  The wording of ‘’where appropriate’’ will be incorporated. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | INF7 | Policy INF7: Blue and Green Infrastructure 2.77. Policy INF7 seeks to conserve, enhance and wherever possible extend blue and green infrastructure in the district. Whilst our clients support this vision, the policy requires further refinement and suitable evidence and justification in accordance with the NPPF.  2.78. Of particular concern to our clients are criteria B, D and F which are ambiguous, unclear and wide-reaching lacking any justification or evidence. In alignment with our comments in response to policy BNE3, criterion F requires refinement to ensure existing trees, woodlands and hedgerows with significant landscape, arboricultural or ecological value are sought to be retained. | Partially agree.  Further clarification will be provided by removing duplication. |
| 1242615 | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | INF7 | Policy INF7: Blue and Green Infrastructure  Policy INF7 makes reference to the term ‘green wedges’ which is unclear as ‘green wedge’ is a specific ‘designation’ in neighbouring Derby City. From a review of the references to ‘green wedge’ in the draft Local Plan consultation document, this term appears to be used in the context of providing green infrastructure, as opposed to proposing a ‘green wedge’ designation. If our understanding is correct, then thereference to ‘green wedge’ should be removed throughout the draft Local Plan document as use of this term is misleading. | Noted. The Council disagrees that references to green wedges need to be removed.  In the context of the policy green wedges relates to green infrastructure extensions from Derby and not a specific policy designation in South Derbyshire. |

**Policy INF8: The National Forest**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | INF8 | Policy INF8: National Forest – this policy would benefit from a reference to the historic environment. | Agree in part.  The policy relates to development within a specific policy designation, this would need to be read in conjunction with the other policies in the plan as a whole to ensure that heritage is considered fully.  The Council has however amended the explanatory text for the policy to include reference to the historic environment.. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | INF8 | Policy INF8 “The National Forest”. Addition of “development which reflects the National Forest Company’s Sustainable Tourism Accommodation Design Guide” is welcomed. | Noted. |
| 1242601 | National Trust | National Trust | INF8 | INF8 - Calke Abbey lies within the National Forest and support and contribute towards the achievement of their ambitions. We are supportive of the amendments proposed to this policy as part of the Local Plan consultation. We are particularly supportive of the opportunities to provide diversification of the economy in relation to the woodland economy and tourism. Calke Abbey represents significant tourism opportunities and is a major contributor to this economy. The National Trust and the National Forest Company’s ambitions align in respect of woodland creation and tree planting and we welcome the support that is set out within the Local Plan towards this. | Noted. |
| **Regional Organisation** | | | | | |
| 1242612 | National Forest Company | The National Forest Company | INF8 | Policy INF8: The National Forest Recommended wording: No recommended change to wording. Reason for change/comment: Welcome the amendments to the Policy which include reference to the Sustainable Tourism Accommodation Design, Guide, detail about when a commuted sum may be appropriate and the Heart of the Forest. | Noted. |
| 1242612 | National Forest Company | The National Forest Company | 10.54 | 10.54 (supporting text to Policy INF8) Existing wording: The National Forest is a nationally designated area which covers an area of 200 square miles and extends from Charnwood Forest near Leicester to the east to the Needwood Forest near Yoxall in the west. Since its inception the National Forest Company has supported woodland creation increasing forest cover from 6% to 23% across the forest area by planting 9.5 million trees to date. The environmental improvements implemented by the National Forest Company have brought about positive landscape change and habitat creation and have greatly strengthened the District’s tourism and leisure offer.  Recommended wording: The National Forest is a nationally designated area which covers an area of 200 square miles and extends from Charnwood Forest near Leicester to the east to the Needwood Forest near Yoxall in the west. Since its inception the National Forest Company has supported woodland creation increasing forest cover from as low as 6% to over 25% across the forest area by planting 9.5 million trees to date. The environmental improvements implemented by the National Forest Company have brought about positive landscape change and habitat creation and have greatly strengthened the District’s tourism and leisure offer.  Reason for change/comment: See above regarding updated figures. | Agreed. Wording to be updated as requested. |
| 1242612 | National Forest Company | The National Forest Company | 10.55 | 10.55 (supporting text to Policy INF8) Existing wording: The National Forest has been successful in securing 1,400ha of green infrastructure since 1991 through the planning system, including development-related planting, mineral site restoration and derelict land reclamation to forest-related uses. In the five years prior to 2024, planting through the planning system accounted for 30% of forest creation. In addition, more than £1.2m has been secured in commuted sums through Section 106 agreements towards off-site forest creation projects. The District Council will continue to work in partnership with the National Forest Company to achieve its long-term vision and goals and secure forest planting within all appropriate developments located within the National Forest. The National Forest Guide for Developers and Planners41 sets out the requirements for woodland planting and landscaping as part of new developments.  Recommended wording: The National Forest Guide for Developers and No change to wording of paragraph. However, recommend footnote 41 is amended to exclude the date.  Reason for change/comment: Omit reference to the date in footnote 41 as the Planners Guide is the process of being updated and accordingly, the date of the document will change.  Footnote 29 has not included the date of the document, therefore we request the same approach for footnote 41. | Agreed. Wording to be updated as requested.  Link in footnote is out of date and so has been removed, we will update this in consultation with the National Forest Company. |
| **Landowner or Developer** | | | | | |
| 1242100 | RPS on behalf of Bellway and Clowes (Thulston Fields) | RPS on behalf of Bellway and Clowes (Thulston Fields) | INF8 | Policy INF8: The National Forest RPS previously commented upon the emerging proposals for a specific requirement threshold for tree planting as part of new development outside of the National Forest. This doesn’t appear to have been taken forward which is supported given the proposal was unjustified, unnecessary, inconsistent with national policy and should not be taken forward in the next iteration of the new Local Plan. | Noted. Tree planting outside of the National Forest is not required beyond any considerations made under BNG. The Council is not proposing to amend this approach. |

**Policy INF9: Open Space, Sport and Recreation**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1242601 | National Trust | National Trust | INF9 | INF9 - Calke Abbey and the reservoirs that we care for provide significant opportunity for sport and recreation within the district for existing and growing communities. We support this policy and would welcome the opportunity to work with the Council to provide access to green space and for new provision of open space to connect into the green and blue infrastructure network. | Noted. |
| **Landowner or Developer** | | | | | |
| 1243194 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited | Pegasus Group | INF9 | Policy INF9: Open Space, Sport, and Recreation 2.74. It is considered the wording under criterion A outlining “…where possible, to meet the needs of the existing population.” should be deleted. It is not for new development to remedy existing deficits within the surrounding area | The Council does not consider it necessary to change the wording of the Policy. The policy states “where possible”. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | INF9 | Policy INF9: Open Space, Sport and Recreation 2.79. It is considered the wording under criterion A outlining “…where possible, to meet the needs of the existing population.” should be deleted. It is not for new development to remedy existing deficits within the surrounding area. | The Council does not consider it necessary to change the wording of the Policy. The policy states “where possible”. |

**Policy INF10: Tourism Development**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate / Statutory Consultee** | | | | | |
| 1243580 | Historic England | Historic England | INF10 | Policy INF10: Tourism Development – this policy would benefit from a reference to heritage tourism | Noted.  The policy relates to tourism development as a whole. This would need to be read in conjunction with the other policies in the plan as a whole to ensure that heritage is considered fully.  The Council has however amended the explanatory text for the policy to include reference to the historic environment. |
| 1242601 | National Trust | National Trust | INF10 | INF10 - As set out above, Calke Abbey (and the reservoirs) represents significant tourism opportunities and could be a major contributor to this economy. We are supportive of the policy. We welcome the reference to Calke Abbey and Foremark & Staunton Harold Reservoirs in paragraph 10.66 and are keen to explore further opportunities with the Council as part of the National Forest Tourism Growth Plan | Noted. Support welcomed. |
| 1242612 | National Forest Company | The National Forest Company | INF10 | Policy INF10: Tourism Development Existing wording In all cases the District Council will expect new tourism development to be:  i) provided through the conversion or re-use of existing buildings or; ii) accommodation of a reversible and temporary nature, or iii) sustainable and well-designed new buildings, where identified needs are not met by existing facilities, subject to all the other relevant policies in the Local Plan. Where proposals including accommodation facilities are located in the National Forest, development will be expected to refer to the Sustainable Tourism Accommodation Design Guide.  Recommended wording: In all cases the District Council will expect new tourism development to be i) provided through the conversion or re-use of existing buildings or; ii) accommodation of a reversible and temporary nature, or iii) sustainable and well-designed new buildings, where identified needs are not met by existing facilities, subject to all the other relevant policies in the Local Plan. Where proposals including accommodation facilities are located in the National Forest, development will be expected to reflect the Sustainable Tourism Accommodation Design Guide.  Reason for change/comment: The NFC considers applications for tourism development in the Forest should reflect the Sustainable Tourism Accommodation Design Guide, and not just refer to it. This would be consistent with Policy INF8, which requires tourism development to reflect the Sustainable Tourism Accommodation Design Guide. We welcome reference to the Sustainable Tourism Accommodation Design Guide in this policy. | Agreed. Minor change proposed by the NFC to change ‘refer’ to ‘reflect’ in C iii) to maintain consistency – INF8 – Tourism development seeks to ‘reflect’ the NFCs Sustainable Tourism Accommodation Design Guide. |

## Other Comments submitted to Question 9

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Policy** | **Comment** | **Council Response** |
| **Duty to Cooperate Body/ Statutory Consultee** | | | | | |
| 1243661 | Derbyshire County Council Adult Health and Social Care | Derbyshire County Council Adult Health and Social Care |  | ‘New policy’  Could we consider including a specific strategic policy or section in the main plan related to improving health and wellbeing and decreasing inequality (healthy places) This would support development that provided opportunities for improving health outcomes and reducing health inequalities. Currently in South Derbyshire life expectancy for men is 6.7 years lower and 7 years lower for women in the most deprived areas compared to the least deprived areas (OHID, 2024). Ideally to include reference to the following (if not already cited in the plan) • Encouraging developments that are well connected and incorporated active design principals. • Promoting well designed and safe places • Developments providing access to essential community services and facilities that encourage social interaction • Providing good quality and accessible open green spaces, and recreational facilities • Ensuring opportunities for walking and cycling • Managing the overconcentration of uses that are detrimental to health (e.g takeaways, licenced premises) • Developments improving air quality and minimising exposure to pollutants. • Digital connectivity • Well designed homes that are energy efficient and are easily adaptable through the life course.  Developers should also consider wider Integrated Care Board (ICB), Primary Care Networks (PCN) and other health strategies as appropriate. Some of the most pressing health challenges faced by the UK, such as obesity, mental ill health, physical inactivity, social inequality and the needs of an ageing population, can all be affected by the quality of our built and natural environment. These ‘wider determinants of health’ are in-turn influenced by the planning system. Improving both physical and mental health and wellbeing should therefore be integral to planning (TCPA 2024) I can provide other key PH data to make the case if this is something that would be useful? E.g. % classified as obese, % living in deprivation, This is a useful document - Planning for healthy Places - a practical guide for local authorities on embedding health in Local Plans and planning policies. If you do consider developing a larger section on healthy places I would be happy to collaborate and support SDDC to draft the section. Planning for healthy places: a practical guide for local authorities on embedding health in Local Plans and planning policies in England | As requested by Sport England and others healthy living/ active travel is given greater emphasis in the vision with active travel and walkable communities being key points carried forward through the Design Review in relation to the three strategic sites.  Many of the points raised are already referenced in the Council’s Design policy, BNE1 or elsewhere. No new policy is necessary to address proposed.  Criterion j) of BNE1 specifically relates to healthy lifestyles and specifically relates to addressing social sustainability issues as well as supporting healthy lifestyles through the promotion of active travel, the provision of public open space, sports and other leisure facilities. These points can be fully addressed with additional references in BNE1, INF2 and INF9. |
| 1242612 | National Forest Company | The National Forest Company |  | Appendix 1: Glossary  Existing wording: National Forest: A national project for woodland creation, economic revival and tourism.  Recommended wording: National Forest The National Forest is a UK environmental charity focused on demonstrating a greener, healthier and more sustainable future is possible for all. Its work is delivered across 200 square miles of the Midlands, spanning parts of Leicestershire, Derbyshire and Staffordshire, and includes tree planting, woodland management, conservation, education, arts and positive economic development.  Reason for change/comment: This is our preferred definition of the National Forest | Noted. Amend Glossary.  Glossary will be amended to reflect NFC definition. |
| **Parish Council and other Community Group** | | | | | |
| 1236404 | Repton Parish Council | Repton Parish Council |  | (Missing reference to NDPs)  Repton Parish Council response to SDDC Local Plan Consultation November 2024 The Repton Parish Council (RPC) wishes to support the new SDDC Local Plan and makes the following points to ensure that the revised Local Plan meets the requirements of the Parish. 1. The first comment is that the new SDDC Local Plan Part 1, out for consultation, does not contain any reference to the Neighbourhood Development Plans (NDP) that are currently in place and being undertaken in the District and their involvement in the Planning process. This is particularly important since the policies in an NDP take precedence over existing non-strategic policies in a local plan covering the neighbourhood area where they are in conflict. | Noted.  Para 1.27 references Neighbourhood Plans and how this Plan will set the context for Parish Councils and other Neighbourhood Forums in the preparation of neighbourhood plans. This paragraph references planning law which states that ‘*planning applications are determined in accordance with the development plan’*. This sentence is subject to a footnote which confirms that the development plan includes Neighbourhood Plans. Add reference to the end of paragraph 1.27 that currently Repton, Hilton and Melbourne have made Neighbourhood Plans. |
| 1239943 | Castle Gresley Parish Council | Castle Gresley Parish Council |  | A real concern is the strain on the local infrastructure with regard to the prevention of flooding in the areas that developments are being built on. South Derbyshire is/was historically a mining/agricultural area and is thus prone to flooding. | Noted. No change.  Policy SD2 has been strengthened to ensure that measures to deal with surface water are included for all sites in order to minimise the likelihood of new development increasing flood risk locally. |
| 1243158 | Melbourne Civic Society |  |  | Lifestyle is mentioned but not the importance of home (UK) produced food. Biodiversity is emphasized but we cannot eat biodiversity. We must protect and encourage food production on the rare Grade 2 agricultural land that we have in the district especially around Melbourne. Trying to diversify farming away from food production is a misguided policy. It is hugely important to the Economy that we produce more of our food in England and do not rely on foreign imports. There is also a great export opportunity here. | Noted. No change  Healthy lifestyles are specifically referenced in BNE1. Whilst this does not refer to biodiversity and the need for food production, BNE3 relates to a strengthened approach to protecting biodiversity and a strengthened approach to protecting best and most versatile land is included in policy SD6. |
| 1243603 | SAVE (Save Aston & Weston Village Environment) | SAVE Aston and Weston Residents Group |  | (Additional policy)  A Policy is also needed on the impact of changes to the Governments Planning Framework.  This could take the form of a risk analysis or sensitivity study to look at how the Local Plan would cope with changes in housing requirements resulting from changes to the Planning Framework. | Disagree. No change.  Local Plans are prepared in line with legislation and national policy of the time and, in some cases, under transitional arrangements when changes are made to the planning framework. Development plans are expected to be reviewed regularly to ensure that they remain up to date. The Council has included a Review Policy (REV1) to confirm that work will commence immediately this Plan is adopted. |
| **1243603** | SAVE (Save Aston & Weston Village Environment) | SAVE Aston and Weston Residents Group |  | (Additional Policy)  A Land use Policy is required to limit developments which will be affected by noise pollution from East Midlands Airport. The policy should also consider the effects of the altered flightpaths resulting from the airports Future Airspace Programme. | Disagree. No change.  Policy SD1 is designed to both ensure existing residents are not adversely affected by new development and, conversely, that the new development is not adversely impacted by the existing environment. Where necessary new proposals must be provided with sufficient mitigation which will be required by condition. |
| **Landowner or Developer** | | | | | |
| 1243664 | Deloitte LLP on behalf of Church Commissioners for England | Deloitte LLP on behalf of Church Commissioners for England |  | 10.1.1. The Commissioners do not have any particular commentary to make in relation to the Draft Local Plan polices, however do stress the importance for these policies to align with both paragraph 31 of the NPPF which requires “all policies [to] be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals” and paragraph 16 of the NPPF which requires policies to be “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”. The Commissioners consider both NPPF requirements of great importance specifically when determining what distribution approach should be taken in respect of meeting Derby City’s unmet need and suggest SDDC consider the below responses to Question’s 10 and 11 in relation to the evidence base in this respect. | Noted. No change.  The Council’s evidence base is considered sufficiently up-to-date to support this review or such evidence necessary is in preparation. See responses to Q10 and Q11. |
| 1243628 | Define Planning on behalf of Bloor Homes Ltd |  |  | Other Policy Comments Planning policies should be clear and concise to enable the user to understand the requirements for planning applications. A number of the draft policy changes, such as to policy BNE2 on heritage assets, are long and have the potential to be difficult to apply to schemes as well as become out of date quickly. Much of the text appears to repeat the NPPF. It is strongly recommended that the policies are audited and repetitions of national policy are removed to make the policies more accessible | Noted.  Changes to some policies/text have been made including the policy BNE2 where statutory consultees have made representations recommending changes. |
| 1242570 | Nineteen47 on behalf of Hallam Land (land at Blackwell Lane) | Nineteen47 on behalf of Hallam Land (land at Blackwell Lane) |  | Question 9: Do you have any comments to make regarding the Draft Local Plan policies? (If you have comments regarding a specific policy, please state the policy number) 3.31 It is our recommendation that all policies and the plan as a whole should be reviewed in its entirety to ensure that the plan is effective and therefore sound in meeting need across the District. 3.32 For this reason, we have not provided comment on specific policy updates at this stage. We reserve the right to make comments during future consultation stages. | Noted  Changes to some policies/text will be made where statutory consultees have made representations recommending changes. The local plan will be reviewed following adoption in line with Policy REV1. |
| **Members of the Public** | | | | | |
| 1242367 | Grace McCullouch | General comment |  | Firstly, this question should be asked after each major section. It is hard to organise comments over many pages. Additionally, there is insufficient space for comments. I will provide these via email. | Noted.  The questionnaire associated with this consultation picks up on the main issues (Vision, Objectives, Strategy, Strategic allocations) throughout the plan. Q9 is an opportunity to raise issues relating to specific policies which consultees have done. The space provided in the consultation software was made larger early in the consultation period giving sufficient time to respond. However, many consultees responded via email or post providing a response on the questionnaire form direct to Planning Policy.  Neighbourhood Development Plans are part of the Development Plan in their own right. Any changes to NDPs will be the responsibility of the relevant designated neighbourhood body who are consulted during the Local Plan review process.  This emerging plan does not allocate any new greenbelt land for development.  Objections to strategic site allocations are dealt with in response to Q5, Q6, Q7 and Q8.  New development is proposed in sustainable locations and biodiversity/natural environment policies (SD2, SD3 and BNE3) have been strengthened to ensure polices are aligned with the NPPF, limiting impacts on the natural environment. Responses to specific policies are dealt with earlier in this section. |
| 1242367 | Grace McCullouch |  |  | As a general point, have all existing and emerging NDPs been reviewed in preparation of the draft LDP and is there a strategy to engage with communities to link NDPs with the new LDP? |
| 1233241 | Russell Licence |  |  | How can building on green belt land be proffered when the there are many areas of brown belt and industrial land available for regeneration |
| 1234363 | Julie Eason |  |  | I believe it's already a done deal and a lot of people will be unhappy with this. |
| 1242119 | George Selby |  |  | I don’t believe they do at all.  More pressure, backed up road and transport systems do not align themselves to this narrative. |
| 1242325 | Tracy and Gordon Harrison |  |  | I really don’t see how putting more concrete on land helps climate change when there are existing sites waiting to be redeveloped. |
| 1241910 | Nigel Bentley |  |  | I think the letter / comments that you will have received from the Mickleover councillors sums up all that you have gotten wrong !! |
| 1241873 | Hilary Lomas |  |  | Ideal sounding but you know that many promised environmental strategies are not implemented. Loss of wildlife, hedges open spaces will be lost forever. |
| 1234080 | Nick Pope |  |  | It's crazy. |
| 1233332 | Ameila Hunt |  |  | It's eroding of boundaries. |
| 1243600 | Geoffrey Tubey |  |  | Natural environment and climate change will not be helped by covering land with concrete. Once flora and fauna have been lost the climate will deteriorate further and will not recover. |
| 1241956 | Andrew Lee |  |  | Nil |
| 1236474 | Alan Dixon |  |  | No |
| 1235279 | Gerald Arthur Bowker |  |  | None |
| 1241995 | Donna Shacklock |  |  | Nothing to do with any of these - purely pass the buck and let other councils bear the brunt! |
| 1241975 | Paul Hopkin | None |  | In an appropriate location and a brownfield development |
| 1241686 | John Moore | John Moore |  | Please make sure that all of the planning includes a generous amount of "joined-up-thinking" !! |
| 1235411 | Andrew Norman |  |  | Some of the plans appear to be very thin on detail. I attended a Consultation meeting on 14th October. The Council representative I spoke with could not enlighten me on plans for access via Staker Lane-something I feel is fundamental to the viability of the proposals. |
| 1243592 | Christine Allen |  |  | Tackling climate change and health and well-being will not be achieved without more concerted effort. |
| 1237912 | David Warriner | David Warriner |  | The number of characters that you've allocated to my answer to this question (given how many policies it covers) is completely inadequate. You are therefore failing to allow sufficient feedback opportunity to this consultation through this route (and there doesn't appear to be any other channel to provide written feedback that I can find from reading your website). I believe that the structure and style (re the very tailored question set) of this form is suppressing feedback and engagement. |
| 1242063 | Laura Massey-Pugh |  |  | The plans do not align with the policies and particularly in the context of the built environment and climate change the plans are a big step backwards to creating local sustainable living and travel networks. Residents are having to travel further and further for facilities and health care. |
| 1235713 | Rob M |  |  | The views and the quality of life of people already living in the affected areas must be considered. It's despicable that these "developments" keep being dumped on us, adversely affecting our quality of life, the environment and often our safety, too. |
| 1242138 | Tiran Sahota |  |  | These proposals won't tackle climate change - they will only add to the problem! They will also have an impact on people's health and wellbeing and reduce people's quality of life.  How does concreting over the green land help the environment and tackle climate change? By building over large green spaces, we are at more risk of flooding and will add to the climate change issue. How does increasing pollution and massively increasing the population in these areas improve health and wellbeing? This will result in more stress and diminished health and wellbeing.  These green areas give people space to go for walks and for children to play in nature - this will be taken away if these proposals are approved. This will lead to more physical and mental health issues which will put further pressure on the health services in this area. |

# Question 10: Are any additional evidence base documents required, other than those listed within Appendix 4 of the Draft Local Plan part 1 Review?

|  |  |
| --- | --- |
| **95 consultees responded to Question 10** | |
| Duty to Cooperate Body / Statutory Consultee | 3 |
| National Organisation | 2 |
| Regional Organisation | 1 |
| Parish Council and other Community Group | 9 |
| Councillor | 0 |
| Landowner or Developer | 18 |
| Members of the public | 62 |

|  |  |  |  |
| --- | --- | --- | --- |
| **Respondent name** | **ID number** | **Summary of Main issues raised** | **Council response** |

|  |  |  |  |
| --- | --- | --- | --- |
| **Duty to Cooperate Body / Statutory Consultee** | | | |
| Derbyshire County Council Adult Health and Social Care | 1243661 | Yes. You could add in some info from the Joint Strategic Needs Assessment (JSNA), Derbyshire Joint Strategic Needs Assessment and/or the Public Health Outcomes Framework (PHOF) Public Health Outcomes Framework - at a glance summary. I am happy to advise as needed. | Noted.  Heath impacts are considered as part of the Sustainability Appraisal for the Local Plan, it is therefore consider unnecessary to add any further details on these matters within the Local Plan itself. |
| Natural England | 1242867 | No. Natural England advise that ideally the Local Plan should be accompanied by evidence of an up-to-date Green Infrastructure Strategy. This would provide an assessment and strategically planned green infrastructure provision, working in partnership with stakeholders including local communities. | Noted. The Council is developing its 2025-2035 Green Infrastructure strategy. |
| Sport England | 1243643 | Paragraph 102 of the NPPF states that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.  It is acknowledged and welcomed that the Council is currently preparing a Built Facilities Strategy and Playing Pitch Strategy. However, these documents are not at a stage where they can be used to inform policy. As such, the Council currently do not have an up to date and robust evidence base. Without, such evidence base Sport England are of the opinion that the proposed changes to the policies have not been appropriately informed. Sport England consider that this has been demonstrated with the lack of regard within the strategic site allocation policies to the protection of the existing sports facilities in and around the strategic sites and the lack of reference in ensuring that the necessary additional sports provision can be appropriately secured. | Noted. As part of the strategic sites’ design review, further work will be undertaken to determine the need for sports facilities and other recreational needs. Currently a surplus of open space need has been identified in the proposed strategic allocations.  The Land South of Mickleover will include sufficient open space, sport and recreation facilities to meet identified local need. There is no loss of existing amenities anticipated, with significant open space expansion proposed. The existing playing pitch has not been in use for a considerable period. The planning system is the only means through which its use may be reactivated. A strategic planning approach may assist with the aim of optimising the use of such facilities.  A strategic site approach may also be beneficial with regard for the existing layout and design of the Hospital and its historic contribution to public health.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| **National Organisation** | | | |
| British Horse Society | 1235628 | Yes. Active Travel including equestrians needs to be included | Noted. Active travel considerations will be assessed in the subsequent iteration of the Sustainability Appraisal and updated in relevant Policies. |
| **Regional Organisation** | | | |
| Derbyshire Association of Local Councils | 1242640 | No. | Noted. |
| **Parish Council and other Community Group** | | | |
| Castle Gresley Parish Council | 1239943 | No. | Noted. |
| Egginton Parish Council | 1242585 | Yes. The Derby City Capacity Study was not available at the time of this response and is key to the housing numbers and the selection of strategic sites. The latest Strategic Flood Risk Assessment for the District is currently under review. Given that one fifth of the district is subject to flooding, this document is key to site allocation and good planning decision. | Noted.  The Derby Capacity study will be released in its entirety as soon as possible by Derby City Council. The figures in the Study are discussed in a Statement of Common Ground. The District is currently updating its SFRA Level 1 and its findings will be published alongside further evidence documents for the Local Plan.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Etwall Parish Council | 1244412 | Yes. The location of sites requires an area wide traffic assessment examining, for example, the effect of the Mickleover proposals on the A38. Passive House Institute can be referred to for outstanding energy efficiency on buildings. The current, ambitious 2030 & 2050 targets from the Council need ambitious actions to be achieved and referring to the Passive House requirements may help to realise these targets. The current requirements are a step in the right direction but referring to and taking inspiration from a much more ambitious programme such as Passive House can help to positively impact current plans. Local Nature Recovery Strategy for the County needs to be referred to when looking to finalise this plan. Biodiversity and habitats across South Derbyshire have been in decline as well as access to open spaces for residents. A real priority should be given to including high quality wildlife sites as well as green, open spaces for people to access. | Noted. District-wide transport modelling will be undertaken for the draft Local Plan. Energy efficiency-related requirements are stipulated through national legislation, including Building Regulations. Planning policy is not permitted to require energy standards which exceed national guidance. The LNRS is currently in its preliminary stages. References will be updated accordingly for Regulation 19 publication. Biodiversity and habitat-related concerns are assessed annually. Draft Local Plan policies have been updated to reflect recent changes such as Biodiversity Net Gain.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Hilton Parish Council | 1238750 | Yes. Existing Neighbourhood Development Plans provide more local background and information on local requirements. Why are they not consulted? | Noted. The emerging Local Plan will include reference to NDPs wherever appropriate. NDPs provide specific policy guidance, but the draft Local Plan be updated accordingly to ensure a complementary approach. |
| Repton Parish Council | 1236404 | The Repton Parish Council (RPC) wishes to support the new SDDC Local Plan and makes the following points to ensure that the revised Local Plan meets the requirements of the Parish. 1. The first comment is that the new SDDC Local Plan Part 1, out for consultation, does not contain any reference to the Neighbourhood Development Plans (NDP) that are currently in place and being undertaken in the District and their involvement in the Planning process. This is particularly important since the policies in an NDP take precedence over existing non-strategic policies in a local plan covering the neighbourhood area where they are in conflict. 2. The second concern is in section 6.8 explanation to the Local Plan Policy H1. This section states the settlement boundaries will be refreshed in the next phase of the plan making. This process is undefined in the context of any timescales or scale. The Parish Council would like to see the approach and methodology to be used in this process. It should be noted that the Repton and Milton NDP is quite explicit on the need for the two settlements to be separate from each other to retain their own different characters and forms a guiding principle in the NDP. 3. The Policy H1, Section 5, Rural Areas does not contain all the requirements of the existing Local Plan Part 2 Policy BNE5, nor contains a reference to Policy BNE5. It should be noted that the Repton and Milton NDP Policy H1 has a specific reference to Policy BNE5. 4. The RPC would propose that INF3 (Freeport) should include a criteria that states that transport developments in the area should take note of the impact of the Freeport to minimise workers traffic on nearby rural settlements, not just HGVs. 5. INF3 should also include the potential cycle link between Repton and Willington, as part of the Freeport infrastructure requirements (Repton and Milton NDP Policy T2) and in support of the Local Plan Policy BNE1 (Active Travel). 6. INF4 (Transport) should acknowledge the impact of the development of the Freeport (INF3) and under section C include the need to minimise the effect of workers journeys and traffic on nearby rural settlements on any major development. 7. The Swarkstone Bridge Bypass mentioned in INF4 would have a major effect on the level of traffic through the parish. We propose that this should be included as part of the Freeport infrastructure requirements due to the Freeport’s effect on the area’s transport, both HGV and employees. 8. It is noted that the map for INF3 Freeport Interchange has managed to convert the current railway track to the A5132. It is assumed that this is a mistake rather than a major policy change. The above comments relate to the Local Plan Part 1 out for consultation. A major concern is the potential impact of the NPPF that is currently being updated and how the SDDC Local Plan process could be impacted by this on timescales and more importantly on the consultation process. The Repton and Milton Parish Council also requests that a meeting of the relevant people in the RPC and SDDC is set up to understand the potential implications of the NPPF that is currently being updated, to discuss its link to the Repton and Milton Neighbourhood Development Plan (NDP), to ensure the NDP remains relevant. | Noted.  The emerging Local Plan will contain reference to NDPs where appropriate. Overall, the Plan recognises the importance of NDPs and supports the contribution of local communities to the plan-making process.  A refresh of the settlement boundaries will be undertaken in the next phase of plan making. The Settlement Boundary refresh will be undertaken in line with a methodology established within a Topic Paper and each settlement boundary will be assessed against the same criteria.  It is acknowledged that Policy H1 is an adopted Local Plan Part 1 policy, however the District Council is not intending to update the Hierarchy in this Local Plan review.    The Local Plan Part 1 Review is proposing strategic allocations only and carry’s forward Adopted Local Plan Part 1 allocations. The Local Plan Part 1 Review is updating strategic policies and helps address Derby City’s unmet need. The evidence collected shows that Derby City’s unmet need is best placed at the edge of the city. [BH1] The two mixed use strategic allocations are proposed at the edge of Derby City.    The Settlement Hierarchy has been reviewed and the Urban Areas (including the urban areas adjoining Derby) are at the top of the hierarchy, which is in line with the proposed strategy.    Any amendments to other tiers of the Hierarchy will be addressed as part of a comprehensive review of the Local Plan  1. It is accepted that, by way of context, a reference to neighbourhood plans would be appropriate as part of the Introduction to the document.    2. The methodology to be used in reviewing the settlement boundaries will be determined as part of the review of the Part 2 Local Plan policies and will be published.    3. Policy BNE5, contained within the adopted Part 2 Local Plan, will be addressed as part of the review of that document. In the meantime the existing policy will continued to be applied.    4. It is agreed that a reference to highway impacts should be included in Policy INF3 as follows:    “C ii) there shall be no undue amenity **or**, safety ***or highway*** impacts including noise, vibration, odours, light pollution and traffic generation; and    5.  A cycle path connection between Willington and Repton is included in the Councils Cycle Network Supplementary Planning Document, adopted in 2024, as part of the proposed Local Cycle Network.    6. Developer funding of new off-site transport infrastructure to be provided to support a strategic rail freight interchange at this location will be considered as part of the Development Consent Order process.  The relevant parties are aware of the cycle network proposals for the District, although contributions toward particular elements of this will need to be justified using clear evidence of their potential to mitigate transport impacts.    7. As referred to in response to point 6, developer funding of new off-site transport infrastructure needed to support a strategic rail freight interchange at this location will be considered as part of the Development Consent Order process.  Any new highway infrastructure to be provided in this way will need to be justified using clear evidence of its potential to mitigate transport impacts.    8. This observation is correct and INF3 plan can be amended to address this error.    Para 234 of the new National Planning Policy Framework (NPPF), published in December 2024, states that the policies in that version of the NPPF will not apply where emerging Local Plans are published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 on or before 12 March, 2025 and its draft housing requirement meets at least 80% of local need.  The District Council intends that these criteria should be met.    The request for a meeting concerning the new NPPF is noted and will be addressed as a separate matter to the production of the emerging Local Plan. |
| Melbourne Civic Society | 1243158 | Yes. More evidence is needed to be included on the importance of our BMV land, especially grade 2 and its foundation to England’s large food industry | Noted. Further implications on BMV and the agriculture industry will be considered in further evidence gathering such as the Sustainability Appraisal.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| SAVE (Save Aston & Weston Village Environment) | 1243603 | Yes. The evidence base should include the results of the previous consultation stage and a summary of the changes made to address the issues raised. Reasons should also be given where suggestions were not followed up. | Noted. A summary of the Issues and Options consultation is available online. Changes to the draft Local Plan were made wherever such amendments were acceptable according to the NPPF.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Weston on Trent Parish Council | 1242402 | Yes. The evidence base should include the results of the previous consultation stage and a summary of the changes made to address the issues raised. Reasons should also be given where suggestions were not followed up. The SHELAA database should be updated to remove sites which have previously been denied planning permission on appeal | Noted. A summary of the Issues and Options consultation is available online. Changes to the draft Local Plan were made wherever such amendments were acceptable according to the NPPF.  The SHELAA is updated periodically and is considered a live document.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Rosliston Parish Council | 1241376 | Yes. Regardless of a housing need, infrastructure and suitability of highways is not addressed. The cumulative effect does not seem to be considered of highways at breaking point. | Noted.  In addition to work such as the HMA and District-wide Sustainability Appraisals, the highways’ authority is consulted at each stage of the Local Plan review to determine local and regional transport implications. District-wide transport modelling will be undertaken as part of the process.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| CBRE Ltd on behalf of Land Project UK (LPUK) | 1243582 | No. LPUK have reviewed Appendix 4 of the Local Plan and would highlight the following two documents. - Infrastructure Delivery Plan: There is currently no evidence a document is being prepared to underpin the emerging Local Plan and the scale of growth envisaged. - Landscape Character of Derbyshire (2014): This document should be updated given its age and impacts to development potential across the borough. Landscape Character’s change over time and reliance on a ten year old document is not considered sound. We would expect these documents to be included and/or reviewed in the next literation of plan. They should also be available for consultation in advance of Local Plan adoption. | Noted.  The IDP is being updated and will form a part of the evidence base for the emerging draft Plan.  The Landscape Character of Derbyshire is still relevant, however, it is acknowledged that landscape-related implications may need further assessment.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Carney Sweeney on behalf of Peveril Homes Limited and Kingsmere Holdings Limited | 1242615 | Yes. Question 10’ refers to the ‘Derby HMA Sustainability Appraisal of Housing Options (2024)’ as forming part of the evidence base, but this document is not listed at Appendix 4 of the draft Local Plan. Appendix 4 of the draft Local Plan should ensure that all documents forming part of the evidence base are listed.  Furthermore, our review of Appendix 4 of the draft Local Plan identifies that some evidence base documents are not yet available. Paragraph 31 of the Framework states: “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.” This is further reinforced through the tests of soundness at Paragraph 35 of the Framework.  Where any evidence base document/s remain outstanding, these risks bringing the soundness of an emerging plan into question as all evidence base documents should be made available as part of the consultation stages to demonstrate that the plan-making process is justified through proportionate evidence as per Paragraph 35 of the Framework. We therefore encourage the Council to ensure that all evidence base documents are completed and available as part of the respective consultation stages.  In addition to the above, the following evidence base/core documents should be also provided: • Derby City Capacity Study: This evidence base document is referred to in the draft Local Plan but is not available at the time of this Regulation 18 consultation stage. This document should be included as part of the evidence base.  • Policies Map: The current consultation on for this draft Local Plan is noted to not include a Policies Map, which should be provided to demonstrate the location of the proposed allocations.  • Statement/s of Common Ground: In accordance with Paragraph 27 of the Framework, Statements of Common Ground should be prepared to demonstrate effective and on?going joint working. We note that the draft Local Plan consultation document states at Paragraph 4.12 that a Statement of Common Ground (March 2020) has been prepared by the three Derby HMA authorities, along with Derbyshire County Council. Noting the date of this document, any update with regards to ongoing engagements/matters of agreement etc. should be incorporated in an updated Statement of Common Ground.  • Housing Land Supply Statement: This document should set out the housing land supply position for the authority.  • Duty to Cooperate Statement: This document should be prepared to demonstrate how the authority has sought to meet the duty to cooperate. It is important that this document provides all the necessary evidence of any engagement undertaken such as details of meetings dates, matters discussed and outcomes etc.  • Local Development Scheme: The current Local Development Scheme (LDS) covers the period 2022-2025 and includes a timetable for production of the Local Plan Part 1 Review (Page 11) which indicates that the current consultation was due to take place in June 2023, with an anticipated date of December 2024 for adoption. These timescales are now out of date. Local Plans are required to be prepared in accordance with the Local Development Scheme, and so to ensure compliance, the LDS should be reviewed and updated accordingly.  • Statement of Community Involvement: The Statement of Community Involvement should form part of the evidence base to demonstrate that the plan-making process has been undertaken in accordance with the document.  • Annual Monitoring Report(s): It is noted that currently, the latest version of the Annual Monitoring Report covers the period 2022-2023. Up-to-date monitoring reports should be available if they are being relied upon for this plan making process.  Any other relevant documents to provide evidence of regulatory compliance should also be included | Noted.  The Derby HMA SA of Housing Options will be added to the evidence base.  The Derby City Capacity Study will be released by Derby City. It is not within the scope of South Derbyshire District Council to do so. A Statement of Common Ground has been produced with these considerations addressed in its contents. Further Duty to Cooperate work will be undertaken in accordance with Regulation 19 requirements.  The Local Development Scheme will also be updated to reflect current timeline commitments for Regulation 19.  The Policies Map will be published alongside the Regulation 19 version of the Plan.  The latest Housing Position Paper specifies the current 5-year housing supply as of March.  The Statement of Community Involvement has been updated and will be available on the Council’s website concurrent to Regulation 19 publication.  The Authority Monitoring Report will be published in accordance with annual requirements.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Define Planning & Design on behalf of Bloor Homes | 1243628 | Yes. The documents included in the evidence base, both produced and in production are appropriate to the scope of the Review. However, evidence work particularly relating to the housing requirements and growth strategy should be reviewed in the context of the expected NPPF publication before the end of 2024. | Noted.  Due regards is being given to the 2024 NPPF, having regard to the March 2025 Pre-Submission publication deadline. |
| Deloitte on behalf of Church Commissioners for England | 1243664 | Are any additional evidence base documents required, other than those listed within Appendix 4 of the Draft Local Plan Part 1 Review? 11.1.1. In response to the SDDC Issues and Options Regulation 18 consultation (2022), the Commissioners noted the need for a number of updates to the evidence base, as well as various additional background papers that should be drafted to inform the policies and allocations within the Local Plan. Thes documents were: • Settlement Hierarchy Assessment Background Paper • Housing Background Paper • Spatial Strategy Approach Background Paper 11.1.2. The Council responded to these comments by noting that they will produce a Settlement Hierarchy Topic Paper, which will likely audit services and facilities within settlements, and a Spatial Strategy Approach Background Paper, as well as consider the need for a Housing Background Paper. 11.1.3. The Commissioners consider that, cognisant of the Local Plan Part 1 Review not undertaking a review of the Settlement Hierarchy or allocating a wide range of new sites, these documents are not necessary at this stage. However, do stress the importance of these documents when SDDC begin developing the new Local Plan wholescale. 11.1.4. In response to the SDDC Issues and Options Regulation 18 consultation (2022), the Commissioners noted the need for the South Derbyshire Infrastructure Delivery Plan (completed 2019) to be updated to ensure alignment with new infrastructure required to support the growth of the district brough about by the new Local Plan. Agreeing with this consideration, paragraph 10.3 of the Local Plan Part 1 Review notes that “as strategic sites are developed, the necessary infrastructure needs to be in place in time to meet the local needs of the existing and new (local) population”. Therefore, “the necessary infrastructure requirements resulting from the development of the strategic sites identified in the Local Plan will be identified costed, sources of funding identified and timetabled to fit with the development of the strategic site itself. This information will be set out in an Infrastructure Delivery Plan (IDP), which will be a living document”. 11.1.5. Despite the above, the Infrastructure Delivery Plan is not listed within the evidence base documentation at Appendix 4 of the Local Plan Part 1 Review, nor is it available for review alongside the strategic allocations as part of this consultation. The Commissioners stress the importance of it’s inclusion within the evidence base, as well as the need for this to be updated and available to support the justification for the allocation of the large-scale strategic sites STRA1, STRA2, and STRA3. Without the inclusion of this document within the evidence base, it is impossible to understand the “necessary infrastructure requirements resulting from the development of the strategic sites” and therefore difficult to ensure the deliverability and viability of these sites. Given this, the Commissioners consider that in order for the Local Plan Part 1 Review to be considered justified and aligned to the tests of soundness within paragraph 35 of the NPPF, the Infrastructure Delivery Plan should be robustly updated and listed clearly within the evidence base | Noted.  The Settlement Hierarchy has been reviewed and the Urban Areas (including the urban areas adjoining Derby) are at the top of the hierarchy, which is in line with the proposed strategy.    Any amendments to other tiers of the Hierarchy will be addressed as part of a comprehensive review of the Local Plan  At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Additional work such as a detailed design review, SHELAA considerations and correspondence with various stakeholders have been used to inform the proposed strategic allocations.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Emery Planning on behalf of Strategic Land Group Ltd | 1242645 | Yes. | Noted. |
| Hallam Land | 1241944 | No. | Noted. |
| Lichfields (on behalf of St Philips Land Ltd) | 1242408 | Yes. St Philips has made recommendations throughout these representations in respect of where further evidence is required. In particular, St Philips considers that the Council has not provided sufficient evidence in respect of the deliverability of the proposed strategic allocations. In order for the plan to be found sound, the Council must provide further evidence to demonstrate that these allocations are deliverable. | Noted.  Additional work (including the IDP) will be taken beyond the existing evidence base and a design review.  Documents such as the Authority Monitoring Report and the Housing Position Paper demonstrate the District’s robust level of housing delivery.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | 1243634 | Yes. Please see St Modwen’s detailed response to draft Policy S4 and H20 in the appended St Modwen Homes Representations – South Derbyshire Part 1 Local Plan Review. | Noted. Please refer to the responses to Question 9. |
| Nightingale Land on land north of Linton Road, Castle Gresley | 1242281 | Yes. | Noted. |
| RPS on helaf of Bellway and Clowes (Thulston Fields) | 1242100 | Green Belt Review Yes. The Council needs to undertake a full Green Belt review. As set out in our previous representations, RPS considers it entirely appropriate and consistent with national policy for the Council to review the Green Belt boundaries in the District, preferably as part of a HMA wide review. Part of the Derby-Nottingham Green Belt currently extends south westwards into the area of land at the intersection of the inner A50 Derby Southern Bypass and A6 Spur Road routes. The larger expanse of Green Belt into which this sub-area connects forms part of the wider Green Belt separating east Derby from Long Eaton and Ilkeston further to the east. Nevertheless, the area of Green Belt RPS wishes to highlight, notably the Thulston Fields site, is effectively bounded on two sides by these two major highways, which create a strong, defensible boundary beyond which further expansion of development can be restricted. The potential suitability of the specific site at Thulston Fields for Green Belt release has been long established and is documented in earlier evidence base documents informing the current Local Plan. In this context, RPS advocates that the area of Green Belt lying inside of the A50 bypass/A6 has different characteristics to the wider Green Belt. As paragraph 140 of the NPPF makes clear, Green Belt boundaries can be altered at the point of preparation of the Local Plan, with a view that once set Green Belt boundaries are capable of ‘enduring beyond the plan period’. The NPPF at paragraph 148 states that when defining (Green Belt) boundaries, local authorities should use physical features that are readily recognisable and likely to be permanent. The physical highways provide a clear defensible boundary that safeguard the wider countryside from encroachment and prevent wider urban sprawl, contributing to the purposes of including land (beyond the site) within the Green Belt. It is also noted that a parcel of land previously located within the extent of the A6 and now forming part of the Boulton Moor allocation has been removed from the Green Belt under Policy S8 of the South Derbyshire Local Plan Part 1. Therefore, Green Belt has been released from the area of Green Belt on the southern boundary of the City as a result of the development of the A6 spur and A50. On this basis, the contribution that the Thulston Fields site makes to the Green Belt purposes in this location should be reviewed as part of a Green Belt review process. In July 2024, the government published the draft NPPF for consultation. Relevant proposed changes to the NPPF are set out below in respect of Green Belt and Grey Belt typologies. Paragraph 142 highlights that once Green Belt boundaries are established, they should only be altered where exceptional circumstances are fully evidenced and justified through the preparation and updating of a plan. Exceptional circumstances include, but are not limited to, instances where an authority cannot meet its identified need for housing, commercial or other development through other means, In these circumstances authorities should review Green Belt boundaries and propose alterations to meet these needs in full, unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of the plan as a whole. Paragraph 147 notes that where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to previously-developed land in sustainable locations, then consider Grey Belt land in sustainable locations which is not already previously-developed, and only then consider other sustainable Green Belt locations. Paragraph 144 states that where Green Belt land is released for development through plan preparation or review, development proposals on the land concerned should deliver the contributions set out in paragraph 155. Paragraph 155 notes that where major development takes place on land which has been released from the Green Belt through plan preparation or review, or on sites in the Green Belt permitted through development management, the following contributions should be made: • In the case of schemes involving the provision of housing, at least 50% affordable housing, subject to viability; • Necessary improvements to local or national infrastructure; and • The provision of new, or improvements to existing, green spaces that are accessible to the public. Where residential development is involved, the objective should be for new residents to be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces. Paragraph 156 also notes that regarding the provision of green space, development proposals should meet local standards where these exist in local plans, for example local planning policies on access to green space and / or urban greening factors. Where no locally specific standards exist, development proposals should meet national standards relevant to the development. These include Natural England standards on accessible green space and urban greening factor and Green Flag criteria. Furthermore, on 30 July 2024, the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government published a Written Ministerial Statement (WMS) setting out the Labour Government’s proposed reform to housing delivery and the planning system, in response to the national housing crisis. The principal focus of the WMS is to deliver housing, improve affordability and build 1.5 million homes over the next five years. In relation to the location of development, the WMS confirms that development on brownfield land is acceptable in principle and proposes taking a more strategic approach to Green Belt release as part of the solution to meet housing delivery. The WMS introduces a sequential approach to the development of land – first consideration to brownfield land, then grey belt sites and then higher performing Green Belt land. RPS contends this approach should be held with regards to the contribution that the Thulston Fields site makes to the Green Belt purposes in this location should be reviewed as part of a Green Belt review process in the sequentially preferential stages. These are likely to be introduced through the new NPPF imminently. Derby City Capacity Study Whilst it is acknowledged that the Derby City Capacity Study has been undertaken by Derby City and is being reviewed independently. As set out in Appendix 4 of the DLPP1 is collected but not yet published. RPS would expect this to be published as part of the evidence base moving forward. As we have highlighted in our submissions on strategic cross-boundary issues, Derby City Council has not published its Capacity Study and an up-to-date land availability assessment, and so the credibility of the suggested capacity of 12,500 dwellings must be questioned. Nevertheless, it is very likely that fewer sites will be available in suitable locations as the easiest sites are likely to have been brought forward already to meet local needs. In this scenario, the future capacity of land within the City could well decline. In the context of rising need, this situation would point to an increase in the proportion of Derby’s need directed outside the City boundary but elsewhere in the HMA where land is more available. Water Cycle Study The DLPP1 makes repeated reference through the main consultation document and the SA objectives relating to climate change adaptation and mitigation. However, the evidence base does not incorporate a Water Cycle Study. The purpose of such a study would be to inform the DLPP1 an assessment of the potential issues relating to future development within South Derbyshire and the impacts on water supply, wastewater collection and wastewater treatment. This should be required to assess the constraints and requirements on the water infrastructure that will arise from potential growth. New homes require the provision of clean water, safe disposal of wastewater and protection from flooding. The allocation of large numbers of new homes in certain locations may result in the capacity of existing available infrastructure being exceeded, a situation that could potentially cause service failures to water and wastewater customers, adverse impacts to the environment, or high costs for the upgrade of water and wastewater assets being passed on to the bill payers. In addition to increased housing demand, future climate change presents further challenges to pressures on the existing water infrastructure network, including increased intensive rainfall events and a higher frequency of drought events. Sustainable planning for water must now take this into account. The water cycle can be seen in the figure below and shows how the natural and man-made processes and systems interact to collect, store or transport water in the environment. The study may indicate the level of additional infrastructure needed to accommodate new growth and any upgrades requires to existing networks and wastewater treatment works. This study may point to a spatial growth option that differs from the present version. The study may recommend a water quality modelling exercise be undertaken to ensure that the environmental capacity of the catchment is not a constraint to growth. Strategic Land Visual Appraisals As part of the evidence base for the Strategic Allocations, it should be considered important to demonstrate that a ‘landscape led’ approach be taken to help inform and guide the proposals and the changes to the landscape as a result of development. A landscape led approach is fundamental to delivering sustainable development, as recognised by the Council in its desire to expand and enhance existing green wedges. Given the strategic nature of the proposals south of Derby City, and the early stage in the process, it is considered that a Strategic Landscape and Visual Appraisal (“SVLA”) is an appropriate level of assessment – which would then help to inform more detailed Landscape and Visual Impact Assessments further down the line when more detailed development proposals are being considered. In a collaborative approach, one methodology has been agreed between landscape consultants engaged for the different land interests and used in the carrying out of the SLVA work. Whilst individual land parcels are considered by different consultants, a common approach to the appraisal work allows for the various ‘chapters’ of the SLVA (one for each land interest) to come together to help inform a sensitive change of land use in the concept plan work. Extensive landscape assessment has been undertaken in respect of Thulston Fields and was considered overall to not have any landscape or visual reason why development at the Site would be unacceptable, and the Site is capable of being developed in line with the proposals. Statement(s) of Common Ground In accordance with the NPPF (paragraph 24), public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out above. This forms part of each local planning authority’s evidence for their respective emerging Local Plans. Therefore, Statements of Common Ground should be prepared to fulfil the duty to cooperate requirements in accordance with paragraph 27 of the NPPF and the section of the Planning Practice Guidance on Maintaining Effective Cooperation. | Noted.  Considerations for strategic growth are to be made before a Green Belt review is considered necessary in accordance with the NPPF.  Sustainability Appraisal work, undertaken at both an HMA and District-wide basis have concluded that there are sufficient sites outside of the Green Belt.  Additionally, the Growth Options Study assessed the merits of all applications, without using the Green Belt as a prohibition for consideration and made similar conclusions to other reports employed (including the HMA SA and the District’s interim SA) in evaluating potential strategic spatial strategies. Previous Authority Monitoring Reports and Housing Position Papers clearly demonstrate that the Council has a robust track record of housing delivery and maintains a 5-year land supply, a significant amount of allocated sites, (suitable, available and achievable) SHELAA sites as well as proposed strategic allocations outside of the Green Belt. The Council maintains that the exceptional circumstances required to undertake a full Green Belt review have not been met.  The Council acknowledges that it may be necessary to produce a Water Cycle Study, though Amber Valley cited the Derby Housing Market Area Water Cycle Study (2010) in their recent Local Plan examination.  The Derby City Capacity Study will be released by Derby City. It is not within the scope of South Derbyshire District Council to do so. However, the figures discussed in the report are referenced in Statement of Common Ground.  A Statement of Common Ground and Duty to Cooperate will be updated in accordance with Regulation 19 requirements.  Further site-specific landscape-related work may be required. However, existing evidence base work such as the Growth Options Study and Sustainability Appraisal work at both an HMA and District-wide have informed considerations such as implications on green wedges. The Derby A design review of the proposed strategic allocations has also assessed such opportunities and constraints. The Landscape Character of Derbyshire is still relevant in this regard.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| rg-p on behalf of Lovell Partnerships Ltd | 1243668 | Yes. | Noted. |
| Stantec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodville | 1242854 | Yes. | Noted. |
| Stantec on behalf of JSC Efarms LLP Boulton Moor  Stantec on behalf of JSC Efarms LLP London Rd  Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | 1243614  1243615  1244310 | Yes. A strategic flood risk assessment level 2 should be undertaken by the LPA, please refer to the attached letter for further details. | Noted. An SFRA level 1 is currently under production.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Trent and Dove Housing Association | 1243215 | Yes. Is there any other housing needs surveys or assessments that have been undertaken in the District, particularly rural areas, that would assist in identifying rural needs? | Noted.  Existing documents and evidence such as the Authority Monitoring Report, the Housing Position Paper, the SHELAA and the Settlement Growth Study provide further insight in this subject area  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Turley on behalf of Hallam Land Management | 1242865 | No. | Noted. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Members of the Public** |  |  |  |  |
|  |  |  |  |
| Ian Molyneux | 1233335 | I would want to see a thorough review of all potential options (I have mentioned Spondon, Borrowash and Belper but why not Swadlincote/Hartshorne - much bigger town/amenities/access roads - much better suited and why Mickleover was the clear 'winner' (or loser) | Noted.  Various evidence such as the interim Sustainability Appraisal have assessed disparate spatial strategy options. The edge of Derby has been determined as most sustainable for addressing Derby City’s unmet need.  Additional information is discussed in the HMA-wide SA and the Statement of Common Ground.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| David Warriner | 1237912 | It is surprising to have progressed so far through the 2nd phase of a consultation on the local plane with so much evidence still missing (re Local Plan Viability Assessment, Transport Assessments and the Habitats Regulations Assessments). This makes answering this question difficult. | Noted.  Such evidence will be undertaken as the Plan review progresses towards  Regulation 19. These documents are not required at the Regulation 18 consultation stage.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Margaret Holmes | 1241896 | None that I am aware of. | Noted. |
| Jim Froggatt | 1243552 | Don’t know. | Noted. |
| Jack O’Connor  Holly Robinson  Steve Wilson  Stuart Orr  Chris Munn  Harvey Heldreich  Sukhdev Bangar  Matt Hunt  Richard Larder  Lorna Hodgetts  Ian McHugh  Amardeep Bhopal  Rebecca Buckley  Sue Glover  Innes Mary  Andrew Lee  Sarah Glover  Donna Shacklock  Frazer Murphy  Andrea Thompson | 1232861  1232904  1232909  1232962  1233334  1233359  1235132  1235357  1236005  1240252  1240863  1240880  1241682  1241947  1241956  1241860  1241995  1241986 | No. | Noted. |
| Steve Wilson | 1232906 | No. All as above, but many it is so dangerous walking cycling around as there just too many cars. | Noted. |
| Matt Hunt | 1233743 | No. Put spades in the ground rather than wasting money on reviews and assessments. | Noted. |
| AYeomans | 1233824 | No. It is clear the plans for proposed housing in Mickleover have not been thought through or considered and no one who is proposing the plans can have any real understanding of the situation in Mickleover currently and what a negative impact any more housing will have. | Noted.  The proposed strategic allocations have been identified following consideration of various evidence base documents including, Interim Sustainability Appraisal (SA), the HMA-wide SA and the Growth Options Report. Further assessment will be undertaken including a design review and additional SA analysis.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Nick Pope | 1234080 | No. No idea. | Noted. |
| Michelle Garnham | 1234532 | No. No opinion | Noted. |
| Mr Brian J Harrison | 1238942 | No. Wholly pointless question as this will become a forced agenda. | Noted.  The proposed strategic allocations have been identified following consideration of various evidence base documents including, Interim Sustainability Appraisal (SA), the HMA-wide SA and the Growth Options Report. Further assessment will be undertaken including a design review and additional SA analysis.  Refer to the updated Local Development Scheme in March for further information on the publication of additional evidence documents. |
| Ian Turner | 1240150 | Some of these documents include far too much detail and some pander to special interest groups pushing for greater animal protection, rewilding and energy generation, policies that often conflict with more sensible policies that provide new homes for the increasing population of this district. Town and Country Planning should stick primarily to land use issues and use more common sense than has sometimes been the case in the past. | Noted.  The Local Plan review is required to consult a broad range of respondents and to consider all submissions made. |
| Graham Keith Sanders | 1241973 | Infrastructure (Doctors,Shops,Schools,Roads,Utilities) will not cope ! Councils inability to fulfill obligations (Refuse,Drains,Paths,Roads,Trees,Grass cutting) | Noted.  The proposed strategic allocations have been identified following consideration of various evidence base documents including, Interim Sustainability Appraisal (SA), the HMA-wide SA and the Growth Options Report. Further assessment will be undertaken including a design review and additional SA analysis.  Transport modelling and an at submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Further information will be specified in the updated Local Development Scheme in March. |
| George Selby | 1242119 | No. Nothing would change my view, this sites already constructed locally are more than enough for Mickleover to have played its part. | Noted.  The proposed strategic allocations have been identified following consideration of various evidence base documents including, Interim Sustainability Appraisal (SA), the HMA-wide SA and the Growth Options Report. Further assessment will be undertaken including a design review and additional SA analysis. |
| Angus Chan | 1232852 | Yes. SDDC Sustainability Assessment Report | Noted. The interim SA report was published with 6 weeks of the consultation period remaining, as is legally required. |
| Teri Licence | 1232857 | Yes | Noted. |
| Maureen Shenton | 1232922 | Yes. More studies n effects to local area need to be done instead of being rushed through on a blind siding policy | Noted.  The proposed strategic allocations have been identified following consideration of various evidence base documents including, Interim Sustainability Appraisal (SA), the HMA-wide SA and the Growth Options Report. Further assessment will be undertaken including a design review and additional SA analysis.  Transport modelling and at submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. Further information will be specified in the updated Local Development Scheme in March. |
| Leigh Fearon | 1232988 | Yes. I’ve been made aware some environmental papers have not been made available in an effort to rush forward. | Noted. The interim SA report was published with 6 weeks of the consultation period remaining, as is legally required. |
| Mariah Senaa | 1233131 | Yes, I believe additional evidence base documents are necessary to ensure a comprehensive review of the Local Plan Part 1. The following areas need further exploration:  1. Detailed Infrastructure Impact Assessments – While transport assessments are noted as forthcoming, a broader infrastructure impact assessment should be included. This should cover not only transport but also the capacity of local schools, healthcare facilities, and utilities (water, energy, waste management). Given the scale of development proposed, it is essential to understand how the infrastructure will cope with increased demand. 2. Environmental Impact Assessments – More comprehensive environmental impact assessments, beyond the Habitats Regulations Assessments, are needed. This should cover air quality, biodiversity, and the potential for soil and water pollution, particularly considering the environmental impact of the developments proposed near sensitive areas like The Hollow. 3. Flood Risk Mitigation Strategies – Given the acknowledgment of flood risk in the plan, a more detailed and location-specific flood risk mitigation strategy should be developed for areas prone to flooding. This is particularly crucial for developments planned near The Hollow, which may exacerbate existing risks. 4. Community Impact Assessments – Assessments focusing on the social impact of these large-scale developments on existing communities are needed. This would cover changes in community dynamics, access to green spaces, noise pollution, and the potential loss of local identity due to the influx of new residents. 5. Climate Resilience Strategies – With the climate emergency in mind, it would be beneficial to have a dedicated assessment focusing on how the developments will be designed to cope with future climate impacts, such as higher temperatures, flooding, and drought. This should detail specific resilience measures for both housing and infrastructure.  Incorporating these additional documents would provide a more holistic understanding of the long-term impacts of the proposed developments and ensure that the plan is both sustainable and considerate of existing communities. | Noted.  At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  As is required by law, the Sustainability Appraisal will be progressed as well as the Habitats Regulations Assessments. EIA may be sought on a site-by-site basis where appropriate.  The Strategic Flood Risk Assessment Level 1 is being prepared.  Community-related impacts, climate resilience and pollution are considered within the Sustainability Appraisal process. Further work including the Playing Pitches Strategy and open space provision across the proposed strategic allocations will be considered further.  County-led work such as the Local Nature Recovery Strategy will also build upon existing evidence such as the Derbyshire Spatial Energy Study.  Further information regarding additional evidence gathering for the Plan will be specified in the updated Local Development Scheme in March. |
| Russell Licence | 1233241 | Yes. I would like to see an exhaustive list of brownfield sites that could instead be redeveloped to meet the dwelling targets, and legitimate reasons why green belt sites such as Mickleover and Infinity are better options | Noted. There is a District-wide Brownfield Land Register available on the Council’s website. |
| Ian Fox | 1234311 | Yes. The data gathering is not complete and major decisions are being attempted without all the relevant information being available, in some cases data gathering not started ,therefore the full picture is not available. The plan is flawed and should be stopped. | Noted.  The proposed strategic allocations have been identified following consideration of various evidence base documents including, Interim Sustainability Appraisal (SA), the HMA-wide SA and the Growth Options Report. Further assessment will be undertaken including a design review and additional SA analysis.  Transport modelling and at submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. Further information will be specified in the updated Local Development Scheme in March. |
| Gerald Arthur Bowker | 1235279 | Yes. National planning policy results must be complete and binding to this process. The future of the A38 Derby junction upgrade must be known prior to this process being completed. | Noted.  Due regards is being given to the 2024 NPPF, having regard to the March 2025 Pre-Submission publication deadline.  Infrastructure Delivery Plan and transport modelling will address such issues as the A38 junction scheme. |
| Geoff Lewins | 1235316 | Yes. GP surgery provision Transport requirements School requirements Parking | Noted. Such provisions and requirements will be assessed further by evidence such as the Infrastructure Delivery Plan, transport-modeling and further engagement with stakeholders. |
| Andrew Norman | 1235411 | Yes. The Transport Assessment is critical to determine the effect on the already congested roads in the corridor immediately surrounding the A38. Congestion (and not just at peak hours) is a major issue at the three junctions within Derby and this factor should not be disregarded in this consultation. | Noted. Such provisions and requirements will be assessed further by evidence such as the Infrastructure Delivery Plan, transport-modelling and further engagement with stakeholders. |
| Alan Dixon | 1236474 | Yes. The Sustainability Assessment report critical for validating housing and gypsy and traveller site choices was not published until after the consultation began, which undermines the process. | Noted. The interim SA report was published with 6 weeks of the consultation period remaining, as is legally required. |
| Fiona Bevington | 1238115 | Yes. Secondary education provision. | Noted. Such provisions and requirements will be assessed further by evidence such as the Infrastructure Delivery Plan and further engagement with stakeholders. |
| Clare Wood | 1238657 | Yes. Evidence of the number of empty properties and those being used as Airbnbs. Evidence of the wildlife habitats that will be destroyed as a result of the new developments. Evidence of the increase in pollution and the likely impacts on health. Evidence of the increase in traffic in the short-term ie before any amenities are built | Noted. The Local Housing Needs Assessment provides evidence relating to housing needs requirements having considered all relevant information.  Appraisal as well as the Habitats Regulations Assessments, will address environmental concerns.  Transport-modelling will be used to identify potential transport impacts and any necessary mitigation. |
| Stephen Alcock | 1241058 | Yes. Staker lane is used by anybody in mickleover who needs to travel south on A38.Traffic flow data at peak times down Staker Lane, the Hollow and Brierfield Way , plus a projected impact once all current development are completed, which will add far more traffic than we already have today. Parents picking up children from Brookfield Primary create a bottleneck around 3-30 pm, and the area is always very busy and congested between 4.30 and 5.45. These are the times to conduct realistic traffic surveys. | Noted.  Transport-modelling will be used to identify potential transport impacts and any necessary mitigation. |
| Jonathan Watson | 1241240 | Yes. A proper effective survey of the residents of the affected areas. Something like a decent census document. | Noted.  The proposed strategic allocations have been identified following consideration of various evidence base documents including, Interim Sustainability Appraisal (SA), the HMA-wide SA and the Growth Options Report. Further assessment will be undertaken including a design review and additional SA analysis. |
| Amy Simes | 1241473 | Yes | Noted. |
| John Moore | 1241686 | Yes. Flood risk assessments; impact of significant changes to surface water drainage and new areas where water will inevitably collect. Flood water regularly collects on Staker Lane with standing water evident on many surrounding fields. | Noted.  A Strategic Flood Risk Assessment Level 1 is currently being produced. |
| Julie Craig | 1241728 | Yes. Environmental surveys will be required to ensure that endangered species are not adversely affected, flood plains are maintained and not built on and that there are realistic alternatives available to cars usage (not 1 bus an hour from over 1/2 a mile away down unlit streets with minimal pavements. | Noted.  A Strategic Flood Risk Assessment Level 1 is currently being produced.  Further environmental work, including in relaation to Biodiversity Net Gain, will be considered at the planning application stage.  At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Transport-modelling will be used to identify potential transport impacts and any necessary mitigation. |
| Joanna Ayres | 1241773 | Yes. A study of all brownfield land that could be suitable for housing development. | Noted. There is a District-wide Brownfield Land Register available on the Council’s website. |
| Edward Stupple | 1241890 | Yes. Very limited information on many aspects on infrastructure particularly roads and public transport | Noted. At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Transport-modelling will be used to identify potential transport impacts and any necessary mitigation. |
| Nigel Bentley | 1241910 | Yes. See comments from Mickleover councillors as to the things SDDC hasn’t done…… | Noted. |
| David Stockwell | 1241955 | Yes. Evidence of infrastucture developments / plans (such as A38 improvements, secondary school projected on-role provision) prior to development approval | Noted.  At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Transport-modelling will be used to identify potential transport impacts and any necessary mitigation. |
| Paul Hopkin | 1241975 | Yes. Stop trying to make a quick decision. Do the correct due diligence and consider the impact on the existing communities and infrastructure. How can you be trying to make a policy decision when by your own admission in the question the evidence is incomplete. it may not be illegal but its totally immoral. | Noted.  The proposed strategic allocations have been identified following consideration of various evidence base documents including, Interim Sustainability Appraisal (SA), the HMA-wide SA and the Growth Options Report. Further assessment will be undertaken including a design review and additional SA analysis.  At submission, an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered, will be provided for the Local Plan.  Transport-modelling will be used to identify potential transport impacts and any necessary mitigation.  Further information will be specified in the updated Local Development Scheme in March. |
| R Coxon | 1241989 | Yes. Statistics regarding capacity of current provisions such as GP and schools and figures demonstrating that they are already at capacity should be considered. | Noted.  At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. |
| Alan Mercer Jones | 1241993 | Yes. Information on promoting biodiversity on Solar Farm sites; Solar Energy UK Briefing - Promoting pollinators on solar farms - May 2024 Environ. Res. Lett. 19 (2024) 014053 - If you build it, will they come? Insect community responses to habitat establishment at solar energy facilities in Minnesota, USA - Leroy J Walston, Heidi M Hartmann, Laura Fox, Jordan Macknick, James McCall, Jake Janski and Lauren Jenkins | Noted.  The promotion of biodiversity on solar farm sites will be supported by policy wherever appropriate, as determined by the NPPF. Mandatory Biodiversity Net Gain will be implemented and assessed on a site-by-site basis. |
| Susan Marshall | 1242052 | Yes. The evidence base should include the results of the previous consultation stage and a summary of the changes made to address the issues raised. Reasons should also be given where suggestions were not followed up. | Noted. The summary of the Issues and Options 2022 Regulation 18 consultation is available on the Council’s website. |
| Samantha Furniss | 1242130 | Yes | Noted. |
| Matt Coxon | 1242135 | Yes. Assessment of current doctor surgeries subscriptions and average wait times Assessment of current dental surgeries subscriptions and current wait times Assessment of local schools and how many people apply compared to places available traffic monitoring on local traffic routes | Noted.  At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. |
| Tiran Sahota | 1242138 | Yes. Evidence that the local services and infrastructure can cope with the increased demand because from what I can see, they are currently massively overstretched. Also, evidence that the increased pollution from the increased volume of traffic in the area won't harm people's health. Evidence that the main routes into Derby City Centre can manage the increase in traffic without having an impact on other areas in Derby and areas near the Derby city border. | Noted.  At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Transport-modelling will be used to identify potential transport impacts and any necessary mitigation. |
| Tracy and Gordon Harrison | 1242325 | Yes. I’d like to see a full list of brownfield sites (identified and potential) that could be redevelopment and the potential gains. I’d also like more visibility of the sites already under country side EV1 policy, what is being done to secure environmental growth, money granted to them and the benefits realised. | Noted. There is a District-wide Brownfield Land Register available on the Council’s website.  The adopted and emerging Local Plans do not contain a policy EV1. The Authority Monitoring Report, published annually, includes environmental performance indicators. |
| Christine Allen | 1243592 | A flooding assessment. Stenson floods. Barrow on Trent floods. Willington floods. Ingleby floods. Twyford floods, which all affects local networks. | Noted.  A Strategic Flood Risk Assessment Level 1 is being produced. |

# Question 11: Do you agree with the content and extent of the existing evidence base?

|  |  |
| --- | --- |
| **97 consultees responded to Question 11** | |
| Duty to Cooperate Body / Statutory Consultee | 2 |
| National Organisation | 1 |
| Regional Organisation | 1 |
| Parish Council and other Community Group | 9 |
| Councillor | 0 |
| Landowner or Developer | 23 |
| Members of the public | 63 |

|  |  |  |  |
| --- | --- | --- | --- |
| **Respondent name** | **ID number** | **Summary of Main issues raised** | **Council response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | |
| Sport England | 1243643 | Sport England consider that a Built Facilities Strategy and a Playing Pitch Strategy should be both carried out in full and included in this section in accordance with paragraph 102 of the NPPF. | Noted. The Council is currently updating its Built Facilities Strategy and Playing Pitch Strategy. |
| Natural England | 1129648 | Yes. Natural England look forward to receiving the latest iteration of the Habitats Regulations Assessment for consideration. | Noted. An HRA will be undertaken in accordance with Plan-making requirements. |
|  | | | |
| British Horse Society | 1235628 | No. More consideration required to the impact on vulnerable road users and the affect of the changes to the Highway Code. | Noted. The highway’s authority is consulted at each stage of the Local Plan review process. |
|  | | | |
| Derbyshire Association of Local Councils | 1242640 | Yes. | Noted. |
| **Parish Council and other Community Group** | | | |
| Castle Gresley Parish Council | 1239943 | Yes. | Noted. |
| Egginton Parish Council | 1242585 | No – for the reasons given above. In particular, the Derby City unmet needs underpins the strategic choices, but no supporting evidence has been provided – no capacity report and no evidence of the negotiation undertaken to support the numbers accepted by SDDC | Noted.  The timing of the publication of Derby’s housing capacity evidence is at the discretion of Derby City Council. The details of negotiation undertaken to support the numbers accepted by SDDC is set out in the minutes of the Derby Housing Market Area Joint Advisory Board available to view on the Derbyshire County Council website.  Extensive HMA work has been undertaken between SDDC and its HMA partners. Such engagement has informed the HMA-wide Sustainability Appraisal, the Growth Options Study, and other workstreams. Additional evidence such as a Design Review has been undertaken since the consultation and further work such as the Infrastructure Delivery Plan will be produced.  Further specifics regarding additional evidence gathering will be provided in the updated Local Development Scheme, which will be available by March. |
| Etwall Parish Council | 1244412 | As noted in other questions, in our opinion, the Derby HMA pushes too many houses to South Derbyshire. | Noted.  Extensive HMA work has been undertaken between SDDC and its HMA partners. Such engagement has informed the HMA-wide Sustainability Appraisal, the Growth Options Study and other workstreams. Additional evidence such as a Design Review has been undertaken since the consultation and further work such as the Infrastructure Delivery Plan will be produced.  Further specifics regarding additional evidence gathering will be provided in the updated Local Development Scheme, which will be available by March. |
| Repton Parish Council | 1236404 | No. Repton Parish Council response to SDDC Local Plan Consultation November 2024 The Repton Parish Council (RPC) wishes to support the new SDDC Local Plan and makes the following points to ensure that the revised Local Plan meets the requirements of the Parish. 1. The first comment is that the new SDDC Local Plan Part 1, out for consultation, does not contain any reference to the Neighbourhood Development Plans (NDP) that are currently in place and being undertaken in the District and their involvement in the Planning process. This is particularly important since the policies in an NDP take precedence over existing non-strategic policies in a local plan covering the neighbourhood area where they are in conflict. 2. The second concern is in section 6.8 explanation to the Local Plan Policy H1. This section states the settlement boundaries will be refreshed in the next phase of the plan making. This process is undefined in the context of any timescales or scale. The Parish Council would like to see the approach and methodology to be used in this process. It should be noted that the Repton and Milton NDP is quite explicit on the need for the two settlements to be separate from each other to retain their own different characters and forms a guiding principle in the NDP. 3. The Policy H1, Section 5, Rural Areas does not contain all the requirements of the existing Local Plan Part 2 Policy BNE5, nor contains a reference to Policy BNE5. It should be noted that the Repton and Milton NDP Policy H1 has a specific reference to Policy BNE5. 4. The RPC would propose that INF3 (Freeport) should include a criteria that states that transport developments in the area should take note of the impact of the Freeport to minimise workers traffic on nearby rural settlements, not just HGVs. 5. INF3 should also include the potential cycle link between Repton and Willington, as part of the Freeport infrastructure requirements (Repton and Milton NDP Policy T2) and in support of the Local Plan Policy BNE1 (Active Travel). 6. INF4 (Transport) should acknowledge the impact of the development of the Freeport (INF3) and under section C include the need to minimise the effect of workers journeys and traffic on nearby rural settlements on any major development. 7. The Swarkstone Bridge Bypass mentioned in INF4 would have a major effect on the level of traffic through the parish. We propose that this should be included as part of the Freeport infrastructure requirements due to the Freeport’s effect on the area’s transport, both HGV and employees. 8. It is noted that the map for INF3 Freeport Interchange has managed to convert the current railway track to the A5132. It is assumed that this is a mistake rather than a major policy change. The above comments relate to the Local Plan Part 1 out for consultation. A major concern is the potential impact of the NPPF that is currently being updated and how the SDDC Local Plan process could be impacted by this on timescales and more importantly on the consultation process. The Repton and Milton Parish Council also requests that a meeting of the relevant people in the RPC and SDDC is set up to understand the potential implications of the NPPF that is currently being updated, to discuss its link to the Repton and Milton Neighbourhood Development Plan (NDP), to ensure the NDP remains relevant. | Noted.  Additional reference will be made to NDPs.  The Council acknowledges the importance of local communities’ contribution to planning policy.  A refresh of the settlement boundaries will be undertaken as part of the review of Policies contained in the Local Plan Part 2. The Settlement Boundary refresh will be undertaken in line with a methodology established within a Topic Paper and each settlement boundary will be assessed against the same criteria.  It is acknowledged that Policy H1 is an adopted Local Plan Part 1 policy, however the District Council is not intending to update the Hierarchy within this Local Plan Review.    The Local Plan Part 1 Review is proposing strategic allocations only as well as carrying forward Adopted Local Plan Part 1 allocations. The Local Plan Part 1 Review is updating strategic policies and helps address Derby City’s unmet need. The evidence collected shows that Derby City’s unmet need is best placed at the edge of the city.  The two mixed use strategic allocations are proposed at the edge of Derby City.    The Settlement Hierarchy has been reviewed and the Urban Areas (including the urban areas adjoining Derby) are at the top of the hierarchy, which is in line with the proposed strategy.    Any amendments to other tiers of the Hierarchy will be addressed as part of a comprehensive review of the Local Plan  1. It is accepted that, by way of context, a reference to neighbourhood plans would be appropriate.    2. The methodology to be used in reviewing the settlement boundaries will be determined as part of the review of the Part 2 Local Plan policies and will be published.    3. Policy BNE5, contained within the adopted Part 2 Local Plan, will be addressed as part of the review of that document. In the meantime, the existing policy will continue to be applied.    4. It is agreed that a reference to highway impacts should be included in Policy INF3 as follows:    “C ii) there shall be no undue amenity **or**, safety ***or highway*** impacts including noise, vibration, odours, light pollution and traffic generation; and    5.  A cycle path connection between Willington and Repton is included in the Councils Cycle Network Supplementary Planning Document, adopted in 2024, as part of the proposed Local Cycle Network.    6. Developer funding of new off-site transport infrastructure to be provided to support a strategic rail freight interchange at this location will be considered as part of the Development Consent Order process.  The relevant parties are aware of the cycle network proposals for the District, although contributions toward particular elements of this will need to be justified using clear evidence of their potential to mitigate transport impacts.    7. As referred to in response to point 6, developer funding of new off-site transport infrastructure needed to support a strategic rail freight interchange at this location will be considered as part of the Development Consent Order process.  Any new highway infrastructure to be provided in this way will need to be justified using clear evidence of its potential to mitigate transport impacts.    8. This observation is correct and INF3 plan can be amended to address this error.    Para 234 of the new National Planning Policy Framework (NPPF), published in December 2024, states that the policies in that version of the NPPF will not apply where emerging Local Plans are published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 on or before 12 March, 2025 and its draft housing requirement meets at least 80% of local need.  The District Council intends that these criteria should be met.  The request for a meeting concerning the new NPPF is noted and will be addressed as a separate matter to the production of the emerging Local Plan. |
| Hilton Parish Council | 1238750 | No. The AECOM study already feels out of date having been written during Covid. The Employment Land Review is at least more up to date but has such dramatically varied output from the various models used that one wonders about its usefulness, especially given that there is already a surplus of employment land within South Derbyshire. The Derby and South Derbyshire Local Housing Needs Assessment is fundamentally driven by the Standard Method. This has been questioned in the past but all the time it is mandated then those areas that built a lot in the past will continue to build a lot and vice-versa. Such a method does not reflect how the real need will develop based on natural population growth, immigration and new employment opportunities. | Noted.  The Growth Options Study (2021) is considered up-to-date, however, further employment-related evidence gathering has been undertaken such as the Derby and South Derbyshire Employment Land Review.  The National Planning Policy Framework expects strategic policy-making authorities to follow the standard method in this guidance for assessing local housing need. The standard method identifies a minimum annual housing need figure, and ensures that plan-making is informed by an unconstrained assessment of the number of homes needed in an area. |
| Rosliston Parish Council | 1241376 | No. Regardless of a housing need, infrastructure and suitability of highways is not addressed. The cumulative effect does not seem to be considered of highways at breaking point. | Noted.  In addition to work such as the HMA and District-wide Sustainability Appraisals, the highways’ authority is consulted at each stage of the Local Plan review in order to determine local and regional transport implications. District-wide transport modelling will be undertaken to identify potential impacts and any mitigation measures.  At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Further specifics regarding additional evidence gathering will be  Provided in the updated Local Development Scheme, which will be available by March. |
| Weston on Trent Parish Council | 1242402 | No. Based on the answer to Question 10. We see no evidence that Weston Parish Council’s response to the previous Issues & Options consultation has been considered. | Noted.  All submissions to the Issues and Options were assessed. A summary of responses available online on the Council’s website. |
| Melbourne Civic Society | 1243158 | No. Nothing on agriculture and the food industry | Noted. Various potential impacts on greenfield land have been assessed in numerous evidence-gathering reports such as the HMA and District-wide Sustainability Appraisals.  No objections have been made to the interim SA report from the consultation bodies (the Environment Agency, Natural England and Historic England).  Further specifics regarding additional evidence gathering will be provided in the updated Local Development Scheme, which will be available by March. |
| SAVE (Save Aston & Weston Village Environment) | 1243603 | No.  See the answer to Question 10: The evidence base should include the results of the previous consultation stage and a summary of the changes made to address the issues raised. Reasons should also be given where suggestions were not followed up. | Noted.  Refer to the response to Question 10.  All submissions to the Issues and Options were assessed. A summary of responses available online on the Council’s website |
|  | | | |
| Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | 1242615 | Strategic Housing Land Availability Assessment Summary The Strategic Housing Land Availability Assessment Summary (SHELAA) supporting the draft Local Plan includes an assessment of parcels promoted on behalf of our client, being SHELAA site references 158, 210, 228, and 229, all of which are assessed as being ‘suitable’; ‘available’ and ‘achievable’ which we agree with. It is also noted that these parcels are assessed as coming forward between years 6-10 of the plan period, which we do not look to disagree with at this stage.  However, as per our response to Question 7, the extent of the site boundary for strategic allocation STRA 2: Land South of Mickleover does not encompass all the land parcels promoted by our client. For example, the full extent of site reference 158 has not been included as part of the allocation boundary but is reported to be available in the SHELAA assessment. It is therefore unclear as to why the full extent of site reference 158 has not been included within the extent of the allocation.  The following land parcels have also been promoted but do not form part of strategic allocation STRA2, and should be reconsidered by the authority as these parcels also provide an opportunity to bring forward additional land to support the aspirations of the proposed strategic allocation: • SHELAA Site Reference 153 – White Haven (Sekhon) (previously known as ‘Fogg’) • SHELAA Site Reference 154 – Frankling (Liberty Farm) • SHELAA Site Reference 155 – Gould • SHELAA Site Reference 156 – Grey • SHELAA Site Reference 159 – New Range Farm  The omitted land parcels above are all assessed by the authority as being ‘suitable’; ‘available’ and ‘achievable’, and developable between years 6-10 of the plan period. On this basis, we recommend that the Council gives these parcels further consideration for inclusion in the extent of the site boundary for proposed allocation STRA2. These additional parcels will continue to support the creation of an urban extension on a non-Green Belt site situated on the edge of Derby City and therefore their inclusion would not undermine the policy aspirations for strategic allocation STRA2.  For completeness, please find enclosed at Appendix B of this Questionnaire a plan showing the extent of all the land parcels which have been submitted to the authority for consideration on behalf of our client. Derby HMA Sustainability Appraisal (HMA SA)  We agree with the content of the HMA SA but do have comments as set out below. Overall, the HMA SA shows collaborative working between the Derby HMA authorities to address Derby City’s unmet need, which is welcomed, albeit it is noted that this work may be subject to further review depending on the outcome/timescale associated with any subsequent publication of the draft NPPF. At this present time however, we have reviewed the HMA SA in the context of where national planning policy is currently and comment as follows.  In terms of the scale options assessed, the following are identified within the HMA SA: • Scale 1: Standard method in full (including 35%); 36,584 dwellings across the Derby HMA. o This option is noted. It applies the minimum requirement.  • Scale 2: Standard method (no 35% uplift); 31,008 dwellings across the Derby HMA o This option is noted and is considered a reasonable alternative, being consistent with the draft NPPF whereby the proposed changes to the Standard Method approach would see the removal of the ‘35% uplift’.  • Scale 3: Standard method 1-3 (no 35% uplift) + 10% 34,109 dwellings across the Derby HMA. o Whilst this option is noted, it is not clear why a 10% uplift figure has been chosen and clarification for this should be provided.  With regard to the scale options above, it is noted that consideration had also been given to a higher growth option than Scale 1. However, this was discounted as a ‘reasonable alternative’ on the basis that Scale 1 already includes the ‘cities and urban centres’ 35% uplift forming part of the Standard Method approach which cannot be met by Derby City. We agree with the principle of this approach as it would be unreasonable at this time to assess a higher scale option in the circumstance that the 35% uplift required through the current Standard Method approach cannot be accommodated.  In terms of the distribution options assessed, it is noted that a range of alternative options have been considered under four main approaches (D1-D4) and within each, a range of apportionment options between Amber Valley and South Derbyshire have been considered. All the options are reported as reasonable alternatives for consideration, noting, as does the HMA SA on page 14, that some options may be difficult to deliver because of the lack of suitable sites with capacity.  The HMA SA details how the options assessment has been informed by the Derby Growth Options Study, which includes four ‘Broad Areas of Search’ identified as ‘Suitable Area for Strategic Growth’.  The Growth Options Study is also noted to review further areas as ‘Potential Areas for Strategic Growth’, with reference to these on Figure 3 within the HMA SA as ‘less suitable areas for strategic growth’, noted to be primarily outside of the ‘indicative Derby urban fringe’. All the distribution options in the HMA SA include the urban fringe to a greater or lesser extent. Overall, we agree that the distribution of growth should be within the ‘Urban Fringe’ areas.  With regards to the overall conclusions for distribution of growth options, it is noted that the HMA SA outlines the following, which we agree with: “The study concludes that the distribution options which perform most positively are those which distribute the Derby unmet need to the Urban Fringe areas (S1\_D4A-E, S2\_D2A-E and S3\_D4A-E), with an apportionment between AVBC and SDDC. Development in the SDDC urban Fringe performs more positively than development in the AVBC Urban Frige for sustainable transport as there is higher potential for transport infrastructure improvements and more existing routes into Derby…”. [Source: Chapter 7, Derby HMA Sustainability Appraisal, dated September 2024, Page 43]  As a final point, the HMA SA is also noted to refer to the widespread ‘Nutrient Neutrality’ issue, and this having an impact on the River Mease Special Area of Conservation, which passes through South Derbyshire. As this is a widespread issue for a number of authorities and subject of national interest, we consider that Local Plans should seek to address these issues strategically and this should not be seen as a reason for reducing housing figures. | Noted.  Please refer to the relevant responses to the appropriate questions such as Question 7, 12 and 13 for further information.  The SHELAA sites referenced remain under consideration and have been considered in the design review.  The Nutrient Neutrality issue affecting the River Mease is approached on a strategic level through cross-District working groups, Natural England have no objections in principle to the policies and sites in the Local Plan and the River Mease issue is not used as a means to reduce housing provision figures in this Local Plan. |
| CBRE on behalf of Labcorp | 1244437 | There are discrepancies between the quantum of self and custom housebuilding plots identified as required in the Derby LHNA for South Derbyshire, and how this is subsequently reflected in the Local Plan Part 1 review. Whilst there is no specific quantum identified as there is in the Local Plan, the Derby LHNA encourages support of the delivery of self-build and custom house-build sites, if it is consistent with other planning policies (Supporting text paragraph 1.84). The evidence base in this instance is not consistent with the policies and should therefore be reviewed.  The Derby Sustainability Appraisal of Housing supports varying percentages of affordable housing provision depending on the location of a proposed development, and comments on the current guidelines of 30% in SDDC (Section 3.2). This evidence base document supports flexibility in the different quantum of affordable housing provided, consistent with the infrastructure and contemporary uses surrounding development, of which the Local Plan Part 1 review does not support this type of flexibility (Section 4.3.1.1).  Within either of the identified evidence base documents, there is no mention about a 25no. dwelling limit for land adjacent to settlements, so we question the source and justification for this requirement and suggest it to be reconsidered. | Noted.  The self and custom build housing need calculations have been updated to incorporate the most recent monitoring period.  This shows that since the introduction of the self and custom build housing register in 2015 a total of 116 new entries for persons seeking individual plots were added, representing a total of 12.88 per year.  On this basis the need for planning permissions for serviced plots, including those needed over the remaining 17 years of the plan period to 2041, can be calculated as follows:    116 + (12.88 x 17) = 335    A large proportion of the Local Plan housing requirement is accounted for by sites that already have planning permission or are the subject of current applications, thus limiting opportunities to secure suitable provision on new housing sites.  Taking account of the extent of forecast delivery from the strategic sites STRA 1 and STRA2 during the plan period, it has been concluded that the target for self and custom plot provision should be reduced from 15% to 10%.  As per the published draft policy, this would be subject to viability testing.  It is therefore proposed to reword the first sentence of Policy H20 Part E ii) as follows:    “Sites of 30 or more homes should make provision for 10% of housing capacity to be for serviced plots for self and custom housebuilding.”  Affordable housing requirements will be assessed further through plan-wide viability testing.  The 25 number dwelling limit for land adjacent to settlements is a quantum brought forward from the adopted Local Plan and was assessed during its evidence gathering and examination.  Noted. Please refer to the responses to the appropriate questions such as Question 9 and Question 13. |
| CBRE Ltd on behalf of Land Project UK (LPUK) | 1243582 | No.  No. Please see our response to Question 10. We also have the following observations regarding the Employment Land Review (2023). - LPUK are encouraged that all forecasts expect growth in employment across South Derbyshire over the plan period. This confirms that future demand will remain. - LPUK would recommend that the Employment Land Review Is updated to take into account the latest ONS population forecasts (eg 2024). - LPUK agree the A50 Corridor (where LPUK’s site is located) is a focus for logistics interest, especially third-party logistics. - LPUK agree that there is a need for Mid Box (2,800-9,300 sqm) units, with supply shortages of all types and sizes, especially freehold options | Noted.  The Employment Land Review is a recent document, published in 2023, and is sufficiently up to date to provide evidence to inform this Local Plan.  Please refer to the appropriate response to Question 10. |
| Define Planning & Design on behalf of Bloor Homes | 1130819 | No.  The evidence base includes the ‘Derby Housing Market Area Growth Options Study – August 2021’. This is referred to in the Interim Sustainability Appraisal as having identified the most sustainable option to meet the housing need required. The conclusions of this study in relation to BHL’s site at ‘Land West of Castle Gresley’ (the site) are inaccurate and misleading. The broad area of growth included the site, Harworth land to the north but also a significant area to the north east of the site. In concluding the area is unsuitable for strategic growth it states: “Land east of the A444 and north of the A514 is currently being used as a golf course and country park and is no therefore suitable for strategic growth. The western section of the area of search is constrained due to its steep slope and the risk of coalescence with Burton-upon-Trent. Furthermore, there is a risk of perceived sprawl of Swadlincote beyond the A444 corridor, which forms the natural boundary. Therefore, the west of the search area is not recommended as an urban extension. The residual land leftover that is potentially developable would not be capable of supporting a strategic level of growth”. Clearly the first sentence is not relevant to the site. In relation to the remainder, the submitted Vision Document demonstrates that a strong scheme could be provided to develop the site with the potential to also work with Harworth, who are promoting the land to the north, to deliver strategic development to help meet unmet housing needs. Further, it shows that due to existing constraints, namely the railway line, and through a strong landscaping scheme, strong site boundaries could be formed to provide a clear limit to urban development and strengthen the function of the Green Belt which separates the site from Burton-upon-Trent. 10 The development of the site would not extend beyond existing urban development to the east, with existing development bounding the site to the east and south. Other constraints suggested in the report, such as active travel connections, could be addressed through the development of the site and appropriate mitigation. As such, the site should not be discounted from consideration as a site allocation on this basis and relevant reports should be updated to include an assessment of the site. | Noted.  The strategic allocations proposed in the draft Plan have been selected following an extensive evidence gathering process, including the HMA-wide SA, the Growth Options Study and the Interim SA.  It was established that in response to meeting Derby City’s unmet housing need, the most appropriate potential areas of growth were located in the Derby fringe, and not proximate to Swadlincote.  Additional work has been undertaken in this regard since the consultation period, including a Design Review.  Further evidence such as an up-to-date Infrastructure Delivery Plan, transport-modeling and viability testing will be produced in order to further assess the proposed allocations.  More information regarding additional evidence gathering will be  provided in the updated Local Development Scheme, which will be available by March |
| Deloitte on behalf of Church Commissioners for England | 1130921 | 12.1. Background 12.1.1. The Commissioners agree with the need for Local Plan’s to be supported by a “robust and wide-ranging technical evidence base” and consider that SDDC should ensure that the Local Plan Part 1 Review be aligned to this. 12.1.2. In response to the SDDC Issues and Options Regulation 18 consultation (2022), the Commissioners noted their support for the suite of documents noted within the Sustainability Appraisal Draft Scoping Report (October 2022) and their role in informing further iterations of the Local Plan within the Plan making period. However, the Commissioners considered that additional background papers and updates should be made to this prospective evidence base to ensure that the emerging Local Plan is sound; specifically drawing attention to a large number of outdated evidence base documents noted within the Sustainability Appraisal Draft Scoping Report, with some being over 10 years old. 12.1.3. The Commissioners recommended all evidence base documents within Table B of the Sustainability Appraisal Draft Scoping Report (October 2022) be updated to ensure the plan is representative of the plan period as well as to ensure the soundness of the plan. 12.1.4. Within this, the Commissioners noted specifically that the Infrastructure Development Plan (completed 2020) should be updated to align with new allocations to be agreed in the emerging Local Plan process, this is increasingly important considering the large-scale strategic allocations proposed within the Local Plan Part 1 Review, which have been identified to assist in meeting South Derbyshire’s unmet housing need. In addition, the South Derbyshire Infrastructure Delivery Plan (completed 2019) should be updated to ensure alignment with new infrastructure required to support the growth of the district brough about by the new Local Plan, again increasingly important when considering the viability and deliverability of the strategic sites proposed within the Local Plan Part 1 Review. 12.1.5. In response to these considerations, SDDC concluded that a review of all existing completed evidence base documents would be undertaken to establish whether updates are required. Furthermore, SDDC noted that the Local Plan would be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. 12.2. South Derbyshire Local Plan Sustainability Appraisal (October 2024) and Appendix 4 of the Draft Local Plan Part 1 Review (October 2024) 12.2.1. The Commissioners support the intention of SDDC to “update their evidence base as required prior to submission of the Local Plan Part 1 Review”, however suggest that SDDC ensure that they are satisfied that these documents provide appropriate and relevant information in order to accurately support the updated policies and strategic allocations within the Local Plan Part 1 Review. Furthermore, the Commissioners suggest that SDDC ensure that the documents listed in Appendix 4 of the Draft Local Plan Part 1 Review provide a robust justification that underpins the both the updated policies but also the viability and deliverability of the strategic allocations STRA1, STRA2, STRA3, and ultimately ensures the soundness of the plan. 12.2.2. Given the above, the Commissioners are supportive of the Derby and South Derbyshire Local Housing Needs Assessment (December 2023) that has been undertaken to support the Local Plan Part 1 Review. However, do note that the Infrastructure Development Plan update, Design Review for updated plan’s strategic allocations, Local Plan Viability Assessment and Housing Implementation Strategy are all still to be completed as of this consultation. In order for the Local Plan to be considered consistent with National Policy, notably paragraph 31 of the NPPF, “the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals”. At this time, the Commissioners consider that further robust evidence, as noted above, should be prepared, in order to adequately support the updated within the Local Plan Part 1. 12.2.3. As noted above, the Commissioners consider an update to the Infrastructure Development Plan to be integratal to the evidence base, especially when considering the recent addition of large-scale strategic allocations within the Local Plan Part 1 Review. The Commissioners stress that the evidence base should provide data to support the delivery and viability and therefore, SDDC should ensure that the Infrastructure Development Plan is completed with due consideration for the strategic allocations. This is increasingly important when considering the strategy for meeting the Derby City’s unmet housing need is focussed on the successful delivery of these large-scale strategic allocations. Within paragraph 10.2 of the Local Plan Part 1 Review, it is noted that the “scale of development allocated in the Local Plan necessitates improvements to local physical, social or green infrastructure. Previous consultation on the Local Plan (Issues and Options Consultation) highlighted local concern about the capacity of local infrastructure to accommodate large scale growth. The main concerns raised tend to reflect the effect new development will have on an already stretched road network, the capacity of local and secondary schools and access to healthcare”. Therefore, the Commissioners consider that the Infrastructure Development Plan should be completed as soon as possible, to provide robust evidence to support the strategic allocations without which the Local Plan Part 1Review cannot be considered to align with paragraph 20b of the NPPF which speaks to the sufficient provision of infrastructure for strategic allocations and ultimately would make the plan unjustified and not sound. 12.2.4. Furthermore, the Commissioners note that the Design Review for updated plan’s strategic allocations should also be completed as soon as possible to ensure that paragraph 20 of the NPPF can be wholly complied with. 12.2.5. In conjunction with those additional evidence base documents as noted in the Commissioners response to question 10 , the Commissioners stress the importance of ensuring that the evidence base wholly supports the plan up to 2039 and in order to do so, SDDC should be confident that updates have been undertaken to all documents that cannot provide accurate evidence to support the new strategic policies and aspirations of the Local Plan Part 1 Review | Noted.  The evidence base, including Table B for the Sustainability Appraisal Draft Scoping Report, is being updated and will be further articulated in the Local Development Scheme alongside Regulation 19 publication.  At submission the Local Plan will be supported by an  updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered  Plan-wide viability testing will be undertaken, with relevant findings to be made in terms of the proposed strategic allocations.  A strategic sites’ Design Review has been undertaken since the consultation and its findings will be incorporated within the draft Local Plan.  Further information regarding additional evidence gathering for the Plan will be specified in the updated Local Development Scheme in March. |
| Lichfields on behalf of St Modwen (Egginton Rd Hilton) | 1242645 | No. | Noted. |
| Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | 1243634 | No. Please see St Modwen’s detailed response to draft Policies S1 and S4 in the appended St Modwen Homes Representations – South Derbyshire Part 1 Local Plan Review | Noted. Please refer to the responses to the appropriate questions such as Question 9. |
| Lichfields (on behalf of St Philips Land Ltd) | 1242408 | St Philips do not wish to provide comments in respect of Question 6. | Noted. |
| Marrons Planning on behalf of William Davis Homes  Marrons Planning on behalf of Wain Estates  Marrons Planning on behalf of Northern Trust  Marrons Planning on behalf of Redrow Homes  Marrons Planning on behalf of Miller Homes | 1243202  1243209  1243213  1243226  1243616 | THE GROWTH OPTIONS STUDY (2021) Following the commentary in the ISA, the Derby Housing Market Area Growth Options Study (“GOS”) by AECOM has been instrumental in framing the spatial strategy for the Plan and, alongside the accompanying Sustainability Appraisal, has been relied upon to discount virtually every other location in South Derbyshire other than the four sites discussed within the ISA.  The GOS undertakes the following: • Breaks down the HMA into six assessment areas; • Analyses the six assessment areas to identify 16 broad areas of search for detailed consideration in Stage 2 of the study; • Analyses the 16 assessment areas; and • Forms concludes as to whether they are unsuitable, potentially suitable or suitable  At the outset, it is appropriate to note the GOS’ limitations which are set out: • The broad locations have only been identified where they have the capacity to accommodate a minimum of 1,000 homes. • It does not identify specific sites nor quantify the level of growth that could be accommodated. • It has not been undertaken with reference to housing need within the HMA or individual local authorities.  The substantive analysis of the GOS commences with a consideration of the key constraints within the very high level HMA assessment areas, of which there are six. The scale of these units of assessment is significant and the conclusions drawn about the key constraint and opportunities can only be very high level and not applicable at the scale of individual sites and settlements. Following this very broad thematic review, data in respect of constraints and proximity to services is combined in a land suitability and proximity map which uses various shades of purple to provide a land suitability score. The information is presented at such a high level it is practically impossible to infer the relative performance of individual sites or broad directions of growth around settlements. Following this very high level work, the GOS moves on to discussing the sixteen broad areas of search but there is limited explanation as to how they’ve been selected or how the previous stages of analysis informed these choices. The GOS therefore moves from a very high level review of the HMA to selecting individual broad areas with little in the way of context or explanation.  Given the leap in reasoning it makes, we consider that the GOS has very limited utility in the way of understanding or testing reasonable alternatives. To illustrate this point, at least one of the options considered in the ISA by AECOM (South of Littleover) is not reviewed in the GOS. If this reasonable alternative to the selected growth strategy has been overlooked, then it begs the question what other potential sites have.  DERBY HMA SUSTAINABILITY APPRAISAL OF HOUSING OPTIONS The Derby HMA Sustainability Appraisal of Housing Options by AECOM considers the approach to meeting housing needs within the Derby HMA specifically for housing and specifically in relation to Derby’s unmet needs for housing.  The HMA SA tests three scale scenarios and 4 distribution scenarios. In relation to the scale of housing, the three options comprise the Standard Method (of which the 35% uplift is part) (Scale 1) and Scales 2 and 3 which do not include the 35% uplift despite it forming part of the Standard Method.  Four distribution options are tested which fundamentally are either meet growth on the edge or and/or within Derby (options 1, 2, and 4) or disperse growth across the HMA. Within the options, different apportionments are considered between Amber Valley and South Derbyshire as administrative areas.  We have the following comments upon the HMA SA: • The plan period is misunderstood. It refers to a 17 year plan period, but states this is 2023 – 2039, which is 16 years. The base date of the Plan is also 2022 and not 2023; • Derby’s shortfall of 9,022 appears to be fixed rather than treated as a variable despite the tentative and imprecise understanding of the city’s urban capacity discussed above In relation to the reasonable alternatives for scale, no genuine alternative has been explored to the Standard Method. The 35% urban uplift applicable to Derby is an intrinsic part of the Standard Method, so scenarios without the urban uplift are not reasonable alternatives as they would be tantamount to not meeting the minimum amount of housing required; • Higher alternatives than the Standard Method have not been tested, despite the recognition that the Standard Method is only a starting point for calculating the housing requirement and substantive explanation is given; • Distribution Option D1 (Urban Concentration) is not a reasonable alternative. If all of Derby’s unmet need could be feasibly met within Derby’s administrative area, then Derby would not have unmet needs for housing; • Distribution Option D3 (Dispersed) continues to include land Derby’s urban fringe and no scenario is considered that does not include Derby. Other than the administrative split between AVBC and SDDC, there is no explanation as to how growth is apportioned across Amber Valley and South Derbyshire’s settlements; • The four broad areas identified within the GOS as areas “suitable for strategic growth” have been taken forward within the HMA SA despite the clear limitations of the GOS and its arbitrary identification of these areas; • It is not clear how the broad areas of search identified within the GOS have informed the testing of the various spatial options, if at all. But given the high level and very selective nature of the GOS, it is not an appropriate tool to inform SA testing; • Page 16 claims that the options testing has considered individual sites submitted through the Strategic Housing and Economic Land Availability Assessment (SHELAA) in the testing of spatial options, but it states that sites have not been considered where they fall outside of the broad areas of search within the GOS set out in Table 3-1. Two of the four broad areas identified are on the edge of Derby, with the other identified areas being located north of Hilton in South Derbyshire or North East of Swadlincote. As such, it appears that strategic growth on the edge of Derby has only been compared to two other locations across the HMA; • The document discusses the suitable areas for strategic growth in the GOS, but ignores those that were identified as potentially suitable; • Section 3.2 in relation to Assessment Assumptions and Limitations heavily implies that the SA process has not considered options which can provide dwellings of less than 1,000 units, which is the threshold set within the GOS. Clearly, this does not provide a reasonable picture of the relative performance of different sites and growth options and skews the results of the SA; and • Despite assessing options against SO8 (Sustainable Travel) amongst other factors, page 25 of the HMA SA states “It has not been possible to obtain detailed information about the frequency of public transport services within the Derby HMA.”  For the reasons set out above, we do not consider that the HMA SA provides a suitably robust discussion or analysis of the preferred option or the reasonable alternatives. Given this, its conclusions that the preferred options on the edge of Derby perform better against the SA objectives than the other options considered cannot be relied upon. The Plan and its spatial strategy are therefore unjustified.  Local Housing Needs Assessment The Draft Plan, in paragraph 4.35, states that the Local Housing Needs Assessment (LHNA) dated December 2023 confirms there are no exceptional circumstances justifying a departure from the Standard Method in calculating housing needs. However, the question of whether there are exceptional circumstances to depart from the Standard Method is distinct from whether the housing requirement should be increased beyond the Standard Method to account for the factors mentioned in the Planning Practice Guidance (PPG). The PPG makes it clear that the Standard Method does not determine a final housing requirement, but only serves as a minimum starting point. Therefore, we would expect the Plan and its evidence base to comprehensively address the factors outlined in the PPG.  The Government’s live tables on net additional housing supply indicate that over the last five years South Derbyshire has seen an annual average of 1,107 competitions per annum. This suggests that the Council is able to establish and sustain a rate of housing delivery well in excess of the LHN (which for South Derbyshire is 522 dwellings per annum and an annualised housing requirement (with Derby’s unmet needs incorporated) of 851 dpa. Planning for significantly less growth than what has been recently achieved is clearly not consistent with the NPPF’s objectives of significantly boosting the supply of housing.  According to government data, South Derbyshire has averaged 167 affordable housing completions per year. However, the Local Housing Needs Assessment (LHNA) identifies a need for 410 affordable dwellings per year, highlighting a significant shortfall. Similarly, Derby City Council has delivered an annual average of 169 affordable units over the past decade, while the LHNA estimates its annual need at 1,076 homes. In South Derbyshire, the annual affordable housing need constitutes 78% of the total Local Housing Need (LHN) figure, far surpassing the average rate of delivery over the last ten years.  The LHNA states at paragraph 6.53 that the notional percentage of affordable housing in South Derbyshire is 41% of the LHN. However, this does not appear to capture the calculated need for affordable home ownership and intermediate affordable tenures. The true ratio is therefore much higher and closer to 80%, when compared to an affordable housing policy requirement of 30% within the District. Even expressed as a percentage of the overall annualised housing requirement including Derby’s needs, annual affordable housing need in South Derbyshire represents 48% of the LHN, but that figure should be seen in the context of Derby’s own limited ability to meet its own significant needs for affordable housing. As such, the Draft Plan should clearly consider an increase in the overall housing requirement to meet affordable housing needs.  In spite of the above, the LHNA concludes that the housing requirement should not include an uplift to address affordable housing needs. The rationale for this is explained at paragraph 6.69 and amounts to the claim that it is too difficult to link affordable housing to the overall housing requirement and that there is no justification for making the link. That proposition is supported by reference to guidance issued by the Planning Advisory Service (PAS) in 2015. Despite seemingly being aware of the clear direction in the PPG to consider an increase in total housing figures to help deliver the required number of affordable homes, the LHNA appears to disagree with the PPG’s clear advice and has proceeded not to apply it, concluding that no uplift should be made to deliver affordable housing figures. That approach is inconsistent with national policy and has resulted in an unsound housing requirement which has clearly not been informed by the significant level of affordable housing need within Derby and South Derbyshire identified within the evidence base. | Noted.  Plan-wide viability testing will be undertaken, with its findings informing affordable housing requirements.  The Distribution Options included Derby provision as they deal with Derby City’s unmet need and it is therefore a starting basis to asses the quantum of the City to meet its own housing need.  The apportionment of the unmet need between Amber Valley and South Derbyshire will be assessed and agreed in future HMA work and initial figures have been expressed in a Statement of Common Ground.  The broad areas of search were informed by constraints such as infrastructure accessibility and proximity to Derby City (the source of the unmet need).  Additional considerations of smaller sites will be addressed in Part 2 of the plan for the residual housing delivery requirement.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, the Derby City Capacity Study and the Growth Options Study, through which it was concluded that the that the most sustainable and appropriate location for the provision of the unmet need strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Further requirements for small sites and local settlements will be addressed in the Local Plan Part 2.  The SA been undertaken independently by consultants with  extensive relevant experience in SA practices.  South of Littleover has been reviewed in the Interim SA alongside the additional potential strategic growth sites.  Derby’s unmet need or shortfall, has been formally identified by the HMA through its various workstreams and specified as 12,500 in a Statement of Common Ground.  The Infrastructure Delivery Plan (IDP) will also inform infrastructure deficits and investment needs, including aspects of public transport.  Distribution Option D1 was discussed in order to illustrate the constrained nature of the City, and the basis for considering further spatial strategies.  The overall apportionment of the City’s unmet need is subject to further HMA work, and will be addressed through various means, including a Statement of Common Ground and updated NPPF requirements.    No objections have been made to the interim SA report from the consultation bodies (the Environment Agency, Natural England and Historic England).  Please see further information to other housing-related comments in the responses to Question 4 and Question 9.  Further information regarding additional evidence gathering for the Plan will be specified in the updated Local Development Scheme in March. |
| Nightingale Land on land north of Linton Road, Castle Gresley | 1242281 | Notwithstanding the above, the growth options considered in the Derby HMA Sustainability Appraisal of Housing Options (September 2024) were limited to 3 options relating to the scale of housing growth across the Housing Market Area.  These included:  Scale 1: Standard method in full (including 35% uplift) Scale 2: Standard method steps 1-3 (no 35% uplift) Scale 3: Standard method steps 1-3 (no 35% uplift) + 10%  The SA needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach and assess these against the baseline environmental, social and economic characteristics1. Scale 2 and 3 growth options should not be considered reasonable options given that standard method identifies the minimum annual housing need figure. As such, further consideration towards the Plan’s ability to accommodate a higher housing requirement than the standard method currently suggests should be considered as a reasonable alternative.  The PPG makes clear that standard method only provides for a minimum starting point in determining the number of homes needed in the area and that it does not attempt to predict the impact of future government policies, changing economic circumstances or other factors which affect demographic behaviour. It goes on to state that there may also be occasions where previous levels of housing delivery in an area are significantly greater than the outcome of the standard method and authorities will need to take this into account when considering whether it is appropriate to plan for a higher level of need than the standard model suggests2. The SDLPR recognises that South Derbyshire has the fastest growing population in Derbyshire and market needs suggest that a significant number of additional homes will be needed by 2039. Whilst Derby City is affected by 35% urban centre uplift associated with the existing standard method, South Derbyshire should consider an increase to the housing requirement to ensure the deliverability of the plan and wider aspirations for growth.  In this regard, the latest Annual Monitoring Report (2023) at Table 3 clearly demonstrates that completions above the existing housing target have been surpassed since 2016/2017 demonstrating a strong demand for housing and that the market is capable of accommodating higher levels of housing delivery.  Affordability also remains a key issue for the district. Despite the large net annual completion rates, the delivery of affordable housing has lagged representing only 18% of the total housing completions since the start of the existing plan period. The PPG makes clear that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.  In addition, if the proposed revised standard method for calculating housing requirements appears in substantially the same format in the published version of the revised draft Framework then the Council will find itself without a 5 year housing land supply with the assessment provided by Emery Planning in support of the application at Land north of Linton Road will be 3.78 years (against the revised local housing need supplemented by Derby City’s unmet need) and the relevant policies in the Development Plan will be out of date.  Taking the above into consideration, it is clear that circumstances exist to justify planning for a higher target than what the existing standard methodology suggests, and the Council should test this through the SA process as a reasonable alternative. | Noted.  The findings of the Interim SA report complement the extensive HMA-wide evidence gathering such as the HMA SA, the Derby City Capacity Study, the Growth Options Study, through which it was concluded that the most sustainable and appropriate location for strategic growth to address the unmet need figures is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Further requirements for small sites and local settlements will be addressed in the Local Plan Part 2.  The SA been undertaken independently by consultants with extensive relevant experience in SA practices.  The overall apportionment of the City’s unmet need is subject to  further HMA work, and will be addressed through various means, including a Statement of Common Ground and updated NPPF requirements.    Plan-vide viability testing will be undertaken, with its findings informing affordable housing requirements.  No objections have been made to the interim SA report from the consultation bodies (the Environment Agency, Natural England and Historic England). The next iteration of the SA report will further define identified housing needs and growth options.  Please see further information to other housing-related comments in the responses to questions such as Question 4 and Question 9.  Further information regarding additional evidence gathering for the Plan will be specified in the updated Local Development Scheme in March. |
| Nineteen47 on behalf of Hallam Land (land at Blackwell Lane) | 1242570 | 3.33 No. The production of an interim Sustainability Appraisal indicates that only a limited and isolated review of available evidence has been undertaken, within the context of the SA for the Derby HMA as a whole. The evidence base should be updated and published in its entirety, together with an appropriate assessment of the viability of the proposed new policies and plan. This will ensure that the approach is robust and therefore sound. | Noted.  No objections have been made to the interim SA report from the consultation bodies (the Environment Agency, Natural England and Historic England). The next iteration of the SA report will further define identified housing needs and growth options.  Further information regarding additional evidence gathering for the Plan will be specified in the updated Local Development Scheme in March. |
| Oxalis Planning on behalf of Chesshire Partnership | 1248322 | Employment Evidence Base The Employment Land Review for Derby City and South Derbyshire District Council (October 2023) by BE group recommends that the past take-up model is used to calculate employment land needs. We have fundamental concerns with this approach because of the lack of robustness of using historic trend-based assessments to determine need where historically supply has been constrained.  The approach to use the historic past take-up model, seeks to continue growth on a trend of dampened historic needs, which will inevitably result in a continuation of that trend. We therefore fundamentally object to the approach set out in the Employment Land Review recommendations, and therefore the level of employment need being planned for.  Section 8 of the ELR discusses the assessment of objectively assessed needs. Paragraph 8.2 states the following: “Historic land take-up forecast - This reviews the actual take-up of employment land in the two local authority areas over a period of time. The method is not wholly reliable as there will be peaks and troughs and also different time periods taken can also result in different outcomes.”  The report therefore acknowledges some limitations but fails to recognise that the historic supply the model is based upon has itself been severely constrained.  The ELR sets out average rents over the past decade, and the availability of units in the market, which both demonstrate a constrained supply. Paragraph 4.55 explains that average rents being achieved for industrial units over the last decade have been trending upwards, which suggests that demand is higher than supply, and therefore supply is constrained. In South Derbyshire, the increase on average rental values set out in the report from 2012 to 2022 have more than doubled over the decade to £8.24/sqft in 2022.  Furthermore, paragraph 4.116 of the ELR explains that Valuation Office Agency (VOA) data shows occupancy rates by floorspace of 96.5% for industrial space. It goes on to explain that this rate suggests shortages in South Derbyshire which may mean that businesses will have difficulty finding adequate space to meet their needs in relation to the quality of building they wish to let/buy. Industrial stock in South Derbyshire has only six months of forward supply based on past transaction rates. This level of vacancy rate is a clear sign of a failing land supply market.  It is clear from the data on rental increases and vacancy rates, that supply has, and continues to be, severely constrained.  The forecasting models used within the report all use historic trend-based data, and because historic supply has been severely constrained, rates will also have been constrained. Therefore, the employment land requirement informed by historic land take-up trends, will inevitably inaccurately represent the realistic need, significantly underestimating true market need.  An up to date, proactive and forward-looking evidence base is essential. Retrospective, or backward-looking past trend-based evidence will only serve to perpetuate historic missed opportunities to fully plan for the needs of the area’s economy. While the ELR has considered a number of scenarios and sources of evidence of need and demand, it is important to note that the analysis undertaken is essentially trend based. Given the historic under-supply of highquality sites in South Derbyshire and indeed across the wider region and a relative lack of allocations of such sites through past Local Plans, any trend-based projection of need and demand will inevitably be an under-estimation.  It is important to note that the basis of the different methodologies used remains, to varying degrees, data on past trends of delivery of employment land. Any backward looking, trendbased methodology requires careful, considered application and interpretation, and while BE Group flag some of the issues and risks attached to how trends are projected forward, it is important that these are not ignored or overlooked in the plan-making process. Where past Local Plans have under-delivered employment land or provided low quality sites in sub-optimal locations which are not attractive to developers or occupiers, or where wider economic cycles saw stalled or slowed economic development or growth over a period of time, such an approach will inevitably result in an assessment that there is lower demand for land. It is very easy (in fact likely to be inevitable) that any such trend-based approach overlooks any past under-delivery and unmet need which might have accumulated as a result.  Put another way, a backward-looking assessment where past Plans have restricted the availability of sites will inevitably identify a trend which suggests lower demand into the future, forming a self-reinforcing and downward cycle which underplays and misrepresents current and future need.  In accordance with the NPPF, the Plan should ensure it is based on a sound understanding of the needs and requirements of key economic sectors, and take a proactive, flexible approach to meet them. There is a need for careful and comprehensive consideration of the notion that the area currently has sufficient supply of employment land to meet the identified need. It is hard to see how this can be true in reality, and to understand how the current supply of sites will be adequate to meet all development needs over the new plan period. In addition, as businesses grow, their requirements will change and result in operations expanding or requiring facilities which meet their evolving needs which the current sites and premises supply often does not provide.  Market evidence, together with the evidence within the BE report strongly confirms a historic undersupply of employment sites, which would continue if land requirements are based on historic land take-up. Further employment evidence is required which focuses on these issues, on unmet trends and future requirements. | The Council maintains that the ELR has been undertaken in a robust, exhaustive manner.  Employment land allocated in the Local Plan under Employment Policy 1 greatly exceeds the quantum identified in the Employment Land Review to ensure that locational and qualitative employment land needs of the District, as well as national and regional needs, are fully addressed |
| RPS on behalf of Bellway and Clowes (Thulston Fields) | 1242100 | No. Derby and South Derbyshire Local Housing Needs Assessment (December 2023) RPS considers there are a number of limitations of the Local Housing Needs Assessment (December 2023). The report acknowledges that the government's requirement to use 2014-based household projections for calculating housing need may not accurately reflect current demographic trends. While it explores the possibility of deviating from the Standard Method due to "exceptional circumstances", it ultimately concludes that there is insufficient evidence to do so. This reliance on potentially outdated data could lead to an underestimation of future housing needs, particularly in areas experiencing rapid growth or significant shifts in population distribution. Consequently, it does not consider the new stock-based approach to calculating Local Housing Need set out in the draft NPPF (Summer 2024). Derby and South Derbyshire Employment Land Review (October 2023) RPS considers the Employment Land Review (October 2023) potentially underestimates the employment land needs. While the report uses a variety of forecasting methods, it acknowledges that the labour demand-based forecasts may underestimate land needs. These forecasts struggle to capture the full impact of various policies and projects on local job levels. For example, in South Derbyshire, the "Policy On" forecasts only account for the Egginton Common development, which is likely to be just one of many large-scale projects impacting future employment land requirements. The Employment Land Review also understandably does not take into account the current Government’s wider economic policies, as set out in the Modern Industrial Strategy consultation. Should this proceed as proposed, it is recommended that that Council revisit their employment land requirements in the context of expected amended growth forecasts. SHELAA (2020) RPS contends the Strategic Housing and Employment Land Availability Assessment should be updated to reflect updated policy options and changes to the NPPF. In respect of Site Ref. 046 (Thulston Fields), the final assessment conclusion given: “The site is considered available and achievable. A number of suitability criteria would need to be overcome/require mitigation. The site is located within the Green Belt and is not suitable at this time”. However, as set out RPS consider the site to perform a limited contribution to the purposes of the Green Belt. In addition should the NPPF reforms be enacted as proposed it also meets the necessary tests of Grey Belt. Consequently, the Site would not be considered inappropriate development – by definition, therefore the site would be considered suitable. | Noted.  The Council maintains that the ELR has been undertaken in a robust, exhaustive manner.  Omission sites will be considered in question 13.. |
| Rula Developments Limited | 1241834 | No. In October 2023 the Employment Land Review (ELR) was published. This sets out SDDC’s employment land need, assessed the suitability of the current stock of employment land and premises, and considered how shortfalls in employment land provision could be met.  The ELR concluded that the historic land take model was the most appropriate model to take forward for identifying the OAN for SDDC. Whilst this has the highest level of need out of the three options assessed in the ELR, it is still relatively modest. In the period 91/92-21/22 (30 years) there was a 139.98ha gross take up of employment land, or 4.52ha a year. During this period SDDC recorded a loss of 89.57ha or 2.89ha a year. The net average annual take up rate is therefore calculated at 1.63ha year.  Using net take up rates, prediction of need for employment land is identified below (depending on the end date of the plan period), this includes a five year buffer of 8.15ha to reflect a choice of site by size, quality and location to provide a continuum of supply beyond the end of the forecast period: - 2022-2039: 27.71 ha + 8.15 ha = 35.86 ha - 2022-2040: 29.34 ha + 8.15 ha = 37.49 ha - 2022-2041: 30.97 ha + 8.15 ha = 39.12 ha  As such the ELR concludes that there is a modest need of between 35.86 and 39.12ha over the plan period.  However, at the time of publication the ELR reports there were only eight industrial premises being formally marketed in South Derbyshire, comprising 35,650 sqm of floorspace. 94% of this floorspace comprised just two units, one at Dove Valley Park (18,184 sqm) and one at Sun Street, Swadlincote (15,187sq m). The ELR confirms that while the supply is in size ranges most commonly transacted in South Derbyshire, the available units will only meet the district’s needs for six months based on past transaction rates. Furthermore, the supply is identified as either small, sub-1000 sqm, or very large, 10,000 sqm plus, with an absence of premises available 1,001-10,000 sqm in size.  The ELR also identifies that occupancy rates suggest supply shortages in South Derbyshire. Occupancy rates as of September 2022 for industrial space in South Derbyshire were 96.5%. Occupancy rates of 90-95 percent can be considered a reasonable balance between a vibrant, active market, providing good returns to landlords and providing capacity for churn and growth in the market. A higher occupancy rate is an indicator of a full market with businesses having difficulties in finding adequate premises.  We consider that the limited delivery and availability of units over recent years reflects restricted supply and allocation of land. Taking a similar approach to land allocation risks limiting future employment growth. We therefore consider that SDDC should be more ambitious in its approach to growth and additional sites should be allocated to provide choice to the market and ensure that sites are available, to meet market demand.  Whilst we recognise that the ‘historic land take’ option identifies the highest level of potential employment need in the ELR, we strongly recommend that the previous modest delivery of employment land in the District should not become the benchmark for future delivery and growth. As occupancy rates in the District are high and national projects such as the East Midlands Freeport site are progressing, SDDC should be more ambitious in its attitude to growth and allocate land beyond that which would simply meet ‘need’ at a level similar to what has been delivered in the past 30 years. | Noted.  The Council maintains that the ELR has been undertaken in a robust, exhaustive manner. However, the draft Plan will be amended to reflect the current policy context and local needs.  Employment land allocated in the Local Plan under Employment Policy 1 greatly exceeds the quantum identified in the Employment Land Review to ensure that locational and qualitative employment land needs of the District, as well as national and regional needs, are fully addressed    Please refer to additional responses to appropriate questions such as Question 9 and Question 13.  Further information regarding additional evidence gathering for the Plan will be specified in the updated Local Development Scheme in March. |
| Trent and Dove Housing Association | 1243215 | Yes | Noted. |
| Turley on behalf of Hallam Land Management | 1242865 | No. We have undertaken a review of Housing Need in South Derbyshire and the position on housing need is likely to evolve as SDDC continues to develop its new Local Plan, because the Government has recently consulted on – and appears set to quickly implement – a new standard method that would generate a greater need both in South Derbyshire and across the HMA. Derby is still likely to have unmet needs when this approach is introduced since it reportedly has capacity to provide only 735 dwellings per annum but 327 more, some 1,062 in total, are set to be needed in the city each year. The proposed contribution of South Derbyshire, set out in the Draft Plan, would shrink by a quarter – to only 246 dwellings per annum – due to the district’s own needs rising to 606 dwellings per annum under the new approach. AVBC could theoretically close this gap through its own contribution of 73 dwellings per annum but this may cease to exist if its Local Plan – currently at examination – is not found sound, and even if it is the proposed 87% increase in its own housing needs will necessitate a quick review that could remove this contribution in light of the greater need now faced by the borough. With the Draft Plan already in need of review to reflect the likely introduction of a new standard method, SDDC is encouraged to help this situation by elevating its proposed housing requirement to at least 933 dwellings per annum. This would meet the district’s own needs in full while offering greater certainty that Derby’s needs are also being met, without even needing to increase the recent rate of delivery since this would remain some 11% below the average over recent years. Please refer to our review of Housing Need in South Derbyshire (Appendix 3 of our representation. | Noted.  Additional considerations of smaller sites will be addressed in Part 2 of the plan.  Plan-vide viability testing will be undertaken, with its findings informing affordable housing requirements. The results will assist with determining whether the housing need and typologies identified in the draft Local Plan have been correctly proportioned and whether a potential uplift or lowering of requirements is needed in response to the updated NPPF and further evidence gathering.  Further information regarding additional evidence gathering for the Plan will be specified in the updated Local Development Scheme in March. |
| **Members of the Public** | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| Lauren Ryan  Holly Robinson Margery Morgan  Martin Turner  Chris Munn  Rae Louis  Julia Bather  Laura Massey-Pugh  George Selby  Samantha Furniss  Andrea Thompson  R Coxon  Jack O’Connor  Donna Shacklock  Sarah Glover  David Stockwell  Jonathan Watson  Sue Glover  Amardeep Bhopal  Rebecca Buckley  Lorna Hodgetts  Frazer Murphy  Teri Licence | 1232863  1232904  1232937  1232938  1232962  1233313  1234342  1242063  1242119  1242130  1241986  1241989  1232861  1241995  1241947  1241955  1241240  1241682  1240863  1240880  1235357  1235132  1232857 | No. | Noted.  The proposed strategic allocations have been identified following consideration of various evidence base documents including, Interim Sustainability Appraisal (SA), the HMA-wide SA and the Growth Options Report. The details of this process is further discussed in a Statement of Common Ground. Further assessment will be undertaken including a design review and additional SA analysis  Further work such as a Design Review for the proposed strategic allocations have taken place since the consultation, with additional evidence to be undertaken in the coming months such as an Infrastructure Delivery Plan, Plan-wide viability and transport-modelling. An HRA will be produced as well as a Strategic Flood Risk Assessment Level 1 which is currently underway. The SA assesses specific social and community impacts and will provide further analysis in the subsequent iteration of the report. The SA, which assess climate and biodiversity-related issues will be followed by an additional iteration which will consider such concerns further.  An updated Local Development Scheme will be available as of March regarding the Local Plan review timetable.  The draft Local Plan is following nationally defined conditions under the NPPF.  The interim SA was published during the consultation period, with six weeks for review, as is legally required.  Please see The Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment for specific information regarding identified local housing needs.  The proposed housing figures and HMA apportionment based on the Derby City Capacity Study and additional evidence report are contained in a Statement of Common Ground. |
| John Moore | 1241686 | Assuming these were completed by competent "experts", it is difficult to disagree. |
| Jim Froggatt | 1243552 | Not studied |
| Angus Chan | 1232852 | No. SDDC are rushing their local plan process - Government are currently reviewing national planning policy and the future A38 junction upgrade scheme. SDDC should have waited for clarity on both. SDDC have also not published their Sustainably Assessment Report. This is one of the most important local plan documents to demonstrate where housing and travellers sites have been considered, ruled out or chosen. This document is fundamental in testing the validity of the local plan process and housing / traveller site selection etc. The consultation should not have been launched without this document available. |
| Steve Wilson | 1232906 | No. You can't possibly say you evidence based information that it would be safe to build 2,500+ on the Mickleover site |
| Stuart Orr | 1232909 | No. No evidence gathered on relevant impact for Mickleover plans. |
| Maureen Shenton | 1232922 | No. It is not thorough and has been rushed |
| Leigh Fearon | 1232988 | No. Everything needs to be very clear and laid out to the public with less jargon, and amount of jobs figures are misleading. 2500 houses means some 2000 cars minimum assuming not all drive. Which multiplies as young driver become car owners. |
| Russell Licence | 1233241 | Assuming these were completed by competent "experts", it is difficult to disagree |
| Tracy and Gordon Harrison | 1242325 | Not studied |
| Mr Brian J Harrison | 1238942 | No. SDDC are rushing their local plan process - Government are currently reviewing national planning policy and the future A38 junction upgrade scheme. SDDC should have waited for clarity on both. SDDC have also not published their Sustainably Assessment Report. This is one of the most important local plan documents to demonstrate where housing and travellers sites have been considered, ruled out or chosen. This document is fundamental in testing the validity of the local plan process and housing / traveller site selection etc. The consultation should not have been launched without this document available. |
| Amy Simes  Innes Mary  Andrew Lee  Matt Coxon | 1241473  1241860  1241956  1242135 | You can't possibly say you evidence based information that it would be safe to build 2,500+ on the Mickleover site |
| Geoff Lewins | 1235316 | No evidence gathered on relevant impact for Mickleover plans. |
| Stephen Alcock | 1241058 | It is not thorough and has been rushed |
| Tiran Sahota | 1242138 | Everything needs to be very clear and laid out to the public with less jargon, and amount of jobs figures are misleading. 2500 houses means some 2000 cars minimum assuming not all drive. Which multiplies as young driver become car owners. |
| Ian Molyneux  Mariah Senaa | 1233335  1233131 | I do not fully agree with the content and extent of the existing evidence base. While the existing evidence base provides a foundation for understanding housing needs, employment land, and the sustainability appraisal of housing options, there are significant gaps in areas critical to assessing the long-term impacts of the proposed developments:  1. Infrastructure Impact – The current evidence does not provide enough detail on how local infrastructure (e.g., schools, healthcare, transport, utilities) will cope with the significant increase in population. The forthcoming transport assessments and Local Plan Viability Assessment are essential, but the lack of completed evidence in these areas makes it difficult to fully assess the plan’s viability and sustainability. 2. Environmental Impact – The current evidence does not sufficiently address the potential environmental consequences of large-scale development. The Habitats Regulations Assessments and other environmental reviews should be completed and expanded to include broader environmental concerns such as air quality, noise pollution, and impacts on local wildlife, particularly in sensitive areas like The Hollow. 3. Flood Risk – The existing evidence does not offer a comprehensive plan for managing flood risks, particularly in areas prone to flooding. As developments increase impermeable surfaces, it is vital to have a robust flood mitigation strategy in place before further approvals. 4. Social and Community Impact – There is a lack of evidence addressing how these developments will affect existing communities in terms of social cohesion, local identity, and access to amenities. A community impact assessment should be part of the evidence base to understand how current residents will be impacted.  In summary, while the existing evidence base is a useful starting point, it is incomplete and lacks crucial details on infrastructure, environmental risks, and community impact, which are essential for fully evaluating the sustainability and feasibility of the Local Plan. |
| Edward Stupple | 1241890 | As per above the existing city and suburbs cannot physically cope with more population. Targets are not sustainable or representative of the local constraints. |
| Richard Larder | 1236005 | No. Inadequate research into the effects of increasing housing in an already overcrowded area. |
| Graham Keith Sanders | 1241973 | No. The Sustainability Assessment report, critical for validating housing and gypsy and traveller site choices, wasn't published until after the consultation began, which undermines the process. |
| Andrew Norman | 1235411 | Yes. |
| Nick Pope | 1234080 | No. Conclusions reached are clearly absurd so the existing evidence base cannot be adequate |
| Paul Hopkin | 1241975 | No. Far more detail required. |
| Michelle Garnham | 1234532 | No. For me there is not enough evidence that the existing infrastructure can support these developments, especially the Infinity Garden Village and Mickleover proposals. |
| Lisa Marie Roberts | 1235572 | No. I cannot agree with any evidence base that came to this conclusion |
| Sukhdev Bangar | 1233359 | No. The proposed location of the traveler site shows a lack of understanding of the local residents needs as well as the travelers needs. |
| Gerald Arthur Bowker | 1235279 | No. The Sustainability Assessment report, critical for validating housing and gypsy and traveller site choices, wasn't published until after the consultation began, which undermines the process. |
| Fiona Bevington | 1238115 | No. Infrastructure (Doctors,Shops,Schools,Roads,Utilities) will not cope ! Councils inability to fulfill obligations (Refuse,Drains,Paths,Roads,Trees,Grass cutting) |
| Harvey Heldreich | 1233334 | No. Insufficient evidence has been gathered in reference to this Plan. More detailed planning is urgently needed. |
| Nigel Bentley | 1241910 | No. See comments from Mickleover councillors as to the things SDDC hasn’t done…… |
| AYeomans | 1233824 | No. It is clear the plans for proposed housing in Mickleover have not been thought through or considered and no one who is proposing the plans can have any real understanding of the situation in Mickleover currently and what a negative impact any more housing will have. |
| Ian Fox | 1234311 | No. The evidence is not complete and decisions need to be rethought and the timescales changed until more evidence is available. |
| Ian Turner | 1240150 | No. See my answer to question 10. |
| Matt Hunt | 1233743 | Yes. Stop wasting money the evidence is clear from a 30 minute drive around the area |
| Joanna Ayres | 1241773 | No. The Derby City Capacity Study should be published before any final decisions are made. |
| Rob M | 1235713 | No. Regardless of a housing need, infrastructure and suitability of highways is not addressed. The cumulative effect does not seem to be considered of highways at breaking point. |
| Susan Marshall | 1242052 | No. See the answer to Question 10. |
| Clare Wood | 1238657 | No. The housing is being planned as a result of arbitrary housing targets rather than need. There is a so-called housing crisis because housing has become something to invest in rather than somewhere just to live, and the content and the existing evidence base do not address this. If Derby City Council has reached its capacity, then it should not be seeking to meet its targets with neighbouring authorities which will not be impacted by the extra housing. People living in these areas will be impacted and greatly affected by the additional housing in many ways.  Housing should be built according to need and in the right places. Housing targets should not be met by letting developers choose the prime locations from which they will make the greatest profit.  Much, much more consideration needs to be given to the climate emergency and to biodiversity which has plummeted over recent years. The climate emergency and huge reduction in biodiversity and the lack of green spaces in turn impact on the mental and physical health of people. These need to be prioritised over developers' profit and government housing targets. Housing targets have been implemented as a result of an enforced housing crisis as a result of property now being seen as an investment by many people. |

.

# Question 12: Do you agree with the scope and findings of South Derbyshire’s Sustainability Appraisal (SA)

|  |  |
| --- | --- |
| Duty to Cooperate Body / Statutory Consultee | 2 |
| National Organisation | 1 |
| Regional Organisation | 1 |
| Parish Council and other Community Group | 7 |
| Councillor | 1 |
| Landowner or Developer | 34 |
| Members of the public | 69 |

| **Response Id** | | **Name** | **Organisation** | | **Q. 12** | | **Comment** | | | **Council Response** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | | | | | | |
| 1242867 | | Natural England | Natural England | | Yes | | Natural England has reviewed the Interim Sustainability Appraisal (SA) and considers that it provides a comprehensive assessment of this stage of the Local Plan and has followed accepted methodologies and legislation. We note that alternative options have been assessed. We have the following comments: Page 6. We would like to see specific reference to Green Infrastructure within Table 2-1: SA Assessment Framework particularly under S01 and S03. Page 30. In the Review of Relevant Plans, Policies and Programmes we would like to see reference to Natural England’s Green Infrastructure Framework: Principles & Standards for England: Green Infrastructure Home When assessing Green Infrastructure, this can be directly assessed in line with the “Green in 15” target set out in the Environmental Improvement Plan. The Green Infrastructure Mapping Tool (within the Green Infrastructure Framework) shows where green and blue infrastructure is accessible at different scales, such as doorstep, local and neighbourhood scales using Access to Greenspace Standards (AGSt) Assessment. This can be used to identify communities that do not have access to greenspace at these different scales. We would suggest utilising this tool to assess Green Infrastructure provision to ensure it is accessible and inclusive at different scales and in line with government targets. | | | Noted. All proposed amendments will be incorporated where appropriate.  Reference will be made to Green Infrastructure Framework:  Principles & Standards for England: Green Infrastructure Home  and the Green Infrastructure Mapping Tool.  The Council is currently producing its Green Space Strategy 2025-2035 and will reference the document within the draft Plan. |
| 1243643 | | Sport England | Sport England | |  | | Please refer to Sport England’s Uniting the Movement Strategy. Sport England are of the opinion that the loss of and/or adverse impact on existing sports facilities, as well as the provision of the necessary sports facilities for new developments should be included as a detailed decision making criteria within the assessment methodology, particularly for accessibility and health. The assessment of the strategic sites should then have regard to this criteria. | | | Noted. The Strategy will be referenced in further evidence gathering relating to the assessment of strategic sites. |
| **National Organisations** | | | | | | | | | | |
| 1235628 | | Simon Richards | British Horse Society | | No | | The findings need to consider active travel and inclusion of equestrians. | | | Noted. The interim SA report considers impacts on active travel and opportunities arising from various potential development scenarios.  The next iteration of the document will continue to do so and will  expand on such considerations wherever possible. |
| **Regional Organisations** | | | | | | | | | | |
| 1242640 | | Derbyshire Association of Local Councils | Derbyshire Association of Local Councils | | Yes | |  | | | Noted. |
| **Parish Council and other Community Groups** | | | | | | | | | | |
| 1242585 | | Egginton Parish Council | Egginton Parish Council | |  | | At the time of writing, the SA had not been published. We recognise this is now published but have no time to study it in depth | | | Noted. The interim SA report was published on schedule,  with six weeks remaining in the consultation period at the time which satisfies legal requirements. |
| 1244412 | | Etwall Parish Council | Etwall Parish Council | |  | | No response | | | Noted. |
| 1238750 | | Hilton Parish Council | Hilton Parish Council | | No | | It is not worth commenting on as previous inputs have been ignored, if even read. | | | All submissions made to Local Plan consultations are individually  assessed and considered in subsequent Plan-making processes. |
| 1243158 | | Melbourne Civic Society | Melbourne Civic Society | | No | | No, not enough on the importance of farmland although this is the only place where there is a short reference to BMV land | | | Prime agricultural land and Best Most Versatile land-related impacts were considered throughout the interim SA document. Further analysis will be made in the subsequent iteration of the SA. |
| 1241376 | | Rosliston Parish Council | Rosliston Parish Council | | Yes | |  | | | Noted. |
| 1243603 | | SAVE (Save Aston & Weston Village Environment) | SAVE Aston and Weston Residents Group | | No | | This is a good attempt, but given SDDCs declaration of a Climate Emergency the Sustainability Appraisal needs to be much more robust in challenging the assumptions behind the policies. The phrase “The policies within the XXX chapter generally perform well against SA objectives” occurs far too often (e.g. sections 7.6, 7.7 & 7.8) | | | Noted. All proposed Local Plan policies have been assessed with  the Climate Emergency as a central consideration. Various sections of the SA (including SA Objectives SA13 and SA14) provide analysis in this regard. Further work in this area will be undertaken as the SA progresses. No objections have been made to the interim SA report from the consultation bodies (the Environment Agency, Natural England and Historic England). |
| 1242402 | | Weston-on-Trent Parish Council | Weston-on-Trent Parish Council | | No | | Section 7.8 (p. 53) shows the assessment of the Performance and Infrastructure Policies. This looks overly optimistic. The line for INF3 (Rail Freight / Freeport) has ++ for Sustainable Travel, + for Pollution and Climate Adaption and 0 for Climate Contribution. This does not sound correct as the Freeport will see a big increase in the use of old, noisy, polluting diesel locomotives. Similarly, INF5 (East Midlands Airport) has 0 for Sustainable Travel, Pollution and Climate Adaption. This does not fit with the increased use of old, noisy, polluting freight aircraft, and the general lack of alternatives to carbon fuels for air transport. This needs an independent review by an organisation with more awareness of Climate Change | | | Noted.  The document has been taken in an HMA and District-wide  approach with comparable Assessment methodologies. This has  been done independently by consultants with extensive relevant  experience in SA practices and climate change-related implications.  The next iteration of the SA will consider further analysis in this  regard and will provide additional assessment wherever possible.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England and Historic England). |
| **Councillor** | | | | | | | | | | |
| 1242603 | | Cllr Matthew Holmes, Cllr Miles Pattison, Cllr Alison Homes | Mickleover Ward, Derby City Council | | No | | SA3 (Accessibility and Health) - The development of several sites in combination will increase pressure on the local education infrastructure, health services and community facilities, creating additional need. This will lead to an adverse cumulative impact on infrastructure provision. - SA rating this cumulative impact as ‘significantly negative’ shows concerns already exist regarding pressure on local infrastructure and its ability to cope. - GPs and schools and other local community infrastructure in Mickleover are already stretched. By the admission of the SDDC’s SA, the development on Land South of Mickleover will lead to even more adverse pressure on our schools, GPs and community facilitates. SA12 (Pollution) - The development of several sites within a cluster could increase levels of air, light, and noise pollution which could have a cumulative adverse effect on new and existing communities. - SA rating this cumulative impact as ‘Significantly negative’ suggests that existing communities will suffer from increased levels of pollution as a result of this development. - This cannot be a ‘Sustainable Development Proposal’ when air, light and noise pollution will all increase, having a detrimental impact on the health of existing communities.  Traffic Impact - Considering traffic impact from new housing: - It will exacerbate congestion on local roads, particularly around Mickleover, which already faces peak-time bottleneck.  - Limited public transport availability is likely to lead to car dependency, undermining sustainability goals | | | Noted.  While existing and future impacts on infrastructure and local  services are acknowledged, the SA concludes that Land South of  Mickleover scores well overall when assessed against all SA  objectives. Future SA work will examine further potential mitigation opportunities. Development management requirements and Local Plan policies stipulate that future development is to satisfy various infrastructure-related requirements before the issuing of planning permissions. Various policy mechanisms such as Section 106 Agreements are employed to determine the phasing of development and financial contributions to be made towards local services and infrastructure. The local plan policy STRA2 requires the provision of the necessary infrastructure to accommodate the development.  The emerging Local Plan will undergo further evidence gathering such as Plan-wide transport modelling.  A consistent approach has been taken in the SA analysis at both an HMA and District-wide level. These reports have drawn on various evidence gathering sources such as the Growth Options Study and Derby City Council’s points regarding their 12,500 limit in their Capacity Study, a figure which has been expressed in a Statement of Common Ground.  At submission the Local Plan will be supported by an updated  Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  No objections have been made to the interim SA report from the consultation bodies (the Environment Agency, Natural England and Historic England). |
| **Landowner or Developer** | | | | | | | | | | |
| 1242137 | | Bellway Homes | Bellway Homes Ltd | | No | | Section 19 (5) of the Planning and Compulsory Purchase Act 2004 (the Act) requires a local planning authority carries out Sustainability Appraisal (SA) of each of the proposals in a plan during its preparation. Advice on preparing SA to support Local Plans, and which incorporates the requirements for SEA, is provided in separate Planning Practice Guidance on the subject (ref. ID: 11-001 to 11-047). The Council now has published the next iteration of the Sustainability Appraisal alongside the draft LPP1 review, titled Regulation 18 Interim Sustainability Appraisal Report (‘the interim SA') prepared by SLR Consulting Ltd, dated 23 October April 2024. The interim SA describes and presents the findings from the SA process to date, which includes an appraisal of strategic site options and draft LPP1 review preferred policies. We have reviewed the interim SA and provide our comments set out below. Consideration of reasonable alternatives National policy makes clear Local Plans and strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. The relevant legal requirements refers to Strategic Environmental Assessment (SEA) and the requirement for an Environmental Report . Notably, the Environmental Report must identify, describe and evaluate the likely significant effects on the environment of implementing the plan policies and of the reasonable alternatives (Regulation 12 (2)), taking into account the objectives and geographical scope of the plan, as well as record the wider assessment of social and economic effects (PPG ID: 11-019) Section 2.3.1 of the interim SA also explains what reasonable alternative options have been assessed at this point. The interim SA focuses on the assessment of preferred policies / sites and the reasonable alternatives. These are: • the four strategic sites options identified within the Derby urban fringe: o Site 1 - Infinity Garden Village o Site 2 - Thulston Fields o Site 3 - Land South of Mickleover; o Site 4 - South of Littleover, and • a number of policies and site allocations identified in the adopted LPP1 (listed on page 13 -14 of the interim SA) For clarification, we agree that Site 2 (Thulston Fields) represents a reasonable alternative as a strategic location for growth given its location on the urban fringe of Derby City (within the Council area) and the ongoing issues regarding how the unmet housing need from Derby should be addressed elsewhere in the Derby HMA. However, the interim SA has only appraised options relating to the distribution of growth on the four strategic sites. Section 2.3.1 refers to separate work ongoing for the wider Derby HMA (which includes Derby City, Amber Valley, and South Derbyshire). Specifically, the interim SA states: “Options assessment work was undertaken by the Derby Housing Market Area, which consists of officer representatives from Amber Valley Borough Council (AVBC), Derby City Council (DCC) and the Council. In addition, a Growth Options Study was undertaken by AECOM [in 2022] and these two pieces of work have informed the preferred spatial strategy for the South Derbyshire Local Plan Part 1 Review Work. This previous work included an assessment of options in order to identify the most sustainable scale, distribution, and apportionment of Derby’s unmet housing across the Derby HMA. Options for the scale and distribution of housing need for the Derby HMA were subject to SA and a standalone report produced for the three councils in July 2024. The findings of this strategic SA are available here. Distribution options assessed through the SA consisted of those which locate Derby’s unmet housing need: • Concentrated within the Derby administrative area; • Concentrated within the Derby administrative area and the Derby Urban Fringe (land linked to the existing Derby urban area within Amber Valley and South Derbyshire); and • Dispersed across South Derbyshire District and Amber Valley Borough. (emphasis) As highlighted above, the interim SA refers to various pieces of work undertaken across the wider Derby HMA, relating to options for the scale and distribution of growth, including appropriate locations for accommodating the unmet housing and employment needs of Derby. This includes the Derby Housing Market Area Growth Option Study (August 2021) and the Derby HMA Sustainability Appraisal Site Options and Alternatives (September 2024). According to the Derby HMA SA report, “…the [SA] work is non-statutory as the Derby HMA is not preparing a joint statutory plan; however, the SA is to inform the preparation of the Amber Valley, Derby City, and South Derbyshire Local Plans…” (para 1.1). Furthermore, it says: “The purpose of the study has been to assist the Derby HMA advise their members on decision-making regarding Derby’s unmet housing need and to also inform the three authority’s Local Plan development processes and parallel SAs.” (emphasis). The key driver for this work is clearly the process by which Derby’s unmet housing need is to be accommodated in Amber Valley and South Derbyshire. However, the appraisal findings stemming from this work have not been incorporated or considered in the interim SA for the LPP1 review. It is unclear how this wider HMA work has ‘informed’ the LPP1 review and the appraisal of reasonable alternatives in the context of South Derbyshire. In effect, the outputs from these broader pieces of work currently lie outside the LPP1 review process. In light of the above, the interim SA does notfails to identify any options or present any appraisal of reasonable alternatives relating to the appropriate scale and distribution of growth specifically required to meet South Derbyshire’s own needs (it only considers growth options for the Derby HMA as a whole). This is significant gap which brings into question the legal compliance of in the SA process required to informing the LPP1 review. As a result, the Council is essentially saying that the proposed housing requirement figure under draft Policy S1 (14,483 dwellings) is the only ‘reasonable alternative’ growth option for South Derbyshire. Given the interim SA has not considered any growth options, this is clearly unjustified and unsubstantiated by any credible evidence issued alongside the LPP1 review consultation. As we’ve also highlighted elsewhere in our submission, the minimum level of housing need for South Derbyshire will very likely change once the revisions to the NPPF are published. In our view, the Council should need to revisit the strategy and SA which is currently based on simply rolling forward existing site allocations from the adopted LPP1 because those allocations in total will not meet the increased needs in South Derbyshire once the new standard method comes into force. This will also ensure a fair, transparent and consistent approach is taken in the site assessment and selection process for the allocation identified in the LPP1 review, and assist in increasing the delivery of affordable housing. It follows that the SA process for the LPP1 review will need to address the increase in local housing need and the implications this will have for the distribution of growth, and the need for additional site allocations, in order to remedy these issues prior to publishing the next iteration of the SA and LPP1. | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at various distribution options, including dispersed options within South Derbyshire, at both higher and lower housing provision, between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  The Council is satisfied that the approach undertaken in the SA of  the four strategic options.  The report also provides background information on the appraisal  process, including the consideration of reasonable alternatives,  such as a new settlement and the evidence required for a Green  Belt review. In both instances, the report concludes that neither  strategic approach is appropriate and concludes that the Derby  fringe is the most sustainable potential strategic growth sites for  providing Derby City’s unmet need.  The minimum level of housing need for the District has not changed substantially under the revisions to the NPPF.  Further housing requirement analysis will be provided in the next  iteration of the SA.  The interim SA report has been informed by a variety of evidence  Such as the HMA SA, the Growth Options Study, and Derby City Council’s points regarding their Capacity Study and a 12,500 limit identified within the city during the Plan period, a figure which has been expressed in a Statement of Common Ground.  Further specifics regarding additional evidence gathering will be  Provided in the updated Local Development Scheme, which will be  Available by March.  Additionally, Duty to Cooperate work will continue as well a  at submission the Local Plan will be supported by an updated  Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England and  Historic England). |
| 1242615 | | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | |  | | Overall, we agree with the findings of the Interim Sustainability Appraisal (Interim SA) which identifies Site 3: Land South of Mickleover as a preferred strategic site allocation and comprises a proposed strategic allocation in the draft Local Plan.  The preferred strategic sites approach aligns with the findings of the Growth Options Study, which identifies ‘land to the west of Derby Urban Area’, C1 as a ‘suitable area for strategic growth’. The finding of the Growth Option Study is further reinforced through the conclusions of the Derby HMA Sustainability Appraisal (HMA SA), which for the distribution of growth options assessment identifies:  “The study concludes that the distribution options which perform most positively are those which distribute the Derby unmet need to the Urban Fringe areas (S1\_D4A-E, S2\_D2A-E and S3\_D4A-E), with an apportionment between AVBC and SDDC. Development in the SDDC urban Fringe performs more positively than development in the AVBC Urban Frige for sustainable transport as there is higher potential for transport infrastructure improvements and more existing routes into Derby…”. [Source: Chapter 7, Derby HMA Sustainability Appraisal, dated September 2024, page 43]  The HMA SA and the Growth Options Study are reported within the Interim SA to have informed the preferred approach for the draft Local Plan, which have assessed options to identify the most sustainable scale, distribution, and apportionment of Derby City’s unmet housing need across the Derby HMA. With the preferred spatial strategy in the Interim SA aligning with both the Growth Options Study and the HMA SA, we do not look to dispute the findings of these assessments.  We do have other comments on the Interim SA, which are set out below, and should be reviewed and addressed: • The draft Local Plan’s Vision set out at Section 3.2 of the Interim SA does not align with the Vision set out at pages 19 and 20 in the draft Local Plan document. This should be addressed. • The following policies of the draft Local Plan do not appear to be the subject of appraisal within the Interim SA: o Policy BNE2: Heritage Assets o Policy S3: Environmental Performance o Policy S5: Employment Land Need o Policy S7: Retail o Policy S8: Green Belt o Policy H2: Land north of William Nadin Way, Swadlincote o Policy SD1: Amenity and Environmental Quality o Policy SD5: Minerals Safeguarding o Policy INF9: Open Space, Sport and Recreation  Whilst it is noted that the above policies are referred to as being either retained and/or updated in the draft Local Plan consultation document, there is no discussion of these policies within Section 2.3.1 of the Interim SA. Therefore, it is unclear if these policies are not the subject of a reappraisal for a specific reason.  • There are some policy references in the Interim SA which are not consistent with the policy references in the draft Local Plan consultation document, as noted below. It is presumed the policy references in the Interim SA look to reflect the ‘revised’ policy number in light of proposed deleted policies set out in the draft Local Plan and should be clarified: Draft Local Plan reference, Interim SA reference H20 Housing Balance and Custom/Self-Build H19 H21: Affordable Housing H20 H22: Gypsies and Travellers and for Travelling Showpeople H21 E6: Woodville Regeneration Area E4 E7: Rural Employment Development E5 | | | Noted.  The Vision in the Interim SA is indented to summarise the Vision of the Local Plan, however, the next iteration of the document can  have greater alignment between the two sections.  Policies such as BNE2 etc., have been sufficiently assessed in their current form and/or have not been significantly amended since the adopted Part 1 Plan (such as SD1, S7, H2, S8 and INF9) and/or the contents have been assessed in various other Policies (such as S5) have been similarly considered under different Policies (such as E1).  Ongoing work such as the strategic allocations’ design review, and The SFRA Level 1 will inform future assessment in the next iteration of the SA, including the need to consider Policies such as BNE2.  At submission the Local Plan will be supported by an updated  Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Policy references between the Interim SA and the draft Local Plan  will be made consistent wherever discrepancies exist.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England and Historic England). |
| 1243582 | | CBRE Ltd on behalf of Land Project UK (LPUK) | CBRE Ltd | |  | | The Sustainability Appraisal (hereafter ‘SA’) has found that the policies within the Employment and Economy chapter generally perform well. However, as outlined above within Question 3, LPUK has concerns that a clear gap in size of site and type of product that can be delivered exists within the emerging Local Plan. Specifically, the plan fails to cater for the sub 100,000 sq ft market of Grade A quality and it is evident that a greater number of sites to meet this requirement (circa. 15-20 acres) are required. | | | Noted.  The interim SA report has been informed by a variety of evidence  Such as the HMA SA, and the Growth Options Study. The HMA SA, in particular, included various ranges and quantum of growth and distribution options. Additional evidence such as the Derby and South Derbyshire Employment Land Review has provided additional clarification in this regard.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1242592 | | Dean Lewis Estates | Dean Lewis Estates | | No | | Q12 5: Have we identified the correct issues and is our methodology for assessing them, correct?  2.7.1 With the Executive Summary to the SA, it confirms that “no reasonable alternatives to the amended policies have been identified”.  2.7.2 This exemplifies the point that the existing housing allocations as identified with the existing adopted Part 1 and Part 2 Local Plan 2011 – 2028 have not been reappraised in terms of their suitability, deliverability and availability as required by the NPPF.  2.7.3 The efficacy of evidence that supported these allocations can only apply until 2028 unless a comprehensive review is undertaken within this partial plan review. As evidenced above, it is clear that the delivery of the planned housing allocations has been severely slow. The delivery of Affordable housing has also suffered an acute failure. Whilst the housing market in South Derbyshire has remained resilient, the deliver of new homes has been dominated by unplanned speculative development out with the adopted local plan allocations.  2.7.4 The evidence demonstrates that the SA and proposed ‘rolled forward’ Local plan housing allocation polices cannot be relied upon beyond the end of the current period in 2028. The issues and methodology for assessing them, is incorrect | | | Noted.  Various work undertaken in the evidence gathering process for the draft Plan has assessed the current status of existing housing  allocations and potential sites, such as the Housing Position Paper, Authority Monitoring Report and SHELAA.  Existing housing allocations have already undergone SA testing using a similar methodology and are not considered to need further assessment at this time.  District-wide viability work will be undertaken in order to provide  greater clarity on the need for and potential provision of affordable  housing for the Plan period.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243628 | | Define Planning on behalf of Bloor Homes Ltd |  | | No | | The interim Sustainability Appraisal only tests four strategic sites on the boundary of Derby City having chosen option 1 ‘edge of Derby City’ consulted on in the Issues and Options consultation. There are significant concerns to the sustainability and deliverability of solely following this approach which will see a significant amount of development on the edge of Derby. This includes infrastructure requirements, market capacity and delivery timescales. To positively plan for meeting Derby City’s unmet needs, a range of sites should be allocated in sustainable locations such as Swadlincote. BHL’s site ‘Land West of Castle Gresley’ is located outside of the Green Belt on the edge of the urban area of Swadlincote. Response to question 13 sets out in detail in support of the site which is being promoted for allocation. | | | Noted.  HMA-level SA work, alongside additional work such as the HMA SA, the Derby City Capacity Study, the Growth Options Study, have assessed various locations and quantum levels of potential strategic growth Strategies.  The HMA SA assessed various ranges and quantum of growth and distribution options including Swadlincote.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1242645 | | Emery Planning on behalf of Strategic Land Group Ltd | Emery Planning | | No | | 4.19 Table 7-3 of the Interim Sustainability Appraisal (ISA) further shows a ‘?’ against the affordable housing policy assessment in relation to SA2 (Housing Sustainability Appraisal Objective) and goes on to state:2 Section 1a.ii. of the East Midlands Freeport Full Business Case “The policies within the Housing chapter generally perform well against the SA objectives, with potential significant positive effects being identified in relation to SA2 (Housing) for Policy H19: Housing Balance & Custom/Self-build and Policy H21: Gypsies and Travellers and for Travelling Showpeople. An uncertain effect has been identified in relation to SA2 (Housing) for Policy H20: Affordable Housing as the policy permits a lower proportion of development where a viability assessment demonstrates that the 40% requirement cannot be achieved. It is therefore unclear how many sites will provide 40% of affordable housing. No potential negative effects have been identified.” (our emphasis) 4.20 It therefore appears that the likelihood of viability issues is already a concern and has been built into the policy. The Interim Sustainability Appraisal acknowledges that this could impact upon delivery of affordable housing. Given that the plan seeks to deliver the minimum affordable housing need through Policy H21, which is challenged through the ISA, we consider that an increase to the housing requirement would be justified in the context of paragraph 2a-024 of the PPG. It should be noted that the uplift of 5,609 dwellings is to meet Derby’s needs, and it would not address the need for affordable housing in South Derbyshire. Unmet needs of neighbouring authorities / Derby HMA | | | Noted.  Plan-wide viability assessment will determine further affordable  housing requirements including proportion.  Policies including H19 and H21 may be amended following this  process.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England and Historic England). |
| 1243178 | | Freeths on behalf of Commercial Development Projects Ltd |  | | No | | The scope of the SDDC Interim SA is too narrow concentrating on the merits of different SUE options to deliver unmet need for DCC. However, it fails to acknowledge that SUEs alone will not deliver the required level of development within the plan period and does not assess any other spatial distribution. | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover)  are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Following extensive HMA-wide evidence gathering such as the  HMA SA, the Derby City Capacity Study, and the Growth Options  Study, it was concluded that the most sustainable and appropriate  location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Documents such as the Authority Monitoring Report and the  Housing Position Paper provide greater insight into the District’s  completions rates and trajectory.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243166 | | Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd | Gladman | |  | | The Interim Sustainability Appraisal report identified that a spatial strategy which focuses development on the urban fringe of Derby would be the most sustainable option and therefore four strategic options were identified. The report goes on to state that ‘it should be noted that not all of these strategic sites were deemed necessary to develop in order to meet the SDDC and HMA combined housing requirements’. The two options taken forward as preferred strategic sites, STRA1: Infinity Garden Village and STRA2: South of Mickleover have a combined capacity to deliver 4,500 dwellings over the plan period. The Amber Valley Local Plan is at an advanced stage with examination hearings due to commence on 10th December. The submission version of the Amber Valley Local Plan proposes the allocation of land at Brun Lane, Mackworth for 2,000 dwellings, with 1,320 dwellings being deliverable within the plan period, to meet Derby City’s unmet need. Together, the proposed delivery of these three sites would provide 5,820 dwellings to meet Derby City’s unmet need. It is not therefore evident how the sustainability appraisal has come to the conclusion that no more sites are deemed necessary in order to meet the full needs of the wider HMA. This matter is especially pertinent in the context of what has come to light in relation to the Brun Lane, Mackworth site during the process of the Amber Valley Local Plan examination. In a letter dated 8th October from the landowner’s agent of the site (appeal document AV08a), it was confirmed that the landowner intended to continue farming the land and that it had never been their intention to develop the site. As such, the Amber Valley Local Plan will provide no homes towards meeting the unmet need of Derby City. As such, the matter of accommodating the unmet need must be revisited by the HMA authorities. The need to positively plan to meet full housing needs across housing market areas should not be underestimated. It is all too easy for the duty to cooperate to be seen as an administrative exercise, however the fundamental social and economic need to ensure a supply of good quality housing to meet the homes and employment requirements across the wider area is a key issue that must be addressed properly through the plan making process. | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover)  are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Following extensive HMA-wide evidence gathering such as the HMA SA, the Derby City Capacity Study, and the Growth Options Study, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Documents such as the Authority Monitoring Report and the  Housing Position Paper provide greater insight into the District’s  completions rates and trajectory.  The draft Plan will consider the progress of the Amber Valley Local Plan and HMA-wide work will continue to be undertaken.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243182 | | Hawksmoor on behalf of I Foster | Hawksmoor | | No | | Page 37 ‘Key Issues. Public transport demand and accessibility.  Identified Description. There is pressure on public transport provision across the District, which is relatively poor and disconnected overall, particularly in rural areas. Much of the District is inaccessible by train as Swadlincote lacks a station. However, there are some parts of the District closer to Derby, as well as Hatton which offer connections. East Midlands Airport in Castle Donington is also within proximity to many connecting networks.’  Considering Derby City unmet need, the benefits of Hatton’s connectivity by rail to Derby City should be explored further and greater weight added to the settlement in favour of sustainable travel. | | | Noted.  Following extensive HMA-wide evidence gathering such as the HMA SA, the Derby City Capacity Study and the Growth Options Study, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  At submission the Local Plan will be supported by an updated  Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  District-wide transport modelling will be undertaken alongside  Regulation 19 requirements.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
|  | |  |  | |  | | INTERIM SUSTAINABILITY APPRAISAL The Plan should be based on an appropriate strategy and informed by a full understanding of the reasonable alternatives. The most recent iteration of the Sustainability Appraisal (SA) is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR.  The ISA is clear upon the reasonable alternatives it has identified, which comprises four strategic sites on the edge of Derby – Infinity Garden Village (Site 1), Thulston Fields, (Site 2) Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Policies STRA1 and STRA3, respectively.  Outside of these four strategic site options, there is virtually no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. Whilst reference is made to the Growth Options Study 2021 by AECOM and the separate Sustainability Appraisal associated with it, the ISA does not advance this work at all in exploring and testing reasonable alternatives for how growth needs could be met within the District.  The first major limitation of the ISA is that it does not consider different quantities of growth. It only considers the level of provision made for housing within the Draft Plan and does not test alternative growth scenarios for housing, despite the level of provision made within the Draft Plan being plainly insufficient to meet HMA-wide needs and the very tentative nature of the work undertaken in respect of Derby’s urban capacity. This shortcoming is even harder to comprehend when the ISA opens with the statement that further housing will be required, so it is not clear why it has not tested an overall housing growth figure other than the preferred option. Clearly, therefore, Policy S1 (Sustainable Growth Strategy) will not have a “major positive” effect in respect of housing provision, given that it will not deliver the amount of housing required and the SA is fully cognizant of that fact.  The second major limitation of the ISA is that it is based upon the Derby Housing Market Area Growth Options Study (“GOS”) by AECOM dated 2021. We have outlined the flaws in the GOS within the next section below, but in brief, it has not undertaken an exhaustive consideration of site options even around Derby let alone the entire District as evidenced by its exclusion of South of Littleover. On the basis that the ISA has clearly relied upon the GOS to identify the reasonable alternatives tested, it is obvious the conclusions of this study are influencing the assessments undertaken in respect of the four strategic site options, despite the fact that South of Littleover was not considered at all, nor was it subject to the same detailed appraisal within the GOS as the other options. The reliance on the GOS within the SA process therefore means that the various site options have not been appraised to the same level of detail.  In respect of the testing of specific site options and reasonable alternatives within Table 6-2, this has only been undertaken very briefly and superficially with limited explanation. In respect of objective SA1 (biodiversity) Thulston Fields (Site 2) and South of Mickleover (Site 3) have been assessed as generating major positive effects for biodiversity, whereas Infinity Garden Village (Site 1) and South of Littleover (Site 4) have only been ascribed a neutral impact. There is absolutely no explanation for this differential whatsoever, despite each site considered being a major strategic site with clear potential to deliver net gains for biodiversity.  In respect of economy and employment, SA Objectives SA6 and SA7 respectively, Infinity Garden Village and Land South of Mickleover are each recorded as resulting in significant positive effects whereas South of Littleover is recorded as only having a positive effect in respect of economy and a major adverse effect in respect of employment. Again, there is seemingly no explanation for this, although it seems likely because South of Mickleover and Infinity Garden Village include employment provision. However, this is only because the Council itself has chosen to allocate employment land at these sites without any consideration whatsoever of alternative sites for employment, as neither the ISA itself, the GOS nor the wider HMA SA work address land for commercial development. In addition the Employment Land Review (“ELR”) is clear that the Land South of Mickleover is one of the less desirable employment locations within the District and cites concerns about the deliverability and viability of employment land at Mickleover. The same is also true in respect of the provision made at Infinity Garden Village given that access to the employment land here is reliant on the delivery of a new junction off the A50. As such, it is far from assured that these sites will include any employment element and it is clear that the Council has not considered incorporating employment within other strategic sites, in addition to overlooking other land promoted for employment within the District which, according to the ELR, perform better than the sites that have been selected.  Land to the South of Littleover has also been assessed has having a major adverse impact in relation to SA7, which is to create greater employment opportunities and higher value jobs across the whole District. The “major adverse” finding means that the option will significantly underprovide against the District’s employment land requirement or the site will lead to the net loss of existing jobs. South of Littleover is a greenfield site and does not have an existing use apart from agriculture. There are no employment generating uses on the site so its redevelopment will not result in the net loss of jobs. In relation to under-providing against employment land requirements, the assessment in the ELR clearly indicates that South Derbyshire does not require any further employment land beyond existing commitments in the Plan period to 2039. The major adverse finding in respect of SA7 is therefore not justified nor based upon robust evidence.  In relation to SA9 in respect of sustainable travel, the impacts of South of Littleover are assessed as “neutral” whereas the selected options (i.e. Infinity Garden Village and Mickleover) are assessed positively. This is in spite of the fact that each site option is located on the edge of Derby and is therefore in proximity to a major area of population and the fact that each option is large enough to bring forward additional service provision within the sites if required.  Apart from the above, the performance of South of Littleover is identical to the other options and where it does not perform well relative to the preferred options, there is virtually nothing in the way of objective evidence indicating why this is the case.  Finally, in respect of infrastructure (SA8), we note that Land South of Littleover has been ranked “neutral” against this objective in common with other options, despite the fact that delivery of this site would bring forward Phase 2 of the South of Derby Integrated Transport Link (SDITL) as identified in the adopted Part 1 Local Plan and the updated Draft Plan, thereby bringing substantial benefits including the effective management of traffic flows throughout Derby. This has not been recognised at all in the SA process, despite the fact that there is a commitment to the delivery of this key piece of infrastructure within both the adopted development plan and the Draft Plan under Policy INF4. That key omission underscores the fact that the assessment of sites under the SA process has not been undertaken in a fair or objective manner.  Page 42 of the ISA expressly addresses South of Littleover, explaining that it was not progressed as it was “decided that housing need could be met in more sustainable locations when considering the outcome of the SA assessment, as well as the outcome of the AECOM study which suggested the site would not be viable due to the combination of sub-sites involved.”  Firstly, the outcome of the SA assessment is fundamentally flawed and skewed, as explained above. As such, its conclusions cannot be relied upon. Secondly, it is unclear which AECOM study the ISA is referring to, but there is no such statement within the Growth Options Study, which does not consider South of Littleover within its broad areas of search. As such, either the authors of the ISA have misunderstood the Growth Options Study or they are referring to a part of the evidence base which has not been published for consultation. Either scenario clearly indicates the lack of a robust and transparent SA process.  In respect of the substantive point about the fragmentation of landownership, the area is under promotion by a combination of Redrow Homes, Ainscough Strategic Land and Richborough Estates, all of which have agreements with their respective landowners to promote the site for development, as clearly evidenced by the SHELAA. It is therefore not clear on what basis AECOM believe the site is not viable as it is all available for development. Once again, this vague and generalised statement is indicative of a lack of robustness and objectivity in the assessment. | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, the Derby City Capacity Study and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period. Further requirements for small sites and local settlements will be addressed in the Local Plan Part 2.  The SA been undertaken independently by consultants with  extensive relevant experience in SA practices.  Allocating housing and mixed-use schemes of 1,000 dwellings and greater provides the opportunity to deliver comprehensive infrastructure with a great deal of containment on large sites. The scale of sites will allow the provision of infrastructure such as schools, open space, local centres, employment etc, which will help provide a sustainable development. This decision is bolstered by the fact that the District has enjoyed a high rate of delivery of residential completions in recent years (refer to the Authority Monitoring Report and the Housing Position Paper).  This level of strategic allocations for the sites proposed, in addition to existing planning permissions being brought forward will satisfy the housing requirements for the District over the Plan period.  Additional considerations of smaller sites will be addressed in Part  2 of the Plan for the residual housing delivery requirement.  Derby’s unmet need or shortfall, has been formally identified by the HMA through its various workstreams and specified as 12,500 in a Statement of Common Ground.  Distribution Option D1 was discussed in order to illustrate the  constrained nature of the City, and the basis for considering further spatial strategies.  The overall apportionment of the City’s unmet need is subject to  further HMA work, and will be addressed through Duty to Cooperate activities. At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. and updated NPPF requirements. |
| 1243226 | | Marrons Planning on behalf of Redrow Homes | Marrons Planning | |  | |
|  | |  |  | |  | | INTERIM SUSTAINABILITY APPRAISAL The Plan should be based on an appropriate strategy and informed by a full understanding of the reasonable alternatives. The most recent iteration of the Sustainability Appraisal (SA) is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR.  4.2.2 The ISA is clear upon the reasonable alternatives it has identified, which comprise four strategic sites on the edge of Derby – Infinity Garden Village (Site 1), Thulston Fields, (Site 2) Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Policies STRA1 and STRA3, respectively. It is plain, therefore, that early on in the SA process the Council has closed its mind to reasonable alternatives which do not involve these four specific strategic site options on the edge of Derby.  Outside of these four strategic site options, there is virtually no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. Whilst reference is made to the Growth Options Study 2021 by AECOM and the separate Sustainability Appraisal associated with it, the ISA does not advance this work at all in exploring and testing reasonable alternatives for how growth needs could be met within the District. | | | Noted.  Following extensive HMA-wide evidence gathering such as the HMA SA, the Derby City Capacity Study and the Growth Options Study, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. Further details have been expressed in a Statement of Common Ground. The strategic allocations proposed, in combination with existing permissions will deliver the required level of growth during the Plan period. In the HMA SA, higher and lower growth options and dispersed options within South Derbyshire were fully considered within the SA process. The remaining unallocated windfall allowance will be addressed in the Part 2 Plan.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England and Historic England). |
| 1243650 | | Marrons on behalf of Davidsons regarding their Melbourne Site | Marrons on behalf of Davidsons regarding their Melbourne Site | |
| 1243658 | | Marrons on behalf of Davidsons regarding their Newton Solney Site | Marrons on behalf of Davidsons regarding their Newton Solney Site | |  | | 4.2 INTERIM SUSTAINABILITY APPRAISAL  4.2.1 The Plan should be based on an appropriate strategy and informed by a full understanding of the reasonable alternatives. The most recent iteration of the Sustainability Appraisal (SA) is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR.  4.2.2 The ISA is clear upon the reasonable alternatives it has identified, which comprise four strategic sites on the edge of Derby – Infinity Garden Village (Site 1), Thulston Fields, (Site 2) Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Policies STRA1 and STRA3, respectively. It is plain, therefore, that early on in the SA process the Council has closed its mind to reasonable alternatives which do not involve these four specific strategic site options on the edge of Derby.  4.2.3 Outside of these four strategic site options, there is virtually no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. Whilst reference is made to the Growth Options Study 2021 by AECOM and the separate Sustainability Appraisal associated with it, the ISA does not advance this work at all in exploring and testing reasonable alternatives for how growth needs could be met within the District. | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The report considered higher and lower growth options and dispersed options within South Derbyshire were fully considered within the SA process. The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover)  are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Further requirements for small sites and local settlements will be  addressed in the Local Plan Part 2.  The SA been undertaken independently by consultants with  extensive relevant experience in SA practices.  Allocating housing and mixed-use schemes of 1,000 dwellings and greater provides the opportunity to deliver comprehensive infrastructure with a great deal of containment on large sites. The scale of sites will allow the provision of infrastructure such as schools, open space, local centres, employment etc, which will help provide a sustainable development. This decision is bolstered by the fact that the District has enjoyed a high rate of  housing delivery in recent years (refer to the Authority Monitoring Report and the Housing Position Paper).  This level of strategic allocations for the sites proposed, in addition to existing planning permissions being brought forward will satisfy the housing requirements for the District over the Plan period.  Additional considerations of smaller sites will be addressed in Part  2 of the plan for the residual housing delivery requirement.  Derby’s unmet need or shortfall, has been formally identified by the HMA through its various workstreams and specified as 12,500 in the Derby City Capacity Study, addressed in a Statement of Common Ground.  Distribution Option D1 was discussed in order to illustrate the  constrained nature of the City, and the basis for considering further spatial strategies.  The overall apportionment of the City’s unmet need is subject to  further HMA work, and will be addressed through Duty to Cooperate activities. At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. and updated NPPF  requirements. |
| 1243202 | | Marrons Planning on behalf of William Davis Homes | Marrons Planning | |  | | INTERIM SUSTAINABILITY APPRAISAL The Plan should be based on an appropriate strategy and informed by a full understanding of the reasonable alternatives. The most recent iteration of the Sustainability Appraisal (SA) is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR.  4.2.2 The ISA is clear upon the reasonable alternatives it has identified, which comprise four strategic sites on the edge of Derby – Infinity Garden Village (Site 1), Thulston Fields, (Site 2) Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Policies STRA1 and STRA3, respectively. It is plain, therefore, that early on in the SA process the Council has closed its mind to reasonable alternatives which do not involve these four specific strategic site options on the edge of Derby.  Outside of these four strategic site options, there is virtually no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. Whilst reference is made to the Growth Options Study 2021 by AECOM and the separate Sustainability Appraisal associated with it, the ISA does not advance this work at all in exploring and testing reasonable alternatives for how growth needs could be met within the District. | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The report discussed higher and lower growth options and dispersed options within South Derbyshire were fully considered within the SA process. The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover)  are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Following extensive HMA-wide evidence gathering such as the HMA SA, the Derby City Capacity Study and the Growth Options Study, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. Further details have been expressed in a Statement of Common Ground. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Further requirements for small sites and local settlements will be  addressed in the Local Plan Part 2.  The SA has been undertaken independently by consultants with  extensive relevant experience in SA practices and following similar methodologies which have been found to be sound in previous Plans. No objections have been made to the interim SA report from the consultation bodies (the Environment Agency, Natural England and Historic England). |
| 1243594 | | Marrons Planning on behalf of Northern Trust | Marrons Planning on behalf of Northern Trust | |  | | The Plan should be based on an appropriate strategy and informed by a full understanding of the reasonable alternatives. The most recent iteration of the Sustainability Appraisal (SA) is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR.  The ISA is clear upon the reasonable alternatives it has identified, which comprise four strategic sites on the edge of Derby – Infinity Garden Village (Site 1), Thulston Fields, (Site 2) Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Policies STRA1 and STRA3, respectively. It is plain, therefore, that early on in the SA process the Council has closed its mind to reasonable alternatives which do not involve these four specific strategic site options on the edge of Derby.  Outside of these four strategic site options, there is virtually no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. Whilst reference is made to the Growth Options Study 2021 by AECOM and the separate Sustainability Appraisal associated with it, the ISA does not advance this work at all in exploring and testing reasonable alternatives for how growth needs could be met within the District.  OTHER COMMENTS ON THE SPATIAL STRATEGY  4.5.1 The Plan allocates two large-scale strategic urban extensions net of existing commitments to address housing needs to 2039, including part of the unmet need arising from Derby within the same period. For the reasons explained above, the SA has closed its mind to reasonable alternatives that do not involve strategic expansions to the edge of Derby and this has informed an approach that is not robustly evidenced or justified.  4.5.2 The Plan has failed to consider locally-specific settlement-based needs. Paragraph 67 of the NPPF (December 2023 version) states that strategic policies should set out a housing requirement for designated neighbourhood areas. The Plan fails to do this thereby falling into conflict with national policy. The Plan has also failed to consider making provision for a stock of small and medium sized sites over the plan period, as required by paragraph 70 of the NPPF, thus falling into conflict with this aspect of national policy as well.  6.2 SPATIAL STRATEGY The Draft Plan’s scope has driven the site selection process. The sites taken forward for allocation on the edge of Derby have not been chosen following a robust, transparent and objective process through the Sustainability Appraisal. The Growth Options Study 2021 and the associated HMA-wide SA have considerable methodological flaws and the ISA has relied upon these to consider only a very limited pool of sites. The result is the Draft Plan fails to justify its overall spatial strategy or the quantity of growth it plans for.  The spatial strategy also fails to consider smaller sites and localised needs resulting in several significant breaches of national planning policy, which can only be rectified through a fundamental re-consideration of the Draft Plan’s strategy. | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover)  are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Following extensive HMA-wide evidence gathering such as the HMASA, the Derby City Capacity Study and the Growth Options Study, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. Further details have been expressed in a Statement of Common Ground. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Further requirements for small sites and local settlements will be  addressed in the Local Plan Part 2.  The SA has been undertaken independently by consultants with  extensive relevant experience in SA practices and following similar methodologies which have been found to be sound in previous  Plans. No objections have been made to the interim SA report from the consultation bodies (the Environment Agency, Natural England and Historic England). |
| 1243213 | | Marrons Planning on behalf of Northern Trust | Marrons Planning | |  | | The Plan should be based on an appropriate strategy and informed by a full understanding of the reasonable alternatives. The most recent iteration of the Sustainability Appraisal (SA) is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR.  The ISA is clear upon the reasonable alternatives it has identified, which comprise four strategic sites on the edge of Derby – Infinity Garden Village (Site 1), Thulston Fields, (Site 2) Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Policies STRA1 and STRA3, respectively. It is plain, therefore, that early on in the SA process the Council has closed its mind to reasonable alternatives which do not involve these four specific strategic site options on the edge of Derby.  Outside of these four strategic site options, there is virtually no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. Whilst reference is made to the Growth Options Study 2021 by AECOM and the separate Sustainability Appraisal associated with it, the ISA does not advance this work at all in exploring and testing reasonable alternatives for how growth needs could be met within the District.  OTHER COMMENTS ON THE SPATIAL STRATEGY  4.5.1 The Plan allocates two large-scale strategic urban extensions net of existing commitments to address housing needs to 2039, including part of the unmet need arising from Derby within the same period. For the reasons explained above, the SA has closed its mind to reasonable alternatives that do not involve strategic expansions to the edge of Derby and this has informed an approach that is not robustly evidenced or justified.  4.5.2 The Plan has failed to consider locally-specific settlement-based needs. Paragraph 67 of the NPPF (December 2023 version) states that strategic policies should set out a housing requirement for designated neighbourhood areas. The Plan fails to do this thereby falling into conflict with national policy. The Plan has also failed to consider making provision for a stock of small and medium sized sites over the plan period, as required by paragraph 70 of the NPPF, thus falling into conflict with this aspect of national policy as well.   6.2 SPATIAL STRATEGY The Draft Plan’s scope has driven the site selection process. The sites taken forward for allocation on the edge of Derby have not been chosen following a robust, transparent and objective process through the Sustainability Appraisal. The Growth Options Study 2021 and the associated HMA-wide SA have considerable methodological flaws and the ISA has relied upon these to consider only a very limited pool of sites. The result is the Draft Plan fails to justify its overall spatial strategy or the quantity of growth it plans for.  The spatial strategy also fails to consider smaller sites and localised needs resulting in several significant breaches of national planning policy, which can only be rectified through a fundamental re-consideration of the Draft Plan’s strategy. | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover)  are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Following extensive HMA-wide evidence gathering such as the HMA SA, the Derby City Capacity Study and the Growth Options Study, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. Further details have been expressed in a Statement of Common Ground The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Further requirements for small sites and local settlements will be  addressed in the Local Plan Part 2.  The SA has been undertaken independently by consultants with  extensive relevant experience in SA practices and following similar  methodologies which have been found to be sound in previous  Plans. No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243616 | | Marrons Planning on behalf of Miller Homes | Marrons Planning | |  | | .2 INTERIM SUSTAINABILITY APPRAISAL 4.2.1 The Plan should be based on an appropriate strategy and informed by a full understanding of the reasonable alternatives. The most recent iteration of the Sustainability Appraisal (SA) is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR.  4.2.2 The ISA is clear upon the reasonable alternatives it has identified, which comprise four strategic sites on the edge of Derby – Infinity Garden Village (Site 1), Thulston Fields, (Site 2) Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Policies STRA1 and STRA3, respectively. It is plain, therefore, that early on in the SA process the Council has closed its mind to reasonable alternatives which do not involve these four specific strategic site options on the edge of Derby.  4.2.3 Outside of these four strategic site options, there is virtually no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. Whilst reference is made to the Growth Options Study 2021 by AECOM and the separate Sustainability Appraisal associated with it, the ISA does not advance this work at all in exploring and testing reasonable alternatives for how growth needs could be met within the District. | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  In the HMA SA, higher and lower growth options and dispersed options within South Derbyshire were fully considered within the SA process. The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the  required level of development during the plan period.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, the Growth Options Study, through which, it was concluded that the unmet need figures the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Further requirements for small sites and local settlements will be  addressed in the Local Plan Part 2.  The SA been undertaken independently by consultants with extensive relevant experience in SA practices.  A strategic level of 1,000 dwellings a minimum was selected for  assessment as The District’s high delivery of residential completions (refer to the Authority Monitoring Report and the Housing Position Paper).  This level of strategic allocations for the sites proposed, in addition  to existing planning permissions being brought forward will satisfy  the housing requirements for the District over the Plan period.  Additional considerations of smaller sites will be addressed in Part  2 of the Plan for the residual housing delivery requirement. A Statement of Common Ground has established the specifics agreed regarding the Derby unmet need between HMA partners.  Derby’s unmet need or shortfall, has been formally identified by the HMA through its various workstreams and specified as 12,500 in a Statement of Common Ground.  Distribution Option D1 was discussed in order to illustrate the  constrained nature of the City, and the basis for considering further  spatial strategies.  The overall apportionment of the City’s unmet need is subject to  further HMA work, and will be addressed through Duty to Cooperate activities. At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. and updated NPPF  requirements. |
| 1243650 | | Marrons on behalf of Davidsons regarding their Melbourne Site | Marrons on behalf of Davidsons regarding their Melbourne Site | |  | | 4.3 THE GROWTH OPTIONS STUDY (2021) 4.3.1 Following the commentary in the ISA, the Derby Housing Market Area Growth Options Study (“GOS”) by AECOM has been instrumental in framing the spatial strategy for the Plan and, alongside the accompanying Sustainability Appraisal, has been relied upon to discount virtually every other location in South Derbyshire other than the four sites discussed within the ISA.  4.3.2 The GOS undertakes the following: • Breaks down the HMA into six assessment areas; • Analyses the six assessment areas to identify 16 broad areas of search for detailed consideration in Stage 2 of the study; • Analyses the 16 assessment areas; and • Forms concludes as to whether they are unsuitable, potentially suitable or suitable  4.3.3 At the outset, it is appropriate to note the GOS’ limitations which are set out: • The broad locations have only been identified where they have the capacity to accommodate a minimum of 1,000 homes. • It does not identify specific sites nor quantify the level of growth that could be accommodated. • It has not been undertaken with reference to housing need within the HMA or individual local authorities.  4.3.4 The substantive analysis of the GOS commences with a consideration of the key constraints within the very high level HMA assessment areas, of which there are six. The scale of these units of assessment is significant and the conclusions drawn about the key constraint and opportunities can only be very high level and not applicable at the scale of individual sites and settlements. Following this very broad thematic review, data in respect of constraints and proximity to services is combined in a land suitability and proximity map which uses various shades of purple to provide a land suitability score. The information is presented at such a high level it is practically impossible to infer the relative performance of individual sites or broad directions of growth around settlements. Following this very high level work, the GOS moves on to discussing the sixteen broad areas of search but there is limited explanation as to how they’ve been selected or how the previous stages of analysis informed these choices. The GOS therefore moves from a very high level review of the HMA to selecting individual broad areas with little in the way of context or explanation.  4.3.5 Given the leap in reasoning it makes, we consider that the GOS has very limited utility in the way of understanding or testing reasonable alternatives. To illustrate this point, at least one of the options considered in the ISA by AECOM (South of Littleover) is not reviewed in the GOS. If this reasonable alternative to the selected growth strategy has been overlooked, then it begs the question what other potential sites have.  4.4 DERBY HMA SUSTAINABILITY APPRAISAL OF HOUSING OPTIONS 4.4.1 The Derby HMA Sustainability Appraisal of Housing Options by AECOM considers the approach to meeting housing needs within the Derby HMA specifically for housing and specifically in relation to Derby’s unmet needs for housing.  4.4.2 The HMA SA tests three scale scenarios and 4 distribution scenarios. In relation to the scale of housing, the three options comprise the Standard Method (of which the 35% uplift is part) (Scale 1) and Scales 2 and 3 which do not include the 35% uplift despite it forming part of the Standard Method.  4.4.3 Four distribution options are tested which fundamentally are either meet growth on the edge or and/or within Derby (options 1, 2, and 4) or disperse growth across the HMA. Within the options, different apportionments are considered between Amber Valley and South Derbyshire as administrative areas.  4.4.4 We have the following comments upon the HMA SA: • The plan period is misunderstood. It refers to a 17 year plan period, but states this is 2023 – 2039, which is 16 years. The base date of the Plan is also 2022 and not 2023; • Derby’s shortfall of 9,022 appears to be fixed rather than treated as a variable despite the tentative and imprecise understanding of the city’s urban capacity discussed above; • In relation to the reasonable alternatives for scale, no genuine alternative has been explored to the Standard Method. The 35% urban uplift applicable to Derby is an intrinsic part of the Standard Method, so scenarios without the urban uplift are not reasonable alternatives as they would be tantamount to not meeting the minimum amount of housing required; • Higher alternatives than the Standard Method have not been tested, despite the recognition that the Standard Method is only a starting point for calculating the housing requirement and substantive explanation is given; • Distribution Option D1 (Urban Concentration) is not a reasonable alternative. If all of Derby’s unmet need could be feasibly met within Derby’s administrative area, then Derby would not have unmet needs for housing; • Distribution Option D3 (Dispersed) continues to include land Derby’s urban fringe and no scenario is considered that does not include Derby. Other than the administrative split between AVBC and SDDC, there is no explanation as to how growth is apportioned across Amber Valley and South Derbyshire’s settlements; • The four broad areas identified within the GOS as areas “suitable for strategic growth” have been taken forward within the HMA SA despite the clear limitations of the GOS and its arbitrary identification of these areas; • It is not clear how the broad areas of search identified within the GOS have informed the testing of the various spatial options, if at all. But given the high level and very selective nature of the GOS, it is not an appropriate tool to inform SA testing; • Page 16 claims that the options testing has considered individual sites submitted through the Strategic Housing and Economic Land Availability Assessment (SHELAA) in the testing of spatial options, but it states that sites have not been considered where they fall outside of the broad areas of search within the GOS set out in Table 3-1. Two of the four broad areas identified are on the edge of Derby, with the other identified areas being located north of Hilton in South Derbyshire or North East of Swadlincote. As such, it appears that strategic growth on the edge of Derby has only been compared to two other locations across the HMA; • The document discusses the suitable areas for strategic growth in the GOS, but ignores those that were identified as potentially suitable; • Section 3.2 in relation to Assessment Assumptions and Limitations heavily implies that the SA process has not considered options which can provide dwellings of less than 1,000 units, which is the threshold set within the GOS. Clearly, this does not provide a reasonable picture of the relative performance of different sites and growth options and skews the results of the SA; and • Despite assessing options against SO8 (Sustainable Travel) amongst other factors, page 25 of the HMA SA states “It has not been possible to obtain detailed information about the frequency of public transport services within the Derby HMA.”  4.4.5 For the reasons set out above, we do not consider that the HMA SA provides a suitably robust discussion or analysis of the preferred option or the reasonable alternatives. Given this, its conclusions that the preferred options on the edge of Derby perform better against the SA objectives than the other options considered cannot be relied upon. The Plan and its spatial strategy are therefore unjustified. | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  In the HMA SA, higher and lower growth options and dispersed options within South Derbyshire were fully considered within the SA process. The report looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, the Derby City  Capacity Study and the Growth Options Study, where the unmet need figures it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. Further details have been expressed in a Statement of Common Ground. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Further requirements for small sites and local settlements will be  addressed in the Local Plan Part 2.  The SA been undertaken independently by consultants with  extensive relevant experience in SA practices.  A strategic level of 1,000 dwellings a minimum was selected for  assessment as The District’s high delivery of residential completions (refer to the Authority Monitoring Report and the Housing Position Paper). This level of strategic allocations for the sites proposed, in addition to existing planning permissions being brought forward will satisfy the housing requirements for the District over the Plan period.  Additional considerations of smaller sites will be addressed in Part  2 of the Plan.  Derby’s unmet need or shortfall, has been formally identified by the  HMA through its various workstreams and specified as 12,500 in  the Derby City Capacity Study and discussed in a Statement of Common Ground.  At submission the Local Plan will be supported by an updated  Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Distribution Option D1 was discussed in order to illustrate the  constrained nature of the City, and the basis for considering further  spatial strategies.  The overall apportionment of the City’s unmet need is subject to  further HMA work, and will be addressed through various means,  including, at submission, the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. and updated NPPF requirements.    No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243636 | | Marrons on behalf of Ainscough Strategic Land | Marrons on behalf of Ainscough Strategic Land | |  | | 4.3 THE GROWTH OPTIONS STUDY (2021) 4.3.1 Following the commentary in the ISA, the Derby Housing Market Area Growth Options Study (“GOS”) by AECOM has been instrumental in framing the spatial strategy for the Plan.  4.3.2 The GOS undertakes the following: • Breaks down the HMA into six assessment areas; • Analyses the six assessment areas to identify 16 broad areas of search for detailed consideration in Stage 2 of the study; • Analyses the 16 assessment areas; and • Forms concludes as to whether they are unsuitable, potentially suitable or suitable 4.3.3 At the outset, it is appropriate to note the GOS’ limitations which are set out: • The broad locations have only been identified where they have the capacity to accommodate a minimum of 1,000 homes. • It does not identify specific sites nor quantify the level of growth that could be accommodated. • It has not been undertaken with reference to housing need within the HMA or individual local authorities.  4.3.4 The substantive analysis of the GOS commences with a consideration of the key constraints within the very high level HMA assessment areas, of which there are six. The scale of these units of assessment is vast and the conclusions drawn about the key constraint and opportunities can only be very high level and not applicable at the scale of individual sites and settlements. Following this very broad thematic review, data in respect of constraints and proximity to services is combined in a land suitability and proximity map which uses various shades of purple to provide a land suitability score. The information is presented at such a high level it is practically impossible to infer the relative performance of individual sites or broad directions of growth around settlements. Following this very high level work, the GOS moves on to discussing the sixteen broad areas of search but there is limited explanation as to how they’ve been selected or how the previous stages of analysis informed these choices. The GOS therefore moves from a very high level review of the HMA to selecting individual broad areas with little in the way of context or explanation.  4.3.5 Given the leap in reasoning it makes, we consider that the GOS has very limited utility in the way of understanding or testing reasonable alternatives. To illustrate this point, at least one of the options considered in the ISA by AECOM (South of Littleover) is not reviewed in the GOS.  4.4 DERBY HMA SUSTAINABILITY APPRAISAL OF HOUSING OPTIONS 4.4.1 The Derby HMA Sustainability Appraisal of Housing Options by AECOM considers the approach to meeting housing needs within the Derby HMA.  4.4.2 The HMA SA tests three scale scenarios and 4 distribution scenarios. In relation to the scale of housing, the three options comprise the Standard Method (of which the 35% uplift is part) (Scale 1) and Scales 2 and 3 which do not include the 35% uplift despite it forming part of the Standard Method.  4.4.3 Four distribution options are tested which fundamentally are either meet growth on the edge or and/or within Derby (options 1, 2, and 4) or disperse growth across the HMA. Within the options, different apportionments are considered between Amber Valley and South Derbyshire as administrative areas.  4.4.4 We have the following comments upon the HMA SA: • The plan period is misunderstood. It refers to a 17 year plan period, but states this is 2023 – 2039, which is 16 years. The base date of the Plan is also 2022 and not 2023; • Derby’s shortfall of 9,022 appears to be fixed rather than treated as a variable despite the tentative and imprecise understanding of the city’s urban capacity discussed above; • In relation to the reasonable alternatives for scale, no genuine alternative has been explored to the Standard Method. The 35% urban uplift applicable to Derby is an intrinsic part of the Standard Method, so scenarios without the urban uplift are not reasonable alternatives as they would be tantamount to not meeting the minimum amount of housing required;  • Higher alternatives than the Standard Method have not been tested, despite the recognition that the Standard Method is only a starting point for calculating the housing requirement and substantive explanation is given; • Distribution Option D1 (Urban Concentration) is not a reasonable alternative. If all of Derby’s unmet need could be feasibly met within Derby’s administrative area, then Derby would not have unmet needs for housing; • The four broad areas identified within the GOS as areas “suitable for strategic growth” have been taken forward within the HMA SA despite the clear limitations of the GOS and its arbitrary identification of these areas; • It is not clear how the broad areas of search identified within the GOS have informed the testing of the various spatial options, if at all. But given the high level and very selective nature of the GOS, it is not an appropriate tool to inform SA testing; • The document discusses the suitable areas for strategic growth in the GOS, but ignores those that were identified as potentially suitable; and • Despite assessing options against SO8 (Sustainable Travel) amongst other factors, page 25 of the HMA SA states “It has not been possible to obtain detailed information about the frequency of public transport services within the Derby HMA.” 4.4.5 For the reasons set out above, we do not consider that the HMA SA provides a suitably robust discussion or analysis of the preferred option or the reasonable alternatives | | | Noted.  Areas for strategic growth within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover)  are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, and the Growth Options Study through which the unmet need figures were assessed, it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  A strategic level of 1,000 dwellings a minimum was selected for  assessment as The District’s high delivery of residential completions (refer to the Authority Monitoring Report and the Housing Position Paper). This level of strategic allocations for the sites proposed, in addition to existing planning permissions being brought forward will satisfy the housing requirements for the District over the Plan period.  Additional considerations of smaller sites will be addressed in Part  2 of the plan for the residual housing delivery requirement  (currently 851 dwellings).  Derby’s unmet need or shortfall, has been formally identified by the  HMA through its various workstreams and specified as 12,500 in  a Statement of Common Ground.  Distribution Option D1 was discussed in order to illustrate the  constrained nature of the City, and the basis for considering further  spatial strategies.  The overall apportionment of the City’s unmet need is subject to  further HMA work, and will be addressed with through various  Duty to Cooperate activities. At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. and  updated NPPF requirements.  The Infrastructure Delivery Plan (IDP) will also inform infrastructure  deficits and investment needs, including aspects of public transport.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243658 | | Marrons on behalf of Davidsons regarding their Newton Solney Site | Marrons on behalf of Davidsons regarding their Newton Solney Site | |  | | 4.3 THE GROWTH OPTIONS STUDY (2021)  4.3.1 Following the commentary in the ISA, the Derby Housing Market Area Growth Options  Study (“GOS”) by AECOM has been instrumental in framing the spatial strategy for the Plan and, alongside the accompanying Sustainability Appraisal, has been relied upon to discount  virtually every other location in South Derbyshire other than the four sites discussed within the  ISA.  4.3.2 The GOS undertakes the following:  • Breaks down the HMA into six assessment areas;  • Analyses the six assessment areas to identify 16 broad areas of search for detailed  consideration in Stage 2 of the study;  • Analyses the 16 assessment areas; and  • Forms concludes as to whether they are unsuitable, potentially suitable or suitable  4.3.3 At the outset, it is appropriate to note the GOS’ limitations which are set out:  • The broad locations have only been identified where they have the capacity to  accommodate a minimum of 1,000 homes.  • It does not identify specific sites nor quantify the level of growth that could be  accommodated.  • It has not been undertaken with reference to housing need within the HMA or individual  local authorities.  4.3.4 The substantive analysis of the GOS commences with a consideration of the key  constraints within the very high level HMA assessment areas, of which there are six. The scale  of these units of assessment is significant and the conclusions drawn about the key constraint  and opportunities can only be very high level and not applicable at the scale of individual sites  and settlements. Following this very broad thematic review, data in respect of constraints and proximity to services is combined in a land suitability and proximity map which uses various  shades of purple to provide a land suitability score. The information is presented at such a high level it is practically impossible to infer the relative performance of individual sites or  broad directions of growth around settlements. Following this very high level work, the GOS  moves on to discussing the sixteen broad areas of search but there is limited explanation as  to how they’ve been selected or how the previous stages of analysis informed these choices.  The GOS therefore moves from a very high level review of the HMA to selecting individual  broad areas with little in the way of context or explanation.  4.3.5 Given the leap in reasoning it makes, we consider that the GOS has very limited utility  in the way of understanding or testing reasonable alternatives. To illustrate this point, at least  one of the options considered in the ISA by AECOM (South of Littleover) is not reviewed in  the GOS. If this reasonable alternative to the selected growth strategy has been overlooked,  then it begs the question what other potential sites have.  4 DERBY HMA SUSTAINABILITY APPRAISAL OF HOUSING OPTIONS 4.4.1 The Derby HMA Sustainability Appraisal of Housing Options by AECOM considers the approach to meeting housing needs within the Derby HMA specifically for housing and specifically in relation to Derby’s unmet needs for housing.  4.4.2 The HMA SA tests three scale scenarios and 4 distribution scenarios. In relation to the scale of housing, the three options comprise the Standard Method (of which the 35% uplift is part) (Scale 1) and Scales 2 and 3 which do not include the 35% uplift despite it forming part of the Standard Method.  4.4.3 Four distribution options are tested which fundamentally are either meet growth on the edge or and/or within Derby (options 1, 2, and 4) or disperse growth across the HMA. Within the options, different apportionments are considered between Amber Valley and South Derbyshire as administrative areas.  4.4.4 We have the following comments upon the HMA SA: • The plan period is misunderstood. It refers to a 17 year plan period, but states this is 2023 – 2039, which is 16 years. The base date of the Plan is also 2022 and not 2023; • Derby’s shortfall of 9,022 appears to be fixed rather than treated as a variable despite the tentative and imprecise understanding of the city’s urban capacity discussed above; • In relation to the reasonable alternatives for scale, no genuine alternative has been explored to the Standard Method. The 35% urban uplift applicable to Derby is an intrinsic part of the Standard Method, so scenarios without the urban uplift are not reasonable alternatives as they would be tantamount to not meeting the minimum amount of housing required; • Higher alternatives than the Standard Method have not been tested, despite the recognition that the Standard Method is only a starting point for calculating the housing requirement and substantive explanation is given; • Distribution Option D1 (Urban Concentration) is not a reasonable alternative. If all of Derby’s unmet need could be feasibly met within Derby’s administrative area, then Derby would not have unmet needs for housing; • Distribution Option D3 (Dispersed) continues to include land Derby’s urban fringe and no scenario is considered that does not include Derby. Other than the administrative split between AVBC and SDDC, there is no explanation as to how growth is apportioned across Amber Valley and South Derbyshire’s settlements; • The four broad areas identified within the GOS as areas “suitable for strategic growth” have been taken forward within the HMA SA despite the clear limitations of the GOS and its arbitrary identification of these areas; • It is not clear how the broad areas of search identified within the GOS have informed the testing of the various spatial options, if at all. But given the high level and very selective nature of the GOS, it is not an appropriate tool to inform SA testing; • Page 16 claims that the options testing has considered individual sites submitted through the Strategic Housing and Economic Land Availability Assessment (SHELAA) in the testing of spatial options, but it states that sites have not been considered where they fall outside of the broad areas of search within the GOS set out in Table 3-1. Two of the four broad areas identified are on the edge of Derby, with the other identified areas being located north of Hilton in South Derbyshire or North East of Swadlincote. As such, it appears that strategic growth on the edge of Derby has only been compared to two other locations across the HMA; • The document discusses the suitable areas for strategic growth in the GOS, but ignores those that were identified as potentially suitable; • Section 3.2 in relation to Assessment Assumptions and Limitations heavily implies that the SA process has not considered options which can provide dwellings of less than 1,000 units, which is the threshold set within the GOS. Clearly, this does not provide a reasonable picture of the relative performance of different sites and growth options and skews the results of the SA; and • Despite assessing options against SO8 (Sustainable Travel) amongst other factors, page 25 of the HMA SA states “It has not been possible to obtain detailed information about the frequency of public transport services within the Derby HMA.”  4.4.5 For the reasons set out above, we do not consider that the HMA SA provides a suitably robust discussion or analysis of the preferred option or the reasonable alternatives. Given this, its conclusions that the preferred options on the edge of Derby perform better against the SA objectives than the other options considered cannot be relied upon. The Plan and its spatial strategy are therefore unjustified. | | | Noted.  Areas for Strategic Growth’ within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, the Derby City  Capacity Study and the Growth Options Study  , through which it was concluded that the most sustainable and  appropriate location for strategic growth to address the unmet need figures were assessed is within the Derby fringe. Further details have been expressed in a Statement of Common Ground.  .  The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  A strategic level of 1,000 dwellings a minimum was selected for  assessment as The District’s high delivery of residential completions  (refer to the Authority Monitoring Report and the Housing Position Paper).  This level of strategic allocations for the sites proposed, in addition to  existing planning permissions being brought forward will satisfy  the housing requirements for the District over the Plan period.  Additional considerations of smaller sites will be addressed in Part  2 of the plan for the residual housing delivery requirement  (currently 851 dwellings).  Derby’s unmet need or shortfall, has been formally identified by the  HMA through its various workstreams and specified as 12,500 in a Statement of Common Ground.  Distribution Option D1 was discussed in order to illustrate the  constrained nature of the City, and the basis for considering further spatial strategies.  The overall apportionment of the City’s unmet need is subject to  further HMA work, and will be addressed with through various  Duty to Cooperate activities. At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in  consultation with service providers) assesses and identifies the  infrastructure needed for new development and considers how  this will be delivered and updated NPPF requirements.  identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243209 | | Marrons Planning on behalf of Wain Estates | Marrons Planning | |  | | INTERIM SUSTAINABILITY APPRAISAL The Plan should be based on an appropriate strategy and informed by a full understanding of the reasonable alternatives. The most recent iteration of the Sustainability Appraisal (SA) is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR.  The ISA is clear upon the reasonable alternatives it has identified, which comprise four strategic sites on the edge of Derby – Infinity Garden Village (Site 1), Thulston Fields, (Site 2) Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Policies STRA1 and STRA3, respectively. It is plain, therefore, that early on in the SA process the Council has closed its mind to reasonable alternatives which do not involve these four specific strategic site options on the edge of Derby.  Outside of these four strategic site options, there is virtually no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. Whilst reference is made to the Growth Options Study 2021 by AECOM and the separate Sustainability Appraisal associated with it, the ISA does not advance this work at all in exploring and testing reasonable alternatives for how growth needs could be met within the District. | | | Noted.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, the Derby City Capacity Study, the Growth Options Study, through which it was concluded that the most sustainable and appropriate location for strategic growth to address the unmet need figures is within the Derby fringe. Further details have been expressed in a Statement of Common Ground. The strategic allocations proposed, in  combination with existing permissions will deliver the required level of development during the plan period.  Further requirements for small sites and local settlements will be  addressed in the Local Plan Part 2.  The SA been undertaken independently by consultants with  extensive relevant experience in SA practices.  A strategic level of 1,000 dwellings a minimum was selected for  assessment as The District’s high delivery of residential completions  (refer to the Authority Monitoring Report and the Housing Position Paper).  This level of strategic allocations for the sites proposed, in addition  to existing planning permissions being brought forward will satisfy  the housing requirements for the District over the Plan period.  Additional considerations of smaller sites will be addressed in Part  2 of the plan for the residual housing delivery requirement  (currently 851 dwellings).    South of Littleover has been reviewed in the Interim SA alongside the  additional potential strategic growth sites.  Derby’s unmet need or shortfall, has been formally identified by the  HMA through its various workstreams and specified as 12,500 in  the Derby City Capacity Study and expressed in a Statement of Common Ground.  Distribution Option D1 was discussed in order to illustrate the  constrained nature of the City, and the basis for considering further spatial strategies.  The overall apportionment of the City’s unmet need is subject to  further HMA work, and will be addressed through Duty to Cooperateactivities. At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. and updated NPPF requirements.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243594 | | Marrons on behalf of 2012 Partnership Homes Ltd | Marrons on behalf of 2012 Partnership Homes Ltd | |  | | 4.2 INTERIM SUSTAINABILITY APPRAISAL 4.2.1 The Plan should be based on an appropriate strategy and informed by a full understanding of the reasonable alternatives. The most recent iteration of the Sustainability Appraisal (SA) is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR. 4.2.2 The ISA is clear upon the reasonable alternatives it has identified, which comprise four strategic sites on the edge of Derby – Infinity Garden Village (Site 1), Thulston Fields (Site 2), Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Policies STRA1 and STRA3, respectively. It is plain, therefore, that early on in the SA process the Council has closed its mind to reasonable alternatives which do not involve these four specific strategic site options on the edge of Derby. 4.2.3 Outside of these four strategic site options, there is virtually no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. Whilst reference is made to the Growth Options Study 2021 by AECOM and the separate Sustainability Appraisal associated with it, the ISA does not advance this work at all in exploring and testing reasonable alternatives for how growth needs could be met within the District. | | | Noted.  The findings of the Interim SA report complement the extensive  HMA-wide evidence gathering such as the HMA SA, the Derby City Capacity Study, the Growth Options Study through which the unmet need figures it was concluded that the most sustainable and appropriate location for strategic growth is within the Derby fringe. Further details have been expressed in a Statement of Common Ground.  The strategic allocations proposed, in combination with existing permissions will deliver the required level of development during the plan period.  Further requirements for small sites and local settlements will be  addressed in the Local Plan Part 2.  The SA been undertaken independently by consultants with  extensive relevant experience in SA practices.  A strategic level of 1,000 dwellings a minimum was selected for  assessment as The District’s high delivery of residential completions (refer to the Authority Monitoring Report and the Housing Position Paper).  This level of strategic allocations for the sites proposed, in addition to existing planning permissions being brought forward will satisfy the housing requirements for the District over the Plan period.  Additional considerations of smaller sites will be addressed in Part  2 of the plan for the residual housing delivery requirement (currently 851 dwellings).  South of Littleover has been reviewed in the Interim SA alongside the  additional potential strategic growth sites.  Derby’s unmet need or shortfall, has been formally identified by the  HMA through its various workstreams and specified as 12,500 in  a Statement of Common Ground.  Distribution Option D1 was discussed in order to illustrate the  constrained nature of the City, and the basis for considering further  spatial strategies.  The overall apportionment of the City’s unmet need is subject to  further HMA work, and will be addressed through Duty to Cooperate  activities. At submission the Local Plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered. and updated NPPF requirements.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1242570 | | Nineteen47 on behalf of Hallam Land (land at Blackwell Lane) | Nineteen47 on behalf of Hallam Land (land at Blackwell Lane) | | No | | Question 12: Do you agree with scope and findings of South Derbyshire’s Sustainability Appraisal (SA)?  3.34 No. The South Derbyshire Sustainability Appraisal has been prepared within the context of the joint Derby HMA Sustainability Appraisal, which dictates the strategic sites that will form the basis of the assessment. This unduly prejudices the consideration of alternative sites, which are currently excluded from the Appraisal. This approach is a product of the two part approach to the preparation of the Local Plan and for the reasons set out above is considered to be unsound.  3.35 Our recommendation is that a single new Local Plan is prepared to consider the need of the whole District within the context of an up to date assessment of the housing need of the Derby HMA and taking account of the supply of alternative sites available within those areas to meet their need. | | | Noted.  The preparation of the interim SA has been undertaken with regard  for the HMA-wide SA in order to provide a basis for assessment.  Following the Issues and Options 2022 Regulation 18 consultation, it was decided that the Council will review the Plan in its respective Parts.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1242281 | | Nightingale Land on land north of Linton Road, Castle Gresley | Nightingale Land | | No | |  | | | Noted.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243222 | | Pegasus on behalf of Harworth Group Land at Site E Cadley Park | Pegasus on behalf of Harworth Group Land at Site E Cadley Park | | No | | Sustainability Appraisal 1.38. The South Derbyshire Local Plan Sustainability Appraisal October 2024 (SDLP SA) has only tested on alternatives for strategic sites. As noted above, this approach will not result in a plan that provides the necessary supply of housing over the plan period. 1.39. The spatial strategy set out in draft South Derbyshire Local Plan Part 1 is not justified as the South Derbyshire Local Plan Sustainability Appraisal October 2024 (SDLP SA) has not tested sufficient reasonable alternatives. 1.40. SDLP SA has not tested reasonable alternative scales of development, including higher levels of housing provision to address unmet need, and a longer plan period and necessary flexibility in supply. 1.41. The spatial development options that have been tested relate to four large sites; Infinity Garden, Thurlston Fields, Land South of Mickleover and land south of Littleover. These are not the only reasonable alternatives for the distribution of development across the district. SDLP SA section 2.3 sets out the explanation for the options tested and references the HMA wide SA and refers to “options for the scale and distribution of housing need for the Derby HMA”. The options tested through the HMA wide work are not sufficient as they do not adequately test reasonable alternatives for the distributions of development within the district. 1.42. The SDLP SA should test reasonable alternatives for the scale of development alongside alternatives for the distribution of development and alternative sites. The SA needs to do this, and the outcomes of the SA should be used to inform a revised spatial strategy for Local Plan. | | | Noted.  In the HMA SA, higher and lower growth options and dispersed options within South Derbyshire were fully considered within the SA process. The preparation of the interim SA has been undertaken with regard for the HMA-wide SA in order to provide a basis for assessment.  The report as reached its recommendations following the Issues  and Options 2022 Regulation 18 consultation and evidence  gathering such as the Derby City Capacity Study, the Growth  Options Study and the HMA-wide SA. Further information has been expressed in a Statement of Common Ground.  Further assessment of potential amendments to the Plan period and housing supply will be made in the lead up to Regulation 19 publication.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243233 | | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | | No | | Sustainability Appraisal 1.40. The South Derbyshire Local Plan Sustainability Appraisal October 2024 (SDLP SA) has only tested on alternatives for strategic sites. As noted above, this approach will not result in a plan that provides the necessary supply of housing over the plan period. 1.41. The spatial strategy set out in draft South Derbyshire Local Plan Part 1 is not justified as the South Derbyshire Local Plan Sustainability Appraisal October 2024 (SDLP SA) has not tested sufficient reasonable alternatives. 1.42. SDLP SA has not tested reasonable alternative scales of development, including higher levels of housing provision to address unmet need, and a longer plan period and necessary flexibility in supply. 1.43. The spatial development options that have been tested relate to four large sites; Infinity Garden, Thurlston Fields, Land South of Mickleover and land south of Littleover. These are not the only reasonable alternatives for the distribution of development across the district. SDLP SA section 2.3 sets out the explanation for the options tested and references the HMA wide SA and refers to “options for the scale and distribution of housing need for the Derby HMA”. The options tested through the HMA wide work are not sufficient as they do not adequately test reasonable alternatives for the distributions of development within the district. 1.44. The SDLP SA should test reasonable alternatives for the scale of development alongside alternatives for the distribution of development and alternative sites. The SA needs to do this, and the outcomes of the SA should be used to inform a revised spatial strategy for Local Plan. | | | Noted.  In the HMA SA, higher and lower growth options and dispersed options within South Derbyshire were fully considered within the SA process. The preparation of the interim SA has been undertaken with regard for the HMA-wide SA in order to provide a basis for assessment.  The report as reached its recommendations following the Issues  and Options 2022 Regulation 18 consultation and evidence  gathering such as the Derby City Capacity Study, the Growth  Options Study and the HMA-wide SA. Further information has been expressed in a Statement of Common Ground.  Further assessment of potential amendments to the Plan period and housing supply will be made in the lead up to Regulation 19 publication.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243534 | | Pegasus Group on behalf of Cameron Homes Limited-Land s of Cauldwell Road Linton | Pegasus Group | |  | |  | | |  |
| 1243546 | | Pegasus on behalf of Cameron Homes Land at Moor Ln Aston on Trent | Pegasus on behalf of Cameron Homes Land at Moor Ln Aston on Trent | |
|  | |  |  | |  | | Sustainability Appraisal 2.31. The South Derbyshire Local Plan Sustainability Appraisal October 2024 (SDLP SA) has only tested on alternatives for strategic sites. As noted above, this approach will not result in a plan that provides the necessary supply of housing over the plan period. 2.32. The spatial strategy set out in draft South Derbyshire Local Plan Part 1 is not justified as the South Derbyshire Local Plan Sustainability Appraisal October 2024 (SDLP SA) has not tested sufficient reasonable alternatives. 2.33. SDLP SA has not tested reasonable alternative scales of development, including higher levels of housing provision to address unmet need, and a longer plan period and necessary flexibility in supply. 2.34. The spatial development options that have been tested relate to four large sites; Infinity Garden, Thurlston Fields, Land South of Mickleover and land south of Littleover. These are not the only reasonable alternatives for the distribution of development across the district. SDLP SA section 2.3 sets out the explanation for the options tested and references the HMA wide SA and refers to “options for the scale and distribution of housing need for the Derby HMA”. The options tested through the HMA wide work are not sufficient as they do not adequately test reasonable alternatives for the distributions of development within the district. 2.35. The SDLP SA should test reasonable alternatives for the scale of development alongside alternatives for the distribution of development and alternative sites. The SA needs to do this, and the outcomes of the SA should be used to inform a revised spatial strategy for Local Plan | | | In the HMA SA, higher and lower growth options and dispersed options within South Derbyshire were fully considered within the SA process The preparation of the interim SA has been undertaken with regard for the HMA-wide SA in order to provide a basis for assessment.  The report as reached its recommendations following the Issues  and Options 2022 Regulation 18 consultation and evidence  gathering such as the Derby City Capacity Study, the Growth  Options Study and the HMA-wide SA. Further information has been expressed in a Statement of Common Ground.  Further assessment of potential amendments to the Plan period and housing supply will be made in the lead up to Regulation 19 publication.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1243233 | | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | |  | |
|  | |  |  | |  | |
| 1243194 | | Pegasus Group on behalf of Richborough Estates Limited | Pegasus Group | | No | | Spatial Strategy 2.38. The spatial strategy set out in draft Local Plan is not justified as the South Derbyshire Local Plan Sustainability Appraisal October 2024 (SDLP SA) has not assessed sufficient reasonable alternatives. The SDLP SA has not tested reasonable alternative scales of development, including higher levels of housing provision to address unmet need, and a longer plan period and necessary flexibility in supply. 2.39. The spatial development options that have been tested relate to four large sites: Infinity Garden, Thurlston Fields, Land South of Mickleover and land south of Littleover. These are not the only reasonable alternatives for the distribution of development across the district. At section 2.3 the SDLP SA sets out the explanation for the options tested and referencing the HMA SA states ‘options for the scale and distribution of housing need for the Derby HMA’. The options tested through the HMA wide work are not sufficient as they do not adequately test reasonable alternatives for the distributions of development within the district. 2.40. The SDLP SA should test reasonable alternatives for the scale of development alongside alternatives for the distribution of development based upon the settlement hierarchy for the area in order for the Local Plan to be found evidenced and justified in accordance with the NPPF soundness tests. | | | In the HMA SA, higher and lower growth options and dispersed options within South Derbyshire were fully considered within the SA process The preparation of the interim SA has been undertaken with regard for the HMA-wide SA in order to provide a basis for assessment.  The report as reached its recommendations following the Issues  and Options 2022 Regulation 18 consultation and evidence  gathering such as the Derby City Capacity Study, the Growth  Options Study and the HMA-wide SA. Further information has been expressed in a Statement of Common Ground.  Further assessment of potential amendments to the Plan period and housing supply will be made in the lead up to Regulation 19 publication.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1242100 | | RPS on behalf of Bellway and Clowes (Thulston Fields) | RPS on behalf of Bellway and Clowes (Thulston Fields) | | No | | Sustainability Appraisal (Interim Report, October 2024) In preparing the new Local Plan, the process must be informed by Sustainability Appraisal of the preferred plan, in light of reasonable alternatives. The Council has issued the Interim Sustainability Appraisal (“ISA”) to the DLPP1, which is the first step in the overall SA process. RPS has reviewed the ISA and provides a response, set out below. Section 2 of the ISA explains that the Scoping Report establishes a methodology and framework for the assessment of the Local Plan and its alternatives at subsequent stages of the Plan preparation process, and also identifies the significant impacts that the assessment will need to address. It is therefore critical that the Sustainability Appraisal Framework provides a logical basis for the assessment of options, including options for site allocations, necessary to inform the site selection process, so that the overall approach is robust. Assessment Methodology Used and Potential Significance Criteria Table 2-1 of the ISA includes for each sustainability objective the assessment criteria based on non-numeric scoring system. RPS welcomes the inclusion of assessment criteria for ‘housing’ (SO2). Nonetheless, the criteria make no distinction between small and large-scale development sites which, when properly planned for, can deliver significant benefits on a comprehensive basis on a greater scale compared to smaller or minor development sites. Accordingly, the SA should recognise the wider benefits that can be secured from larger-scale housing developments, both in the context of meeting local needs but also in the context of addressing needs across the wider HMA. Objective SO2 should therefore be modified to reflect this. For the ‘Resources’ objective (SO11), one question in the decision making criteria relates to ‘Best and Most Versatile Agricultural Land’ and ‘previously developed land’. RPS recognises that these are relevant planning considerations in the assessment of the sustainability and thus the suitability of potential site allocations. However, it must also be recognised that the land on the edge of Derby City which is where needs from the City are most appropriate met largely comprises open, undeveloped land. Similarly, there is likely to be limited capacity for new housing on PDL within the City due to its tightly drawn administrative boundary. Consequently, greenfield sites will inevitably be required to meet the future growth needs of the City. These factors should be recognised in the SA and that the potential to meet those needs on previously-developed sites and outside land currently in agricultural use is likely to be limited. For the ‘Landscape’ objective (SO16), RPS notes that the Potential Significance Criteria’ includes a reference to Green Belt. Simply, Green Belt is not a landscape designation, but is a strategic policy designation that does not discriminate in accordance with landscape quality or value (or lack of). It is not therefore the case that land within the Green Belt automatically has any landscape significance, and to suggest so conflates two separate considerations. RPS therefore recommends that reference to Green Belt should be deleted from objective SO16. Reasonable Alternatives Identification RPS supports the options identified for the scale and distribution of housing need for the Derby HMA identified, and that a spatial strategy which focuses development on the urban fringe of Derby, South Derbyshire and Amber Valley would be the most sustainable option to meet the housing need required. RPS is supportive that the four sites identified (including Thulston Fields) were reasonable alternatives which could be selected for development. These sites are mapped below: It is noted the assessments identify whether the strategic site options require any mitigation or enhancement in order to offset potential negative or uncertain effects and to promote sustainable development. This is important as Planning Practice Guidance recognises that mitigation measures can help to address both site-specific impacts of development as well as help deliver wider benefits to local communities. Potential significant effects identified in the assessment and the alternative options The Site of Thulston Fields (Site 2) was assessed as part of the process and forms part of the evidence base to the DLPP1. The document includes site scoring based on the ISA objectives. RPS raises concern with the consistency of the scoring and between sites. RPS contends that the selection of sites in the DLPP1 evidence base is inconsistent in its scoring and reasoned justification and so is not soundly based. RPS recommends that the Council re-appraises the assessed sites on a comprehensive basis as a result. Taking each disputed scoring in turn, Site 2 scored ‘+’ on SA objective SA6 (‘Economy’), the Council do not provide high level rationale for this scoring. However, referring to Appendix D of the Strategic Site Options Assessment to the ISA, it concludes: “The site will not deliver any employment space, although development here could indirectly support existing businesses within Aston-on-Trent local centre and Derby City. Therefore, a potential minor positive effect (‘+’) is identified.” This is untrue. RPS contends given the large element of the proposed development at Thulston Fields is given over to employment land (approximately 12ha), there is no doubt that the site development would boost the growth of existing businesses and create new business. The Site is also located approximately 3 km from the Rolls Royce site which is undergoing significant expansion as a result of the recent investment in small scale nuclear reactors. As such the site is well located for new employees at Rolls Royce and associated nearby business. The site delivers more than the 1ha (at approximately 12ha) of employment land and includes the delivery of a local centre / community hub on the site, therefore the scoring should be significant positive ‘++’ against the SA objective (‘Economy’).  Figure 8–1 Significance Criteria Extract for S06 Similarly, Site 2 scored the lowest on SA objective SA7 (‘Employment’), again, the Council’s evidence base in the form of Appendix D of the Strategic Site Options Assessment to the ISA, concludes: “The site will not deliver any employment space, and it located more than 800m from an existing employment centre. Therefore, a potential significant negative effect is identified.” Again, this is untrue. As clearly exhibited through the Vision Document supporting these representations, the Site will deliver employment land space, which will lead to the creation of more than 50 FTE permanent jobs, provide higher value employment opportunities in a highly accessible location to the strategic road network. Therefore, RPS contend a significant positive effect should be scored against the SA objective (‘Employment’). The Council also score S06 with two ‘Green’ ratings whilst Site Option 4 has two ‘Amber’ scores (page 4 of the ISA).  Figure 8–2 Significance Criteria Extract for S07 Site 2 has scored ‘uncertain’ on SA objective SA9 (‘Sustainable Travel’), the Council’s rationale for this is set out as “An uncertain effect has been identified for SA9 (Sustainable Travel) as it is unclear whether mitigation would be able to minimise issues identified in relation to access to the site/congestion on the wider road network as a result of the development.” The detailed Appendix D of the Strategic Site Options Assessment to the ISA, concludes: “The site is more than 800m from a train station, more than 400m from a bus stop, and does not connect to existing cycle routes. There are also issues surrounding access to the site, which is noted as creating issues on the wider road network, despite proposed mitigation. Mitigation is provided by Policy INF1, which highlights that new development will only be permitted, if necessary, infrastructure (both on- and off-site) is already in place; this includes the provision and improvement of transport infrastructure. Due to the issues identified in relation to the road network however, it is it is not clear whether all potential effects can be minimised through mitigation. Therefore, an uncertain effect is identified.” As clearly exhibited through the Vision Document supporting these representations, the Site has been shown to clearly demonstrate the delivery of a workable highway access arrangement and opportunities to expand existing (or soon to commence) transport infrastructure (such as Boulton Moor). Notwithstanding the support to existing public transport through the proposed development of a Park and Ride facility on site, which existing services could utilise. The proposed highway strategy is mitigation in itself and clearly highlights the potential effects can be minimised through mitigation. Therefore, RPS contend a minor positive effect should be identified against SA objective SO9.  Figure 8–3 Significance Criteria Extract for S09 Site 2 has scored ‘minor negative’ effect against SA objective SA10 (‘Town and Village Centres’), by the Council. The Council’s evidence base rationale at Appendix D of the Strategic Site Options Assessment to the ISA, concludes: “The site is not located within or adjacent to a town or village centre (it is located on the edge of Derby City, and around 1.5km from the village of Aston on Trent). The development of a new local centre within the site would provide local facilities for new residents, enabling some self-containment. These facilities would not be designed to provide facilities for the wider area, but residents may not support existing town and village centres. Therefore, a potential minor negative effect is identified.” It is therefore unclear how the effect ‘minor negative’ has been arrived at given the effect is localised. Referring back to the significance criteria of the SA, it is clear that at worst the Site should score a neutral effect on the basis that it neither support nor detracts from the achievement of the SA objective, but more likely the addition of small scale retail provision within the local centre and the primary school for a local catchment of the new community and employees to new industrial uses would pose a ‘minor positive’ effect on the SA objective S010 (‘Town and Village Centres’).  Figure 8–4 Significance Criteria Extract for S010 Site 2 has scored ‘uncertain’ effect against SA objective SA12 (‘Pollution’). The Council’s evidence base rationale at Appendix D of the Strategic Site Options Assessment to the ISA, concludes: “The site currently experiences high noise pollution and high light pollution. It is likely that development at this scale will increase both noise and light pollution further. The A50 and A6 are located adjacent to the site so the site is currently exposed to some air pollution. It is likely that development at this scale will increase air pollution in South Derbyshire, as well as in Derby City as residents may commute into the city for work. The site does not lie within the River Mease nutrient neutrality zone or any groundwater protection zones. The site should be required to implement noise and light mitigation measures, although it is not clear whether all potential effects can be minimised through mitigation. Therefore, an uncertain effect is identified.” The masterplan proposals for the site as set out in the vision document, take a constraints-led approach to design. Subsequently, the masterplan proposed employment uses in the south eastern quarter, along with large buffers along the east and southern edges for drainage and attenuation features. The site therefore looks to address the concerns of influence from the A50 and A6 in terms of noise and air pollution. Referring back to the significance criteria of the SA, it is clear that at worst the Site should score a neutral effect on the basis that it neither support nor detracts from the achievement of the SA objective, given it would seek to mitigate noise in the location. Appropriate landscaping and screening will be provided to the boundaries of the site with the A50 and A6. An acoustic bund with woodland buffer planting will help to reduce noise from these roads. The landscaped buffer will be generous in width (min 75m) to enable mitigation works to be carried out.  Figure 8–5 Significance Criteria for S012 Site 2 has scored ‘neutral’ effect against SA objective SA13 (‘Contributions to Climate Change’) by the Council. The Council’s evidence base rationale at Appendix D of the Strategic Site Options Assessment to the ISA, concludes: “The site is more than 600m of a public EV charger. However, Policy INF2 Sustainable Transport will require the development to make provision for EV chargers. Additionally, the sites’ location (near to Derby City) may assist in the development of heat networks incorporating new homes, providing low carbon heating for future residents. Therefore, a neutral effect is identified.” Clearly, as shown through the vision document, the proposals would provide opportunities to access local services (within the site) and facilities by public transport, walking or cycling as shown. In addition, the proposals would support the delivery of renewable energy capacity in line with expectations of Future Homes Standard and future Building Regulations for all new homes. The delivery of infrastructure on site in the form of electric vehicle charging points to all homes would also support the shift towards ultralow emission vehicles. Referring back to the significance criteria of the SA, it is clear that at worst the Site should score a ‘minor positive’ effect given the site development option addresses some of the decision-making criteria at this early stage and clearly demonstrates opportunities for public transport and active travel.  Figure 8–6 Significance Criteria for S013 Site 2 has scored ‘minor negative’ effect against SA objective SA14 (‘Adaptation to Climate Change’) by the Council. The Council’s evidence base rationale at Appendix D of the Strategic Site Options Assessment to the ISA, concludes: “Although the majority of the site lies within Flood Zone 1, an area of the site lies within Flood Zone 2 and within 1000m of a watercourse, which may place development on the site at risk of flooding. However, Policy SD2 Flood Risk will require the site to incorporate flood risk mitigation, such as SuDs. Although this won't eradicate flood risk, it will reduce the likelihood of a flood risk event taking place. Therefore, as the site is still at risk of flood events following policy mitigation, a potential minor negative effect is identified.” The masterplan proposals clearly set out how the can be expected to deliver provision of sustainable urban drainage systems which will mimic natural drainage patterns and it would be anticipated that water efficiency measures would be incorporated that would help reduce water consumption equivalent to reducing household consumption to 110 litres per person per day by 2050. For these reasons, the site should score a ‘minor positive’ effect given the site development addresses some of the design making criteria in terms of mitigating flood risk.  Figure 8–7 Significance Criteria for S014 Site 2 has scored ‘significant negative’ effect against SA objective SA26 (‘Landscape’). The Council’s evidence base rationale at Appendix D of the Strategic Site Options Assessment to the ISA, concludes: “Although the site does not lie within any areas of multiple environmental sensitivity, it does lie within the Green Belt and a national character area. Development on Green Belt land cannot be mitigated. Additionally, the development of this site could lead to the 'trapping in' of current green wedges within Derby City, cutting these greenfield land areas off from the surrounding open land. This could alter the current landscape, both within South Derbyshire and Derby City. Mitigation will be provided by Policy BNE4 Landscape Character and Local Distinctiveness, which will require developments to conserve local distinctiveness, retain landscape features (e.g., hedgerows) and offset any damage to landscape features. The site should also link to existing green wedges within Derby City where possible, in order to minimise impacts of 'trapping', although it is not clear whether all potential effects can be minimised through mitigation. Therefore, as development on Green Belt land cannot be mitigated, a potential significant negative effect is identified.” In addition, to stating the “loss of Green Belt land cannot be mitigated” and that “the site should link to existing green wedges within Derby City, in order to maintain a similar landscape pattern”. With regards to the rationale for the landscape conclusions against the SA objective, the vision document sets outs the key characteristics of the landscape character area and the guidance for managing change to improve and conserve these areas. In relation to visual and sensory perception, the vision document sets out that tree belts along the site the A6 and A50, blocks of woodland in the local area and the effects of the local topography mean that the site is visually well contained. The character of the site (based on the site visit) shows it to be affected by the existing residential development to the north. The site will be seen within the context of much intervening development as opposed to much opportunity for long and very long distance views, therefore not appearing dominant nor out of character. Overall, there is no landscape or visual reason why development at the Site would be unacceptable, and the Site is capable of being developed in line with the proposals. Additionally, the assessment of any Green Belt harm should be kept separate to any assessment of landscape impacts and effects. Whilst RPS contend that the Site performs a limited contribution to the purposes of the Green Belt and the effect on the openness would be on-site and localised. Referring back to the significance criteria of the SA, it is clear that at worst the Site should score a ‘significant positive’ effect given the site development option addresses some of the decision making criteria at this early stage and clearly demonstrates opportunities to manage the proposed change to the landscape and to improve and conserve its characteristics, safeguarding features such as hedgerows. Intrusion into the Green Belt is not a landscape consideration, so the site protects landscape characters addressing the majority of decision making criteria.  Figure 8–8 Significance Criteria for S016 Based on the above, RPS does not accept that the site performs in sustainability terms in the way suggested by the Council (as set out in the ISA) and therefore the report needs to be amended to properly reflect the outcomes of evidence. Furthermore, for the reasons set out, linked to the illustrative masterplan submitted with these representations, RPS considers that there is an opportunity to work with the Council to achieve a layout that addresses concerns such as extending existing green wedges. This would increase the provision of open space available and for the wider benefit of existing residents. The table below shows a summarised comparison of the Site Assessment Reports ISA findings and RPS’ recommendations and proposed amendments to the scoring associated to each SA objective:  Figure 8–9 Comparison of Thulston Fields Specific Site Assessment (Appendix D) ISA Position and RPS proposed scoring recommendations RPS contends that the scoring of the sites in the site assessment report is inconsistent with the ISA framework and strategy as a whole being evidenced based and so is not soundly based. RPS recommend that further evidence is provided, and subsequent consideration following that to ensure the scoring is appropriate. Performance of Strategic Site Options Comparison This section presents a summary of the four strategic site options with the altered RPS scoring of Thulston Fields. A summary table is presented which contains the symbols and colours used by the Council showing the potential sustainability effects against each of the SA Framework Objectives. It is important to ensure that a consistent approach is taken to the strategic sites options assessments. RPS contends Thulston Fields scores favourably against the other identified strategic site options and should be considered as either equally performing or better than the other reasonable alternatives.  Figure 8–10 Summary of the Strategic Site Options Assessments as Reasonable Alternatives (including RPS scoring) It is our contention that once the scoring is updated to take account of the likely effects, based on the technical evidence supporting the proposals, Thulston Fields scores favourably against the other strategic site options. This provides reason for selecting Thulston Fields as a preferred strategic site. | | | Noted.  Areas for strategic growth’ within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Appraisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was decided that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover)  are proposed for allocation.  Indeed, the preparation of the interim SA has been undertaken with regard for the HMA-wide SA in order to provide a basis for assessment.  The report as reached its recommendations following the Issues  and Options 2022 Regulation 18 consultation and evidence  gathering such as the Derby City Capacity Study, the Growth  Options Study and the HMA-wide SA. Further information has been expressed in a Statement of Common Ground.  Further assessment of potential amendments to the Plan period and housing supply will be made in the lead up to Regulation 19 publication.  While it is acknowledged that the City’s administrative boundaries  constrain development opportunities to a point, the Council maintains that there is merit in considering BMV land under SO11. However, additional information will be sought to differentiate between sub-grades (3a and 3b), wherever possible.  Reference to Green Belt will be reviewed in relation to objective  SO16 in the next iteration of the SA report, however the Council does not commit to reassessing the four sites, as described above, an extensive process has already been undertaken, with additional design review evidence gathered since the consultation.  The proposed allocations will also benefit from further Plan-led work such as the IDP, transport-modelling and Plan-wide viability testing.  Small sites may be addressed in the next Plan review.  The interim SA report’s findings, in relation to Significance Criteria  And Sustainability Objectives will be assessed further in the next  Iteration of the report, alongside Regulation 19 publication. Any potential errors in relation to SA such as SA 7 and SO9 will be noted and an explanation given for further clarification. The Council will not reassess the potential sites in full as the SA as reached its determinations following  an extensive and robust process, as discussed above.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England and  Historic England). |
| 1238831 | | Savills on behalf of Midland Land Portfolio Limited (MLPL) | Savills | |  | | It is considered that the Interim Sustainability Appraisal Stage B Alternative Options Assessment5 should be expanded to explain what alternative options have been considered for meeting the SDDC housing need rather than simply identify how alternative options have been assessed for meeting the unmet need from Derby City in cross boundary locations. The apportionment of such development should give appropriate regard to the settlement hierarchy as set out within proposed Policy H1, in particular the Key Service Villages (second tier in the settlement hierarchy) of Melbourne and Etwall. | | | Noted.  The next iteration of the SA report may provide further information  regarding the background of alternative options have been  considered. No objections have been made to the interim report  from the consultation bodies (the Environment Agency, Natural  England and Historic England).  Policy H1 and additional settlement hierarchy details may be  addressed in the next Plan review.  Refer to the responses to the appropriate questions such as  Question 9. |
| 1243556 | | |  | | --- | | Stantec on behalf of  Parker Strategic Land  South of Mickleover | |  | |  | |  | | Sustainability Appraisal Review & Alternative Assessments  5.1 Overview  5.1.1 Stantec has prepared a review of the Sustainability Appraisal (SA) process supporting the draft South Derbyshire Local Plan Part 1 Review, the topic paper is found at Appendix H.  5.1.2 The purpose of the review is twofold:  • To focus on the SA process as part of the evidence base and provide ‘traffic light’ scoring feedback to ensure the robustness of the SA process; and  • To review the SA scores allocated to the STRA2 policy area through the SA processand to provide an updated SA score based on the technical evidence available to PSL, and the associated Topic Papers submitted alongside these representations. 5.2 Review of Sustainability Appraisal  5.2.1 A review of the SA documents has been undertaken against the Environmental Assessment of Plans and Programmes Regulations 2004 (the “SEA Regulations”) and Section 19 of the Planning and Compulsory Purchase Act 2004 (the “Act”), which sets out requirements for SA. SA is a complex and legalistic process and should be undertaken iteratively, alongside the preparation of the Plan.  5.2.2 A Local Plan must be prepared in accordance with Section 19 of the Act ‘with the objective of contributing to the achievement of sustainable development’. It should therefore be informed by the SA process, which itself must comply with the SEA Regulations.  5.2.3 The review at Appendix H has sought to identify any areas of the SA that would benefit from further focus or clarity before the final Plan (supported by the final iteration of the SA Report) is considered at Examination.  5.2.4 The review found the SA to generally comply with the requirements for Sustainability Appraisal, however two major deficiencies were identified as follows:  • Monitoring- Monitoring is not mentioned within the SA Report despite the Scoping Report saying that monitoring would be proposed at this stage of the SA. It is acknowledged that monitoring will not be confirmed until post-adoption, however it is considered best practice to provide a draft framework of proposed monitoring. This should be provided in the Regulation 19 version of the SA Report.  • Non-Technical Summary (NTS)- No NTS is provided with the SA Report. Although the SA Report is in draft / interim, an NTS should be provided as the SA Report has been published for consultation, to ensure the document is transparent and accessible for all.  5.2.5 Additionally, the following areas of the SA would benefit from additional consideration in the next stage of reporting:  • Other relevant plans and programmes- The Regulation 19 SA should ensure it contains an up-to-date list of relevant plans and programmes and consideration should be given to whether any aspect of the SA Framework require updating as a result.  • Baseline conditions, likely evolution and key issues- The baseline conditions, likely evolution without the implementation of the plan and key sustainability issues should be clearly distinguished.  • Existing environmental problems- The next iteration of the SA should acknowledge any HRA assessment being undertaken and report on any potential effects from the Local Plan on European sites.  5.3 Sustainability Appraisal – Site Appraisal  5.3.1 The Site was considered to perform well against the SA objectives with the benefit of additional technical evidence to support the review. Overall, the review at Appendix H found that the following positive changes when taking into account the technical evidence, demonstrating that the Site should score even better. | | | Noted.  The report as reached its recommendations following the Issues and Options 2022 Regulation 18 consultation and evidence gathering such as the Derby City Capacity Study, the Growth Options Study and the HMA-wide SA.  Further assessment of potential amendments to the Plan period and housing supply will be made in the lead up to Regulation 19 publication. The proposed allocations will also benefit from further Plan-led work Such as a design review, an updated IDP, transport-modelling and Plan-wide viability testing.  Further evidence gathering, applicable to Appendix H will be included in the next iteration of the report.  Monitoring specifications and a non-technical summary will be provided by the time of the publication of the final version of the report for Regulation 19.  Baseline conditions, further relevant plans etc., and an HRA will be provided when required for consultation.  The Council will review the monitoring and non-technical summary in the next iteration of the SA and the emerging Local Plan.  No objections have been made to the interim SA report from the consultation bodies (the Environment Agency, Natural England and Historic England). |
| 1242854 | | Stantec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodville | Santec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodville | | No | | Comments on the Sustainability Appraisal 5.1 Sustainability Appraisal overview  5.1.1 Section 19 of the Planning and Compulsory Purchase Act (2004) requires that Development Plan Documents and their proposals must be subject to a Sustainability Appraisal (SA) that considers any reasonable alternatives and reasons behind dismissing these alternatives. The SA also assesses any significant social, environmental and economic effects of the plan.  5.1.2 An Interim Sustainability Appraisal (October 2024) has been undertaken by SLR on the draft Local Plan Part 1 review.  5.2 The SA Approach  5.2.1 As a critical matter we consider the Council’s SA is self-limited by the scope of the local plan review and its focus on only a small number of issues when a wider review is necessary, meaning that all reasonable options are not being considered. This represents an overall flaw in the SA approach. The SA should consider the options and benefits of alternative strategies such as locating growth to settlements beyond the Derby urban area (i.e., Swadlincote).  5.2.2 The appraisal assesses adopted policies in the Part 1 Local Plan alongside potential large scale strategic sites to add as strategic allocations into the emerging draft plan. It assesses these policies against 16 Sustainability Objectives 5.2.3 This SA bases ‘options’ for additional residential allocations on the wider Sustainability Appraisal undertaken for the wider Derby Housing Market Area (HMA) that includes the councils of Amber Valley, South Derbyshire and Derby City. The Derby HMA SA considers options for meeting unmet need from the Derby City Council area elsewhere in the HMA. The below options for housing growth were carried forward from the Derby HMA SA into the South Derbyshire SA: ϒ Concentrated within the Derby administrative area;  ϒ Concentrated within the Derby administrative area and the Derby Urban Fringe (land linked to the existing Derby urban area within Amber Valley and South Derbyshire); and  ϒ Dispersed across South Derbyshire District and Amber Valley Borough.  5.2.4 The SA for South Derbyshire has based its selection of sites solely on the conclusions of the Derby HMA SA:  The SA of options for the scale and distribution of housing need for the Derby HMA identified that a spatial strategy which focuses development on the urban fringe of Derby, South Derbyshire and Amber Valley would be the most sustainable option to meet the housing need required (page 10).  5.2.5 Based on the above, four strategic sites are assessed in the SA, and two have been carried forward into the plan: Infinity Garden Village and Land south of Mickleover.  5.2.6 The SA also assesses a number of policies against the criteria mentioned above within the Local Plan part 1 to ensure that they align with the NPPF (2023). A number of allocation policies were not assessed but have been considered for cumulative effects. Some policies Land North of Ashby Road, Woodville  Representations on behalf of Caddick 10 have not been included within the review as it is deemed they are sufficiently covered by the NPPF, amalgamated into another policy or have been completed.  5.2.7 Sustainability Objectives were used to assess sites and policies, as set out in the Sustainability Appraisal. There is also a ‘traffic light’ scoring system for the policies and sites which has been used to assess them against each of the  Objectives as seen below:  5.3 Concerns with the approach  5.3.1 There are various issues with the above approach as outlined in this section. Approach to the Strategic Housing Allocations  5.3.2 Firstly, the SA bases its approach to the housing allocations in the Local Plan Review entirely on the Derby HMA SA and does not provide a detailed and evidenced assessment of why other options were not taken forward such as the allocations being spread across the South Derbyshire area. For example, whilst it may be suitable from a Derby HMA wide perspective to focus growth to the edge of Derby’s urban area it does not automatically follow that such an approach is the most sustainable option for South Derbyshire. This broad-brush approach is not an appropriate or justified as the focus of this plan is not the Derby HMA.  5.3.3 The Local Plan should focus on how South Derbyshire can deliver its housing need, alongside other unmet need, based on the sustainable allocation of the most suitable site within its boundaries. The approach also does not consider other targeted options for housing allocation, including growth in Swadlincote, which is in the highest grouping on the Settlement Hierarchy. Economic growth in South Derbyshire, and in Swadlincote as a local growth priority, is likely to be undermined by allocating housing sites on the outskirts of Derby.  5.3.4 There is a clear need for housing to support South Derbyshire’s economic growth ambitions, particularly the proposed Willington Freeport and significant developments such as the large employment allocations progressing nearby in North West Leicestershire. This necessitates housing sites of all sizes being identified across the district in order to support growth and sustainable patterns of development.  5.3.5 In particular, it is vital that housing is provided specifically for South Derbyshire residents, including provision of affordable housing to meet local needs and to address vulnerability within existing communities. However, the proposed plan approach (as assessed in the SA) would focus on meeting housing needs in Derby to the detriment of settlements in South Derbyshire, which in turn does not deliver wider sustainable development. The SA does not provide the level or type of assessment needed to enable the drafting of positively prepared and evidence-based policies and allocations.  5.3.6 In turn, this undermines the ability of the plan to achieve the objectives identified in the SA.  5.3.7 Indeed despite the focus on meeting the unmet need from Derby, the revised Standard Method for South Derbyshire, as published in July 2024, has increased by nearly 100 dwellings per annum. It is noted that cross-boundary working is important, however, South Derbyshire must focus on how this increase can be accommodated in the most sustainable locations across the District as the housing need is a district wide matter and not solely focussed to Derby.  5.3.8 Further, in failing to consider smaller sites, there is an inherent flaw as sustainable sites will have been missed that will increase the speed of housing delivery to help maintain housing land supply. Therefore, the approach to allocating the strategic housing sites is unsound, and the SA does not consider all reasonable options. Sites selected, relevant policies and approach to the Scoring Matrix  5.3.9 There are also concerns with the sites selected and the approach to the SA Scoring Matrix. It is acknowledged in the SA that the two preferred strategic sites would cause significantly negative cumulative effects, on accessibility and health, resources, pollution and the landscape (page 59), given the scale of allocations. Of note, development of the sites could lead to the isolation of green wedges from the surrounding countryside. Further, of the four sites assessed in the SA, all of them are scored as having significant negative impacts on resources as seen in Appendix D.  5.3.10 There are also inaccuracies and inconsistencies across how the policies are scored, as set out in Appendix F of the SA, namely against the SO2 Housing Strategic Objective which sets out the below:  To ensure everyone has access to sustainable housing, which is affordable, and meets the needs of all residents including the elderly and other vulnerable groups and will support the vitality of existing communities and settlements.  5.3.11 With regards to Policy S1, ‘Sustainable Growth Strategy’ has been incorrectly scored as having ‘Significant Positive’ effects in relation to the objective as it aims to generate the sustainable growth of housing. However, as no other sites have been allocated, specifically around the most sustainable area for growth at Swadlincote, there will be issues with delivering housing in the short to medium term. There are known infrastructure constraints on the edge of Derby which will constrain the ability to deliver key items such as sustainable transport, highways upgrades, and new education and healthcare facilities.  The delivery of larger sites being promoted will be impacted by recent funding reviews alongside the delays to the A38 Derby Junctions project. These constraints will also have an impact on the speed of housing delivery and if funding cannot be obtained then this will impact on viability and deliverability of sites. This, in turn, undermines the SA conclusions on the benefits of such sites. Further, this policy does not align with the Council’s priority to enhance Swadlincote, meaning the SA conclusions must be reconsidered. Therefore, this positive weight applied to this policy should be significantly reduced.  5.3.12 With regards to Policy H1, ‘Settlement Hierarchy’, this has been incorrectly scored as having a ‘Neutral’ effect on the objective. The apportionment of residential allocations does not align with the settlement hierarchy as it is only focussed on the Derby Urban Fringe and there are no allocations within or adjoining Swadlincote which is the highest settlement on the hierarchy. Therefore, effective and sustainable housing growth is not achieved. It is at odds with the objective as the approach will not support the vitality of existing communities and settlements. Therefore, this policy has the potential for negative sustainability outcomes overall compared with more favourable options of dispersed growth.  5.3.13 With regards to Policy S4, ‘Housing Strategy’, this has been incorrectly scored as having ‘Significant Positive’ effects in relation to the objective as it aims to increase the number of homes delivered. However, as outlined in later policy assessment sections, there will be issues with housing delivery in the medium term in the most sustainable places in South Derbyshire, as the plan only identifies larger strategic allocations on the edge of Derby. These locations are constrained and, notwithstanding that, larger sites inherently take much longer to deliver because of their complexity and infrastructure requirements. There is a genuine risk these sites may not be deliverable as envisaged due to infrastructure requirements. Therefore, the beneficial sustainability effects should be reduced, and the SA updated accordingly.  5.3.14 It is also notable that with regard to Agricultural Land Classification (ALC) the data did not include details of subdivisions. Importantly, this meant that the SA was unable to differentiate between particular grades of ALC such as Grade 3 (page 26). This is relevant when considering that Grade 3 land is formed of sub-grade 3A and sub-grade 3B, with the former (sub-grade 3A being identified as Best and Most Versatile agricultural land).  5.3.15 Alongside the shortfalls in the approach to identifying alternative options, the above highlights that the evidence base and data collection methods for the SA have not been thorough or suitable. Therefore, the approach to the scoring matrix is unsound.  5.4 Suggested changes  5.4.1 A change of approach in the SA is required to ensure that the Local Plan review is based upon up to date and appropriate assessment options and evidence. A more holistic view of differing spatial options for housing growth is required, with detailed assessment outlined in the SA. This would include the full linkage of the Settlement Hierarchy to the areas for growth and housing allocation.  5.4.2 Appendix B of the Local Plan Review looks into the baseline data of the district and offers insight into where dispersed and sustainable housing growth would be appropriate, instead of the sole focus on the Derby Urban Fringe. It states that Swadlincote serves as a hub for the region (page 17) with a population approaching 40,000 (page 3). Further, Swadlincote is ranked as the second most deprived area in the district (page 12). Alongside this, the Derby and South Derbyshire Local Housing Need Assessment identifies a need for 105 affordable dwellings to be built annually in Swadlincote and South (whereas the Derby Fringe requires 75 per annum) (page 13).  5.4.3 Housing growth in Swadlincote and adjacent areas is essential for sustainable growth given its role as a hub for the area. Housing growth of all scales here would help to address the issues of access to affordable housing and deprivation levels in Swadlincote by delivering new homes, jobs, growth, and investment in a sustainable location. The adopted Local Plan recognises the importance of growth in Swadlincote, and this should be mirrored in the emerging plan with allocations to match.  5.4.4 The SA does not consider the necessity for, or sustainability benefits of, growth in other locations in the district, meaning the SA is fundamentally flawed in not considering all reasonable options and alternatives | | | Noted.  The report as reached its recommendations following evidence gathering such as the Derby City Capacity Study, the Growth Options Study and the HMA-wide SA. Further information stemming from this work has been expressed in a Statement of Common Ground.  Further assessment of potential amendments to the Plan period and housing supply will be made in the lead up to Regulation 19 publication. The proposed allocations will also benefit from further Plan-led work such an updated IDP, transport-modelling and Plan-wide viability testing. Further information on affordable housing will be provided from such analysis.  Additional information regarding BMV-related implications and ALC sub-grade data will be sought wherever possible in the next iteration of the SA.  Potential implications on green wedges have been considered in the design review and will continue to benefit from further evidence gathering and HMA work.  Smaller sites and the residual housing requirement will be addressed in the next Plan review. Further relevant plans etc., and an HRA will be provided when required for consultation.  No objections have been made to the interim SA report from the consultation bodies (the Environment Agency, Natural England and Historic England). |
| 1243215 | | Trent and Dove Housing Association | Trent and Dove | | Yes | |  | | | Noted. |
| 1243628 | | Define Planning on behalf of Bloor Homes Ltd | Define Planning on behalf of Bloor Homes Ltd | | No | |  | | | Noted.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1242645 | | Emery Planning on behalf of Strategic Land Group Ltd | Emery Planning on behalf of Strategic Land Group Ltd | | No | |  | | | Noted.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). |
| 1242408 | | Lichfields (on behalf of St Philips Land Ltd) | Lichfields | |  | | St Philips has addressed the SA findings through its responses to Question 3 | | | Noted.  Please refer to the response to Question 3. |
| 1243634 | | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | | No | | Please see St Modwen’s detailed response to draft Policy S4 in the appended St Modwen Homes Representations – South Derbyshire Part 1 Local Plan Review. .22 Whilst the DHMA SA has considered alternative options for meeting the DHMA’s housing needs, which have then been tested through the Council’s ‘South Derbyshire Local Plan Sustainability Appraisal: Regulation 18 Interim Sustainability Appraisal Report (October 2024)’ (“the Interim SA”), this is clearly on the premise of out-of-date housing needs figures which would invariably change the SA outcomes for other spatial strategies. In due course, the Council will need to re-assess its position in light of the proposed changes to the NPPF, SM and emerging positions within the DHMA. The consequence of this is that the Council will need to test reasonable alternatives to meet these needs, beyond relying solely on the strategic allocations on the edge of Derby. | | | Noted.  The interim SA report has been produced based on a robust  process of evidence gathering including the HMA SA and the Growth Options Study. The subsequent iteration of the SA report will be produced with up-to-date housing need figures and consideration of NPPF changes.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England).  Please refer to the response to Question 3 for further information. |
| 1242632 | | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | | No | | Please see St Modwen’s detailed response to draft Policy S4 in the appended St Modwen Homes Representations – South Derbyshire Part 1 Local Plan Review.  Policy S4: Housing Strategy Housing Land Supply Buffer As noted above in St Modwen’s response to draft Policy S1, the Council’s proposed housing requirement totals 14,483 dwellings over the 2022-2039 plan period, comprising 8,874 dwellings of South Derbyshire’s need and a 5,609 dwelling contribution towards Derby’s unmet needs. Against this requirement, draft Policy S4 states that the DLPP1R will make provision for only 13,632 additional dwellings over the plan period through a combination of: • Two new strategic allocations (STRA1 and STRA2); • Existing/Remaining Local Plan Part 1 allocations; and • Existing/Remaining Local Plan Part 2 allocations.  4.2 The Council also anticipates that the outstanding currently 851 dwellings will be delivered through windfall development.  4.3 In essence, and even when counting the proposed windfall allowance, the Council is only proposing to make provision for sufficient homes to ‘meet’ their needs, with no additional buffer. Crucially, the Council has not explicitly recognised the fact that, as a consequence of this approach, the Council’s DLPP1R makes no provision for a buffer or ‘headroom’ within its supply.  4.4 In this regard, St Modwen would highlight to the Council that it is expected that Local Plans should be sufficiently flexible to adapt to rapid change. In practice, this means ensuring a housing trajectory has sufficient land supply across the plan period so that it can adjust and accommodate any unforeseen circumstances, such as a degree of flexibility in delivery rates and densities. Critically, this means that to achieve a housing requirement a Local Plan must release sufficient land or allow sufficient ‘headroom’ so that there is an appropriate buffer within the overall planned supply.  4.5 Crucially, whilst the Council’s proposed housing requirements are in excess of its LHN figure, by virtue of including a contribution towards Derby’s unmet housing needs, the proposed housing supply to meet these needs cannot, and crucially should not, but utilised to act as a buffer. This is because, what this means in practice, is that there would be no scope within the DLPP1R to respond to changing circumstances. If any single component of supply does not come forward or falls behind the timescales implied by the Council, which buffers are intended to address this would result in Derby’s unmet housing needs not being delivered, rather than the Council’s.  4.6 As such, it is necessary for the Council to identify additional suitable land supply to ensure that there is the flexibility to respond to failures to deliver the required dwellings in the allotted time frames and across the whole plan period. In essence, it is strongly recommended that greater flexibility be built into the DLPP1R-identified housing land supply. The following are cases where the inclusion of a buffer has been found sound at the examination as well as being explicitly endorsed by the Inspector: South Derbyshire's Draft Local Plan Part 1 Review : Representations on behalf of St Modwen Homes Ltd Pg 11 • Chelmsford: 18% buffer3 • South Kesteven: 18% buffer4 • Harrogate: 25% buffer5 • South Oxfordshire: 27% buffer6 • Mansfield: 34% buffer7 • Guildford: 36% buffer8 • Chesterfield: 59% buffer9  4.7 Consequently, St Modwen recommends that a sufficient buffer is incorporated into the housing land supply. The buffer should be applied to both the Council’s housing need and the contribution towards addressing the unmet needs of Derby, as this will ensure – in principle – that both needs can be met flexibly should some components of supply fall through or be delayed in delivery. As such, St Modwen recommends that a minimum of c.20% headroom should be incorporated into the DLP. The consequence of this is that it will be necessary for the Council to identify additional suitable land supply (i.e. more than needed to meet the total housing requirement) to facilitate an additional c.20% headroom to be built into the supply. In this regard, growth within the plan period at Land north of Egginton Road, Hilton would be an entirely logical source of supply to address this need – discussed further below. | | | Noted.  Joint Advisory Board to discuss its position on buffers and  ‘headroom’. Issue of housing need including buffer consistency is subject to ongoing discussions. However, the District is proposing to exceed its own standard method of housing need.  [Insert dispersal alternatives]  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England).  Refer to the responses to the appropriate housing and policy  questions such as Question 9 for additional information. |
| **Members of the Public** | | | | | | | | | | |
| 1238041  1238350  1238385  1242330 | Sylvia Burns  Hannah Butler Deborah Burns  Fiona Brown | | |  | |  | | The 'Sustainability Assessment ' report, critical for validating housing and gypsy & site traveller choices, wasn't published until after the consultation began, which undermines the process. | Noted.  The SA was published with six weeks remaining in the consultation  period, which satisfies the legal requirement for such purposes. Members of the public were able to attend six consultation events during this period.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1238095 | Karen Bansal | | |  | |  | | ▪ SDDC have also not published their Sustainably Assessment Report. This is one of the most important local plan documents to demonstrate where housing and travellers sites have been considered, ruled out or chosen. This document is fundamental in testing the validity of the local plan process and housing / traveller site selection etc. The consultation should not have been launched without this document available. | Noted.  The interim SA was published with six weeks remaining in the  Consultation period which satisfied the legal requirement for  consultation purposes. Members of the public were able to attend  six consultation events during this period.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1242325 | Tracy and Gordon Harrison | | |  | |  | | I cannot find this on your website on 02/11/2024, is it available? At this moment I cannot comment. | Noted.  The document was available as of that date.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1242360 | Christina | | |  | |  | | I am not sure what you mean by this. Overused ill defined word ''sustainability'' covering large areas with housing or reducing capacity to absorb water and not having wildlife corridors is definitely not sustainable. | Noted. The Sustainability Appraisal is a detailed process required  by national legislation and planning guidance.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1243552 | Jim Froggatt | | |  | |  | | I’ve only looked at the chapter related to strategic housing sites. | Noted. | |
| 1232852 | Angus Chan | | |  | | No | | Until it is published, no planning review or consultation should be carried out. | Noted.  The interim SA was published with six weeks remaining in the  Consultation period which satisfied the legal requirement for  consultation purposes. Members of the public were able to attend  six consultation events during this period.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1232857  1232861  1232863  1232876  1232904  1232909  1232922  1232937  1232938  1232962  1234342  1234532  1235132  1235316  1235357  1233334  1241682  1241975  1241910  1241947  1241986  1241989  1241995  1242052  1242108  1242119  1242130  1242135  1240880  1240863  1240252 | Teri Licence  Jack O’Connor Lauren Ryan  Claire Woodward Holly Robinson  Stuart Orr  Maureen Shenton Margery Morgan Martin Turner  Chris Munn  Julia Bather  Michelle Garnham Frazer Murphy  Geoff Lewins  Lorna Hodgetts Harvey Heldreich  Ameila Hunt  Sue Glover  Chris Wilson  Nigel Bentley  Sarah Glover  Paul Hopkin  Andrea Thompson  R Coxon  Donna Shacklock Susan Marshall George Selby  Samantha Furniss  Matt Coxon  Rebecca Buckley Amardeep Bhopal  Ian McHugh | | |  | | No | |  | Noted.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1233332 |  | | |  | |  | |  |  | |
| 1232906 | Steve Wilson | | |  | | No | | Just build where your voters want to live. Most don't want to live 15/20miles from there families & work. | Noted.  South Derbyshire covers and expansive area, therefore many  residents will be able to live within less than 15 miles of their work.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1232988 | Leigh Fearon | | |  | | No | | Not all documents available, and unless you call planning to explain are often misleading. Information on National Highways decision on the New House Farm roundabout access and coping with traffic towards the A38 letter communication did not match that when speaking direct to planning. | Noted.  The interim SA was published with six weeks remaining in the  Consultation period which satisfied the legal requirement for  consultation purposes. Members of the public were able to attend  six consultation events during this period.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1233131 | Mariah Senaa | | |  | | No | | No, I do not agree with the scope and findings of South Derbyshire’s Sustainability Appraisal (SA) as it currently stands.  While the SA aims to evaluate the sustainability of the Local Plan, there are several concerns about its scope and conclusions:  1. Environmental Impact – The SA does not appear to fully consider the long-term environmental impacts of large-scale developments, especially in terms of biodiversity loss, air quality degradation, and noise pollution. The appraisal should have a more detailed analysis of the environmental consequences of the developments proposed near areas like The Hollow, where the natural landscape and ecosystem are at risk. 2. Flood Risk – There is insufficient focus on the potential increase in flood risk caused by the developments. More attention is needed on how the additional housing and infrastructure will affect drainage and water management, especially in flood-prone areas, and how the plan will mitigate these risks. 3. Infrastructure Pressure – The appraisal does not seem to fully account for the pressure on local infrastructure, including schools, healthcare, and transport systems. The scope should have included more detailed projections on how these services will cope with the increased population, ensuring that growth remains sustainable for both new and existing residents. 4. Social Impact – The SA’s focus on housing needs overshadows the potential social impacts of these developments on existing communities. The appraisal should include more robust considerations of how large-scale developments will affect local identity, social cohesion, and access to green spaces, especially for areas like Mickleover and The Hollow. 5. Sustainability of Strategic Sites – The findings of the SA seem to favour large-scale developments such as STRA1, STRA2, and STRA3, yet these sites may not be the most sustainable solutions for housing and employment needs. More attention should be given to alternative, smaller-scale developments that could distribute housing more evenly and reduce environmental strain.  In conclusion, the SA’s scope is too narrow and lacks critical analysis on infrastructure, environmental sustainability, and social impact. These aspects should be more thoroughly addressed before concluding that the proposed developments are sustainable. | Noted.  The interim SA report assesses environmental impacts including a  detailed methodology.  Flood risk will be further assessed in the Council’s Strategic Flood  Risk Assessment which is currently underway.  Infrastructure-related impacts are also assessed in the report.  The subsequent iteration of the SA will address all of these thematic  concerns.  The Infrastructure Delivery Plan (IDP) will assess further  Infrastructure-related deficits and investment needs.  Smaller sites will be assessed in the next iteration of the Plan and  its iteration of the SA report.  Social impacts such as potential impacts on local identity and social  cohesion are generally beyond the scope of the SA and not required  to be addressed in relevant national legislation.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1233241 | Russell Licence | | |  | | No | | There is no positive or benefit at all to the proposed plans, other than a pat on the back for the council for meeting housing targets. | Noted.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1233313 | Rae Louis | | |  | | No | | This should have been available before the consultation began! | Noted.  The interim SA was published with six weeks remaining in the  Consultation period which satisfied the legal requirement for  consultation purposes. Members of the public were able to attend  six consultation events during this period.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1233743 | Matt Hunt | | |  | | No | | If sustainable transport was being taken seriously the Burton to Leicester railway would be funded immediately along with Stenson Fields station and pushing for electrification from Lichfield TV HL to Derby to provide sustainable frequent services for the communities.  Also the new junction for the A50 to serve the garden village should be constructed by now not still in draft plans.  People living in these areas are suffering because of the councils lack of 'just get on and do it' and instead spending millions on reviews and consultations. | Noted.  The funding of rail infrastructure projects is beyond the scope of the  SA and the District can only coordinate with national projects.  Regional transport schemes and improvements will be supported  wherever possible.  The A50 junction will be addressed in the draft Plan and the next  iteration of the SA report.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1233824 | AYeomans | | |  | |  | | Finally, SDCC have not published their Sustainability Assessment Report; the consultation should not have begun without such a document being available.  The people of Mickleover are fed up, frustrated and disappointed that local councils continue to put the community under greater pressures by pushing more developments on green spaces and not improving infrastructure. Enough is enough, this area is not suitable for yet more houses and the local community do not want to see another green area demolished and destroyed by housing developments. | Noted.  The interim SA was published with six weeks remaining in the  Consultation period which satisfied the legal requirement for  consultation purposes. Members of the public were able to attend  six consultation events during this period.  The proposed strategic allocations will increase the amount of green  and open space for local communities.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1234080 | Nick Pope | | |  | |  | | Not read it as this is not a user friendly process for the local residents and such documents are not made freely available | Noted.  The interim SA was published with six weeks remaining in the  Consultation period which satisfied the legal requirement for  consultation purposes. Members of the public were able to attend  six consultation events during this period.  The SA is a detailed, technical process proscribed under national  legislation, hence a ‘user-friendly’ version is not readily available. | |
| 1235411 | Andrew Norman | | |  | | No | | SDDC is rushing the local plan process. The government is reviewing national planning policy and the future of the A38 Derby junction upgrade. SDDC should have waited for clarity on both. | Noted.  The Local Plan review is required to adhere to national legislation  and planning guidance. The timetable for the process is specified in  the Local Development Scheme which will be updated by March.  Potential implications of the A38 will be considered as the Plan  progresses.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1235572 | Lisa Marie Roberts | | |  | | No | | No Sustainability Assessment for housing and the traveller community wasn't published until after the consultation  Mickleover has already taken more than its fair share of housing growth near the ward/city boundary. The proposed development south of Mickleover will impact on the current infrastructure which is already strained with increase traffic and facilities.  Up to 40% of the housing will be social, yet SDDC civic offices are 12 miles away in Swadlincote. This again will impact on travel arrangements.  Green space is already limited due to the housing development in the area. | Noted.  The edge of Derby has been assessed to be the most sustainable  Area for strategic growth, especially in terms of meeting the City’s  unmet housing need. Further work will be undertaken to consider  local impacts The proposed strategic allocations will increase the  amount of green and open space for local communities.  South Derbyshire District covers and extensive area, far beyond  Swadlincote.  Further specifications on housing need, such as affordable  Requirements will be addressed through Plan-wide viability testing.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1236005 | Richard Larder | | |  | | No | | Further research needed into the future effects of seemingly endless house building in this area . | Noted.  The edge of Derby has been assessed to be the most sustainable  Area for strategic growth, especially in terms of meeting the City’s  unmet housing need. Further work will be undertaken to consider  local impacts.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1238657 | Clare Wood | | |  | | No | | Much, much more consideration needs to be given to the climate emergency and to biodiversity which has plummeted over recent years. The climate emergency and huge reduction in biodiversity and the lack of green spaces in turn impact on the mental and physical health of people. These need to be prioritised over developers' profit and government housing targets. Housing targets have been implemented as a result of an enforced housing crisis as a result of property now being seen as an investment by many people. | Noted.  The need to address the climate emergency, biodiversity threats and  opportunities to improve green spaces will be included in the draft  Plan and its various policies.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1238942 | Mr Brian J Harrison | | |  | | No | | Forced agenda! | Noted.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1240150 | Ian Turner | | |  | | No | | It's far too long and detailed. It should all be contained on one side of A4. | Noted.  The SA is a detailed, technical process proscribed under national  legislation, hence a ‘user-friendly’ version is not readily available.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1241240 | Jonathan Watson | | |  | | No | | It is too long and unintelligible.  Sustainable transport has not been effectively implemented in South Derbyshire, just look at the new builds and the lack of cycle tracks etc at a time when they could have been built into the plans. The new A516 roundabout actually had the planning permission altered to remove safe crossing areas from the roundabout junctions.  Improve bus services and find a way of getting people to leave their cars at home. | Noted.  The SA is a detailed, technical process proscribed under national  legislation, hence a ‘user-friendly’ version is not readily available.  The funding of regional transport schemes and improvements will be supported wherever possible.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1241860 | Innes Mary | | |  | | No | | See previous statements | Noted.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1241890 | Edward Stupple | | |  | | No | | Inadequate information No consultation meetings with the public have been held | Noted.  The interim SA was published with six weeks remaining in the  Consultation period which satisfied the legal requirement for  consultation purposes. Members of the public were able to attend  six consultation events during this period.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1241973 | Graham Keith Sanders | | |  | | No | | Infrastructure (Doctors,Shops,Schools,Roads,Utilities) will not cope ! Councils inability to fulfill obligations (Refuse,Drains,Paths,Roads,Trees,Grass cutting) | Noted.  The SA is a detailed, technical process proscribed under national  legislation, hence a ‘user-friendly’ version is not readily available.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1242063 | Laura Massey-Pugh | | |  | | No | | This is a good attempt, but given SDDCs declaration of a Climate Emergency the Sustainability Appraisal needs to be much more robust in challenging the assumptions behind the policies. The phrase “The policies within the XXX chapter generally perform well against SA objectives” occurs far too often (e.g. sections 7.6, 7.7 & 7.8). | Noted.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1242138 | Tiran Sahota | | |  | | No | | Need to explore alternative areas for development - brown belt sites and derelict unused buildings around the city of Derby and in South Derbyshire. Also, consider other areas in South Derbyshire which have potential for development without overwhelming local services. | Noted  Previously developed land will be considered for redevelopment  Wherever appropriate. Refer to the Authority Monitoring Report for  information on such completions. The Derby Capacity Study refers  to potential brownfield development as well as various limitations.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1242574 | Christian Murray-Leslie | | |  | | No | | To be ''sustainable'' all new housing should have solar panels and heat pumps fitted. Ideally the should have water storage and ''grey'' water for toilets. | Noted. Planning policy must adhere to, but not supersede Building  Regulations.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1243592 | Christine Allen | | |  | | No | | The road system locally is totally inadequate for lorries which pass from hubs to service industry. | Noted.  No objections have been made to the interim SA report from the  consultation bodies (the Environment Agency, Natural England  and Historic England). | |
| 1241686 | John Moore | | |  | | Yes | | The Local Plan SA was prepared by "experts" qualified to carry out such a project. As such, it's findings and report should be taken seriously and acted upon.  With regard to STRA2, Page 10 details :-  SO10 : not near local facilities therefore will demand car travel as there is no public transport. Consequential pollution, traffic jams, parking etc SO11 : proximity to the A38 and existing noise pollution. SO11 : greenfield site leading to irreversible loss of high quality agricultural land. | Noted.  Further details of the STRA2 requirements will be specified for  Regulation 19 publication the associated needs relating to SO10 and  11.  Additional evidence gathering such as the design review as well as transport-modelling, the Infrastructure Delivery Report will provide greater clarification in this regard. | |
| 1235279  1241956  1241473  1238115  1233359 | Gerald Arthur Bowker Amy Simes  Andrew Lee  Fiona Bevington Sukhdev Bangar | | |  | | Yes | |  | Noted. | |

# Question 13: Do you have any other comments you wish to make?

|  |  |
| --- | --- |
| Duty to Cooperate Body / Statutory Consultee | 10 |
| National Organisation | 3 |
| Regional Organisation | 3 |
| Parish Council and other Community Group | 15 |
| Councillor | 2 |
| Landowner or Developer | 66 |
| Members of the public | 96 |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Response Id** | **Name** | **Organisation** | **Do you have any other comments you wish to make?** | | **Comments** | | **Council Response** |
| **Duty to Cooperate Body / Statutory Consultee** | | | | | | | |
| 1244753 | Canal and River Trust |  |  | | Thank you for your consultation on the above document.  We are a charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of out nation. The Canal & River Trust (The Trust) is a statutory consultee in the Development Management process, and as such we welcome the opportunity to input into planning policy related matters to ensure that out waterways are protected, safeguarded and enhanced with an appropriate policy framework.  Please find below the Trust’s response to the Local Plan Part 1 Review. We hope that the comments provided are clear and helpful. We are willing to contribute to work with you, to meet and discuss any of these points for clarity and to seek to work together towards high-quality district that related positively with the waterway network.  We note that the review is an update of the existing Local Plan Part 1 and in terms of the revisions proposed, we wish to comment as follows. | | Noted. |
| 1242629 | Derby City Council | Derby City Council | Yes | | Derby City Council response to South Derbyshire District Council’s Regulation 18 (Draft Plan) Local Plan Review Consultation  Thank you for giving Derby City Council an opportunity to respond to your Draft Local Plan Review consultation. This response is both officer and Member led and these comments seek to build on the useful discussions at HMA officer coordination group in addressing the following issues of strategic importance.  We note that the Plan is a review of your current adopted Part 1 Local Plan and is intended to effectively extend that strategic Plan for South Derbyshire to 2039, with the main purpose being the continued supply of housing land, the provision of Gypsy and Traveller sites, and also assisting to meet some of Derby City’s unmet housing need. | | Noted. |
| 1243623 | Derbyshire County Council | Derbyshire County Council | Yes | | Thank you for your consultation. Derbyshire County Council welcomes the opportunity to comment on this document. Derbyshire County Council supports the overall intent of the document and would like to make the following comments for your consideration. The headings/questions from your consultation document have been used to structure the County Council’s response. | | Noted. |
| 1242371 | East Staffordshire Borough Council | East Staffordshire Borough Council | Yes | | Thank you for consulting us on the revised draft of the Local Plan Part 1 for South Derbyshire.  Currently, we note you are proposing to incorporate a surplus of employment land provision within the plan. East Staffordshire Borough Council are currently reviewing evidence in relation to our employment land provision and will consider any potential for impacts arising from your proposed surplus through the future review of our Local Plan and our duty to cooperate meetings. | | Noted. |
| 1243580 | Historic England | Historic England | Yes | | Paragraph 1.39 we would anticipate to see Heritage Impact Assessment or similar, to understand the potential harm to heritage through the allocation of sites for development, within the Local Plan. This should be proportionate and used to inform the site selection, reasonable alternatives, and a strategy to avoid and minimise harm and seek enhancements, where appropriate.  Paragraph 2.16 amend ‘Scheduled Monuments’ to ‘Scheduled Monuments’ and ‘historic parks and gardens’ to ‘Registered Parks and Gardens’. How will the Plan overcome the threat from new development and provide a ‘positive strategy’ for the historic environment?  We support the reference to heritage within the vision. | | A Heritage impact Assessment has been undertaken for the new proposed Strategic Allocations.  Agreed amend Paragraph 2.16 to state ‘Scheduled Monuments’ and ‘Registered Parks and Gardens’  The Plan includes criteria regarding the Historic Environment in the housing and strategic policies and there is a policy regarding the Historic Environment.  Noted in terms of the vision. |
| 1242054 | DfE |  |  | | The next version of the Local Plan should seek to provide further detail about the site specific requirements for schools, based on the latest evidence of identified need and demand in the Infrastructure Delivery Plan. This should include clarifying where possible the requirements for the delivery of new schools, including when they should be delivered to support housing growth (i.e. appropriate trigger points), the minimum site area required (and number of forms of entry needed where this has not already been stated), any preferred site characteristics, and any requirements for safeguarding additional land for future expansion of schools where need and demand indicates this might be necessary.  The above points are applicable to the following locations identified within the draft local plan for additional housing: • Policy H6 - Drakelow Park • Policy H7 – Land at Hilton Depot • Policy H11 – Land north east of Halton • Policy H13 – Boulton Moor (South East of Derby) • Policy H19 – Land West of Mickleover  For Policy H15 – Wragley Way, the next iteration of the local plan should identify how many forms of entry will be required alongside detail on the necessary site-specific detail for the proposed school.  Where new schools are being proposed or existing schools are being expanded consideration should be given as to how nursery school provision can also be accommodated within the proposed development. | | Noted.  At submission the local plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.    Policy H6-H13 have Section 106 Agreements related to development of the sites, in which school provision is addressed (as necessary) and development has commenced on the sites. It is therefore not considered necessary to update policies H6-H13 in relation to education.  In terms of Policy H15, the Council will contact Derbyshire County Education to seek further clarity on the requirements for education provision on the site and this will be incorporated into the final IDP. |
| 1241596 | Mining Remediation Authority |  | Yes | | As you will be aware the Coal Authority are a statutory consultee in the planning process including for Development Plans. From the 28th November 2024 the Coal Authority will operate under the ‘trading name’ of the Mining Remediation Authority, to better reflect the wider work we do as an organisation. The Coal Authority still remains the legal name of the Authority and will remain as such in statute until legislative changes have been made. Our remit as a statutory consultee remains unchanged.  We support the amendments made to Policy SD4, specifically the addition of item D which makes reference to remedial and mitigation measures being undertaken as part of development proposals.  In light of our recent name change, as noted above, it may be prudent to amend the policy at point C to read : The Council will work with Developers, the Environment Agency, Natural England and the Mining Remediation Authority and other relevant Authorities and organisations to bring forward the regeneration of derelict, unstable or contaminated sites and investigate options for the sustainable management of rising mine water levels within the South Derbyshire Coalfield. | | Noted.  The Council will amend ‘Coal Authority’ to ‘Mining Remediation Authority’. |
| 1242409 | National Highways | National Highways | Yes | | South Derbyshire Draft Local Plan Review Part 1 Consultation  Thank you for providing National Highways with the opportunity to respond on the Draft Local Plan Review (Part 1) for South Derbyshire. Although not explicitly stated, we understand this to be a Regulation 18 consultation on your preferred options for development.  The new Local Plan sets out a strategy for the future development of South Derbyshire up to the year 2039 and includes policies and proposals to address needs and opportunities in relation to housing, the economy and infrastructure. This is the first Local Plan consultation since the Issues and Options consultation in late 2022 to which National Highways responded.  National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.  With regards to the district of South Derbyshire and this consultation, our principal interest is in safeguarding the A38, A50, and A6 trunk roads which all route through the district; and the A42, M1, and M42 which sit just outside the district.  In responding to local plan consultations, we have regard to the Department for Transport (DfT) revised Circular 01/2022 – Strategic road network and the delivery of sustainable development (‘the Circular’), which sets out how interactions with the SRN should be considered in the making of local plans. Paragraph 28 of the Circular sets out that:  The policies and allocations that result from plan-making must not compromise the SRN’s prime function to enable the long-distance movement of people and goods. When the company assists local authorities in the development of their plans and strategies, the local authority should ensure that the SRN is not being relied upon for the transport accessibility of site allocations except where this relates to roadside facilities or SRN-dependent sectors (such as logistics and manufacturing). The company will also work with local authorities to explore opportunities to promote walking, wheeling, cycling, public transport and shared travel in plan-making, in line with the expectations set out in the NPPF and theTransport Decarbonisation Plan.  In addition to DfT Circular 01/2022, the response set out below is also in accordance with the NPPF and other relevant policies, which helps to ensure that the soundness of the Local Plan is being appropriately considered (from a transport perspective).  Housing Requirement  To the end of the Local Plan period to 2039, there is a requirement for 14,483 dwellings to be delivered to meet South Derbyshire’s own need and to help in meeting Derby City’s unmet need. This new Local Plan has allocated land for 13,632 new homes. When taking into account the rate of development for windfall sites, a potential of up to 2006 additional dwellings can be provided. This means that the new Local Plan Part 1 will meet the district’s full housing requirement.  Policy S4 provides a breakdown of the 13,632 new homes, with 24 sites identified for accommodating housing development up to 2039. Most of these sites are relatively large scale, accommodating more than 500 dwellings. Two sites have been identified as Strategic Sites; STRA 1: Infinity Garden Village and STRA 2: Land South of Mickleover.    Employment allocations  The Local Plan states that the district has a requirement to deliver 35.86ha of employment land in the Local Plan period up to 2039. In the Draft Local Plan Review Part 1, there are 34.82 ha for development for Use Classes E(g), B2 and B8 purposes carried forwarded from the 2016 Local Plan. There have been three sites identified as new allocations for employment strategic sites; STRA 1: Infinity Garden Village; STRA2: Land South of Mickleover and STRA 3 Former Drakelow Power Station, which was allocated for redevelopment in the adopted Part 2 Plan in 2017 (Policy BNE12).National Highways have been made aware of employment sites E1A to E1G and E6 carried forwarded from the adopted plan. We will require further details of the proposed sites to be provided in the form of land uses and floor area, such that the potential need for traffic impacts and mitigation can be determined.  Transport Evidence Base  The NPPF expects local plans to be underpinned by a clear and transparent evidence base which informs the authority’s preferred approach to land use and strategic transport options, and the formulation of policies and allocations that will be subject to public consultation.  National Highways expects this process to explore all options to reduce a reliance on the SRN for local journeys including a reduction in the need to travel and integrating land use considerations with the need to maximise opportunities for walking, wheeling, cycling, public transport and shared travel. Alongside this, the Council should identify the key issues within their study area regarding transport provision and accessibility, setting out how the Plan can address these key issues.  National Highways would expect to be consulted on a Strategic Transport Assessment which identifies the cumulative traffic and transport implications of Local Plan growth and what infrastructure may be required to help deliver that growth. This should also consider the cumulative growth from neighbouring areas, not just within Derbyshire. For instance, significant growth is planned within the neighbouring North West Leicestershire district and this should be considered as part of the transport modelling evidence base, with the cumulative impacts on the SRN identified. This evidence should include demand forecasting models, which inform analysis of alternatives by accounting for the effects of possible mitigation scenarios that shift demand into less carbon-intensive forms of travel.  As a minimum, we would expect that the Transport Assessment is shared with us for our review and comments. However, we would be happy to engage with you earlier in the process to help scope the necessary requirements for establishing a robust transport evidence base. We believe that this collaborative approach will help to ensure that the likely residual transport infrastructure needs, timescales and potential funding requirements are understood.  As per Dft Policy 01/2022 paragraph 34, the transport evidence should provide a means of demonstrating to the examining inspector that planned growth is deliverable, and that the funding, partners and relevant processes are in place to enable the delivery of infrastructure; or that there is a realistic prospect that longer term investment can be secured within the timescales envisaged.   Consultation on Planning Applications  National Highways is a statutory consultee in the planning process and as such, any development sites that may have an impact on the SRN should be subject to separate consultation with National Highways. This is not just where sites have a potential traffic impact on the SRN, but also developments that could affect our network and assets because of a shared boundary. These developments should be in line with the Department for Transport (DfT) Circular 01/2022 to determine the extent of their potential impacts on the SRN. Depending on the scale of likely impact on the SRN, the developer may need to identify and deliver suitable mitigation measures in agreement with National Highways.  Duty to Co-operate  While we acknowledge the Council’s dedication to collaborating with neighbouring authorities and relevant bodies to achieve sustainable development, we recommend a coordinated approach for any developments impacting neighbouring local authorities. This approach should involve joint approach with National Highways, South Derbyshire District Council, other local authorities, and future developers or applicants. Such collaboration will ensure that all parties’ interests are safeguarded and a unified solution is reached.  National Highways will actively work with the Council to develop and draft a Statement of Common Ground (SoCG) to deal with any strategic cross boundary issues as the Local Plan progresses.  We have no further comments to provide at this stage and would welcome continued engagement with the South Derbyshire District Council in order to support the delivery of the planned growth. | | Noted.  The District Council will undertake Transport Modelling prior to submission, which will be undertaken in consultation with National Highways.  In terms of employment allocations, the ends users of the allocations are currently unknown. To ensure flexibility the use class, floor space etc of the allocations cannot be set at this stage. During the planning application stage details such as floor area and use class will be provided, however this level of details is not required for the Local plan.  As previously stated above Transport Modelling will be undertaking for the Local Plan, which will look at transport impacts and necessary mitigation.  Furthermore, the District Council has previously provided National Highways information on committed housing and employment sites. |
| 1242867 | Natural England | Natural England | No | |  | | Noted. |
| 1243643 | Sport England | Sport England |  | | Please be aware of our statutory role in commenting on development proposals that affect playing fields under The Town and Country Planning (Development Management Procedures) (England) Order (Schedule 4 (z)) 2015 (Statutory Instrument 2015/595), particularly if an application falls under one of the following definitions: It is likely to prejudice the use of, or lead to the loss of use, of land being used as a playing field: or • It is on land which has been • used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or • allocated for use as a playing field in a development plan or in proposals for such a plan or its alternation or replacement; or • It involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.  It should be noted that the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines a playing field as ‘the whole of a site which encompasses at least one playing pitch’ the definition refers to the whole of a site and therefore does not just cover land which is currently laid out as pitches. This is because those other parts of a playing field are a resource which may be needed, now or in the future, and it is important that they are afforded the same protection. Therefore, we should be consulted even if a development proposal only affects land not currently marked out as a playing pitch.  Sport England have also sought a legal opinion on the definition of the ‘whole of the site’ in reference to playing field in the Order and it was held that any sport facility which in physical and functional terms was attached to the playing field also formed part of the whole site. Therefore, other facilities such as sports courts, ancillary car parking and pavilion buildings can form part of the playing field and we should therefore be consulted if these facilities are to be affected. Sport England should also be consulted if a proposed development adjacent to playing field is likely to have a prejudicial impact on it’s sporting use. For instance, a housing development proposal adjacent to a cricket ground whose occupants could be at risk from cricket ball strike. A ball trajectory assessment may be required, which in turn may recommend the necessary mitigation such as the installation of a ball stop netting.  For further information as to how we assess such planning applications please refer to our Playing Fields Policy and Guidance document.  In addition, the Government’s Planning Practice Guidance also advises local planning authorities to consult Sport England in cases where development might lead to: • loss of, or loss of use for sport, of any major sports facility; • proposals which lead to the loss of use for sport of a major body of water; • creation of a major sports facility; • creation of a site for one or more playing pitches; • development which creates opportunities for sport (such as the creation of a body of water bigger than two hectares following sand and gravel extraction); • artificial lighting of a major outdoor sports facility; • a residential development of 300 dwellings or more. | | Noted. |
| **National Organisation** | | | | | | | |
| 1235628 | British Horse Society |  | No | |  | | Noted. |
| 1240828 | Open Spaces Society |  | Yes | | All new houses should be fitted with triple glazed windows, high levels of insulation, solar panels, heat pumps and water saving devices and be as near carbon neutral as possible.  New housing developments should also be built at a much higher density than is the current practice to make the very best use of land. This means that they should be built higher and also include the use of terracing (with sufficient insulation).  All new housing estates should include areas of open space for recreation and these should be registered as Common Land by the district council which would ensure that they are protected and cannot built on by developers in the future. | | Noted.  Part L of the Building Regulations set out requirements for energy efficient standards of new and existing buildings and Part O (Overheating) cover the overheating mitigation requirements for new residential dwellings. The Local Plan Part 1 Review will not repeat the requirements set out in Building Regulations nor go beyond those.  The Plan includes requirements for open space development.  The Plan includes Policy INF9 Open Space, Sport and Recreation which only allows the loss of open space, sport and recreational facilities 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.  The Council has a Design SDP which make use of appropriate densities, which can include high densities on appropriate sites. In addition, the Council is undertaking a design review process for the new strategic allocations which will explore appropriate densities of new strategic allocations. |
| 1243542 | Home Builders Federation (HBF) | Home Builders Federation (HBF) | Yes | | South Derbyshire District Council, Draft Local Plan Part 1 Review, Dec 2024 1. Thank you for consulting the HBF Home Builders Federation (HBF) as part of your South Derbyshire District Council, Draft Local Plan Part 1 Review, Dec 2024.Our survey response is attached to this letter.  2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC’s, regional developers and small, local builders. In any one year, our members account for over 80% of all new “for sale” market housing built in England and Wales as well as a large proportion of newly built affordable housing.  3. HBF welcome the Council’s efforts to ensure that they have an up to Local Plan. Plan-making is a fundamental part of a Local Authority’s role and is essential to support the delivery new homes and jobs.  4. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.  5. We wish to continue to be kept up to date on the progress your Local Plan, please use the contact details below. | | Noted. |
| **Regional Organisation** | | | | | | | |
| 1243609 | Derby Sandiacre Canal Trust | Derby and Sandiacre Canal Trust |  | | I have tried sending this to the 'localplan' email address before the deadline but it keeps being rejected | | Noted. |
| 1242640 | Derbyshire Association of Local Councils | Derbyshire Association of Local Councils | Yes | | We are pleased to note that developers are to be asked to address the biodiversity net gain and green space issues however we would be pleased to hear whether developers will be installing solar panels on these new housing estates as opposed to arable land being used for solar farms.  Also will developers be making sure adequate parking is available to all properties without tarmacking/laying paths on front gardens to avoid street parking which can cause congestion on the roads.  We would respectfully enquire whether the already congested traffic is being addressed as the highways infrastructure seems overwhelmed.  We also have concerns about flooding whether there is due to climate change or other issue. Many members have spent months endeavouring to get responses from appropriate agencies on the issue of flooding. It is hoped that statutory agencies respond to planning applications to these 2 large scale developments as members report the feeling of agencies “rubber stamping” planning applications and then flooding incidents occur as has happened at Drakelow.  We are pleased to see that discussions with higher and further education can have benefits – an example would be East Midlands Airport who support those wishing to enter aviation and associated careers. | | Noted.  Part E of Policy SD6 states that solar energy should avoid using the best and most versatile agricultural land where possible.  In terms of parking Policy INF2 will be used in the determination of any planning application, which requires that development should include appropriate car parking provision having regard to a list of criteria. In addition, Derbyshire County Council Parking Guidance for New Developments (September 2024) includes parking standards.  The District Council will be undertaking a Transport Assessment and a Flood Risk Assessment which will be part of the evidence base for the Local Plan. |
| 1242591 | MAG East Midlands Airport | MAG East Midlands Airport |  | | Thank you for consulting East Midlands Airport on the Council’s Draft Local Plan Part 1. We welcome the opportunity to send our observations and views at this latest stage of the plan-making process.East Midlands Airport (EMA) is a significant UK airport serving the travel needs of the East Midlands region.  It is also a nationally important cargo airport and is the UK’s largest express air cargo airport and is a major base for three of the major global integrated freight operators, DHL, UPS and FedEx. Both DHL and UPS have made major investments in their facilities at the airport and have plans for further growth and expansion.  EMA connects passengers with more than 70 leisure destinations across Europe and North Africa. The airport has recovered strongly since the COVID-19 pandemic and now EMA supports a growing range of charter and scheduled passenger services. It is an important part of the European low-cost airline network as a major base for operators such as Ryanair, Tui, and Jet2.com.  The airport site and the surrounding area is an important national and regional economic asset. Some 9,000 people work across the airport site for a wide range of employers. EMA also makes an important contribution to the national economy, generating some £535m of direct GVA and £632m of indirect GVA each year. EMA is a major employer of South Derbyshire residents, with 658 people employed in 2019 with employees drawn from both the south and the north of the District.  Handling some 400,000 tonnes of air cargo a year, EMA provides connectivity into global air cargo networks. The main operators from the airport, DHL, UPS, and FedEx operate through a network of cargo hubs, and they give EMA the ability to move goods on one-stop express freight services to and from 185 cities across the world. These include some of the world’s most economically important cites, and 38 of the world’s 50 Alpha cities (New York, Singapore, Hong Kong, Paris, Frankfurt etc) can be reached with one-stop from EMA and 46 of the 91 second-tier Beta cities.  InternalEMA supports the economy of the East Midlands, and many of the goods shipped through the airport are from the advanced manufacturing, logistics, aerospace, fashion, automotive, healthcare and pharmaceutical sectors. EMA provides access to international markets and supports international supply chains. The value of goods passing through EMA is high, and on average an export tonne passing through the airport is worth around £335,000. This is driven by the high proportion of advanced manufacturing and aerospace goods, sectors that have an important presence in South Derbyshire as recognised in Paragraph 2.9 in the Draft Local Plan Pt 1.  The airport is forecast to grow, both through the passenger and the cargo operation. It is important that planning policy at all levels recognises its value, and that it enables and provides for future growth and development.  Thank you again for the opportunity to comment on the Draft Local Plan Pt 1, and we trust that these comments are helpful as part of the South Derbyshire Local Plan process. We will look to engage in the future stages in the Plan’s preparation, and we would be happy to assist and work with the Council to prepare and provide further supporting material if that would be helpful. If you need any further information at this stage, then please contact me. | | Noted |
| **Parish Council and other Community Group** | | | | | | | |
| 1240947 | Barrow Upon Trent Parish Council | Barrow upon Trent Parish Council | Yes | | We are deeply concerned about the Battery Electrical Storage Systems that have been proposed along the valley between Barrow and Willington. There appears to be a lack of coordinated planning about the siting of these, their proximity to housing, the known danger of these sites, and the apparently haphazard siting of many smaller sites in the area.  The one causing most concern is the one proposed for Stenson Lane, its just not a suitable location due to access and flooding.  We are also worried about the proposed pylons, again we agree there is a need for an increased power supply but careful consideration needs to be given as to the route.  What more can you throw at our tiny parish of 250 houses??? | | Planning applications can be submitted at any time on any site. Any applications submitted will be determined against the Policies within the Plan. Submission of planning applications are outside of the Local Plan process; however, it is advised that the Parish Council submit any comments they wish to make during the planning application consultation period.  The Council are aware of the Chesterfield to Willington Electricity Transmission Reinforcement proposal. This proposal will progress outside of the Local Plan process. The Council have made representations to National Grid on the proposal. The Council has requested that full consideration be given to the environmental effects of the project and that these are effectively mitigated as far as possible. These include but are not limited to heritage including impact on Conservation Areas, Listed Buildings, archaeological issues and Scheduled Monuments all of which are potentially affected depending on the final design and alignment of the route, biodiversity, noise, traffic and transport, visual and landscape impacts, tree/ hedgerows to be retained and enhanced wherever possible, agricultural land (particularly best and most versatile), flood risk, and impacts on neighbour amenity, both from the construction work and the proximity of the pylons to neighbours. The Council has also raised that the proposal must not impede the delivery of STRA1 and H15 Wragley Way, or affect the delivery of Infrastructure at Boulton Moor (H13).  The District Council will be undertaking a Flood Risk Assessment which will be part of the evidence base for the Local Plan. In addition policy STRA1 requires that appropriate flood risk management in accordance with policy SD2 across the site is provided and that all more vulnerable development is located wholly within flood zone 1. |
| 1239943 | Castle Gresley Parish Council | Castle Gresley Parish Council |  | | There does not appear to be a back garden policy and infill policy in place.  A far stronger and more robust policy that is innovative and practical should be implemented regarding Solar farms/BESS. Perhaps developers could look at putting solar panels on the rooves of garages and new builds, both commercial and residential and not on green fill sites and agricultural land. There should be stronger protections on BMV land with more support for farming, agricultural/food production  We should have Community Infrastructure Levies in place along with s106. South Derbyshire residents and Parish Councils gain benefits/monies from this building, to put back into the local communities, local services for local people. Castle Gresley has seen none of these benefits. If these are not in place only Derby City benefit from the s106.  There seems to be no support in place for net zero on sustainability by 2030.  We understand the requirement for the allocation of Gypsy and Traveller (G&T) sites with regard to the overarching National Government Policy. However, it is unclear and very ambiguous as to how many pitches/sites will be required within the Local plan and where they will be situated! We would also ask if there is an evidence base to show that these sites will be used by the Gypsy/traveller community? We would therefore suggest that further explanation and detail is provided concerning this issue. | | The Council is reviewing the Part 1 Local Plan, which contains strategic policies. The Part 2 Local Plan is not currently being reviewed, however contains Policy BNE5 Development in Rural Areas which contains an infill criteria.  The viability issues around S106 in comparison to a Community Infrastructure Levy will be explored as part of the Plan wide Viability Work and this will be undertaken prior to submission of the Local Plan.  To reduce carbon emissions in new residential development the government has introduced Future Home Standards and Future Building Standards which come into effect in 2025. In advance of this  Part L of the Building Regulations set out requirements for energy efficient standards of new and existing buildings and Part O (Overheating) cover the overheating mitigation requirements for new residential dwellings. The Local Plan Part 1 Review will not repeat the requirements set out in Building Regulations nor go beyond those. However, Policy S3 does support developers seeking to higher standards than set out in Building Regulations where justification exists,  The Derby, Derbyshire, Peak District National Park and East Staffordshire GTAA, establishes the need for pitches within the district. Within the Draft Local Plan Part 1. Policy H22 sets out that provision for Gypsy and Travellers and Travelling show people will be made through strategic allocations, future local plan allocations and determining planning applications. |
| 1242585 | Egginton Parish Council | Egginton Parish Council | Yes | | Yes – to recap, we are taking too much of Derby City’s unmet housing need. There are not sufficient protections to prevent coalescence of villages nor enough to protect the character of villages using green wedges to designated spaces around settlements. There is no back garden policy or infill policy. There should be stronger protections for BMV land, supporting agriculture and food production. There should be more protection in the policies for residential amenities. More protection for landscape and landscape character and for the protection of village heritage. Blue infrastructure should be referenced more often in the interest of flood alleviation Reference to Egginton Common should read Etwall Common | | See Council response to Question 4.  The Council is reviewing the Part 1 Local Plan, which contains strategic policies. It is considered that there are sufficient protections to prevent coalescence of villages and to the protect the character of villages within the Part 1 and Part 2 Plan. The Part 2 Plan establishes settlement boundaries and includes policy BNE5 which only allows development outside of settlement boundaries only in certain circumstances.  Part 2 policy BEN5 includes an infill criteria.  Furthermore, it is considered that the policies within the Review, including SD1 and BNE1 provide protection to residential amenity. The policies within the Review include protection to Best and Most Versatile Land, and support agriculture and food protection and the policies within the Part 1 Review and Part 2 provide protection to heritage assets.  The Council considers that the Blue and Green Infrastructure Policy (INF7) is robust.  In relation to the Freeport the Council has included Policy INF3 which requires that the delivery of green infrastructure and requires that the proposal shall not increase the surface water run off rate from the site and shall not increase flood risk elsewhere.  The District Council is not intending to amend reference to Egginton Common. |
| 1244412 | Etwall Parish Council | Etwall Parish Council | No | | No response. | | Noted. |
| 1238750 | Hilton Parish Council | Hilton Parish Council | Yes | | Generally, this Local Plan is an improvement on the existing plan with better housing allocation and stronger policies. However, the latter will be meaningless unless they are rigorously applied in planning decisions and then followed up by meaningful enforcement of the planning conditions. | | Noted.  The Local Plan will be read as a whole, when planning applications are determined. |
| 1242377 | Kings Newton Residents Association | Kings Newton Residents Association | Yes | | I write on behalf of the Kings Newton residence Association regarding your draft proposals. We received a copy of the local plan and have reviewed the contents.  Our concern had been that if more housing had been designated in this area but the flood risk particularly from the Carr Brook and drainage from areas which had previously been farmland would cause problems in the two villages.  The proposed housing will however generate a huge amount of traffic from people accessing East Midlands Airport the Freeport at East Midlands and the large business area there together with the proposed new logistic site. This will put a great amount of pressure on the Swanston Bridge and Causeway which already struggles to cope with the large volume of traffic at the crossing The new town at Isley Woodhouse with 4 1/2 thousand new houses will be built up to 2040 is also close to Kings Newton and Melbourne and will impact more and more on the two villages  In the local plan we note the local distinctiveness and character of the village with the timber framed houses on Main Street is something you wish to maintain whilst we appreciate the fact that we have not been included in the housing allocation we are concerned regarding the impact of traffic through the village, particularly to residence on Main Street Given the large amount of housing plan consideration should be given to alleviate the flow of traffic over Swarkestone Bridge and Causeway and through Kings Newton to join up the businesses at and around the airport and the roadworks of the A453, M1, M42 and A50. | | Noted. No Housing is proposed within Melbourne within the Draft Local Plan Part 1 Review.  It should be noted that the East Midlands Freeport is a Nationally Significant Infrastructure Project, which is considered by Central Government and is outside of the Local Plan process. The Local Plan Part 1 Review nevertheless contains a policy INF3, which the District Council would wish to be taken into account in the determination of the development consent application. This includes a criteria for an acceptable means for access to the trunk road network… and operational arrangements minimising the use of local highways by heavy good vehicles.  The District Council will be undertaking Transport Modelling which will look at the impact of the proposed allocations and any necessary mitigation. |
| 1243158 | Melbourne Civic Society | Melbourne Civic Society |  | | Like Melbourne Civic Society SDDC commented on the new draft NPPF to the effect that there was not enough mention of the importance of agriculture in the District and its contribution to the important £150bn food industry. Agricultural land is fundamental and essential to the landscape of the District but its contribution should not just be seen in terms of a lifestyle , well being and bio diversity. We need to eat to live and farmers look after our land and hence protect our landscape. | | Noted.  The policies include protection of Best and Most Versatile Land, and support agriculture and food production. |
| 1242389 | Netherseal Parish Council | Netherseal Parish Council | Yes | | On behalf of Netherseal Parish Council I wish to provide the following feedback on the Local Plan. The Netherseal Parish Council notes the Draft Local Plan Part 1 Review and, in particular, the intention to provide new opportunities for employment in the district including sites in and around Swadlincote. Whilst this approach is generally to be welcomed, the parish council has concerns about the transport implications of such proposals and the effect on the existing road network within our, and neighbouring, villages. | | Noted.  The District Council will be undertaking Transport Modelling which will look at the impact of the proposed allocations and any necessary mitigation. |
| 1243229 | Overseal Parish Council | Overseal Parish Council | Yes | | Overseal Parish Council welcomes the opportunity to comment on the Review of Part 1 of the Local Plan and commends the use of two strategic sites on the edge of Derby to meet much of the City’s unmet housing need, together with allocations for Gypsy and Travellers. We also welcome the protection of Local Derbyshire Wildlife Sites.  However, we believe that those two strategic sites should be the totality of the housing land we contribute to meet Derby City’s needs. Overseal is not an appropriate location for Derby commuters. To travel to Rolls Royce, Raynesway (Derby’s largest private sector employer) by public transport takes over two hours.  We would like to see greater protection for our landscape, character and the heritage of the village, and to ensure that planning does not allow us to merge with nearby villages. In particular, we are concerned to ensure that as National Forest contracts expire and land is sold, that it cannot be developed and that we continue to have access to it.  The policy on renewable energy (Solar Farms, BESS etc) should be much stronger and state that they should always be put on brownfield sites, industrial locations and on roof-tops. There should be greater protection for rural residential amenity from traffic (including noise, pollution, vibrations and sheer volume) and also from light pollution.  All planning applications should require a Transport Assessment and Travel Plan. These need to take account of the type of development and not just consider employee travel. For example, logistical and transport operations should only be considered where they have direct access to the Strategic Road Network.  We agree that street should receive the same level of attention as buildings and open spaces, and that residential and high street should be designed as places that people want to spend time in, rather than being designed solely for the movement of vehicles. We therefore hope that you will support Overseal in its efforts to make the A444 (Acresford Road, Main Street and Burton Road through the village) a safer, quieter and more pleasant place to be.  We do not believe that Key Service Villages should be treated in the same way as urban areas with regard to development. We are villages and need to retain our individual characteristics and not be swamped with urban development. We believe that Overseal no longer qualifies as a Key Service Village and welcome the Part Two Review and its consideration of the hierarchy of areas to which we look forwarding to contributing. | | Noted.  The Council is reviewing the Part 1 Local Plan, which contains strategic policies. It is considered that there is sufficient protections to prevent coalescence of villages and to the protect the character of villages within the Part 1 and Part 2 Plan. The Part 2 Plan establishes settlement boundaries and include polices BNE5 which only allows development outside of settlement boundaries in certain circumstances.  The District Council will look to amend policy INF8 to protect trees within the National Forest wherever possible.  Requiring renewable energy to be located solely on brownfield, industrial sites and/or roof tops goes beyond the requirements of National Policy.  Furthermore, it is considered that the policies within Review, including SD1 and BNE1 provide protection to residential amenity.  The District Council considers it would be unreasonable to ask all planning applications to provide a Transport Assessment and Travel Plan. Policy INF2 requires that planning applications with a significant transport implication should be accommodated by a Transport Assessment and Travel Plan, however less significant transport implications be accompanied by a Transport Statement. |
| 1236404 | Repton Parish Council | Repton Parish Council | Yes | | Please accept the following as Repton Parish Council's response:  The Repton Parish Council (RPC) wishes to support the new SDDC Local Plan and makes the following points to ensure that the revised Local Plan meets the requirements of the Parish.  1. The first comment is that the new SDDC Local Plan Part 1, out for consultation, does not contain any reference to the Neighbourhood Development Plans (NDP) that are currently in place and being undertaken in the District and their involvement in the Planning process. This is particularly important since the policies in an NDP take precedence over existing non-strategic policies in a local plan covering the neighbourhood area where they are in conflict.  2. The second concern is in section 6.8 explanation to the Local Plan Policy H1. This section states the settlement boundaries will be refreshed in the next phase of the plan making. This process is undefined in the context of any timescales or scale. The Parish Council would like to see the approach and methodology to be used in this process. It should be noted that the Repton and Milton NDP is quite explicit on the need for the two settlements to be separate from each other to retain their own different characters and forms a guiding principle in the NDP.  3. The Policy H1, Section 5, Rural Areas does not contain all the requirements of the existing Local Plan Part 2 Policy BNE5, nor contains a reference to Policy BNE5. It should be noted that the Repton and Milton NDP Policy H1 has a specific reference to Policy BNE5.  4. The RPC would propose that INF3 (Freeport) should include a criteria that states that transport developments in the area should take note of the impact of the Freeport to minimise workers traffic on nearby rural settlements, not just HGVs.  5. INF3 should also include the potential cycle link between Repton and Willington, as part of the Freeport infrastructure requirements (Repton and Milton NDP Policy T2) and in support of the Local Plan Policy BNE1 (Active Travel).  6. INF4 (Transport) should acknowledge the impact of the development of the Freeport (INF3) and under section C include the need to minimise the effect of workers journeys and traffic on nearby rural settlements on any major development.  7. The Swarkstone Bridge Bypass mentioned in INF4 would have a major effect on the level of traffic through the parish. We propose that this should be included as part of the Freeport infrastructure requirements due to the Freeport’s effect on the area’s transport, both HGV and employees.  8. It is noted that the map for INF3 Freeport Interchange has managed to convert the current railway track to the A5132. It is assumed that this is a mistake rather than a major policy change.  The above comments relate to the Local Plan Part 1 out for consultation. A major concern is the potential impact of the NPPF that is currently being updated and how the SDDC Local Plan process could be impacted by this on timescales and more importantly on the consultation process.  The Repton and Milton Parish Council also requests that a meeting of the relevant people in the RPC and SDDC is set up to understand the potential implications of the NPPF that is currently being updated, to discuss its link to the Repton and Milton Neighbourhood Development Plan (NDP), to ensure the NDP remains relevant. | | See Council comments to Policy INF9.  See also Council response to Repton Parish Council comments under Q4.  Change to the INF3 Policy map will be made.  The District Council is working towards submitting the Local Plan Part 1 Review to the Inspector on or before to the 12th March, in line with the transitional arrangements set out within the December 2024 NPPF |
| 1241376 | Rosliston Parish Council | Rosliston Parish Council | No | |  | | Noted. |
| 1243603 | SAVE (Save Aston & Weston Village Environment) | SAVE Aston and Weston Residents Group | Yes | | Overall, Part 1 of the Local Plan looks good for Aston & Weston. Strategic development is constrained to the north of the A50 and the vision for the villages in the Trent Valley is welcome, provided this vision translates into reality. We are concerned that Aston & Weston will be impacted by large infrastructure projects (e.g. the Freeport) but we will see little benefit. We are also concerned that not enough is being done to tackle the Climate Emergency, which is already affecting groundwater flooding in our area. We look forward to seeing the improvements in sustainable transport links and infrastructure which we expect to see in the Local Plan Part 2 | | Noted.  The East Midlands Freeport is a Nationally Significant Infrastructure Project, which is considered by Central Government and is outside of the Local Plan process. The Local Plan Part 1 Review nevertheless contains a policy INF3, which the District Council would wish to be taken into account in the determination of the development consent application.  The District Council will be undertaking Transport Modelling which will look at the impact of the proposed allocations and any necessary mitigation. |
| 1242069 | Swifts Local Network: Swifts & Planning Group | Swifts Local Network: Swifts & Planning Group | No | |  | | Noted. |
| 1242402 | Weston-on-Trent Parish Council | Weston-on-Trent Parish Council | Yes | | Weston is a rural village but we are subjected to ever increasing noise and diesel fumes from the local railway, noise from surrounding roads and increasing daytime and nightime noise from East Midlands Airport. Weston is in danger of being overwhelmed by these destructive environmental impacts which benefit external bodies such as the Freeport, but we see none of the benefit (e.g. the Freeport, rail travel and air travel are not accessible to Weston residents using public transport).  A simple yes or no answer is not appropriate for many of these questions. A better choice would be: strongly agree, agree, neither agree nor disagree, disagree or strongly disagree or agree / disagree on a scale of 1 to 10 | | Noted.  The East Midlands Freeport is a Nationally Significant Infrastructure Project, which is considered by Central Government and is outside of the Local Plan process. The Local Plan Part 1 Review nevertheless contains a policy INF3, which the District Council would wish to be taken into account in the determination of the development consent application. |
| 1242582 | Woodville Parish Council | Woodville Parish Council | Yes | | On behalf of Woodville Parish Council, I have been instructed to respond to the consultation.  The parish council has considered the draft local plan part 1 review and is supportive of the proposals. No further comments to add. | | Noted. |
| **Councillor** | | | | | | | |
| 1242603 | Cllr Matthew Holmes, Cllr Miles Pattison, Cllr Alison Homes | Mickleover Ward, Derby City Council | Yes | | As Mickleover Ward councillors, please find our considered submission as part of South Derbyshire District Council’s (SDDC) Local Plan Consultation. Elements of our submission focus on the proposed site South of Mickleover, but we also make broader observations and raise challenges as follows:  Mickleover has already taken more than its fair share of housing growth near the Ward/City boundary. The proposed development south of Mickleover lacks ‘breathing space’ / green space buffer for established Derby City communities. Proposing 2,500 more homes as an urban extension to Mickleover is neither sustainable nor appropriate development, especially with ample land available elsewhere in South Derbyshire.  More broadly, the stance being taken by SDDC that it is delivering housing on the fringe of Derby City to meet ‘Derby’s need’ fails to adequately explain and detail why all proposed housing sites are concentrated exclusively on the Derby City boundary, effectively ignoring the rest of South Derbyshire.  This approach places developments as far as possible from South Derbyshire’s own settlements, local authority services, and community infrastructure, raising significant questions about the logic and fairness of the distribution strategy. It neglects the broader development needs of South Derbyshire’s existing towns and villages, such as Swadlincote, Melbourne, or Hilton. These areas could benefit from the economic investment, infrastructure improvements, and community growth that new housing can bring.  Instead, the proposed strategy appears to prioritise urban extensions and fringe development close or on the Derby City boundary at the expense of South Derbyshire’s own development opportunities and identity. The draft plan does not adequately explain why. This disconnects new developments from South Derbyshire’s local services, such as schools, healthcare facilities, and public transport systems. Residents in these fringe developments are highly likely to rely on Derby City’s services instead, undermining the ability to build sustainable, self-reliant communities.  By positioning these housing sites so far from South Derbyshire’s heartland, SDDC risks creating dormitory suburbs that contribute little to the district’s social or economic life. Residents commuting to Derby for work and relying on its amenities are less likely to engage with South Derbyshire’s local economy or participate in its community life. This dynamic does not support long-term community cohesion or a balanced approach to regional development.  This strategy also raises concerns about the transparency and rationale behind SDDC’s planning decisions. The exclusive focus on Derby’s fringe suggests a bias toward meeting both SDDC’s and Derby City’s housing needs in that way, rather than balancing those needs with the district’s broader responsibilities, housing numbers and goals. Without a clear explanation of why alternative sites within South Derbyshire were dismissed, the strategy appears arbitrary and misaligned with principles of equitable, sustainable planning.  A more balanced approach would distribute housing across the district, integrating developments with South Derbyshire’s existing settlements and services. This would support the district’s growth, strengthen its identity, and ensure that the benefits of new housing are shared more equitably between South Derbyshire and Derby City.  In regard to the large percentage of affordable housing / social housing, if SDDC aims to deliver, it should: - Avoid concentrating all affordable housing on Derby’s fringe, which isolates South Derbyshire residents and relies heavily on Derby’s services. Ensuring housing is near urban areas like Swadlincote or well-connected villages provide access to services without overburdening Derby City. SDDC’s Swadlincote civic offices are 12 miles away from the site South of Mickleover. - Where feasible, SDDC should release public land for affordable housing development to overcome land cost barriers with the large footprint within its authority - Align affordable housing with transport networks, local employment areas, and community services, local authorities to ensure developments are sustainable, equitable, and beneficial for residents.  South Derbyshire Travellers and gypsy pitch provision being delivered exclusively on the boundary of Derby City highlights several critical and challengeable flaws in the local plan: - Placing such provision on the city’s fringe creates significant issues related to fairness, accessibility, and alignment with national policies aimed at supporting integration and inclusivity. - This provision is not for “Derby’s need” and SDDC have failed to adequately explain and evidence why the proposed Traveller & Gypsy sites are concentrated exclusively on the Derby City boundary. Which sites have been considered rest of South Derbyshire and what is the evidence for ruling them out? - This raises significant challenge regarding lack of accessibility and integration, inequitable distribution of responsibility and poor alignment with land use policies. - The Traveller & Gypsy sites proposed (without specific detail on the location within the development footprints) are disconnected from South Derbyshire’s services and identity and therefore places overreliance on Derby City Services. SDDC’s Swadlincote civic offices are 12 miles away from the South of Mickleover site and even further from the other(s). - Concentrating Traveller and Gypsy pitch provision on the Derby City boundary is a narrow and inequitable strategy that fails to align with national policy objectives or local development goals. This approach isolates these communities, places an undue burden on Derby City, and neglects opportunities for integration and service provision within South Derbyshire. A more balanced, inclusive strategy within the local plan that distributes provision across the district, prioritises accessibility, and aligns with sustainable development principles is essential to foster fairness, inclusivity, and long-term success is required.  More broadly, there is insufficient evidence for housing and infrastructure strategy: - There is insufficient explanation of how the housing figures and site allocations were determined, i.e. a lack of transparency on evidence base. The reliance on partially built or existing allocations raises questions about whether South Derbyshire has truly planned strategically for future housing needs. - There is no clear plan to mitigate congestion, provide adequate public transport, or improve pedestrian and cyclist infrastructure for key sites like Mickleover and Chellaston. - At Mickleover, the reliance on Staker Lane, a flood-prone route, has not been adequately assessed for its viability or required improvements. - There has been insufficient effort to master plan cross-boundary sites with Derby City Council. National policy encourages collaborative working (NPPF Paragraph 24), yet the proposals lack substantive joint planning to integrate developments with Derby’s urban infrastructure.  Potential Breaches or Non-Adherence to National Planning Policy Framework (NPPF): - Duty to Cooperate (NPPF Paragraphs 24-27) - The NPPF requires local planning authorities to “engage constructively, actively and on an ongoing basis” to address cross-boundary issues. Despite Derby’s unmet housing needs being well-documented, South Derbyshire has not adequately coordinated with the other Derby HMA authorities to resolve the 1,700 dwelling shortfall. - The absence of a comprehensive Housing Market Area (HMA) Strategy suggests a failure to prioritise cooperation and agreement across boundaries. Strategic Policies for Infrastructure (NPPF Paragraph 20) states the need for strategic policies to provide for infrastructure needs, such as transport, water, energy, and social infrastructure. The draft plan lacks sufficient detail on how infrastructure will support proposed developments. - There is no comprehensive plan for highway improvements or sustainable travel options at Mickleover and Chellaston. - Unclear funding and phasing of infrastructure delivery to support timely growth. - Unclear flood risk management (NPPF Paragraph 161). The local plan fails to provide evidence that flood risks at key locations, like Staker Lane at Mickleover, have been assessed or mitigated. This contravenes the requirement for local plans to direct development away from areas at high flood risk. - Green Infrastructure and Open Space (NPPF Paragraph 174). The NPPF mandates that planning policies should “protect and enhance valued landscapes” and integrate green infrastructure. The proposed developments risk undermining Derby’s Green Wedges, which are critical for preserving open countryside access and ecological corridors. The lack of clarity on how these wedges will be maintained or enhanced suggests non?compliance with this principle. - Vision for Larger-Scale Developments (NPPF Paragraph 22). The NPPF requires that larger developments, such as urban extensions, include a vision that extends at least 30 years into the future to account for long-term delivery timescales. The lack of a longer-term strategic vision for Mickleover, Chellaston, and the surrounding area violates this requirement. - Affordable Housing and Housing Mix (NPPF Paragraph 62) - while the plan includes affordable housing targets, it fails to specifically address Derby City’s unmet affordable housing needs, which are documented as significant. There is no mechanism to ensure that affordable housing on Derby’s fringe prioritises those needs, undermining the principle of meeting identified local housing requirements (see previous points made in relation to this). - Site Suitability and Accessibility (NPPF Paragraph 105). The NPPF emphasises that new developments should promote sustainable transport. Key locations like Mickleover rely on unsuitable routes (e.g. Staker Lane) and fail to integrate high-quality public transport and cycling options from the outset, which contradicts national policy.  Comments to Draft Local Plan Statements Considering the following statement (claim), “A new settlement was deemed not to be viable…due to the associated high infrastructure needs and costs when compared with an urban extension.” we make these observations: - The statement assumes that high infrastructure costs make new settlements inherently less viable, but this overlooks potential long-term benefits. New settlements might offer better opportunities for sustainable development, integrated infrastructure, and economic growth that could offset initial costs. The analysis might be overly short-term in focus. - The claim lacks data or figures to substantiate the assertion that infrastructure costs for a new settlement are unreasonably high compared to urban extensions. A direct comparison of projected costs would strengthen this argument. - A new settlement could adopt modern planning principles like mixed-use zoning, smart city technologies, and renewable energy systems, potentially leading to more sustainable outcomes. The decision reflects a lack of willingness to explore innovative solutions. Considering the following statement (claim), “A new settlement could detract from existing settlements within the District.” we make these observations: - The term “detract” is ambiguous and undefined. Does it refer to economic competition, loss of population, or reduced resources? Without specifics, this argument appears speculative rather than evidence-based. - A new settlement could complement existing communities by relieving pressure on infrastructure, offering new amenities, and creating economic hubs that serve the wider district. - Sustainable development often advocates for distributing growth to prevent overburdening existing urban areas. By focusing solely on urban extensions, the strategy might intensify strain on existing settlements instead of alleviating it. Considering the following statement (claim), “Within South Derbyshire, no site has been identified or promoted which would be able to accommodate the dwelling threshold (min. 5,000) required to sustain a new settlement.”  we make these observations: - The absence of identified sites might result from a lack of active effort or strategic vision to explore options for a new settlement. This could reflect a planning bias toward urban extensions rather than a genuine limitation. - The insistence on a 5,000-dwelling threshold might be overly rigid. Smaller settlements could still provide viable housing options while being incrementally expanded to meet future needs. - If South Derbyshire lacks suitable sites, regional cooperation with neighbouring areas could provide opportunities for joint planning and development of a new settlement. Considering the following statement (claim), “The SA of options…identified that a spatial strategy focusing development on the urban fringe…would be the most sustainable option to meet the housing need required.” we make these observations: - While urban fringe development might seem sustainable in the short term, it risks urban sprawl, increased traffic congestion, and strain on existing services. The analysis should consider long-term impacts on sustainability metrics, such as environmental degradation and resource depletion. - The statement implies that urban fringe development is universally more sustainable, ignoring the potential benefits of decentralised growth, such as reducing dependency on central urban hubs and creating self-sufficient communities. - A new settlement designed with sustainability at its core (e.g., carbon-neutral construction, integrated public transport) might outperform urban extensions in terms of long-term environmental and social benefits. Considering the following statement (claim), “These four sites were the reasonable alternatives which could be selected for development.” we make these observations: - By narrowing the options to four sites near the urban fringe, the study appears to exclude more innovative or transformative solutions. This risks entrenching existing patterns of development without addressing broader housing and infrastructure challenges. - The term “reasonable alternatives” suggests a predetermined framework that might favour urban extensions over other possibilities. The process for deeming alternatives “reasonable” is unclear and potentially biased. - If these sites are not developed, there is no evidence of alternative strategies to meet housing needs. This could expose the plan to risk if the preferred sites encounter unforeseen challenges. The broad argument appears to favour urban extensions while dismissing the potential of new settlements without adequately exploring their feasibility. The reasoning lacks transparency, quantitative evidence, and consideration of long-term sustainability. A broader analysis of alternatives and a more open approach to innovation and collaboration could strengthen the case for the chosen strategy. SDDC should be looking to enhance and develop the role of Swadlincote town centre and its wider urban area as a focus for living, working, shopping and leisure; and to ensure growth in South Derbyshire is co-ordinated with development in adjoining areas both within and outside the Derby HMA.  In relation to transport and environmental concerns, there are numerous significant road networks and connections in the District which are vital links but are also sources of pollution as they become congested, particularly those heading towards Derby, into Mickleover and through Mickleover.  Housing developments on previously developed land have decreased and most developments completed are on greenfield sites. This has led to a loss of agricultural land. There are several previously developed (brownfield) sites which have potential for regeneration and will need to be prioritised in order to minimize the loss of greenfield sites and Best and Most Versatile (BMV) Agricultural Land.  New development via this local plan is unlikely to significantly affect air quality in the district, but will negatively affect air quality management areas in Derby.  In regard to Site 3 (Land South of Mickleover), a significant negative effect has been identified for SA11 (Resources) as the site is located on greenfield /Grade 3 agricultural land- which is classed as 'best and most versatile'. The loss of greenfield land/Grade 3 agricultural land cannot be mitigated.  An uncertain effect has been identified for SA12 (Pollution) as it is unclear whether mitigation would be able to minimise the increase to air, noise and light pollution that the development of the site would generate. Finally, an uncertain effect has been identified for SA16 (Landscape) as it is unclear whether mitigation would be able to prevent current green wedges within Derby City from being surrounded by urban development, leading to alterations of the current landscape in both South Derbyshire and Derby City.  Greenfield developments, especially of this size and significance, often face unexpected delays or costs due to infrastructure requirements. This risks jeopardising the timely delivery of housing targets. Dependency on speculative assessments of economic and environmental impacts makes the site’s overall viability uncertain.  Sites 1 and 3 have the potential to have a cumulative negative effect on the landscape in combination with existing housing allocations, and Derby City's allocations, as these sites are large and could lead to the isolation of green wedges from the surrounding countryside.  The proposed development of Site 3 (Land South of Mickleover) presents several unaddressed risks and weaknesses, particularly regarding its environmental sustainability, resource preservation, pollution impacts, and landscape integrity. The cumulative impacts listed in the SA clearly states the ‘significantly negative’ effect this proposed development would have on the existing Mickleover community and its residents.  These shortcomings, compounded by the irreversible loss of agricultural land and the speculative nature of economic benefits, make this site a suboptimal choice for meeting housing and development goals. A more balanced approach prioritising brownfield sites and urban regeneration should be explored as an alternative.  The ‘Sustainability Assessment’ report wasn’t published until after the consultation began, which undermines the process and there is a lack of compliance with emerging national reforms and a review of major transport schemes.  As such, there is a strong argument that the draft plan has been rushed to adhere to outdated housing need calculations (Standard Method 2023) and attempt to avoid the emerging national reforms propose recalculating housing needs, potentially reducing Derby’s unmet need and increasing South Derbyshire’s.  The government is also reviewing the future of the A38 Derby junction upgrade scheme - a major mitigation for current housing growth, let alone future growth in the region. By failing to wait and align with likely changes to national policy and clarity on the A38 scheme, the plan risks requiring revision shortly after adoption or a fundamentally flawed local plan. | | See Council responses to questions 1, 3, 4 and 7, 12.  The Draft Local Plan Part 1 Review carries forward remaining Adopted Local Plan Part 1 allocations and in terms of housing proposes two strategic mixed-use sites.  The proposed strategic allocations are in line with the evidence base.  The Derby Capacity Study identifies an unmet need of 9022 dwellings. The Local Plan Part 1 Review looks to update strategic policies and help address Derby City’s unmet need.  The Derby HMA Growth Options Study identifies potential locations for future growth in the HMA and considers at a strategic level, their pros and cons.  The study defines strategic growth locations of accommodating a minimum of approximately 1000 homes). The study identified ‘Unsuitable Areas of Strategic Growth’ ‘Potential Areas for Strategic Growth’ and ‘Suitable Areas for Strategic Growth’. Within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Apprisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fields was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was considered that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  Non-Strategic growth will be considered in the Local Plan Part 2 or the future Local Plan Review.  South Derbyshire Gypsy and Traveller pitch need is high, with a need of 59 pitches between 2020-2040 (as set out within the Derby, Derbyshire, Peak District National Park and East Staffordshire Gypsy and Traveller Accommodation Assessment. The District Council is taking a proactive approach to secure provision. This involves providing gypsy and traveller pitches on strategic mixed-use allocations (or the developers of these sites providing alternative land (as set out within Policy H22)), making future Local Plan allocations and determining planning applications for Gypsy and Traveller pitches.  Securing provision on strategic allocations or providing developers with an option to find suitable alternative land has been assessed by the Sustainability Apprisal and found to be sustainable development.  The District Council will be undertaking a Transport Assessment and a Flood Risk Assessment which will as part of the evidence base for the Local Plan.  The local plan will be supported by an updated Infrastructure Delivery Plan at submission which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  In terms of the vision going beyond the plan period. The vision looks to the long term and doesn’t stop at the end of the plan period. Development, including the delivery of the strategic allocations will go beyond the end date of the plan and it is intended that the vision will provide a long-term vision for South Derbyshire beyond the plan period. |
| 1244446 | Cllr Shepherd & Singh | SDDC | Yes | | Below is the submission by SDDC Stenson Ward Councillors Shepherd & Singh to the SOUTH DERBYSHIRE DRAFT LOCAL PLAN- PART 1 REVIEW  Medical Provision — Cllrs Shepherd and Singh have corresponded and met with Derbyshire NHS professionals to inform them of the inadequate state of medical facilities in Stenson Ward. The review of the Local Plan - Part 1 is another opportunity for us to press for a Health Centre to accommodate existing and future residents. We have made the case that any Section 106 finance generated by the development must be spent on a facility south of Wragley Way or located on the District Centre (ASDA). No more money generated by development to be spent in Littleover where four bus journeys are needed to attend that surgery.  1. New Secondary and Primary Schools — A two form entry primary school is proposed to be located on Infinity Garden Village site. A new secondary school to be in the east of Infinity Garden Village should be located near Stenson Fields. If the planned site of the Secondary School is less than three miles to the east, our children may have to walk to school. Any delay in funding for the school is unacceptable.  2. Transport Infrastructure - Ward Councilors are concerned that the allocation of 2000 dwellings in the ward may seriously impact transport movement. The new A50 junction and junctions on Infinity Park Way are intended to be the primary access. Stenson Ward must be protected from excessive vehicular traffic. Stenson Councilors say that the Southern Derby Integrated Transport Link (SDITL) linking the area with the A38 should be built to ensure that A50 traffic does not become the route for HGV traffic. Stenson Ward roads must be protected by weight restrictions.  3. Air Pollution — Concern was expressed by residents that the increase in vehicular traffic pollution may cause breathing problems. Regular monitoring must be done to ensure air quality does not decline.  4. Restoration of the two-way traffic on Stenson Road Railway Bridge — The new development on Primula Way will add even more congestion on Stenson Road. Residents should not be inconvenienced any longer. Reinstate two-way traffic on the bridge by constructing the pedestrian bridge which was planned when the Kirkland Way/G\encroh Drive estate was built.  5. Provision of a Pedestrian Crossing on Stenson Road — This should have been provided when the estate to the west of Stenson Road was built. The likely increase in traffic heading towards Littleover makes the need for a pedestrian crossing essential. The speed limit on Stenson Road should also be reduced from 40mph to 30mph.  6. Social Housing- Stenson Ward Councillors expect the policy of requiring at least 30% of the 2000 dwellings to be affordable is maintained. Stenson Ward is the only Ward in South Derbyshire which has no Local Authority housing. Discussion with developers to enable South Derbyshire District Council to procure them the ward must be a priority. Whilst the dwellings south of Wragley Way are intended to help alleviate Derby City's lack of development sites, Cllrs Shepherd and Singh say that any Council/Housing Association dwellings should be offered to Stenson Ward residents on the South Derbyshire Council House waiting list first.  7. Retention of Trees and Hedgerows — Removal of trees must be kept to an absolute minimum; any trees removed to be replaced on site by native species. Stenson Ward Council\ors expect that new woods can be created but insist that Wragley Wood (close to Wragley Way/ Arleston Lane junction) and Railway Wood (close to Stenson Road) are retained. We also ask that hedgerows and trees on the southern side of Wragley Way be retained and the triangle of land between Arleston Lane and the new Derby City housing be kept as public open space.  8. Public Transport — Stenson Ward Councillors ask that the current bus service is retained and that discussions are held to ensure that the 5a bus route be restored to its previous frequency and is extended to collect passengers at the Sinfin District Centre. This will enable Stenson Ward residents to gain direct bus access to the Royal Derby Hospital instead of needing to catch the bus in Littteover.  9. National Grid - Chesterfield to Willington Link The proposal is designed to follow the A50 which is close to the southern edge of the Wragley Way development. Developers and the National Grid must protect any dwellings from adverse mortgage costs occasioned by the proximity of pylons and any associated grid components. The route of the power lines must be distant from any dwellings sufficient not to cause problems when the safe of properties is undertaken,  10. Leasehold of Public Open Space Any public open space should be maintained by the South Derbyshire District Council rather than maintained by private contractors where at all possible. | | Noted.  The District Council will be undertaking a Transport Assessment and a Flood Risk Assessment which will as part of the evidence base for the Local Plan.  The local plan will be supported by an updated Infrastructure Delivery Plan at submission which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Policy H21 of the Draft Local Plan Part 1 Review seeks to secure up to 40% of new housing development as affordable housing as defined in the NPPF on sites of over 10 dwellings. This Policy will be used in the determination of any planning application for housing, including policy STRA1.  The Council are aware of the Chesterfield to Willington Electricity Transmission Reinforcement proposal. This proposal will progress outside of the Local Plan process. The Council have made representations to National Grid on the proposal. The Council has requested that full consideration be given to the environmental effects of the project and that these are effectively mitigated as far as possible. These include but are not limited to heritage including impact on Conservation Areas, Listed Buildings, archaeological issues and Scheduled Monuments all of which are potentially affected depending on the final design and alignment of the route, biodiversity, noise, traffic and transport, visual and landscape impacts, tree/ hedgerows to be retained and enhanced wherever possible, agricultural land (particularly best and most versatile), flood risk, and impacts on neighbour amenity, both from the construction work and the proximity of the pylons to neighbours. The Council has also raised that the proposal must not impede the delivery of STRA1 and H15 Wragley Way,or affect the delivery of Infrastructure at Boulton Moor (H13).  The details of the management of Open Space will be clause within any Section 106 Agreement relating to the development of STRA1. |
| **Landowner/Developer** | | | | | | | |
| 1242643 | Andrew Large Surveyors Ltd & The Staunton Harold Estate | Andrew Large Surveyors Ltd & The Staunton Harold Estate |  | | Alternative large site that should be considered: Land at Eggington Road, Etwall – SHELAA Ref: 025 formerly S0006  SHELAA submission includes an area of 4.96Ha however the available land under multiple ownership totals 15.42Ha, with 8.9Ha located outside of areas at risk of surface water flooding and 10.1Ha outside of flood zones 2 and 3. Therefore it is considered that flood risk being the main constraint of the site is overstated within the SHELAA assessment. Solely on the basis of the land outside any risk of flooding (8.9Ha) applying the methodology for density would equate to 200 dwellings.  Gross to net development ration 90%, a higher density than stated in the methodology as landscaping, biodiversity enhancements and surface water attenuation, & density applied 25 dwellings per hectare for settlement size.  The land within the flood zones would be utilised for biodiversity NET gain improvements therefore the risk in reduction of yield caused by this is negligible. A Neighbourhood Equipped Area for Play (NEAP) would also be provided within developments of this scale, mitigating this identified constraint.   Alternative smaller sites that should be considered in Local Plan Part 2 – non-strategic housing allocations: Robinsons Hill, Melbourne • Access to services: Retail Provision 620m, Primary School 1.3km, Recreation Provision 645m, NEAP – Lothian Gardens 850m. • Flood Risk: None of the site is located outside flood zone 1 and less than 5% of the site is in an area at risk of surface water flooding. • Gradient of part of the site is a constraint however these areas can be used for biodiversity NET gain | | The Draft Local Plan Part 1 Review carries forward remaining Adopted Local Plan Part 1 allocations and in terms of housing proposes two strategic mixed-use sites.  The proposed strategic allocations are in line with the evidence base.  The Derby Capacity Study identifies an unmet need of 9022 dwellings. The Local Plan Part 1 Review looks to update strategic policies and help address Derby City’s unmet need.  The Derby HMA Growth Options Study identifies potential locations for future growth in the HMA and considers at a strategic level, their pros and cons.  The study defines strategic growth locations of accommodating a minimum of approximately 1000 homes). The study identified ‘Unsuitable Areas of Strategic Growth’ ‘Potential Areas for Strategic Growth’ and ‘Suitable Areas for Strategic Growth’. Within South Derbyshire four broad areas were identified as being Suitable for Strategic Growth, Land to the west of Derby urban area, Hilton northern expansion, Derby A50 Corridor South Expansion, North-East of Swadlincote.  The HMA wide Sustainability Appraisal looked at the distribution of Derby’s unmet need, including between sites adjoining Derby (the Derby Urban Area), Towns and Key Villages). The conclusion of the SA is that meeting the unmet need arising from Derby as close as possible to the City amounts to Sustainable Development.  South Derbyshire’s Sustainability Apprisal Report looked at four strategic site options for distributing housing need for the Derby HMA.  Development at Thulston Fiels was not progressed at there was not exceptional circumstances to develop Green Belt land and Land south of Littleover was not progressed as it was considered that the housing need could be met in more sustainable locations when taking the consideration of the SA assessment as well as the outcome of the AECOM Study.  The two remaining options (Infinity Garden Village and Land south of Mickleover) are proposed for allocation.  Non-Strategic growth will be considered in the Local Plan Part 2 or the future Local Plan Review. |
| 1242558 | Avison Young on behalf of National Grid | Avison Young | Yes | | National Grid Electricity Transmission has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.  About National Grid Electricity Transmission  National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses.  National Grid no longer owns or operates the high-pressure gas transmission system across the UK. This is the responsibility of National Gas Transmission, which is a separate entity and must be consulted independently.  National Grid Ventures (NGV) develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States. NGV is separate from National Grid’s core regulated businesses. Please also consult with NGV separately from NGET.  Utilities Design Guidance The increasing pressure for development is leading to more development sites being brought forward through the planning process on land that is crossed by NGET infrastructure.  NGET advocates the high standards of design and sustainable development forms promoted through national planning policy and understands that contemporary planning and urban design agenda require a creative approach to new development around high voltage overhead lines and other NGET assets.  Further Advice  NGET is happy to provide advice and guidance to the Council concerning their networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.  To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, NGET wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult NGETon any Development Plan Document (DPD) or site-specific proposals that could affect NGET’s assets. We would be grateful if you could check that our details as shown below are included on your consultation database: | | Noted.  The District Council will ensure that National Gas Transmission and National Grid Electricity Transmission are consulted on any future Local Plan consultation. |
| 1242137 | Bellway Homes | Bellway Homes Ltd | Yes | | These representations have been prepared on behalf of Bellway Strategic Land (‘BSL’) in response to the South Derbyshire District Council Draft Local Plan Part 1 Review 2022-2039 (‘LPP1 review’).  The submissions made are in relation to BSL’s interests in the District, in this case Land at Sandcliffe Road, Swadlincote. BSL has made submissions at earlier stages of the LPP1 review process, and has submitted two call for sites entries in respect of their interests on the site. The first relates to the whole of the site at Sandcliffe Road (SHLAA site ref. 045) and the second to a smaller Phase 1 development (SHLAA ref. 236). The relationship between the two parcels is explained in section 8 of this submission.  This submission sets out responses to the questions provided within the draft LPP1 review. We have referred to those specific questions in the relevant sections of this submission.  BSL would welcome further discussions with South Derbyshire District Council (‘the Council’) on the responses set out as the LPP1 review process moves forward.  Overall, BSL wish to register very strong concerns with the draft LPP1 review and are objecting to the approach the Council have taken.  REVIEW PROCESS Paragraph 1.43 of the LPP1 review explains that this process is “…a focussed update to the adopted plan with the purpose of ensuring the district’s plan reflects national planning policy and allocates key strategic sites which will assist with meeting Derby’s unmet housing need…” (emphasis) To support this approach, draft Policy REV1 details the intention for the Council to initiate a comprehensive review, including the Part 2 Local Plan, immediately upon adoption of the LPP1 review. The intention is also that the full review will be submitted for examination within five years of the adoption of the LPP1 review.  The intended process of plan-making is therefore expected to follow a ‘two-stage’ approach, but whereby only LPP1 will be updated (LPP2 will be replaced). This is to ensure that the comprehensive review will be undertaken (based on a single local plan) in accordance with the new planning system set out in the 2023 Levelling-up and Regeneration Act.  The Council are choosing to progress the Given the LPP1 review is being progressed under the current local plan system, whilst there is nothing necessarily wrong with taking this course of action, we consider it is clearly at odds with the broad direction of travel in the Levelling Up and Regeneration Act 2023, in particular the statutory requirement for single local plans. Thise two-stage review process appears to be driven solely by a desire to address the unmet need emanating from Derby City (which we agree with in principle) and ignores key fundamental issues that should be tackled now, rather than through a future comprehensive review.  These issues include addressing the increasing level of housing need in South Derbyshire that is likely to come into effect very soon after the LPP1 consultation has finished (which is expected to increase from 522 to 606 dpa, or over 1,400 dwellings across the plan period) and the pressing need for affordable housing in the District which has persistently not being met since 2011 (according to annual monitoring figures 1,627 affordable homes were delivered in South Derbyshire between 2011-2023, an average of 135 units per year or 17% of overall completions, against a policy requirement of 30% affordable). These are matters that should not be left to a later review, but should be addressed now to align with the Government’s commitment to increase housing delivery across the Country and promote economic growth. We object to the approach being taken and address both these issues in more detail in our representations. In addition, at paragraph 1.20 of the LPP1 review the Council says that ‘…overall strategy regarding issues such as retail, the settlement hierarchy and the development of Swadlincote have not been amended at this time…’. At paragraph 1.22 the Council says that “…a full review of retail, settlement hierarchy and Swadlincote’s development will be progressed as part of the next phase of plan making when further evidence is available including the retail and leisure study and masterplan for Swadlincote…”. This is not a credible strategy. However, it is difficult to understand how aA review of the strategic policies in the adopted LPP1 cannot be carried out effectively without including a review of the role, function and capacity for growth that is capable of being met at the District’s only principal settlement.  Taken together, we contend that the review of LPP1 should must encompass the strategic issues highlighted here that relate to the needs of South Derbyshire, including future growth at Swadlincote, in addition to tackling the wider unmet needs outside the District (from Derby City).  In light of the submissions to the LPP1 review above, we contend there is a strong case for allocating additional land now as part of the LPP1 review, rather than delay this until a review of the LPP2 is undertaken. This focuses on two main reasons:  • An increase in local housing need, at least 1,400 dwellings, over the plan period based on the proposed changes to calculating housing need for South Derbyshire, and • The persistent under-delivery of affordable homes which has not been recognised in the LPP1 review but which is failing those households in South Derbyshire who cannot access the housing they need.  In line with the current and emerging strategy, the Council should first look to sites located at Swadlincote as it is the principal settlement in the District. One such site is Land at Sandcliffe Road (SHLAA ref. 045) which has been promoted by BSL through the Local Plan review process since 2019. Latterly, BSL has also promoted a Phase 1 parcel of the wider Site through the ‘call for sites’ process in November 2023 (SHLAA ref. 236). Set out below is a summary of the latest proposals emerging for these sites.  Emerging proposals for site 045 The ‘Vision’ is for high quality new homes that knit in with the existing fabric of Swadlincote town, which respond to and reinforce the local character of the town. The potential development offers a number of opportunities to further enhance the town, provide the local community with increased amenity and enhance the northern settlement boundary whilst also providing a number of new homes to meet the local need.  The Site is approximately 42.2 ha. It is bounded on the western side by Sandcliffe Road. The southern boundary is backed onto by rear gardens of properties which are located along Coventry Close and Salisbury Drive. The eastern boundary of the Site follows a brook running north-south, with Broomy Farm located east of here. The northern boundary of the site borders much of Dunnsmoor Lane on the north-western edge with the site boundary following around Dunnsmoor Farm and back up to Dunnsmoor Lane on the north-eastern edge.  The Site has the potential to deliver approximately 500 new homes, in addition to new public open space, play areas and other amenity. Access is achieved from Sandcliffe Road, and the surrounding road network has shown capacity for an additional 400-500 dwellings in this area. Considering the longer term future growth of Swadlincote, the wider Site provides a relatively unconstrained sustainable and deliverable option for development. It adjoins the existing northern edge of the urban area and much of the site is within the Swadlincote Area Boundary. It is within close proximity of the centre of Swadlincote. It is outside of the Green Belt area to the west and sufficiently far from the Historic Park in the north.  From a planning and design perspective, there is no reason why development on this site should not be acceptable. A plan of the emerging proposals is shown below.  Figure 8 1 Land at Sandcliffe Road (the ‘wider Site’), December 2022  We have appended a copy of the latest Vision Document for the wider Site at Appendix 1 of this submission.  The technical assessment work to date has covered broadly two elements; access and highways, flooding and flood risk. The latest information published is as follows: • Site Deliverability Highways Study, Sandcliffe Road, Swadlincote Technical Note: 19 August 2024, prepared by Mode transport planning. A copy of the note is included in Appendix 2. • Flood Risk and Drainage Feasibility Technical Note: February 2021, prepared Link Engineering. A copy of the note is included in Appendix 3.  This evidence shows that there are no fundamental constraints that preclude development coming forward on the wider Site. The Land at Sandcliffe Road is considered to be a suitable and deliverable site to accommodate the increased need for housing in district. Whilst under current policy the Site lies outside of the settlement boundary, it is nonetheless contiguous with the edge of the largest town in the district and is accessible to local services and facilities. The Site is in single ownership and controlled by a willing national developer with a record of delivery in the area. It is also a viable development prospect, capable of delivering homes in the early years of the plan period. Further details regarding the suitability and deliverability of the Site is set out in Appendix 1 of this submission.  Set out below is a brief summary of the proposals for the phase 1 site (ref. 236) Phase 1 site proposals (ref. 236) The emerging proposals for the Phase 1 site is for c. 175 dwellings, including 53 (30%) as affordable units. The basis for the Phase 1 site submission at the time was three-fold: • the site is deliverable with homes being provided in the early years of the LPP1 review period • the delivery of the site would help address the affordability of housing in the District, which the Council has described in the Issues and Option consultation as a ‘crucial issue’ for the review and ‘significant issue’ in the LPP1 review. • the phase 1 site delivery would provide the Council with greater certainty regarding the overall deliverability of the wider Site as a whole The plan below illustrate the site context and boundary of the phase 1 site. Figure 8 2 Illustrative layout plan – ‘phase 1 site’, Sandcliffe Road, November 2023  Overall, the wider Site offers potential to create a highly attractive new development that links into the existing fabric of Swadlincote and enhances the northern development edge whilst providing new homes for the local community. Furthermore, there is a clear opportunity to bring forward a first phase comprising c.175 homes now to assist with delivery in Swadlincote within the early years of the LPP1 review period.  SUMMARY AND CONCLUSIONS These representations have been prepared in response to the South Derbyshire draft Local Plan Part 1 review (‘LPP1 review’). This submission sets out responses to the questions provided within the draft LPP1 review. We have referred to those specific questions in the relevant sections of this submission.  We wish to register BSL’s objection to the LPP1 review in its current form. The key points of objection raised in our response are summarised as follows: • Whilst there is nothing necessarily wrong with Progressing the LPP1 review under the current plan-making system, we argue it is nonetheless at odds with the broad direction of travel in the Levelling Up and Regeneration Act 2023 in particular the statutory requirement for single local plans and should be reconsidered..  • By doing so, fFollowing a two-stage review process appears to be driven solely by a desire to address the unmet need emanating from Derby City (which we agree with in principle) but ignores key fundamental issues that should be tackled now. • These issues include; the need to meet the increasing level of housing need in South Derbyshire that is likely to come into effect through changes to national policy to be introduced by Government shortly after the LPP1 consultation has finished; and the pressing need for affordable housing in the District which has persistently not being met since 2011. • These are matters that should not be left to a later review, but should be addressed now inI order to align with the Government’s commitment to increase housing delivery across the Country and promote economic growth. • In order that the LPP1 review is in accordance with national policy, the LPP1 review should look ahead to 2041 as a minimum. This is at least an extra two years’ worth of growth that should be met now. • We argue that the proposed housing requirement of 14,483 dwellings will not be sufficient to meet both local and wider HMA housing needs. This includes the likely increase in housing need in South Derbyshire (from 522 to 606 dpa) resulting in a minimum additional need for 1,428 dwellings over the 17-year plan period. • For the reasons set out in this submission, we strongly also recommend that an additional uplift is incorporated into the overall housing figure to help tackle the chronic under-delivery of affordable homes in South Derbyshire, as shown in its own evidence and other data. • We strongly object to the proposed plan strategy (in Policy S1) given the heavy reliance on existing site allocation which are proposed to be simply rolled forward from the adopted plan. We do not believe it is It is not correct or credible correct to simply roll forward this scale of development from an existing plan without first considering other potential sites for allocation or whether these historic allocations are even remain capable of being delivered. • Accordingly, the LPP1 review should do more than simply allocate new sites to meet the unmet needs of Derby, but should must much go further by identifying additional land to meet the needs of those households in South Derbyshire who cannot access open market housing and where affordable homes are not being provided. • In regards the draft Policy H21, the evidence on recent delivery of affordable housing clearly demonstrates that increasing the percentage contribution from 30% to 40% is not currently justified in South Derbyshire. To do so would clearly threaten the deliverability or viability of the allocations in the plan as a whole, contrary to national policy. • We support the approach which continues to recognise Swadlincote as an ‘urban area’ at the top of the settlement hierarchy. However, we recommend that draft Policy H1 should be is modified to make clear that the role and function of Swadlincote will be to act as the main foci for growth to meet the needs of South Derbyshire over the plan period, therefore reflecting the key objectives of the plan.  In conclusion, the Land at Sandcliffe Road, Swadlincote can go a significant way towards addressing these issues. As the largest settlement in South Derbyshire, Swadlincote (together with Woodville) is identified in Policy H1 (Settlement Hierarchy) as an Urban Area, and is the main settlement and one of the most sustainable locations for growth. Under the LPP1 review, Swadlincote will continue to perform this vital role and function in the district. Whilst currently outside of the settlement boundary, the Site is nonetheless contiguous with the edge of the largest town in the district and is accessible to local services and facilities. The Site is in single ownership and controlled by a willing national developer with a record of delivery in the area. It is also a viable development prospect, capable of delivering homes in the early years of the plan period.  Taken together, the Land at Sandcliffe Road is considered to be a suitable and deliverable site to accommodate the increased need for housing in the district.  Distribution of growth specifically required to meet South Derbyshire’s own needs (it only considers growth options for the Derby HMA as a whole). This is significant gap in the SA process required to inform the LPP1 review.  We trust the objections raised in this representation are given due consideration. | | See council response to Question 3 and 4.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The Council will consider whether the plan period should be amended.  It is acknowledged that Policy H1 is an adopted Local Plan Part 1 policy, however the District Council is not intending to update the Hierarchy within this Local Plan Review as this together with other existing Local Plan part 1 policies to be carried forward in this Local Plan Review have been subject to Sustainability Appraisal and found to comprise sustainable development.  The Local Plan Part 1 Review is proposing strategic allocations only and carry’s forward Adopted Local Plan Part 1 allocations. The Local Plan Part 1 Review is updating strategic policies and helps address Derby City’s unmet need. The evidence collected shows that meting the Derby City’s unmet need as close as possible to the City amounts to Sustainable Development. The two mixed use strategic allocations are proposed at the edge of Derby City.  The Settlement Hierarchy has been reviewed and the Urban Areas (including the urban areas adjoining Derby) are at the top of the hierarchy, which is inline with the proposed strategy.  Any amendments to other tiers of the Hierarchy will be addressed as part of a comprehensive review of the Local Plan. |
| 1243639 | Carden Group | Carden Group |  | | * 1. These representations have been prepared by Carden Group, in respect of the current consultation on the South Derbyshire Local Plan 2039.   1.2 We are a strategic land company that is committed to working closely with councils to create high-quality homes that enhance local communities, prioritising thoughtful design, sustainability, and long-term value that residents can take pride in.  1.3 Our comments and proposed modifications on the consultation relate to the following 5 draft policies: • Policy REV1: Review of the Local Development Plan • Policy S1: Sustainable Growth Strategy • Policy H1: Settlement Hierarchy • Policy STRA1: Infinity Garden Village Mixed Use Allocation • Policy STRA2: Land South of Mickleover  1.4 Carden Group are currently promoting a site that is located to the east of Eggington Road, Hilton.  1.5 This site has been assessed within the Strategic Housing and Economic Land Availability Assessment (SHELAA) (February 2024) under site reference 202. This concluded that the site is considered available, achievable, and suitable.  1.6 The site’s suitability is further supported by the Derby Housing Market Area Growth Options Study, published by AECOM in August 2021. The study assessed the northern portion of the site as part of the Hilton northern expansion (Reference: D1) and identified it as one of only four areas—out of a total of 16 evaluated—deemed a "Suitable Area for Strategic Growth.  1.7 Further details of the site at Hilton have been set out in section 7 further below  8 Summary 8.1 Carden Group has significant reservations regarding several key aspects of the proposed Local Plan Review. In its current form, we believe the plan is not ready to advance to the Regulation 19 consultation stage.  Housing Targets and Plan Period 8.2 We strongly urge the Council to adopt a proactive approach by incorporating the latest proposed housing targets set by the government. Additionally, the plan period must be extended to ensure a minimum lifespan of 15 years from the date of adoption, in line with best practices and NPPF guidance.  Deliverability of Derby Urban Extensions  8.3 While forecasting remains inherently uncertain, research by Lichfields indicates a strong likelihood that the Council has significantly overestimated the housing delivery potential of the two proposed Derby urban extensions. These concerns demand careful reassessment to ensure realistic and achievable housing projections.  Need for Additional Site Allocations 8.4 Given the increased housing targets, the requirement to extend the plan period, and doubts surrounding the deliverability of the Derby urban extensions, we believe it is imperative to identify and allocate additional sites to meet the housing need.  Suitability of the Hilton Site 8.5 Our site at Hilton offers a viable solution to address these challenges. Free from significant constraints and without overriding issues, the site is well positioned for development within the first five years following the adoption of the Local Plan. We strongly recommend its inclusion as a strategic allocation to support housing delivery goals effectively | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The Council will consider whether the plan period should be amended.  The Council will provide a housing trajectory as part of its submission to the Secretary of State, which will set out projected housing delivery of the allocations. |
| 1242615 | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | Carney Sweeney on behalf of Peveril Homes Ltd and Kingsmere Holdings Ltd | Yes | | Garden Village Approach It is noted that the draft Local Plan, Paragraph 1.14 states: “The two new communities on the Derby urban fringe within South Derbyshire District will be planned on garden village principles and provide high quality green spaces and infrastructure. Development in these locations will align with a strategic masterplan, allowing for a better quality of life for residents and a long-term vision for growth.”  Further, Paragraph 4.48 states: “In determining how to plan for this strategic scale need, a garden village approach was developed…”  Paragraph 4.72 then states: “In order to proactively address this requirement and to create well balanced communities based on Garden Village principles two strategic scale allocations are being proposed within the South Derbyshire administrative boundary, within the Derby Urban Area.”  The draft Local Plan review does not provide any background, discussion or explanation of the ‘garden village approach’ or ‘garden village principles’. It would be beneficial if this could be clarified as part of this plan-making process, including whether the principles apply equally to proposed strategic allocations STRA 1 and STRA 2, noting that currently only Policy STRA 1 includes reference to the allocation being a ‘garden village’ (see Part F of Policy STRA 1)  Strategic Housing Land Availability Assessment Summary The Strategic Housing Land Availability Assessment Summary (SHELAA) supporting the draft Local Plan includes an assessment of parcels promoted on behalf of our client, being SHELAA site references 158, 210, 228, and 229, all of which are assessed as being ‘suitable’; ‘available’ and ‘achievable’ which we agree with. It is also noted that these parcels are assessed as coming forward between years 6-10 of the plan period, which we do not look to disagree with at this stage.  However, as per our response to Question 7, the extent of the site boundary for strategic allocation STRA 2: Land South of Mickleover does not encompass all the land parcels promoted by our client. For example, the full extent of site reference 158 has not been included as part of the allocation boundary but is reported to be available in the SHELAA assessment. It is therefore unclear as to why the full extent of site reference 158 has not been included within the extent of the allocation.  The following land parcels have also been promoted but do not form part of strategic allocation STRA2, and should be reconsidered by the authority as these parcels also provide an opportunity to bring forward additional land to support the aspirations of the proposed strategic allocation: • SHELAA Site Reference 153 – White Haven (Sekhon) (previously known as ‘Fogg’) • SHELAA Site Reference 154 – Frankling (Liberty Farm) • SHELAA Site Reference 155 – Gould • SHELAA Site Reference 156 – Grey • SHELAA Site Reference 159 – New Range Farm  The omitted land parcels above are all assessed by the authority as being ‘suitable’; ‘available’ and ‘achievable’, and developable between years 6-10 of the plan period. On this basis, we recommend that the Council gives these parcels further consideration for inclusion in the extent of the site boundary for proposed allocation STRA2. These additional parcels will continue to support the creation of an urban extension on a non-Green Belt site situated on the edge of Derby City and therefore their inclusion would not undermine the policy aspirations for strategic allocation STRA2. | | There is explicit terminally which relates to Graden Village funding schemes, which are applicable to the Garden Village site adjacent to the A50.  The principle of significant green infrastructure, unique and high-quality place also apply to STRA2.  The Council agree in part, amendments have been made to the allocation boundary. However all land proposed is not required to bring the allocation forward. |
| 1243227 | Carter Jonas on behalf of Miller Homes Ltd | Carter Jonas on behalf of Miller Homes Ltd | Yes | | 1. INTRODUCTION 1.1 Carter Jonas LLP have been instructed by Miller Homes Limited to submit representations to South Derbyshire District Council (‘SDDC) in respect of the South Derbyshire Draft Local Plan Part 1 Review (October 2024).   1.2 Our client is promoting Land South of Burton Road, Repton to deliver circa 160 dwellings (Site Ref: 033). The site is situated to the west of Repton and extends circa 7.97ha. The existing use of the land is agricultural, and the field boundaries are denoted by hedgerows. The northern boundary fronts onto Burton Road which connects to the centre of Repton and on the opposite side is residential development. To the east is residential, the southern boundary abuts open countryside, and the western boundary adjoins residential development.  1.3 Repton is a highly sustainable settlement which offers a wide range of facilities and services to meet the day to day needs of local residents including a village hall, community centre, places of worship, farm shop, convenience store, post office, health centre, dental surgery, primary school, independent schools, sports facilities, restaurants, public houses, hot food takeaways, hair and beauty salons, art gallery, children’s play areas and open space.  1.4 The site sits immediately adjacent existing bus stops on Burton Road which provide sustainable connections to Newton Solney, Winshill, Burton on Trent, Willington, Findern, Littleover and Derby via the V3 bus operated by Trent Barton. The nearest Train Station at Willington which is accessible via the V3 bus. Willington Train Station provides connections to Derby, Long Eaton, Beeston, Nottingham, Tamworth and Birmingham.  1.5 As part of the on-going promotion of the site, Miller Homes Limited have prepared and submitted a Vision Document (April 2024) to SDDC (see Appendix 1). The document demonstrates how the proposal could be delivered. The Emerging Illustrative Layout proposes 11 residential parcels.  Vehicular access would be provided off Burton Road to the north along which Miller Homes are proposing an improved pedestrian/cycle route which connects to the existing bus stops to the west and the centre of Repton to the east. The centre of Repton (junction at Mercia Cross) is under 700m from the site entrance. The existing Public Rights of Ways (PRoW) running along the sites south western boundary, centrally through the site and to the rear, will be retained and integrated within the proposal providing safe and convenient connectivity to Repton and the wider countryside. The proposal seeks to retain existing trees and hedgerows where feasible, particularly along the site’s boundaries and through the creation of a green corridor running centrally through the site. To create an attractive entrance to the site an area of open space is proposed along the sites north-eastern boundary. A Local Area of Play (LAP) is proposed to be located in the centre of the site focused around the existing veteran tree which is to be retained as a focal point. A larger area of open space is proposed to the rear to accommodate a surface water attenuation basin, an orchard and additional landscaping to provide recreational space for the local community and to create a soft buffer between the built form of the proposal and the wider countryside.  4.0 CONCLUSIONS AND RECOMMENDATIONS 4.1 Carter Jonas LLP on behalf of Miller Homes Limited recommend the following to meet the legal requirements of the Duty to Cooperate set out in the Localism Act (2011) and meet the test of soundness detailed in the NPPF (2023). – Extend the Plan period by at least two years to, 2022 to 2041. – Extend the vision to cover a minimum of 30 years. – Take into account the implications of the anticipated Revised NPPF by allocating additional residential sites to meet local housing need. – Apply an uplift to the Standard Method to assist with SDDC’s economic recovery and boost the supply of affordable housing. – Amend the Local Housing Need requirement to ensure all of Derby’s unmet need is being met across the HMA. – Allocate additional sites as the trajectory of the proposed two strategic sites will extend beyond the Plan period.  4.2 Combined, the above requirements will result in the need to allocate additional sites. We strongly recommend to ensure sustainable growth across the District, that the allocations are small/medium scale and are dispersed across the settlement hierarchy, focusing on urban areas and key service villages. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  See Council responses to Question 1, 3, 4 |
| 1243582 | CBRE Ltd on behalf of Land Project UK (LPUK) | CBRE Ltd | Yes | | CBRE Planning has been instructed by our client, Land Project UK (hereafter ‘LPUK’), to submit further representations to the emerging South Derbyshire Local Plan. This letter should be read alongside our previous representations submitted to both the emerging Local Plan Regulation 18 consultation in January 2023 and also the Strategic Housing and Employment Land Availability Assessment in April 2024. Both sets of representations are included as an Appendix.  LPUK welcome the opportunity to further engage with Council Officers through the Local Plan process and recognise the importance of this process to help guide strategic growth in the Borough. In addition, LPUK would welcome the opportunity to discuss their immediate aspirations for their land interests at Land South of Uttoxeter Road, Foston (hereafter ‘ the site’), to demonstrate how the proposals can assist in providing modern warehouse space, helping to meet demand for warehouses of sub 100,000 sq/ft.  The comments made within these representations are of a specific nature, relating to LPUK’s land interests within the borough, however they have broader connotations as we do have concerns about the delivery of employment sites of a certain scale over the plan period.  We understand why the Council have taken the approach to submitting, effectively Part 1 of the plan, with a very limited number of site allocations, however we believe this haste will slow down growth and the mix and balance of the allocations do not allow the future demand for employment sites specifically, to be met. We therefore, do not believe the draft Plan is currently sound as it has not been positively planned and does not address paragraph 23 of the National Planning Policy Framework (2023) ‘NPPF’ which states that:  ‘Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies)’ (our emphasis added).  We believe that the plan could be improved by including new allocations rather than rely on rolling over historic allocations from the previous plan, which have not been delivered yet. In order to demonstrate how the plan can be made sound, we set out: 1) The site details our client is promoting 2) Industrial market demand analysis has been provided 3) Response to the Questions We believe that the plan can be made sound with additional site allocations, including Foston.  The Site: The site is an agricultural field. It is strategically located next to key transportation nodes and is situated on the A50 dual carriageway that links the M1 (J24A) at Derby with the M6 (J15) at Stoke?on-Trent. The 40 mile stretch is an important trunk road extending in an east/west direction connecting the East and West Midlands. In addition, Dove Valley Industrial Park lies immediately adjacent to the site, with the opportunity to expand the employment cluster through LPUK’s site. As highlighted in our previous representations, LPUK have a consultant team appointed who are testing various design options for the site. This is taking into account opportunities and constraints, including input from Architecture, Highways, Ecology and Arboriculture specialists. This team of consultants are confident a sustainable development can be achieved on the site and we are pursuing an application-led strategy.  Industrial Demand: The NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.  The UK logistics market had performed exceptionally strongly leading up to the Covid-19 pandemic. Logistics was regarded as “the growth sector” on the back of strong occupier demand arising from the UK’s already relatively high adoption rates of on-line shopping. Consequently, substantial capital was already being invested into the sector such that the logistics market had experienced substantial yield compression, rent increases and land price inflation.  The Covid-19 pandemic significantly increased the occupier demand for logistics space as the market penetration of on-line shopping rates spiked a change in retail patterns, which drove an unprecedented increase in occupier demand. This in turn created competitive tension in the logistics property market, leading to further compression of yields and increase in land values throughout 2020 to the first half of 2022.  This market growth continued until Q3 2022 when the “bubble” finally burst. Influenced largely by the September 2022 Mini Budget and a worsening global economic and political climate, leading to increased property yields, increased interest rates, increased construction costs and a slower occupational market.  Whilst occupational rates and take up fell in 2023 as the market slowed, there has been an up turn in demand through 2024 with a total of 17 million sq ft (<100,000 sq ft) let in the 9 months to October, representing a 28% increase year on year compared to 2023. The greatest take up of space nationally continued to be the East Midlands (within which South Derbyshire is located) representing 38.1% of total take up.  Within the East Midlands region, four deals completed to October 2024 totaling 947,000 sq ft. Total take up in the region was 5.5 million sq ft. Despite this growth in take up, almost 12 million sq ft of floorspace, through increased speculative floorspace both completed or in construction, is available across the region. However, this is largely focused on the 100,000 sq ft plus market creating a lack of available space at the sub 100,000 sq ft range.  Relating this to South Derbyshire, there are currently only four available buildings sub 100,000 sq ft and of these buildings, three are second hand with only one (circa 30,000 sq ft) being Grade A space available at Dove Valley Park. The ability to operate Grade A space is now a key requirement of the sector and occupiers entering the market, thus it’s no surprise that the second hand stock is still on the market.  In conclusion, there is a demonstrable lack of space across South Derbyshire in the sub 100,000 sq ft market of Garde A quality and it is evident that a greater number of sites to meet thisrequirement (circa. 15-20 acres) are required.  The draft Local Plan Part 1 Review has been produced prior to the finalisation of the changes to the National Planning Policy Framework (hereafter ‘NPPF’) announced by the 2024 Labour Government. These changes are likely to increase the number of homes required for development within South Derbyshire and the subsequent employment needs.  LPUK are also keen to discuss their aspirations for Foston and are happy to provide any further evidence in relation to the Industrial market and subsequent demand within the borough.  Summary: The demand for industrial and logistics space has been accelerated and heightened following the Covid-19 pandemic. As the demand profile and growth of the market has changed over the last few years, so has the type of product demanded by the market to service this growing need.  We believe there is a need for additional employment floorspace of the type deliverable at LPUK’s site and that a gap exists within the Council’s own emerging Local Plan evidence base. Therefore, as currently proposed, we believe the approach to employment needs within the emerging Local Plan is unsound.  We trust that these representations are clear and will be fully considered by the South Derbyshire Local Plan Team. We would welcome confirmation that they have been received and LPUK would also welcome further engagement with Council Officers as the Draft Plan progresses to help shape future policy | | In quantitative terms the employment needs of the District are being met with new allocations proposed to exceed this minimum need.  In addition to allocating new employment sites (including mixed use sites) the Local Plan Part 1 Review has carried forward undeveloped allocations within the Adopted Local Plan Part 1, which vary in size.  To help meet the qualitative need identified within the Employment Land Review, Policy E1 of the Draft Local Plan Part 1 Review includes a requirement that E1A, E1B, E1C, E1D, E1E, STRA1, STRA2, STRA3 include provision to meet the needs of small and “grow on” business. The Plan therefore provides for a mix of employment allocations.  The Employment Land Review does acknowledge that demand for industrial and logistic space has been accelerated and heightened following the Covid 19 pandemic. |
| 1244437 | CBRE on behalf of Labcorp | CBRE on behalf of Labcorp |  | | CBRE Ltd is instructed by Labcorp to review the Regulation 18 Draft South Derbyshire Local Plan Part 1 Review, which is currently out for public consultation until 6th December 2024. This letter provides our comments and suggestions on behalf of Labcorp to the draft spatial options and key policy areas within the Draft Local Plan Part 1 review. We are also promoting a site with Labcorp ownership as a potential allocation for residential development as part of this response, hereafter referred to as’ the site’.  This letter is set out as follows: • The site • The site opportunity • Responses to the Regulation 18 consultation: Spatial options and key policy areas • Spatial Strategy, Allocations, Vision, Objectives and Key Policy areas • Question1: Do you agree with the revised vision for South Derbyshire? • Question 3: Do you agree with the plans strategy? • Question 4: Do you agree with the Draft Local Plan Part 1 Review is providing the correct quantum of housing towards Derby City unmet need? • Question 9: Do you have any comments to make regarding the Draft Local Plan policies? • Question 11: Do you agree with the content and extent of the existing evidence base?  The site Labcorp own and operate out of a laboratory and associated infrastructure to the west of Shardlow, and also own two parcels of land adjacent to the main laboratory campus. The site is located within Shardlow which is identified as a ‘Key Service Village; within the adopted South Derbyshire Local Plan Part 1., The site is located wholly within the administrative boundary of South Derbyshire District Council.  The main site operations consist of 6 no. main buildings with associated car parking infrastructure. The site is assessed via a junction from the B5010 London Road, Shardlow. There is a row of mature trees on the northern boundary of the site to the B5010 London Road as well as also on the western boundary. On the north west corner of the site there is 1no pond. There is also 1 no pond located on the south west corner of the site.  The site is located approximately 0.3 miles (0.5km) west from the centre of Shardlow (defined as the location of shardlow primary school) and 6.5 miles (10.5km) east from the centre of Derby City (defined as the location of Derby City Council Offices) (see figure 1). There are existing bus stops on B5010 London Road, Shardlow providing frequent services to Elvaston, Derby City, Castle Donnington and East Midlands Airport.  In addition to the Laboratory to the south of B5010 London Rao, Shardlow, Labcorp pen 2no additional land parcels to the south west and to the wet of its main building operations. North site parcels as demonstrated in Figure 2 below are surplus to any future growth requirements for Labcorp and is therefore available for development for an alternative use Both site parcels together comprise 5.78ha (14.29 acres) of surplus developable land.  Parcel B (to the west of the main building) covers an area of 2.85ha (7.04 acres) and comprises agricultural fields and additional car parking provision. Parcel b has a highway frontage to the north to B5010 London Road, Shardlow. This parcel sits wholly within the administrative area of South Derbyshire District Council, and is entirely owned by Labcorp. The southern and western boundaries of the site parcel are bounced by agricultural land and the main Labcorp building to the east. On the north-west corner of Parcel B there is 1 no pond. There is also 1no pond located on the south west corner of Parcel B.  Figure 2 above demonstrated the boundary of Parcel B outlined in red. Parcel C (to the south west of the main building) covers an area of 2.93ha (7.25acres) and comprises agricultural fields. Parcel B has a highway frontage to the north of the parcel to B5010 London Road, Shardlow. Vehicular access will need to be confirmed should the site be allocated. The northern and eastern boundaries comprise agricultural fields, with the south boundary comprising partly as roadside services and agricultural fields. To the west to the site parcel is main Labcorp building. This parcel sites wholly within the administrative area of South Derbyshire District Council and is entirely owned by Labcorp. Parcel C sites outside the settlement boundary for Shardlow. Figure 2 above demonstrates the boundary pf Parcel C outlined in blue.  Parcel B us partly within Flood Zone 2, where there is a medium probability of flooding from rivers and the sea. A flood risk assessment will be carried out as part of the planning application for this site p[parcel development. The Flood ones for Parcel B are shown in Figure 4.  Parcel C is also partly within Flood Zone 2, where there is a medium probability of flooding from rivers and the sea. A flood risk assessment will be carried out as part of the planning application for this site parcel development. The Flood Zone for Parcel C are shown in Figure 5.  There are no listed buildings on the site. However on the norther boundary of the site on B5010 London Road, is the milepost at a Grade II listed building (ref.1088360). The location of this listed building is demoted by a blue star in figure 6. Neither site parcel is designated as Green Belt, however the northern and western boundary of Parcel B us adjacent to the Derby and Nottingham Green Belt designation. There are no Tree Preservation Orders (TPO’s) within or bordering the site.  The site opportunity The land to the east and the west of Labcorp’s main building (Parcel B and C) identified on Figure 2) is surplus to requirements and is therefore available for development and is subsequently being put forward by the landowner as a potential allocation in the emerging Local Plan. Given the adjacency of the site to the settlement of Shardlow, this site presents a suitable opportunity in spatial planning terms to ‘round off’ the residential offer to the western fringe of Shardlow. It is proposed the site could, In total , yield in the region of 150no dwellings from preliminary assessments.  We consider that the site is in a suitable and sustainable location for a residential led development owing to its location on the edge of an existing settlement within walking sistanc of 0.3miles (0.5km) to the centre of shardlow. There is an existing bus stop, in each direction of travel on the B5010, London Road which provides frequent services to Elvaston, Derby City, Castle Donington and East Midlands Airport. As such, the site is within optimal proximity to key employment locations as well as sustainable transport access to these areas; further development in this location could support local and wider businesses thrive by providing homes for employees.  The site is capable of accommodating a range of homes to reflect current and future needs and is accessible to services, alongside complementary local uses. Should development be forthcoming the site has the ability to improve biodiversity and enhance local open spaces and unlock access to the countryside.  In considering potential social infrastructure for the site, we note that there is 1 no primary school within 1 mile (1.6km) of the site. This school being Shardlow Primary School located approximately 500m eat of the site. Public information indicated a Public Admission Number of 14 pupils for the 2025/22026 school year. Further afield outside of a 1 mile radios, approximately 2.5 miles (4km) south west of the site is Aston Lodge Primary School. Public information indicated a Public Admission number of 30 pupils for the 2025/2026 school year.  The nearest GP surgery is located within Aston on Trent approximately 2.4 miles (3.8km) south west form the site. Public information indicated this GP is currently accepting new patients.  This section of our letter provides a response to the key questions and policies within the consultation document. We address the sections relating to what the local issues and opportunities we recognise and consider important in the region, where would be a suitable location for sustainable growth and also how the Plan could respond meeting the City of Derby’s unmet housing need.  Land surplus to Labcorp's requirements can be made available for development over the plan period and is considered to be appropriate for promotion for residential-led development. The site provides 2 parcels of land comprising a total of 5.8ha (c. 2.9ha each) either side of Labcorp's laboratory campus.  Whilst it is understood that the Local Plan Part 1 Review focuses mainly on allocating land for housing to meet the City of Derby's unmet need, we consider that there are a multitude of other matters that are relevant and should be addressed as part of this Plan review, including (inter alia):  • Revision of housing requirement in light of emerging new Standard Method (if adopted);  • Allocation of smaller sites to ensure housing need is met over the plan period (Policies H2 - H19);  • Justification of criteria within policies such as the 25 dwelling limit to growth in local service villages (Policy H1), and quantum of self-build plots within schemes (Policy H20); and  • Evidence base to property support the proposed policies as mentioned above  I would be grateful if you could keep me updated going forward, including when the responses are published.  Labcorp is willing and committed to working with LPA's in growing their established business within the region and is keen to meet the Officers and Members to discuss the opportunity provided by their surplus land adjacent to Shardlow. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243617 | Chave Planning on behalf of DKA Commercial Limited |  |  | | Promotion of land north of the A516/A50 junction at Hilton. | | See Council Response to Question 9 Policy E1. |
| 1242112 | Cushman & Wakefield (on behalf of E.ON UK plc) | Cushman & Wakefield on behalf of E.ON UK plc | Yes | | SOUTH DERBYSHIRE LOCAL PLAN PART 1 REVIEW 2024 – CONSULTATION  Cushman & Wakefield (C&W) is appointed by E.ON UK plc (E.ON) to submit the following representation in support of the draft allocation of Site STRA3 (Former Drakelow Power Station) for employment development as part of the South Derbyshire Local Plan Part 1 Review.  E.ON is freehold owner of the former Drakelow Power Station, Walton Lane, Drakelow, Burton-on-Trent DE15 9NG. Following the closure of the site and ongoing changes within energy markets, it was declared surplus for large scale centralised energy generation and should instead be made available for redevelopment.  The site, within E.ON ownership, comprises approximately 193 ha, including the former Power Station, associated infrastructure and nature reserve. The site is bounded to the north by the River Trent and Branston Golf Club and to the south by Walton Road, which currently links the site to the outskirts of Burton-on-Trent to the north east and Walton-on-Trent to the south west.  E.ON is committed to delivering a employment and energy generation uses at the site, setting high standards for commercial development, high quality sustainable buildings, supporting facilities and infrastructure, all set within a comprehensively masterplanned landscape which enhances biodiversity and is accessible to employees, visitors and the local community by sustainable modes of transport.  Local Plan Part 2 (2017)  The site is included in the Local Plan Part 2 in Policy BNE12 Former Power Station Land, which states that; the council will support development on the former Drakelow and Willington Power Station Sites as shown on the policies map in accordance with that set out in policies E1, H6 and SD6, to include the following:  • Former Drakelow Power Station development for use class B1, B2, B8 and for energy purposes to assist in the regeneration of the previously developed land. The existing Drakelow nature reserve will be retained to its current extent along with the creation of a buffer zone…  Development framework documents will be agreed between the developer(s) and the Council and be submitted with any major planning application made on the sites to guide their future development’.  Policy S5: Employment Land Need  E.ON supports the ambition of the Plan to make provision across a range of sites, including allocations, for the development of land for industrial and business development (Use Classes E(g), B2 and B8) in support of the Economic Strategies of South Derbyshire District Council and the East Midlands Combined County Authority.  The Plan notes the development of additional land, other than that identified by the Employment Land Review (ELR, 2023), may be justified for reasons including the locational requirements of particular economic sectors and to provide for regional and sub-regional accommodation needs (paragraph 4.96). E.ON support the ambition of the Plan to support employment development, and the recommendation of the ELR to identify land to accommodate larger than local needs (ELR, Recommendation 3 - Potential New Strategic Allocations).  Policy E1: Strategic Employment Land Allocation  The Former Drakelow Power Station is included as a new allocation (ref. STRA3). The corresponding table should be updated to refer to a range of uses to be permitted, consistent with the uses identified in draft Policy STRA3 and the opportunity to deliver a strategic employment allocation:  Other Clarification  The following clarifications are requested to wording in the draft Plan: • Paragraph 5.19 – The cooling towers were demolished in 1998. The C Station was decommissioned in 2003, and the final structures demolished in 2006. The Former Drakelow Power Station site is bounded by the River Trent to the north, Walton Road and the Drakelow Park development.  Drakelow Nature Reserve is located within the site allocation.  • Paragraph 5.20 – Renewable Energy from Waste Centre  The existing facility on site is a Renewable Energy from Waste Centre, operated by Vital Energi. | | Comment and support noted.  See Council response to Question 9. |
| 1242592 | Dean Lewis Estates | Dean Lewis Estates | Yes | | 1.1 Context  1.1.1 Dean Lewis Estates (from hereon referred to as DLE) is a professional strategic land promotion company specialising in the delivery of sustainable residential development and community infrastructure.  1.1.2 This submission provides DLE’s response to the South Derbyshire Draft Local Plan Part 1 Review 2022 – 2039.  1.1.3 These representations should also be read in conjunction with the first Regulation 18 consultation into the South Derbyshire Local Plan Issues and Options consultation document October – December 2022. This submission focuses on the following: • Scope of the emerging Local Plan • Housing Need and Strategy • Providing the right homes for everyone  1.1.4 DLE are committed to working collaboratively with South Derbyshire District Council, key stake holders and local communities, to bring forward a high-quality sustainable residential development in South Derbyshire.  2 SCOPE OF THE EMERGING LOCAL PLAN 2.1 Review of the Local Development Plan  2.1.1 It is noted that this review deals specifically with the update of Part 1 of the South Derbyshire Local Plan to address with the critical issue of meeting unmet housing need arising from the Derby Urban Area. This issue has become a pressing requirement since the adoption of the Part 1 strategic plan in 2016.  2.1.2 Whilst it is acknowledged that the matter of unmet housing needs of Derby City gives rise to the need to review this discreet part of the Local Plan, it is fundamental that the existing Local Plan together with its allocations is reviewed on a comprehensive basis as soon as possible. This partial review acknowledges that because this is a partial update to the Local Plan Part 1 only, and because a new planning system has been introduced through the Levelling-up and Regeneration Act 2023, a full review of the plan will be required to begin on adoption of this Part 1 plan update.  2.1.3 It should also be acknowledged that the NPPF is scheduled to be updated in December 2024 and a new Planning Infrastructure Bill is due to go before parliament time in early 2025.  2.1.4 Meantime, the housing delivery within South Derbyshire District has continued to a pace and ahead of the annualised delivery targets. This is strong indicator that the as Derbyshire’s fastest growing district in terms of population, housing and employment growth, the need to review the whole plan is pressing. It is also important to under that a greater proportion of housing growth has been delivered on none allocated windfall in contrast the allocations identified in the 2011 -2028 Local Plan.  2.1.5 Further, the use of Part 1 and Part 2 Local Plans is also likely to be abolished with the new Planning and Infrastructure Act. This means that a comprehensive Local Plan should be pursed immediately upon the introduction of the new act.  2.1.6 The necessity for the urgent review of the 2011 – 2028 Local Plan is also driven by the fact the rest of the settlements within the district hierarchy (outside of the Derby City Strategic Growth locations) now have a significant number of allocations with permission. Despite the existing local plan having performed poorly in terms of meeting the housing delivery targets by 2028, the fact that many sites now have permission, and some are in build will mean that the Partial Review LP will run out of allocated land early on in the plan period. This situation is already evident many settlements, such as Hatton and Linton amongst other South Derbyshire New Local Plan – Issues and Options Consultation Reg 18b (October-December 2024) locations that have no adopted land use allocations until after 2028. If the Part 1 allocations are simply rolled forward until 2039, this situation will exist for the next fifteen years. This policy approach is unsustainable as will stymie the sustainable growth of communities.  2.1.7 It is evident that the Partial Review of the Part 1 Local Plan, by reason of its limitations, will not ensure that the Local Plan policy framework delivers sufficient land in sustainable locations to ensure that housing and employment needs of the district will be adequately met throughout the whole of the plan period. The Partial Review should be confined to the unmet needs of Derby Only. | | See Council responses to Question 3.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption. |
| 1243628 | Define Planning on behalf of Bloor Homes Ltd |  | Yes | | As discussed in representations to questions 1 – 9 of this consultation, the Council should ensure its housing requirement and site allocations are robust to deliver the homes needed, when they are needed. To do this, a buffer should be applied to the housing requirement to reflect the challenges of delivering significant urban extensions and an over-reliance on only two sites. Further, sites outside the Derby City fringe should be assessed such as BHL’s site ‘Land West of Castle Gresley’. The below sets out why this site should be allocated.  Land West of Castle Gresley The interim Sustainability Appraisal only tests four strategic sites on the boundary of Derby City having chosen option 1 ‘edge of Derby City’ consulted on in the Issues and Options consultation. There are significant concerns to the sustainability and deliverability of solely following this approach which will see a significant amount of development on the edge of Derby. This includes infrastructure requirements, market capacity and delivery timescales. To positively plan for meeting Derby City’s unmet needs, a range of sites should be allocated in sustainable locations such as Swadlincote. BHL’s site ‘Land West of Castle Gresley’ is located outside of the Green Belt on the edge of the urban area of Swadlincote. Response to question 13 sets out in detail in support of the site which is being promoted for allocation. The development of the site would not extend beyond existing urban development to the east, with existing development bounding the site to the east and south. Other constraints suggested in the report, such as active travel connections, could be addressed through the development of the site and appropriate mitigation. As such, the site should not be discounted from consideration as a site allocation on this basis and relevant reports should be updated to include an assessment of the site.  The emerging Masterplan contained in the Vision Document submitted alongside these comments has evolved on the basis of a clear vision for development in this location: the creation of a beautiful new neighbourhood with a true sense of place and community that is designed to respond to the challenges of the climate emergency by embracing sustainable design, whilst ensuring the health and well-being of its residents and maintaining a connection with nature.  The Masterplan sets out the capacity of BHL’s land to deliver c. 500 – 550 dwellings in a mix of homes, alongside a new primary school, shops, flexible community/work space, sustainable transport opportunities and green spaces.  The emerging scheme for BHL’s site has been developed in line with compact neighbourhood principles, in order to deliver a walkable and well-connected neighbourhood that is well-served by key services and facilities. The emerging scheme incorporates a centrally located local centre that will incorporate a new primary school, shops that will meet the day-to-day needs of residents, and community facilities. The exact scope of the ‘offer’ in the local centre will be considered in further detail in due course and will respond to evidence of need and demand to ensure that the scheme delivers the critical infrastructure required to support the community. Consideration will be given to how the local centre can be sufficiently flexible to meet needs through its lifetime.  The location and form of the residential development areas has been shaped by a strong green and blue infrastructure network including significant tree planting to address the National Forest objectives, SUDS and interconnected pedestrian / cycle routes. The delivery of safe, direct and convenient active travel routes will encourage sustainable movements when accessing the local centre, other parts of the site and surrounding areas. That is key to delivering a sustainable development and developing a sustainable and active culture within the community; which are key objectives of the Local Plan.  The variety of open spaces in the scheme will provide a range of recreational / health and wellbeing benefits. An extensive area of open space will be delivered to the west of the site and will incorporate required sustainable drainage features and will act as a buffer from the railway line whilst also accounting for the overhead power line and associated 20m easement. A number of focal green spaces will incorporate play / recreational features as well as smaller community orchards.  The scheme will also incorporate two wooded hillside parks next to the A444, creating an attractive area of open space area on the rising ground near to the road with views across the wider area. At the site’s southern extent, allotments / community gardens are proposed, which will be within easy reach of both new and existing communities and will provide a buffer around the existing substation compound.  The Vision Document also highlights the emerging scheme for the adjacent land being promoted by Harworth. That would be accessed from Cadley Lane. That site has the potential to deliver an additional c. 500 dwellings, employment land, and potentially a rail halt for a re-opened Ivanhoe Line. The residents of that site would also be well-located to benefit from the primary school and local centre located in BHL’s site.  As such, the BHL’s site ‘Land West of Castle Gresley’ is not subject to any insurmountable constraints/ designations. The site offers an opportunity to provide strategic growth within a well?connected and sustainable location that will make a significant contribution to housing and employment needs in South Derbyshire and the unmet needs of Derby City. Given the Derby City unmet need, which is driving this review of the Local Plan, it is critical that the potential of Swadlincote, as the District’s principal settlement, is maximised and development at the site will achieve that | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243664 | Deloitte LLP on behalf of Church Commissioners for England | Deloitte LLP on behalf of Church Commissioners for England |  | | 1. Introduction 1.1.1. Deloitte LLP is instructed by the Church Commissioners for England (“CCE”) to submit representation to the South Derbsyhire District Council Local Plan – Local Plan Part 1 Review Consultation (“the Consultation”), which is the subject of public consultation until 6 the December 2024.  1.1.2. The South Derbyshire Draft Local Plan Part 1 Review 2022-2029 document represents a partial update to the adopted Part 1 Local Plan for South Derbyshire, in light of the critical issue of meeting unmet housing need arising from the Derby Urban Area.  1.1.3. The Part 1 Review updates the existing Part 1 strategic plan to ensure that it is consistent with national government planning policy as set out in the National Planning Policy Framework. The Part 2 South Derbyshire Local Plan adopted in 2017 will be saved in entirety, and will not be reviewed until the Plan is reviewed as a whole.  1.1.4. To note, this Part 1 Review of the Local Plan has been produced before the changes to the National Planning Policy Framework announced by the 2024 Labour Government have been finalised, and before the introduction of national development management policies (NDMP). To ensure that plan making continues efficiently, South Derbyshire District Council (‘SDDC’) agreed to publish this plan for consultation, with the expectation that it is likely to need to be amended in some respects by the new Framework and NDMPs.  1.1.5. To summarise, The SDDC Local Plan is in two parts as follows: • Part 1 – Is the strategic part of the Plan. It contains strategic policies comprising housing and employment allocations and spatial policies. This is the part that is being reviewed and updated. • Part 2 – covers non-strategic housing allocations, detailed heritage and conservation policies, detailed retail polices, Rural Area policies and development management policies. This part is being saved and not amended at this time.  Background 1.1.6. Deloitte prepared representations to the SDDC Local Plan Issues and Options – Regulation 18 consultation in December 2022, which considered a number of topics including housing, jobs, infrastructure, health, climate change, the environment and the contents and strategy of the emerging plan.  1.1.7. In addition to this, the following Sites have been promoted and subsequently assessed as part of the SDDC SHELAA: • Land south of Milton Road, Repton (SHELAA ref 040); • Land east of Main Street, Milton (SHELAA ref 222); and • Land at Ex Common Farm, Milton (SHELAA ref 223).  Context of Representation 1.1.8. This representation has been prepared having regard for CCE’s landholdings in South Derbyshire as noted above.  1.1.9. In preparing this representation, consideration has been had for the South Derbyshire Draft Local Plan Part 1 Review 2022-2029 document (“Local Plan Part 1 Review document”) as well as the Interim Sustainability Appraisal Report and the Strategic Housing and Economic Land Availability Assessment.  1.1.10. This representation has also been framed against the National Planning Policy Framework (“NPPF”) with which the Local Plan should be consistent.  Structure of Representation 1.1.11. This document provides a response to the following chapters and questions within the Consultation: • Question 1 – Local Plan Vision • Question 2 – Local Plan Objectives • Question 3 – Local Plan Strategy • Question 4 – Quantum of Housing • Question 5 – Strategic Sites • Question 6 – Infinity Garden Village • Queston 7 – Land south of Mickleover • Question 8 – Former Drakelow Power Station • Question 9 – Draft Local Plan Policies • Question 10 – Additional Evidence Base Documents • Question 11 – Extent of existing Evidence Base  1.1.12. To note, this document has been prepared for review purposes only, and will be inserted into SDDC’s online questionnaire for submission | | Noted.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243661 | Derbyshire County Council Adult Health and Social Care | Derbyshire County Council Adult Health and Social Care | Yes | |  | | Noted. |
| 1242645 | Emery Planning on behalf of Strategic Land Group Ltd | Emery Planning on behalf of Strategic Land Group Ltd |  | | 1.1 Emery Planning is instructed by The Strategic Land Group (hereafter referred to as ‘SLG’) to submit representations to the South Derbyshire District Council’s emerging Local Plan. This statement sets out our responses to the South Derbyshire Draft Local Plan Part 1 Review consultation document.  1.2 Our client is promoting the land South of Moira Road, Overseal (‘the site’) for residential development. The site comprises approximately 12.2 hectares of agricultural land and is located to the east and south of two new developments delivered by Cameron Homes and Cartwright Homes  2. Duty to Cooperate 2.1 South Derbyshire District Council forms part of the Derby Housing Market Area (HMA) together with Amber Valley Borough Council and Derby City Council. There is a significant cross-boundary issue in relation to Derby’s unmet housing needs. This is recognised at paragraph 4.72, which identifies the allocations of two strategic scale allocations within both the South Derbyshire administrative boundary and the Derby Urban Area. South Derbyshire also shares a boundary with five other authorities: • Derbyshire Dales • East Staffordshire • Lichfield • North West Leicestershire • Erewash  2.2 Therefore, the issue of housing and unmet needs of neighbouring authorities ought to be properly addressed through the Duty to Cooperate. Having regard to this, the onus is on the Council to adduce the evidence to demonstrate that the Duty to Cooperate has been complied with. Paragraph 26 of the Framework states:  “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.”  2.3 Paragraph 27 of the Framework states: “In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency”  2.4 The draft Local Plan acknowledges at paragraph 4.71 that a significant issue within the HMA will be to accommodate some of the unmet need arising from Derby City. It goes on to state that the Statements of Common Ground previously agreed between the HMA authorities in 2020 will be updated over the coming months. However, a draft agreement has not been provided as part of the Local Plan Review Evidence.  2.5 There has clearly been joint working on the issue of unmet need. Nevertheless, it is not clear what the outcomes of the joint working are and how Derby’s unmet needs will be met in full. A report entitled “Derby HMA Sustainability Appraisal of Housing Options” dated 2 August 2024 has been produced. This Local Plan Part 1 Review proposes a contribution of 5,609 dwellings to meet Derby’s unmet needs.  Assuming an unmet need of 9,000 dwellings in Derby, this leaves a residual requirement of approximately 3,400 dwellings. However, it is far from clear how this will be met given that the Amber Valley Local Plan (currently at examination) proposes a contribution of only 1,320 dwellings towards meeting Derby’s unmet needs, and the allocation proposed in the Amber Valley Local Plan to deliver this contribution (the Mackworth strategic allocation) is undeliverable due to the landowners unequivocally stating that the majority of the site is not available for development.  2.6 We discuss the issue of Derby’s unmet needs, and the implications for the spatial strategy, further under our response to Policy S1.  3. Plan Period  3.1 Paragraph 20 of the Framework makes clear that strategic policies are those which make provision for housing, employment and other types of growth: “Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for: a) housing (including affordable housing), employment, retail, leisure and other commercial development; b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); c) community facilities (such as health, education and cultural infrastructure); and d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”  3.2 Paragraph 22 of the Framework states: “Strategic policies should look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. 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.”   3.3 Paragraph 22 therefore has two very clear requirements: • Strategic policies must cover at least a 15-year plan period from adoption. • In instances where larger scale developments form part of the strategy, policies should be set within a vision that looks further ahead (at least 30 years).  3.4 The St Helens Inspectors Report (May 2022) states at paragraphs 47 & 48: “47. The Framework indicates that strategic policies should look ahead over a minimum 15-year period from adoption. The Plan has a stated timeframe of 2020 to 2035. However, the LP has had a long gestation period and, if it is adopted in 2022, it would only have about a 13-year period post adoption.  4.8 Extending the Plan period to 2037 would ensure a 15-year period post adoption so that it can respond to long-term requirements and opportunities, including those arising from improvements to infrastructure. The longer period would increase employment and housing land requirements but the Plan is able to accommodate these changes as demonstrated later in the report. Retail floorspace requirements would not need to change as they would be reviewed well before 2037 when changes in shopping behaviours, including the effects of the pandemic, would be taken into account.  49. A Plan period up to 2037 is required so that the Plan is positively prepared, justified, and consistent with national policy. MM001 would secure the relevant changes. There are other consequential changes throughout the Plan which are dealt with below.”  3.5 The recent Inspector’s report for the Greater Manchester Places for Everyone Joint DPD (February 2024) states at paragraph 59: “The submitted Plan looks ahead to 2037 from a base date of 2021 using land supply information relating to 2020 and estimated completions for 2020-2021. However, to ensure consistency with national policy, relevant policies in the Plan need to look ahead to 2039 (at least 15 years from adoption).”  3.6 The proposed plan period for the South Derbyshire Local Plan Part 1 is 2022 to 2039. The base date used for the monitoring of the housing and employment land supply, as referenced at numerous points within the plan, is 1 April 2022. Therefore, the end date of the strategic policies relating to housing and employment land supply is 31 March 2039. This means for the strategic policies to cover at least 15-years from adoption, it must be adopted by 31 March 2024; a date which has already long since passed.  3.7 The Council’s adopted Local Development Scheme (2022 - 2025) (LDS) projects that the plan will be adopted in December 2024. Given that the current consultation was due to be undertaken in June 2023 and the draft Local plan is now at least 16 months behind the timetable, and has not yet reached Regulation 19 stage, adoption by December 2024 is not possible.  3.8 Taking the Council’s timescales assumptions for the remainder of the Local Plan review at face value alongside the 16-month delay, the plan would be adopted in April 2026 at the earliest. However, Local Plans examinations can last multiple years, particularly where there are cross boundary issues (see the recent examples of Shropshire and Solihull, where the examinations have lasted multiple years).  3.9 Therefore, the plan as currently drafted will not cover a 15-year period from adoption and is therefore inconsistent with national planning policy. We consider that appropriate contingency should be built into the plan period, on the assumption that the plan may not be adopted until after 1 April 2026. We therefore consider that the plan period should be extended until at least 2042  10.Proposed allocation: Land South of Moira Road, Overseal, South Derbyshire  10.1 Our representations have identified issues of soundness in relation to housing provision in the plan. We consider there is a need to allocate additional deliverable sites within South Derbyshire, particularly in sustainable settlements such as Overseal which is a Key Service Centre. SLG is promoting the land South of Moira Road, Overseal which can assist in meeting housing needs in a sustainable way. We promoted the site to the previous Issues and Options consultation in 2022. Details of the site and the proposed allocation are provided below.  Site location and description  10.2 The site is located to the south of Moira Road in Overseal, a Key Service Centre in the adopted Local Plan. It totals approximately 12.2 hectares, is generally flat and currently used for agricultural purposes.  10.3 Existing hedgerows mark the site’s boundaries to the north, east and west. The southern boundary is undefined although the land beyond the boundary is in the same ownership. A number of public rights of way also cross the site.  10.4 To the north and west are new housing developments as well as existing residential areas. A solar farm is located approximately 200m beyond the southern boundary, while the eastern boundary is marked by another road, Shortheath.  10.5 The site lies in a sustainable location. The site is within 1,000m of a primary school (Overseal Primary School), 800m of a convenience store and in close proximity to existing football pitches at Woodville Road & Overseal Recreation Ground (less than 400m). There is also public transport provision available via a bus service.  Proposed allocation  10.6 The site is capable of delivering a mix of attractive, well-designed family homes. Approximately 175 dwellings could be developed on site, including affordable housing and an extensive area of new parkland (approximately 13 acres).  10.7 The site was also assessed under the 2020 SHELAA methodology with the following conclusion:  “The site is considered potentially available, achievable, and suitable. However, a number of suitability criteria would need to be overcome/require mitigation.”  10.8 SLG has undertaken a range of technical assessments which demonstrate that the suitability criteria can be overcome, or mitigation can be provided. These are discussed below and in the enclosed Development Prospectus (Appendix EP2). Highways and accessibility  10.9 It is proposed for both the vehicular and pedestrian access to be taken from Moira Road within the site boundary or the current limits of the adopted highway. In addition, the existing Public Right of Way will be incorporated into the proposed layout and connected to the adjacent path within the Cameron Homes development which adjoins the site. In terms of accessibility, the Development Prospectus demonstrates that the site is in a location which is accessible by non-car modes of transport. There is therefore no reason in highways terms why the site could not be developed.  Ecology  10.10 The land is species poor with majority of the ecological value being within the boundary hedgerow and trees. These would be retained and reinforced as part of any future scheme and only small sections would be removed where absolutely necessary to allow access to the site. Future proposals will also help to delivery biodiversity net gain on the site.  10.11 The River Mease, which is both a Site of Special Scientific Interest and a Special Area of Conservation, is approximately 2.6km south of the site. Nutrient neutrality has been identified as an issue within this area and suitable mitigation measures will therefore need to be put in place as part of future development.  Ground conditions  10.12 A Phase 1 Geo-environmental Report carried out by Earth Environmental has confirmed that the site has never been developed so the likelihood of contamination is very low.  10.13 Coal Authority mapping also confirms that this site falls outside of the Development High Risk Zone for coal mining and historic coal mining is not, therefore, likely be a concern. Services  10.14 Following relevant searches being carried out, all main services are available in this locality and connections can be made.  Landscape and visual impact  10.15 The site is located on the edge of the urban area. It has an edge of settlement character and is contained by roads and existing development on three boundaries.  10.16 The development would not be incongruous in the location and setting at the edge of the settlement, and would fit in with the existing urban fringe character whilst maintaining and enhancing the key existing characteristics such as the hedgerow and trees.  Flood risk and drainage  10.17 The site is within Flood Zone 1. Any proposed development will incorporate a Sustainable Drainage System (SuDS) to limit surface water flows to the greenfield run-off rate plus an allowance for climate change.  10.18 As development would increase the impermeable area of the site, three attenuation ponds could be accommodated to the north and south of the site, allowing drainage into them by gravity. The ponds would be of sufficient scale to attenuate surface water flows from the entire development but would be supported by other sustainable drainage (SuDS) features such as swales, rainwater harvesting and permeable paving.  10.19 It is clear that the site can be satisfactorily drained and no flood risk or drainage reasons exist as to why the site could not be developed. Noise and air quality  10.20 No part of the site is a noise hotspot, as identified by DEFRA, and it is not considered that noise is an issue which would prevent development.  10.21 The nearest Air Quality Management Areas is over 8km away from the site, in Burton Upon Trent.  Heritage  10.22 There are 6 Listed Buildings located within 500m of the site, however none would be affected by the development of the site. Thus, there are no heritage considerations which would prevent the site being developed.  Proposed allocation: conclusions  10.23 The site is in a sustainable location and would help to deliver a mix of housing as part of the emerging Local Plan. It could assist in addressing the issues of soundness that we have identified elsewhere within our representations, by contributing to meeting housing needs in South Derbyshire and the wider Derby HMA, and by providing sustainable development within an identified Key Service Centre.  10.24 There are no constraints which would prevent the site from being developed and that the development could deliver the following benefits: • A range of types, sizes and tenures of new homes in an accessible location. • Policy compliant affordable housing provision to meet a significant local need. • The retention of existing trees and hedgerows, and a 10% net gain in biodiversity value. • Significant provision of new open space to serve new and existing residents, including an extensive area of new parkland located to the south of the site (approximately 13 acres), which would be accessible to new and existing residents. • A landscape led development which integrates well with the existing settlement form. • A design that would encourage active travel through the use of modal filters and low traffic neighbourhoods. • Electric vehicle charging points.  10.25 We therefore propose that the site is allocated in the emerging Local Plan. SLG would be happy to provide any further information necessary to support the allocation and the Council’s evidence base as it continues with the preparation of the plan | | Noted.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The District Council will ensure that sufficient evidence (a Duty to Co Operate Statement) is submitted to the Inspector regarding Duty to Cooperate.  See Council response to question 3 and 4.  The Council will consider whether the plan period should be amended. |
| 1242621 | Fisher German on behalf of David Wilson Homes East Midlands | Fisher German |  | | These representations have been prepared on behalf of David Wilson Homes in respect of their land interests in South Derbyshire. David Wilson Homes are promoting two parcels of land, as set out below, at Hilton (Figure 1) (SHELAA site 227) and Findern (Figure 2) (SHELAA site 209).  David Wilson Homes are a respected national housebuilder, part of the Barratt Redrow group, one of the nation’s most important housebuilders, who deliver high quality new residential development and who have a strong track record of delivery in the local area. David Wilson Homes are proud to have been awarded the Home Builders Federation (HBF) 5 Star Home Builder status for 15 consecutive years. This accolade demonstrates the quality of both our client’s product and service; awarded only to housebuilders who receive a higher than 90% recommendation by their customers. David Wilson Homes remain the only major housebuilder to achieve this accolade over such an extended period of time. | | Noted.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243598 | Fisher German on behalf of Mr Grantham Newton Solney | Fisher German | Yes | | 1. Introduction 1.1 These representations have been prepared on behalf of Mr C Grantham in respect of their land interests east of Newton Road, Newton Solney. The site has previously been put forward to the Council as a sustainable location for housing growth, as shown in Figure 1 below. 1.2 For ease of reference, these representations discuss the questions raised in the consultation document in the order that they appear. Where we have not commented, we have no specific comments at this stage | | Noted.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243572 | Fisher German on behalf of Mrs E Goodson | Fisher German | Yes | | 1. Introduction 1.1 These representations have been prepared on behalf of Mrs E Goodson in respect of land in her ownership to the east of Walton on Trent (south of Walton Road and north of Rosliston Road).  1.2 The site has previously been put forward to the Council in 2019 as a sustainable location for a New Settlement. The site can deliver circa 2,000 dwellings in addition to a new Local Centre and Primary School. There is also an opportunity for small scale Local Employment Provision within the site. For the avoidance of doubt, the site subject to these representations is the area outlined by the solid red line on the plan below (Figure 1).  1.3 For ease of reference, these representations discuss the questions raised in the consultation questionnaire. | | Noted.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243178 | Freeths on behalf of Commercial Development Projects Ltd | Freeths LLP | Yes | | Freeths LLP is instructed by Commercial Development Projects Limited (“CDP”) to submit representations on South Derbyshire District Council’s (“SDDC”) Regulation 18 draft Local Plan.  CDP is promoting land at Egginton Road, Etwall (SHELAA reference 025) for residential development and allocation within the new SDDC Plan.  Our representations relate to questions 3, 4, 9 and 12 of the consultation document. | | Noted.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243166 | Gladman promoting Land off Weston Rd, Aston on Trent and Land off Etwall Rd | Gladman | Yes | | 1 INTRODUCTION  Context Gladman Developments Ltd. (Gladman) welcome the opportunity to comment on the South Derbyshire Draft Local Plan Part 1 Review and request to be updated on future consultations and the progress of the Local Plan.  Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the development plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Examinations in Public. Gladman has been involved throughout the plan preparation process of the emerging Local Plan having previously submitted representations to the Issues and Options consultation in December 2022.  Gladman Developments have two land interests in South Derbyshire which are being promoted through the emerging Local Plan Review. The following sites have previously been submitted to the Call for Sites and are considered to be suitable and sustainable locations for development: • Land off Weston Road, Aston on Trent (between 100 - 200 dwellings) • Land off Etwall Road, Willington (up to 300 dwellings)  The sites are available, suitable, and deliverable for housing as summarised in Section 4 of this representation and the appended StoryMap. Gladman looks forward to engaging further with the Council as the plan preparation process progresses.  South Derbyshire Draft Local Plan Part 1 Review  2 LEGAL COMPLIANCE Duty to Cooperate and Sustainability Appraisal The Duty to Co-operate, as a legal test, has now been rescinded by the Levelling Up and Regeneration Act, which received Royal Assent on 26 October 2023. However, engaging with prescribed bodies on relevant strategic and cross boundary matters remains an important part of the plan making process.  The revised Framework introduced a number of significant changes to how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SoCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist.  Planning guidance sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SoCG), throughout the plan making process. The SoCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.  It is noted that Derby City’s most recent assessment of its housing capacity is 12,500 dwellings, which given a housing requirement of 21,522 homes, the current shortfall equates to 9,022 homes.  3 NATIONAL PLANNING GUIDANCE National Planning Policy Framework The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these should be applied within which plan-making and decision-taking. The NPPF requires plans to set out a vision and a framework for future development which should seek to address the strategic priorities for the area.  Local Plans should be prepared in line with procedural and legal requirements and will be assessed on whether they are considered ‘sound’.  The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan it is fundamental that it is:  • Positively Prepared – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. • Justified – the plan should be an appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base. • Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and • Consistent with National Policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.  The NPPF reaffirms the Government’s commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for, to address housing, economic, social and environmental priorities and to help shape the development of local communities for future generations.  To support the Government’s continued objective of significantly boosting the supply of homes, it is important that the South Derbyshire Local Plan Part 1 Review provides South Derbyshire Draft Local Plan Part 1 Review a sufficient amount and variety of land that can be brought forward, without delay, to meet housing needs.  In determining the minimum number of homes needed, strategic plans should be based upon a local housing needs assessment defined using the standard method, unless there are exceptional circumstances to justify an alternative approach.  Once the minimum number of homes that are required is identified, the strategic planning authority should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing needs. Annex 2 of the Framework defines the terms “deliverable” and “developable”.  Once a local planning authority has identified its housing needs, these needs should be met as a minimum, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so. This includes considering the application of policies such as those relating to Green Belt and giving consideration as to whether or not these provide a strong reason for restricting the overall scale, type and distribution of development (paragraph 11b)i.). Where it is found that full delivery of housing needs cannot be achieved (owing to conflict with specific policies of the NPPF), Local Authorities are required to engage with their neighbours to ensure that identified housing needs can be met in full (see Paragraph 35 of the NPPF 2021). National Planning Policy Consultations  The need to plan for the sufficient delivery of homes is affirmed in the Written Ministerial Statement (WMS) given by the Deputy Prime Minister, and Secretary of State for Housing, Communities and Local Government, Angela Rayner on 30 July 2024, in addition to the on-going consultation on proposed revisions to the Framework and other changes to the planning system. The WMS reaffirms that the country is in “the most acute housing crisis in living memory” and is clear in its conclusion that “there is no time to waste. It is time to get on with building 1.5 million homes”. These are now material considerations for plan making and decision making and clearly set the tone and direction of the newly elected Government.  5 SITE SUBMISSIONS Land off Etwall Road, Willington Gladman are promoting land off Etwall Road, Willington for a scheme of residential development and associated community infrastructure. The site presents an excellent opportunity to deliver in the range of 200-300 new high-quality market and affordable homes. The site has the capacity and ability to develop further west and deliver a greater number of new homes, whilst remaining sympathetic towards its surroundings.  Figure 1: Land off Etwall Road, Willington – site boundary plan  The circa 16 hectares site located off Etwall Road is formed by a number of field parcels which are currently in agricultural use and is bounded by open countryside to the west and south. The Crewe – Derby Railway line forms the northern boundary of the site and Etwall Road the eastern boundary. The site provides an exciting opportunity to deliver a distinctive development of between 200 and 300 market and affordable homes located directly adjacent to the built-up boundary on the north side of Willington and opposite the recent Peveril Homes residential development on the eastern side of Etwall Road.  The village of Willington is located around 9km from the centre of Derby immediately to the south of the A38/A50 junction. Willington is classed as one of ten ‘Key Service Centres’ and is one of the most sustainable settlements outside of the main urban areas, providing all of the day-to-day services for existing residents including a supermarket, primary school, doctors surgery, pharmacy, railway station, take-aways and pubs. All of the amenities on offer in the village are within safe and easy walking distance of the site. In addition to local amenities, the village is next to one of the largest employers in the region, with Toyota Motor Manufacturing Factory on the village’s doorstep.  Willington is the only village out of the ten ‘Key Service Centres’ to have a railway station. There is a frequent rail service from Willington to Derby and Nottingham with the journey into Derby only taking 8 minutes. There are two services operating in the morning which arrive before 9am, making it possible for commuters to use to reach the centre of Derby.  The village is also served by an hourly bus service, the V3, which takes 30 minutes into Derby and begins operating at 7.07am and runs through to 11.15pm. The excellent public transport links available from Willington into Derby make it a suitable and sustainable location, capable of accommodating a proportion of Derby City’s unmet housing need. Further details on the site’s suitability and sustainability are contained within the accompanying StoryMap.  Land off Weston Road, Aston-on-Trent Gladman are promoting land off Weston Road, Aston-on-Trent for a scheme of residential development and associated community infrastructure. The site offers an exciting opportunity to deliver a distinctive development of between 100 and 200 market and affordable homes located directly adjacent to the built-up boundary to the south of the village.  Figure 2: Land off Weston Road, Aston-on-Trent – site boundary plan  The circa 10.3 hectares site is located off Weston Road and is formed of two fields which are currently in agricultural use. Existing residential development abuts the site on its northern and eastern boundaries. To the south and west of the site is open countryside. The site is not subject to any landscape, wildlife, heritage or ecological designations.  The village of Aston-on-Trent is located around 10km from the centre of Derby to the south of the A50. Aston is classed as one of ten ‘Key Service Centres’ and offers a wide range of day-to-day services for existing residents including a primary school, doctors surgery, shop, post office, village hall and two public houses. All of the amenities on offer in the village are within safe and easy walking distance of the site.  The village is well served by public transport. The number 73 bus provides an hourly service between Aston and Derby and stops directly outside the site along Weston Road. There are two services which reach Derby before 9am providing a reliable and realistic alternative to the car for commuters into Derby.  Safe and suitable vehicular access can be provided into the site off Etwall Road via a priority control junction. The previous outline planning application on the site (9/2016/0646) received no objections from Derbyshire County Council in relation to access or offsite highway safety, therefore demonstrating the site can be safely accessed for all users.  6 CONCLUSIONS Summary Gladman welcomes the opportunity to comment on the draft Local Plan Part 1 Review. These representations have been drafted with reference to the revised National Planning Policy Framework (NPPF 2023) and the associated updates that were made to Planning Practice Guidance, but with appropriate consideration of the draft NPPF 2024 that is expected to be published in late 2024.  Gladman have provided comments on a number of the draft policies in the Council’s consultation material and recommend that the matters raised are carefully explored during the process of undertaking the Local Plan review.  Gladman have a range of sites that are available and developable in the most sustainable locations across the district. Residential allocations in Willington and Aston-on-Trent will ensure that a range of homes in a range of locations can be delivered both in the short term and longer term. Each site benefits from a sustainable location near local services and facilities and is well connected to Derby.  We would welcome the opportunity to discuss the sites and the range of benefits they could deliver for new and existing residents with the Council. We hope you have found these representations informative and useful towards the preparation of the South Derbyshire Draft Local Plan Review Part 1. | | Noted.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The District Council will ensure that sufficient evidence (a Duty to Co Operate Statement) is submitted to the Inspector regarding Duty to Cooperate. |
| 1243565 | Green4Planning on behalf of Mr Eddie Pickering | Green4Planning on behalf of Mr Eddie Pickering | Yes | | Land north of Mount Pleasant Road, Castle Gresley - Strategic Housing and Employment Land Availability Assessment (SHELAA) 2024: Sites 149 & 224.  As demonstrated via the attached concept plan, the combined SHELAA Sites 149 & 224 are capable of delivering circa 70 dwellings in a sustainable location, well related to existing built form. In response to your recent communications regarding the publication of the SHELAA, we would like to make the following comments.  The three landowners: Taylor Wimpey, Mr Pickering and Mr Lees are supportive of Sites 149 & 224 being considered through the SHELAA process as separate sites but also as one combined site. Linkages can be provided through to the Mount Pleasant Road recreation area and enhanced play facilities provided there. The location is well served by bus services, as noted in the SHELAA forms, and pedestrian facilities are also good.  There are no known technical impediments to the site coming forward for housing development and it is noted that the Derbyshire County Council Landscape Architect identified the location as having a low landscape constraint.  I trust the above will be taken into account through the SHELAA assessment process | | Noted.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243217 | Harris Lamb on behalf of Talland Capital Ltd | Harris Lamb | Yes | | South Derbyshire Draft Local Plan Part 1 Review Consultation Response by Talland Capital Limited  Harris Lamb Planning Consultancy is instructed by Talland Capital Limited (“TCL”) to submit representations to the South Derbyshire Draft Local Plan Part 1 review and welcome the opportunity to comment at this time. A separate Call for Sites submission is submitted to the Council in respect of land that TCL is promoting at Walton Road, Drakelow for residential and retail use.  Our representation Our representations focus on the need for additional homes to be provided within the District above what is currently planned for in the draft plan, along with the complementary uses to meet the needs of these additional homes, including retail floorspace.  The land at Walton Road is considered a suitable site to meet these needs and we set out the reasons for this within the representations below as well as in the accompanying Call for Sites submission. Details of the land at Walton Road and what is proposed on site is provided in the Call for Sites and is not repeated in these representations, but we would ask that the Call for Sites submission is read in conjunction with these comments.  Proposed changes to the National Planning Policy Framework (“the Framework”) and the Standard Method.  It is noted that the current consultation of the Preferred Option Plan closes just prior to when an updated version of the National Planning Policy Framework is anticipated to be published. Whilst the draft Framework includes transitional provisions relating to preparation of Local Plan, the stage of preparation that the Local Plan is at will mean that the Local Plan will need to be prepared in accordance with the new Framework (if the published Framework remains as per the consultation draft version). This will have a number of implications, principally around the provision of housing and the use of the updated Standard Method for determining the housing requirement for the District. We return to this point below.  The draft Framework retains the Duty to Cooperate which is pertinent in that South Derbyshire sits within the same Housing Market Area as Derby City, whom the District Council worked closely with when preparing their respective Local Plans. It is envisaged that further ongoing cooperation between the two authorities will be required as both parties move forward with their new Local Plans. We set out our detail comments below.   TCL’s Site at Walton Road, Drakelow TCL’s would welcome the opportunity to work with the Council to deliver a draft allocation on their site at Walton Road to assist in delivering the additional houses needed to meet their housing requirement.  TCL’s site has the potential to deliver in the region of 250 dwellings and full details of this can be found in the accompanying call for sites submission submitted alongside these representations.  A further benefit of the TCL site is the proposed delivery of a food retail store. Currently, residents in Drakelow Park and the south east of Burton on Trent are limited to local convenience stores and they have to travel through town and battle their way across the river to get to a food retail store. The delivery of a food store in this location would significantly reduce the needs of residents to travel and further enhance the sustainability of this location by building upon the services and facilities delivered at Drakelow Park.  In considering the delivery of a food store in this location, we have considered the numbers and demand for a store. Further details are provided in our Call for Sites submission, but in summary we consider that there is sufficient expenditure arising as a result of the development of the former Power Station site to generate demand for a 1,356 square metre foodstore.  The land at Walton Road, Drakelow therefore presents an opportunity to deliver new residential and retail development in a sustainable location and one where considerable new development is currently underway. Directing additional development in the vicinity of the former Drakelow Power Station will enable new residents to make use of the new school, local centre and GP surgery that is planned as part of this development. Furthermore, the delivery of a new retail store on the site will help meet the shopping needs of new and future residents within the District and cut down travel time and distances for those accessing a foodstore for their weekly or top up shopping needs. The delivery of a new foodstore will have associated economic benefits in terms of job creation and increased business rates for the Council. TCL are promoting the site and have a track record of bringing such sites forward. The site is in a single ownership which will make delivery of the site much easier as there will only be a single party to any future Section 106 Agreement. We, therefore, commend the site to you and confirm that it is available, suitable and deliverable.  We trust that you take our comments into account and would welcome the opportunity to discuss the site at Walton Road with Officers. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The District Council is working towards transitional arrangements within the new NPPF and consequently does not need to be prepared in accordance with the New Framework. In relation to housing supply the Local Plan has a housing requirement that exceeds by a significant margin local housing need in South Derbyshire with the surplus contributing to meeting unmet need from Derby.  The District Council will continue to work the Housing Markert Areas as the Councils works towards its Pre-Submission local Plan. |
| 1243182 | Hawksmoor on behalf of I Foster | Hawksmoor | Yes | | We recommend further evidence is presented to demonstrate actual delivery of the proposed allocations STRA1, STRA2 and STRA3, especially on those parts which are not yet subject to planning applications.  Safeguarded land could be identified and detailed, should these sites not come forward at their forecast delivery rate.  Promotion of SHELAA site 235: Land at Tawny Farm, Hilton. | | A Housing Trajectory setting out the expected delivery of the housing sites will be submitted to the Inspector. The District Council does not consider that a safeguarded site is required. The Plan contains Policy Rev1, which is a review mechanism for the Local Plan.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1236582 | JMI Planning | JMI Planning |  | | Promotion of expansion of site H23L for additional 10-12 units | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate |
| 1242408 | Lichfields (on behalf of St Philips Land Ltd) | Lichfields | No | | St Philips does not wish to make any further comments.  Promotion of land at Main Street, Etwall | | Noted.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1242126 | Lichfields on behalf of Goodman UK | Lichfields | Yes | | Summary Goodman supports the ambitions of SDDC’s Draft Local Plan Part 1, which aims to deliver growth in employment, local skills, and support the region’s strategic importance for research and development, manufacturing, and rail freight. Goodman welcomes the inclusion of the EMIP within the Local Plan, and the recognition of its substantial contributions to these goals.  However, the suggested approach to treat the site a “safeguarded” location appears to both underplay the economic role of the EMIP and misinterpret the importance of a site allocation in the DCO consenting process.  Goodman look forward to working with SDDC as the Local Plan is progressed, and would welcome the opportunity to continue discussions regarding the EMIP proposals. | | Noted. See Council response to Question 9. |
| 1242636 | Lichfields on behalf of Lighthouse bp | Lichfields on behalf of Lighthouse bp | Yes | | 1. Introduction to Lightsource 1.1 These representations have been prepared by Lichfields, on behalf of Lightsource bp, in relation to the South Derbyshire Draft Local Plan Part 1 Review (SDDLP Part 1 Review).  1.2 Lightsource bp is a leading global developer of solar and storage projects. Our purpose is to deliver affordable and sustainable power for businesses and communities around the world, with a team of over 1,200 industry specialists, working across 19 global regions. We provide full scope development for our projects, from initial site selection, financing and permitting through to long-term management of projects and power sales to our clients. Lightsource bp has been active in the UK solar market since 2010, with over 2.2GW of projects developed, totalling around 20% of the operational ground-mount solar in the country.  2.0 Context to the Representations  2.1 South Derbyshire District Council (SDDC) has explained the purposes of the Part 1 review which, whilst focusing on housing and employment need / allocations, is also an opportunity to amend (or prepare new) policy that reflects national planning policy. Lightsource bp welcomes this review given that the National Planning Policy Framework (NPPF) has been amended in recent years since the Local Plan was adopted, including in respect of energy policy. Indeed, it is expected that NPPF will be amended further and issued in a matter of weeks.  2.2 In respect of infrastructure development (which includes energy generation and storage), paragraph 5 of the NPPF (December 2023) explains that National Policy Statements (NPS) form part of the overall framework of national planning policy and may be material planning considerations “in preparing plans and making decisions on planning applications”.  2.3 In this regard, it is incumbent upon SDDC, when reviewing its Local Plan, to have regard to, and seek alignment with, both the NPPF and NPS, where its policies relate to the development of infrastructure and energy, as together they represent National Planning Policy.  2.4 The Overarching National Policy Statement for energy (EN-1) and the National Policy Statement for renewable energy infrastructure (EN-3) were last updated and came into force in January 2024.   2.5 It is clear that the generation of sustainable energy is a key consideration for South Derbyshire District Council (SDDC), with the inclusion of Policy SD6 (Sustainable Energy and Power Generation) in the adopted South Derbyshire Local Plan Part 1 (SDLP Part 1). Lightsource bp are encouraged to see the SDDLP Part 1 Review acknowledges the increasing importance of renewable energy in the generation of power within the district. The Derbyshire Spatial Energy Study 2022, which has informed the SDDLP Part 1, also clearly acknowledges the importance of renewable energy generation noting that local authorities within Derbyshire should focus on technologies which offer the greatest generation potential, and which have the greatest unconstrained space for development.  2.6 Notwithstanding this, it is essential that the SDDLP Part 1 Review reflects the current national policy position – both NPPF and NPSs - in its support for renewable and low carbon energy technologies and the approach to assessing their impacts and acceptability. The UK Government recognises the key role renewable energy will play in meeting the 2030 decarbonisation and 2050 net zero targets, as set out within NPS EN-1 and EN-3.  2.7 NPS EN-1 is clear that to meet the decarbonisation and net zero targets, it necessitates a significant amount of new energy infrastructure, both large nationally significant developments and small-scale developments determined at a local level2. . 2.8 NPS EN-1 also acknowledges that electricity meets a significant proportion of England and Wales’ overall energy needs and reliance on it will increase as energy systems transition to meet net zero targets It is, therefore, necessary, to ensure that there is sufficient electricity to always meet demand; with a margin to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events. Additionally, in order to ensure there is sufficient electricity to meet demand, NPS-EN1 acknowledges that new electricity infrastructure will have to be built to replace output from retiring plants and to ensure increased demand can be met.  2.9 EN-3 highlights the constraints facing the deployment of solar developments across the country, particularly constraints on the national and local grid networks. It explains that the capacity of the local grid network to accept the likely output from a proposed solar farm is “critical to the technical and commercial feasibility of a development proposal”5 It then goes on to explain that to maximise existing grid infrastructure, applicants may choose a site based on nearby available grid export capacity6. This is not just the case for solar development and is relevant to all forms of renewable energy and associated infrastructure which require a grid connection, including commercial scale energy storage systems.  2.10 The above is reinforced by the proposed amendments to the NPPF7 2023. It is proposed to amend Paragraph 164, first to establish a clear presumption in favour of the development of all forms of renewable energy, where text is to be introduced to state: 1 The Derbyshire Spatial Energy Study 2022 Page 136 paragraph 8.3 2 Overarching National Policy Statement for Energy (NPS EN-1) Paragraph 2.3.4 3 Overarching National Policy Statement for Energy (NPS EN-1) Paragraph 3.3.1 4Overarching National Policy Statement for Energy (NPS EN-1) Paragraph 3.3.3 5 National Policy Statement for Energy (NPS EN-3) paragraph 2.10.22 6 National Policy Statement for Energy (NPS EN-3) paragraph 2.10.25 7 https://assets.publishing.service.gov.uk/media/66acffddce1fd0da7b593274/NPPF\_with\_footnotes.pdf 33215582v2  “Local Planning authorities should support planning applications for all forms of renewable and low carbon development”.  2.11 Secondly, it is proposed to ensure that the importance of renewable energy generation is given appropriate weight in the planning balance – when decisions are being made as to the benefits of energy developments alongside any residual harmful impacts that may arise. The appropriate weight is set out in the amendments proposed to part a) of paragraph 164, where it states: “a) not require applicants to demonstrate the overall need for renewable or carbon energy, and give significant weight to the proposal’s contribution to renewable energy generation and a net zero future.”   2.12 The clear steer of NPPF is for local planning authorities to afford significant weight in the planning balance, when determining planning applications, and this approach should be reflected within amendments to relevant policies as part of the SDDLP Part 1 Review. | | The District Council will renew its Local Plan Policies to ensure that the plan is aligned to the December 2023 NPPF and the National Planning Statements in regards to renewable energy. |
| 1243634 | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | Lichfields on behalf of St Modwen - Land south of Station St Castle Gresley | Yes | | Introduction 1.1 These representations to South Derbyshire District Council’s (“the Council”) Draft Local Plan Part 1 Review (“DLPP1R”) have been prepared by Lichfields on behalf of St Modwen Homes Ltd (“St Modwen”).  1.2 We focus on the strategic matters that are contained within the DLPP1R consultation document and relate specifically to St Modwen’s land interests at Land south of Station Street, Castle Gresley (“the Site”). A site location plan has been provided in Appendix 1 of these representations.  1.3 St Modwen is seeking to promote the Site to be allocated for residential-led development through the Local Plan Review. Importantly, St Modwen seeks to work constructively with the Council as it progresses towards the submission and adoption of the DLPP1R and trusts that the comments contained within this document will assist officers in this regard. Land south of Station Street, Castle Gresley  1.4 The site falls within the Swadlincote Urban Area Settlement Boundary (as set out within the adopted South Derbyshire Local Plan Part 2), which is identified within the DLPP1R as ranking first in the settlement hierarchy as an ‘Urban Area’. It is bounded by residential development to the north and west, a railway line to the south and hedgerows and trees to the east. As a sustainable, unconstrained site, it offers an ideal opportunity for the delivery of a high-quality residential development.  1.5 The site could deliver approximately 110 dwellings and is sustainably located, with a number of services and amenities within walking distance. St George’s C of E primary school is located approximately 1.3 km from the site, whilst the Gresleydale Health Care Centre is within ten minutes walking distance. A Sainsbury’s Local, Fish and Chip Shop, Pharmacy and Indian Restaurant are also located within a seven-minute walk of the site. Additionally, the Drum and Monkey Pub is located in close proximity on Station Street. There is also public open space located adjacent to the site which could be enhanced as part of the delivery of new residential development.  1.6 The site is located within easy walking distance of public transport links. The nearest bus stops are located along Castle Road, and provide frequent services to Burton upon Trent, Overseal and Newhall. The site also falls within close proximity of land safeguarded for a potential new railway station at Castle Gresley (see draft policy INF2: Sustainable Travel).  1.7 As part of the DLPP1R process, the Council has undertaken a Call for Sites exercise. The Site was submitted to the Council for consideration through the Council’s Strategic Housing and Economic Land Availability Assessment [SHELAA] and has been partially assessed through the Council’s SHELAA under site reference 133.  1.8 The site falls within Flood Zone 1 (according to the EA’s flood map for planning) and is not subject to any environmental or heritage designations (albeit HER MDR7072 ridge and furrow falls within the site). The SHELAA assessment notes that the Derbyshire County Council Landscape Architect identified a “low landscape constraint”, as well as finding that the site does not contain any Best and Most Versatile (BMV) agricultural land. Importantly, the SHELAA considered that the site was “available, achievable, and suitable” and would be developable.  1.9 As a National housebuilder, with recent experience of building within South Derbyshire, the Council can be confident that the Site could be delivered in the timescales envisaged and could begin delivering in the first half of the Local Plan period, subject to securing the necessary approvals. This further demonstrates the deliverability of the site.  Structure  1.10 These representations are structured around the sections set out in the DLPP1R and relate specifically to St Modwen’s Site. In particular, St Modwen has responded to the below Vision and Objectives, and policies: • Vision and Objectives; • Policy S1: Sustainable Growth Strategy; • Policy S4: Housing Strategy; • Policy S6: Sustainable Access; • Policy H1: Settlement Hierarchy; • Policy H20: Housing Balance & Custom/Self-build; • Policy H21: Affordable Housing; • Policy H22: Gypsies and Travellers and for Travelling Showpeople; • Policy INF1: Infrastructure and Developer Contributions; and • Policy INF2: Sustainable Transport.   Land south of Station Street, Castle Gresley 4.28 As set out in Section 1.0 of these representations, St Modwen is promoting Land south of Station Street, Castle Gresley for residential development. The site is sustainably located, falling within the Swadlincote Urban Area Settlement Boundary.  4.29 It is bounded by residential development to the north and west, a railway line to the south and hedgerows and trees to the east. The site could deliver approximately 110 dwellings and is a viable, sustainable location next to direct residential growth. A range of services and amenities fall within walking distance of the site including a Sainsbury’s Local, Fish and Chip Shop, Pharmacy and Indian Restaurant. St George’s C of E primary school is located approximately 1.3 km from the site, whilst the Gresleydale Health Care Centre is within ten minutes walking distance.  4.30 The site is located within easy walking distance of public transport links. The nearest bus stops are located along Castle Road, and provide frequent services to Burton upon Trent, Overseal and Newhall. The site also falls within close proximity of land safeguarded for a potential new railway station at Castle Gresley (draft policy INF2: Sustainable Travel).  4.31 As a part of the DLPP1R process, the Council has also undertaken a Call for Sites exercise. The Site was submitted to the Council for consideration through the Council’s Strategic Housing and Economic Land Availability Assessment [SHELAA] and has been partially assessed through the Council’s SHELAA under site reference 133. Importantly, the SHELAA considered that the site was ‘available, achievable, and suitable’ and would be developable.  4.32 In addition to this, as a National housebuilder, with recent experience of building within South Derbyshire, the Council can be confident that the Site could be delivered in the timescales envisaged and could begin delivering in the first half of the Local Plan period, subject to securing the necessary approvals. This further demonstrates the deliverability of the site  12.0 Conclusion 12.1 In conclusion, St Modwen strongly believes that the Land south of Station Street, Castle Gresley offers the opportunity to deliver a high-quality residential development at one of the most sustainable locations for growth within the District. The site falls within the Swadlincote Urban Area (as set out within the adopted South Derbyshire Local Plan Part 2), which is identified within the DLPP1R as ranking first in the settlement hierarchy and is therefore an ideal location for growth.  12.2 The site is within single ownership and could deliver approximately 110 dwellings. It is sustainably located, with many services and amenities within walking distance. St George’s C of E primary school is located approximately 1.3 km from the site, whilst the Gresleydale Health Care Centre is within a ten-minute walking distance. A Sainsbury’s Local, Fish and Chip Shop, Pharmacy and Restaurant are also located within a seven-minute walk of the site. Additionally, the Drum and Monkey Pub is located in close proximity on Station Street. There is also public open space located adjacent to the site which could be enhanced and improved as part of the delivery of a new residential development.  12.3 The site is also located within easy walking distance of public transport links. The nearest bus stops are located along Castle Road, and provide frequent services to Burton upon Trent, Overseal and Newhall. The site also falls within close proximity of land safeguarded for a potential new railway station at Castle Gresley (draft policy INF2: Sustainable Travel).  12.4 The Site was submitted to the Council for consideration through the Council’s Strategic Housing and Economic Land Availability Assessment [SHELAA] and has been assessed through the Council’s SHELAA under site reference 133. Importantly, the SHELAA considered that the site was ‘suitable, available and achievable’ and would be developable. As a sustainable, unconstrained site, it offers an ideal opportunity for the delivery of a residential development.  12.5 In addition to this, as a National housebuilder, the Council can be confident that the Site could be delivered in the timescales envisaged and could begin delivering in the first half of Local Plan period, subject to securing the necessary approvals. St Modwen would therefore strongly urge the Council to consider the Land at Castle Gresley for allocation within the DLPP1R.  12.6 In summary, the site has the potential to deliver a high-quality residential development of approximately 110 dwellings. It is located within the Swadlincote Urban Area, which ranks first in the settlement hierarchy and is therefore an ideal location for growth. The sites’ location means that it is in close proximity to public transport services, public open space, and services such as restaurants, schools and health facilities. Overall, the site represents a viable, attractive location for residential development and would facilitate the delivery of much-needed market and affordable housing within South Derbyshire. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1242632 | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | Lichfields on behalf of St Modwen (Egginton Rd Hilton) | Yes | | These representations to South Derbyshire District Council’s (“the Council”) Draft Local Plan Part 1 Review (“DLPP1R”) have been prepared by Lichfields on behalf of St Modwen Homes Ltd (“St Modwen”).  1.2 We focus on the strategic matters that are contained within the DLPP1R consultation document and relate specifically to St Modwen’s land interests at Land north of Egginton Road, Hilton (“the Site”) – A Vision Document is appended to these representations (Appendix 1). St Modwen is seeking to promote the Site to be allocated for residential-led development through the Local Plan Review.  1.3 Importantly, St Modwen seeks to work constructively with the Council as it progresses towards the submission and adoption of the DLPP1R and trusts that the comments contained within this document will assist officers in this regard.  Land north of Egginton Road, Hilton  1.4 The Site is located on the northeastern extent of Hilton, adjoining the existing settlement boundary and the Derby Southern Bypass, further north-east is the settlement of Etwall The immediate surrounding area to the southwest and west of the site is characterised by residential development. To the northeast and south is agricultural land.  1.5 The Site is located on the edge of Hilton, a Key Service Village, with strategic access to transportation (bus links), local services, amenities, and key regional employment hubs. As a sustainable, unconstrained site, it offers an ideal opportunity for a logical urban extension of Hilton.  1.6 As a part of the DLPP1R process, the Council has also undertaken a Call for Sites exercise. The Site was submitted to the Council for consideration through the Council’s Strategic Housing and Economic Land Availability Assessment [SHELAA] and has been assessed through the Council’s SHELAA under site reference 163. Importantly, the SHELAA considered that the site was ‘suitable, available and achievable’ and would be developable.  1.7 A Vision Document (Appendix 1) has been prepared in support of these representations that demonstrates that the Site presents an excellent, logical and sustainable location to deliver up to 800 dwellings including affordable homes and potential custom/self build, and additional elderly care, subject to market and housing needs. The residential development would be responsive to its surroundings and would be set within a comprehensive network of public open spaces and would provide connectivity through the Site south-west to Hilton and north-east to Etwall, via the existing Greenway situated to the east of the site, encouraging sustainable travel,  1.8 To this end, the Vision Document envisages that the development proposals would include:1 A community of up to approximately 800 dwellings including affordable homes and potential custom/self build, and additional elderly care, subject to market and housing needs;  2 Primary vehicle access from Egginton Road, with pedestrian and emergency access from Lucas Lane; South Derbyshire's Draft Local Plan Part 1 Review : Representations on behalf of St Modwen Homes Ltd  3 A network of footpaths and cycleways connecting the development to Hilton’s key services and linking to the Hilton-Etwall cycle path, situated to the east of the site;  4 Substantial public open spaces and green corridors across the site helping to maintain and enhance existing trees, hedgerows, and the Local Wildlife Site, and including landscape buffers to manage noise impacts from the A50; and  5 Potential Local Centre, where market need exists, providing a suitable mix of retail and community uses.  1.9 The Vision for this site is predicated upon evidence that ensures that there are no environmental or technical constraints to the development of this Site. The conceptual masterplan which illustrates the vision for the Site has sought to address the potential for impacts to arise.  1.10 In addition to this, as a National housebuilder, with recent experience of building within the Borough, the Council can be confident that the Site could be delivered in the timescales envisaged and could begin delivering in the first half of the Local Plan period. This further demonstrates the deliverability of the Site.  Land north of Egginton Road, Hilton  4.14 As set out in Section 1.0 of these representations, St Modwen is promoting Land north of Egginton Road, Hilton for residential development. The site, encompassing an area of 50.57 hectares [ha], is formed of a series of irregular parcels of greenfield land that are currently agricultural land. The site's parcels are separated by hedgerows and tree belts of varying density and quality.  4.15 The Site is located on the northeastern extent of Hilton, adjoining the existing settlement boundary and the Derby Southern Bypass, Etwall is located to the north-east. The immediate surrounding area to the southwest and west of the site is characterised by residential development. To the northeast and south is agricultural land.  4.16 The Site is located on the edge of Hilton, a Key Service Village, with strategic access to transportation (bus links), local services, amenities, and key regional employment hubs. As a sustainable, unconstrained site, it offers an ideal opportunity for a logical urban extension of Hilton.   4.17 As a part of the DLPP1R process, the Council has also undertaken a Call for Sites exercise. The site was submitted to the Council for consideration through the Council’s Strategic Housing and Economic Land Availability Assessment [SHELAA] and has been assessed through the Council’s SHELAA under site reference 163. Importantly, the SHELAA considered that the site was ‘suitable, available and achievable’ and would be developable. It was also identified within a parcel of land identified in the Growth Study as the Hilton northern expansion under reference D1 and was considered a “Suitable Area for Strategic Growth”.  Development Potential  4.18 The NPPF emphasises that the supply of large numbers of new homes can often be best achieved through planning for larger-scale development, such as significant extensions to existing villages and towns, provided they are well-located and designed, and supported by the necessary infrastructure and facilities (Para 74). It is also important that developments are focused on locations that are or can be made sustainable, by limiting the need to travel and offering a genuine choice of transport modes (Paragraph 109).  4.19 In this context, and the emerging need for further sites within South Derbyshire identified above, the Site lends itself well to achieving these objectives. The Site offers the opportunity to achieve a medium-sized green infrastructure-led urban extension, on the north-eastern edge of Hilton, one of the most sustainable locations for growth within the District. The Site could provide approximately 28ha of residential development, supporting delivery of up to 800 dwellings including affordable homes and potential custom/self build, and additional elderly care, subject to market and housing needs with the remaining 23 ha of the Site delivered as green infrastructure.  4.20 A Vision Document (Appendix 1) has been prepared in support of these representations that demonstrates that the Site presents an excellent, logical and sustainable location and that the residential development would be responsive to its surroundings and would be set within a comprehensive network of public open spaces and would provide connectivity through the Site to Hilton and Etwall to encourage sustainable travel.  4.21 To this end, the Vision Document envisages that the development proposals would include: 1 A community of up to 800 dwellings including affordable homes and potential custom/self build, and additional elderly care, subject to market and housing needs; 2 Primary vehicle access from Egginton Road, with pedestrian and emergency access from Lucas Lane; 3 A network of footpaths and cycleways connecting the development to Hilton’s key services and linking to the Hilton-Etwall cycle path, situated to the east of the site; 4 Substantial public open spaces and green corridors across the site helping to maintain and enhance existing trees, hedgerows, and the Local Wildlife Site, and including landscape buffers to manage noise impacts from the A50; and 5 Potential Local Centre, where market need exists, providing a suitable mix of retail and community uses.  4.22 The Council will also be aware of the importance of demonstrating the deliverability of all sites that are proposed for allocation when the DLPP1R is examined for soundness. The Vision for this Site is predicated upon evidence that ensures that there are no environmental or technical constraints to the development of this Site. The conceptual masterplan which illustrates the vision for the Site has sought to address the potential for impacts to arise.   4.23 This includes ensuring that the Site would maintain and enhance, where possible, the existing network of trees and hedgerows and LWS within the Site and incorporating appropriate ‘buffers’ to protect residential amenity (e.g. from traffic-related noise generated). In addition to this, subject to the outcomes of the Council’s full Viability Study, and in the absence of any known constraints on site which may otherwise equate to abnormal costs for development, it is anticipated that affordable housing would be delivered on the Site.  4.24 Ultimately, there are no known issues that may otherwise impact the financial viability of developing the site and, assuming the DLPP1R is adopted in 2026, it is envisaged that housing could be delivered as early as 2031. Importantly, the site could begin delivering within the first 5 years of the plan period, thereby forming part of the District’s required housing land supply.  4.25 The Site represents an attractive and viable location for residential development and will facilitate the delivery of much-needed market and affordable housing in the area, alongside improvements to Hilton’s services and facilities. It also has the opportunity to link into existing connections to the Hilton Depot, and beyond to the Mease Primary School, alongside wider access to the public open space provided as a part of the Hilton Depot development.   4.26 The delivery of the Site will also enable the Council to align economic growth ambitions with housing needs to ensure there is sufficient housing for the future workforce and support the provision of housing in a sustainable location, which can easily access new and existing employment opportunities through sustainable transport modes. In addition, colocating residential development in close proximity to new regional employment opportunities will also serve to discourage unsustainable patterns of commuting – directly aligning with draft Policy S6.  4.27 In addition to this, as a National housebuilder, the Council can be confident that the Site could be delivered in the timescales envisaged and could begin delivering in the first half of the DLPP1R period, as the Site is within single ownership and being promoted for development by St Modwen Homes. This further demonstrates the deliverability of the Site | | Noted.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243594 | Marrons on behalf of 2012 Partnership Homes Ltd | Marrons on behalf of 2012 Partnership Homes Ltd | Yes | | 1. INTRODUCTION 1.1 BACKGROUND 1.1.1 These representations have been prepared by Marrons on behalf of 2012 Partnership Homes Ltd to comment on the soundness and legal compliance of the South Derbyshire Local Plan Part 1 Review Regulation 18 Consultation.  1.2 Land off Etwall Road, Willington 1.2.1 2012 Partnership Homes Ltd is promoting Land off Etwall Road, Willington for residential and commercial development.  1.3 STRUCTURE OF REPRESENTATIONS 1.2.2 Our representations raise matters in relation to the substantive content of the emerging Local Plan drawing on elements of the evidence base where appropriate and have been broadly structured as follows: · Scope of the Plan, Vision and Objectives · Housing Requirement · Spatial Strategy · Land off Etwall Road, Willington  5. Land off Etwall Road, Willington 5.1 OVERVIEW 5.1.1 This response is prepared on behalf of 2012 Partnership Homes Ltd, with regards to their land interest at Land off Etwall Road, Willington.  5.1.2 This Site has previously been promoted through the Local Plan process, most recently the Strategic Housing and Economic Land Availability Assessment (SHELAA) in April 2024. The Site is shown on the extract below and has been assigned SHELAA reference number 35.  Figure 1 Extract from SHELAA Mapping  5.2 SITE AND CONTEXT 5.2.1 Situated on the edge of the village of Willington, this Site is a logical and appropriate site for residential development, capable of accommodating 145 dwellings across the southern part of the 17.53ha site. Meanwhile, the northern section is a logical and appropriate site for commercial development, as it would effectively be an extension of the existing commercial uses at the adjacent Burton Services.  5.2.2 With Willington being a Key Service Village, served by a range of local services and facilities, it is well placed to contribute a fair apportionment of housing need. Effectively a second tier settlement, the Council’s Settlement Hierarchy Topic Paper states that Key Service Villages are usually large villages containing a wide range of services and facilities. To qualify they must have a bus service and a convenience store, as well as at least seven other services. They are considered to be the most sustainable locations for development outside of urban areas.  5.2.3 A review of local services indicates that the village is served by the V3 bus to Burton on Trent, Repton and Derby, as well as the 218 service to Etwall and Littleover. The village also benefits from the following amenities within the settlement (distance from southern boundary of Site given in brackets): · Willington Primary School (700m); · Willington Wetlands Nature Reserve (700m); · ‘Little Park’ and ‘Tiny Park’ (600m); · Doctors Surgery and Pharmacy (600m); · Saint Michael's Church (600m); · Veterinary surgery (600m); · Twyford Road football pitches, Bowls Club and tennis courts (500m); · Co-Operative food store (400m); · Village hall (400m); · Restaurants/takeaways (300m); · Post Office (300m); · Hairdressers (300m); · Train station (300m); · Public houses (200m).  5.2.4 In terms of constraints, there are no conservation areas on or near the Site that the development would impact upon. There is only one Grade II-listed building in proximity of the site, adjacent to the western boundary, being Hill Farmhouse. . It is considered that a landscaping scheme could assist with mitigating impact upon the setting of the asset, alongside a considered site layout that seeks to preserve the agricultural appearance of the immediate surrounding land. The proposed development parcels within the Vision Document (Appendix 1) demonstrates this. There are no public rights of way within the Site, nor are there any protected trees or areas of ecological constraint in the vicinity.  5.2.5 Within the SHELAA, the Derbyshire County Council Landscape Architect identifies the Site as being located within the Lowland Village Farmlands landscape character area. Notwithstanding this, the site is surrounded to three aspects by existing built form, being Burton Services and the Derby Southern Bypass to the north, Mercia Marina to the east, and existing residential development and the train line to the south. There are also isolated examples of built development to the western boundary of the site, being the aforementioned Hill Farmhouse and a group of farm buildings. Electricity pylons and the associated cables also cross the site, which is an urbanising feature.  5.2.6 Flooding is not a point of concern, being entirely within Flood Zone 1.  5.2.7 Willington is closely related to a number of urban areas, including the centre of Derby which lies approximately 8 miles to the NE, Swadlincote which lies approximately 7 miles to the south, and Burton on Trent 5 miles to the SW. All of these towns offer an array of services to be expected from a larger town including employment, shops, schools, healthcare services, and a leisure centre. These settlements are linked by road as well as having bus and train links from Willington. These connections strengthen Willington’s status as a sustainable settlement.  5.2.8 In the most recently published SHELAA, the Site has been considered “available, achievable and suitable” which is reflective of the low level of constraints, single ownership, and sustainable location.  5.2.9 It should be noted that within the SHELAA, the Site was assigned a ‘red’ RAG rating on a limited number of items.  5.2.10 Firstly, a red rating was given for access to healthcare. This is potentially an error, given that the southern boundary of the Site is located approximately 600m from Willington Doctor’s Surgery and Pharmacy, which was constructed in 2013. The surgery and pharmacy is accessible via a metalled pavement, the majority of which is lit.  5.2.11 In respect of a Neighbourhood Equipped Area for Play (NEAP), it is acknowledged that there is not provision within 1000m of the site. There is the potential however to provide a LEAP on site, which will benefit new and existing residents of the village. This is indicated within the Vision Document (Appendix 1) at p.11.  5.2.12 The presence of a power pylon on the site, alongside the associated cable connections, is also acknowledged. However, it is possible to design the layout of the scheme around this, to prevent having to re-route the network or pursue underground connections, as demonstrated at p.11 of the Vision Document (Appendix 1).  5.2.13 It is accepted that the Site is greenfield. We also note that there are no previously developed or brownfield sites put forward in Willington. Any allocation in the village, which will be necessary in consideration of its status as a Key Service Village, will require a small loss of greenfield land. Given that the Site is located on the edge of the settlement and is well served by public transport and local services, there may be potential for densities to be maximised in line with government policy and this could therefore help reduce the need for greater greenfield losses elsewhere in the District.  5.2.14 The SHELAA rates the Site as amber in many categories, including: · Trees and hedgerows · Education provision · Sports pitches/outdoor sports · Public transport · Pedestrian and cycle links · Highways safety · Highways access · Utilities – sewerage · Bad neighbour uses · Contaminated land · Heritage assets · Growth Options Study  5.2.15 Hedgerows and hedgerow trees within the Site will be retained where possible and landscape elements will be integrated into the design of the proposed scheme in order to help assimilate any development into the wider environment. Overall there is a high potential to mitigate any losses to hedgerows and trees, which would also assist with mitigating any harm to the setting of the adjacent Grade II-listed building.  5.2.16 In respect of public transport provision, there is a regular bus service and a train station within easy walking distance to the Site, being approximately 300m away. The latter provides regular services to Nottingham and Birmingham, as well as further afield such as Cardiff, whilst the bus service provides services to Burton on Trent, Repton, Derby, Etwall and Littleover. Owing to this provision being in such close proximity to the Site, we would assert that the RAG rating for public transport should be green.  5.2.17 Overall, the Site is capable of accommodating 145 new homes, of which a proportion would be affordable and approximately 35-45 would be self/custom-build plots. The required 10% Biodiversity Net Gain can be met on Site. The Site is sustainably located with a range of services available within walking distance, including retail and primary education, and there are public transport links to higher order settlements including Derby, Swadlincote and Burton on Trent.  6. CONCLUSION 6.1 THE HOUSING REQUIREMENT  6.1.1 The Draft Plan's proposed housing requirement is unsound, as it lacks adequate justification from the evidence base and fails to fully address Derby’s unmet housing needs. Additionally, the plan has been set over an unreasonably short timeframe. Derby’s urban housing capacity has been significantly overestimated, with no rigorous audit of the sites expected to deliver housing within the city. Nevertheless, SDDC and AVBC have based their emerging Plans on this incomplete and flawed data, which, as of this writing, remains to be published fully. This approach risks an HMA-wide housing shortfall, undermining both the soundness of the Draft Plan and the Duty to Cooperate. Moreover, the housing requirement has not been developed with proper regard to the guidelines in the PPG.  6.2 SPATIAL STRATEGY 6.2.1 The Draft Plan’s scope has driven the site selection process. The sites taken forward for allocation on the edge of Derby have not been chosen following a robust, transparent and objective process through the Sustainability Appraisal. The Growth Options Study 2021 and the associated HMA-wide SA have considerable methodological flaws and the ISA has relied upon these to consider only a very limited pool of sites. The result is the Draft Plan fails to justify its overall spatial strategy or the quantity of growth it plans for.  6.2.2 The spatial strategy also fails to consider smaller sites and localised needs resulting in several significant breaches of national planning policy, which can only be rectified through a fundamental re-consideration of the Draft Plan’s strategy.  6.3 LAND OFF ETWALL ROAD, WILLINGTON 5.2.18 Land off Etwall Road, Willington, is capable of accommodating 145 new homes of which a proportion would be affordable and approximately 35-45 would be self/custom-build plots. The required 10% Biodiversity Net Gain can be met on Site. The Site is sustainably located with a range of services available within walking distance, including retail and primary education, and there are public transport links to higher order settlements including Derby, Swadlincote and Burton on Trent. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  See Council Responses to Question 3 and 4 |
| 1243636 | Marrons on behalf of Ainscough Strategic Land | Marrons on behalf of Ainscough Strategic Land | Yes | | 1. INTRODUCTION 1.1 BACKGROUND 1.1.1 These representations have been prepared by Marrons on behalf of Ainscough Strategic Land (hereafter “Ainscough”) to comment on the soundness and legal compliance of the South Derbyshire Local Plan Part 1 Review Regulation 18 Consultation.  1.2 LAND AT HALL PASTURES FARM, LITTLEOVER 1.2.1 Ainscough Strategic Land is promoting Land at Hall Pastures Farm, Littleover for residential development. This site has previously been promoted through the SHELAA an Local Plan process. Further discussion will follow later in this representation.  1.3 STRUCTURE OF REPRESENTATIONS 1.2.2 Our representations raise matters in relation to the substantive content of the emerging Local Plan drawing on elements of the evidence base where appropriate and have been broadly structured as follows: • Scope of the Plan, Vision and Objectives • Housing Requirement • Spatial Strategy • Land at Hall Pastures Farm, Littleover.  2. SCOPE, VISION AND OBJECTIVES 2.1 PLAN PERIOD 2.1.1 The Draft Plan sets out a growth strategy for South Derbyshire between 2022 and 2039. The National Planning Policy Framework (NPPF) (December 2023) requires strategic policies to look a minimum of 15 years beyond adoption (paragraph 22). Paragraph 1.38 of the Draft Plan anticipates adoption by the end of 2025. As the end date of the Plan should be calculated from the first full monitoring year following adoption, the Council’s timeline indicates that the Draft Plan should extend to March 31, 2041 as a minimum based on the current anticipated timescales.  2.1.2 Given that the Draft Plan is only at Regulation 18 stage and the likely need to update its content given the impending changes to the NPPF, it is highly unlikely that adoption will occur by the end of 2025. A more realistic estimate would be end of 2026 and this would, following the advice of the NPPF, require the plan period to extend to March 31, 2042. Adjusting the plan period accordingly would require an additional two years’ worth of housing supply.  2.1.3 The Plan period underpinning the Draft Plan, which runs only to 2039, is not compliant with paragraph 22 of the NPPF.  2.2 SCOPE OF THE PLAN 2.2.1 Paragraph 1.6 of the Draft Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow after adoption of the Part 1 Partial Review. Further, paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby’s urban fringe: Infinity Garden Village and the Land to the South of Mickleover.  2.2.2 Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates.  2.2.3 The most recent LDS available for South Derbyshire covers the period 2022 to 2025. Inter alia, the LDS sets out that the Joint Advisory Board for the Derby Housing Market Area (HMA) agreed a minimum Plan period of 15 years and that most of the policies of the Local Plan Part 2 for South Derbyshire will be reviewed alongside the Part 2 Local Plan and subsumed into a new Local Plan. In addition, it is stated the new Part 1 Plan will provide a long-term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”  2.2.4 As set out above, the form of the Plan currently consulted on clashes with the most recently adopted LDS. It does not provide for the minimum Plan period of 15 years nor does it review the adopted Part 2 Local Plan, which is carried forward in its entirety. Most importantly, the Plan now published for consultation fails to provide a long-term vision for the spatial development of the District as a whole. In short, what has been published in the form of the emerging Plan as a partial review to address unmet needs from Derby only and on the edge of Derby only, is not in compliance with the most recent LDS.  2.2.5 The purpose of the LDS is to create some degree of certainty for the public, stakeholders and the development industry over the timescales and scope of plan preparation. Here the LDS has not been followed nor has it been updated and published as it should have been to reflect a drastically altered scope from the publication of the most recent LDS.  2.2.6 Paragraph 1.13 of the Draft Plan which states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  2.2.7 The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period. The Draft Plan’s accompanying Interim Sustainability Appraisal acknowledges that as a result of forthcoming national policy changes, the number of homes required for South Derbyshire are likely to increase as a result of changes to the Standard Method for calculating local housing need and that the Plan will need to take account of these changes.  2.2.8 The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development.  5. LAND AT HALL PASTURES FARM, LITTLEOVER 5.1.1 This 39 hectare site, known as Land at Hall Pastures Farm, Littleover, offers a sustainable location to accommodate an urban extension to the edge of Derby City to meet South Derbyshire’s own housing need and to meet any unmet need arising from within Derby City. The Site is capable of delivering circa 960 dwellings, applying a gross to net development ratio of 65%, and a density of 37.89 dwellings per hectare, as appropriate for its urban edge location. The Site is promoted alongside neighbouring land parcels and the respective promoters and developers are aligned in their aspirations for the wider land parcel.  5.1.2 The Site is located south of the built form of the Highfields Farm allocation (Policy H12) and consists of a number of agricultural fields and farm complex. The Site’s northern boundary aligns with the administration boundary of Derby City. Due to the Site’s location, as displayed in Appendix 1, it will help deliver phase 2 of the proposed South Derbyshire Integrated Transport Link (SDITL) which is identified as a key piece of strategic highways infrastructure in the adopted Local Plan Part 1 (Policy INF4) and the accompanying policies maps.  5.1.3 In particular we note that the Council’s Part 1 Local Plan states “the Council will work in partnership with Derbyshire County Council, Derby City Council developers and other organisations to deliver these schemes”, before further stating that “the South Derby Integrated Transport Link Phase 2 would connect the A38 Junction at Rykneld Road with Phase 1. Together phases 1 and 2 would provide a complete highway connection between the A38 and A50, Although Transport modelling indicates Phase 2 will not be required to mitigate traffic Impacts of the proposed new development within the Plan Period, the indicative alignment is protected to serve any future growth in travel demand which cannot be satisfactorily mitigated by other means”  5.1.4 Ainscough Strategic Land considers that the delivery of a sustainable urban extension south of the Highfields Farm allocation (Policy H12) provides an opportunity for developers and public bodies to work collaboratively to deliver this key piece of strategic highways infrastructure.  5.1.5 Presently we expect the strategic route to comprise a 7.3m wide carriageway road, at least one 5m wide footway/cycleway (aligned with LTN 1/20) and at least one 7m wide swale to address surface water runoff. We also expect that any new highway will need to provide a strong boundary to contain development to the north and act to restrict the further sprawl of development contiguous with Derby City to the south. We therefore expect any new built development delivered as part of a new Sustainable Urban extension to be contained within land north of the new link road.  5.1.6 It is also worth emphasising that the delivery of a new link road south of Derby City could open up additional land in the City itself which could help Derby City meet a greater proportion of its own housing need by providing an alternative access route into land to the east of Moorways Lane and sustainability improvements to the surrounding area through new and improved services and facilities. Put simply the SDITL could help Derby City to maximise its own housing delivery within its boundary in this location.  5.1.7 The scale of development at the site which will facilitate the strategic link road is also expected to deliver new facilities including education, health and sports provision as required, or in collaboration with adjoining landowners, and will look to ensure and improve connectivity to existing facilities where achievable.  5.1.8 Within the most recent SHELAA Assessment, the Site was referenced as Site 134. Therein, the Site was considered to be achievable and available, and suitable for development. It was however noted that a safe and suitable access to the Site would need to be achieved and flood risk related constrains would need to be overcome.  5.1.9 With reference to the SHELAA “RAG” ratings, the Site scored a green rating for the following areas; not containing protected sites; not being within the Green Belt; there being no records of highways incidents in the vicinity; not being located within a minerals safeguarding area; not being considered to have an impact on Air Quality Management Areas; less than 5% of the Site being at risk from flooding; and having a mainly flat topography. Ainscough would agree with these ratings and report that the situation remains unchanged in those respects in the intervening period since the assessment was made.  5.1.10 There were some areas which the assessment scored amber, indicating that there may be some factors of slight concern but that mitigation should be possible. On the whole we agree with these assessments.  5.1.11 However, we would assert that the ability to discuss the need for, and provision of, additional services within the scheme offers the opportunity for ‘Green’ scores for Retail, Education, Employment and Sports Pitch provision, as well as in relation to Health Facilities and availability of Local Park and play areas. The SHELAA recognises the ability of the site to mitigate the existing position albeit this is caveated with the need for further discussions with statutory bodies. In this regard, we would welcome further dialogue with both the District and the City Council to understand how best to address wider infrastructure needs in this area.  5.1.12 We agree that there are very few environmental constraints in this area. There are no landscape designations or environmental designations in the vicinity of our client’s Site that would restrict deliverability. The SHELAA identifies a number of Tree Preservation Order (TPOs) along the western boundary with Bakeacre Lane it is considered that these will be retained and integrated into the site design where possible. Similarly, the existing trees and hedgerows would also retained wherever practicable in order to help assimilate any proposed development into the wider environment and reduce the environmental/ecological impact of development.  5.1.13 The SHELAA notes that there is potential to cause harm to heritage but clarifies that measures are available to fully or substantially mitigate the harmful effects. We agree with this assessment. There are no listed buildings within the local vicinity of the site and significant mitigation through green planting and site design measures can be implemented to reduce and remove any potential heritage impacts across the wider area.  5.1.14 It is acknowledged that the northern part of the site is located within an existing flood plain and as such the site would be appropriately designed to locate development away from areas of high flood risk, or incorporate an appropriate flood alleviation scheme designed to reduce risk. A sustainable drainage strategy would be prepared to demonstrate the acceptability of any proposed development across the site.  5.1.15 The necessary water and electricity infrastructure to support strategic development is capable of being delivered alongside development and providers network operators with the certainty to plan for the further reinforcement of local infrastructure. We do not consider that the lack of current provision to be a major issue.  5.1.16 Whilst we acknowledge that development would lead to the loss of greenfield land, South Derbyshire, as a rural district, does not have significant areas of previously developed land available to accommodate new growth. For context, it is noted that just 13% of housing was delivered on previously developed land in 2020-211. However a review of the strategic level agricultural land quality maps indicate that agricultural land quality in the vicinity of the Site is likely to comprise of grade 3 land rather than higher quality grade 1 or 2 land. Moreover, the development of land on the edge of a large urban area such as Derby City will allow site density to be maximised in line with government policy and could therefore help reduce the need for greater losses elsewhere in the District including in locations with higher quality agricultural land.  5.1.17 Finally, as well as our clients site being located in an otherwise sustainable location on the edge of Derby City it is also well located to address future housing needs related to large scale economic growth proposed in the District. The site is located less than 4km from the East Midland Intermodal Park (EMIP) which is part of the East Midlands Freeport. The EMIP site is located off the A38/A50 (Burnaston Interchange) and the SDITL and A38 will provide a direct route to this very large scale site which once built will provide a strategic rail freight interchange serving 5.2million square feet of state-of-the-art manufacturing and distribution space2 . 5.1.18 Clearly economic development at this scale will need to be balanced by significant housing growth close to the EMIP site to provide the local labour force needed. The Freeport site is surrounded by a number of mostly small scale key service villages that are relatively sustainable although it is unlikely that these could grow to the extent required to address local labour force needs without their character being adversely affected. The Hall Pastures Farm site and the wider land south of Littleover area provide opportunities to deliver a new large scale community to address local labour force needs close to the EMIP Site whilst protecting the rural character of surrounding settlements. 1 Monitoring | South Derbyshire District Council 2 East Midlands Intermodal Park (EMIP) | East Midlands Freeport (emfreeport.com)  6. CONCLUSION  6.3 LAND AT HALL PASTURES FARM, LITTLEOVER 6.3.1 The development of land at Hall Pastures Farm provides the opportunity, alongside the adjoining land and the respective promoters and developers, to bring forward the delivery of the Phase 2 South Derbyshire Integrated Transport Link. This is a key piece of highways infrastructure which is supported by both South Derbyshire District Council and Derby City Council through their Adopted Part 1 Local Plans. The SDITL phase 2 would provide a strategic highways connection from the Findern Interchange and would run eastwards towards Wragley Way where it would connect to the Phase 1 SDITL which itself connects into the recently delivered T12 transport Link (now known as Infinity Park Way). The route would also sit within the wider transport infrastructure being delivered on the Southern edge of Derby City including the new junction on to the A50(T) proposed south of Sinfin to serve the Infinity Garden Village and Wragley Way developments. Richborough welcome dialogue with the District, City and County Council regarding the SDITL route as the Local Plan continues to progress.  6.3.2 Reflecting on the Site itself, there are no significant historical designations located on the Site. With the exception of a number of TPOs the site is unconstrained from environmental designations. These features, alongside the hedgerows and boundary trees can be integrated into the site design to maximise landscape and biodiversity improvements. Furthermore, given the highways works proposed there are no significant technical issues which would make this Site unsuitable for development in planning terms.  6.3.3 The Site will contribute to the delivery of a key piece of strategic infrastructure in regards the SDITL but also provides an opportunity to safeguard and thereby ensure the delivery of train station in the vicinity of the site in line with the aspirations within the adopted Local Plan and therefore improve transport facilities and local connections in the long term.  6.3.4 The Site is therefore considered to be a deliverable housing allocation, is available, suitable and should be taken forward as an allocation in the local plan. Notwithstanding our significant concerns with those sites which have been allocated in the draft plan, even if they are brought forward, this Site will still be required to meet the housing requirement over the Plan Period. The Site will contribute towards a five year supply in future and we respectfully request that Land at Hall Pastures Farm be identified as a housing allocation in the emerging South Derbyshire Local Plan. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  See Council Responses to Question 3 and 4.  The Council will consider whether the plan period should be amended.  The Local Development Scheme will be updated prior to submission.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption. |
| 1243653 | Marrons on behalf of Brackley Properties (Burnaston Cross) | Marrons on behalf of Brackley Properties (Burnaston Cross) | Yes | | 1. INTRODUCTION 1.1 BACKGROUND 1.1.1 These representations have been prepared by Marrons on behalf of Brackley Property Developments (hereafter “Brackley”) to comment on the soundness and legal compliance of the South Derbyshire Local Plan Part 1 Review Regulation 18 Consultation.  1.2 ACCESS 50 (FORMERLY KNOWN AS BURNASTON CROSS), WILLINGTON. 1.2.1 Brackley is promoting Access 50 (the Land formerly known as Burnaston Cross), Etwall Road, Willington (“the Site”) for up to 100,000 sq m of commercial floor space within uses B2 (General Industrial) and B8 (Storage and Distribution) with ancillary offices alongside associated landscaping, surface drainage infrastructure and access works.  1.2.2 An outline planning application was submitted in 2019 under Local Planning Authority reference DMPA/2019/0948, which has been held in abeyance following positive discussions with officers in respect of a potential allocation of the Site in the forthcoming Plan review. Unfortunately, despite the Site’s clear merits, the emerging local plan does not propose an allocation at the Site.  1.2.3 Out of the portfolio of sites considered in Derby and South Derbyshire, only one site is ranked as “A+,” namely the Land at Access 50 (i.e. the Land formerly known as Brunaston Cross), Etwall Road, Willington. The “A+” rank connotes that the site has no large-scale constraints and that it is well-placed and of a size to meet strategic demand as well as being in developer control. Such sites are deemed within the ELR to be “strong candidates” for allocation within the local plan. Despite the fact that the Land at Access 50 is the strongest performing site out the employment land portfolio within Derby and South Derbyshire (no other site scores A+), the Council has opted not to allocate it in favour of sites which are demonstrably less deliverable and desirable to the market. That decision is not justified by reference to either the SA process or the employment land evidence base and is therefore unsound.  1.3 STRUCTURE OF REPRESENTATIONS 1.2.4 Our representations raise matters in relation to the substantive content of the emerging Plan drawing on elements of the evidence base where appropriate and have been broadly structured as follows: • Scope of the Plan, Vision and Objectives • Employment Land Requirement • Spatial Strategy & Site Selection Process • Land Access 50 (the Land formerly known as Brunaston Cross), Etwall Road, Willington  2. SCOPE, VISION AND OBJECTIVES 2.1 PLAN PERIOD 2.1.1 The Draft Plan sets out a growth strategy for South Derbyshire between 2022 and 2039. Paragraph 22 National Planning Policy Framework (NPPF) (December 2023) requires strategic policies to look a minimum of 15 years beyond adoption. Paragraph 1.38 of the Draft Plan anticipates adoption by the end of 2025. As the end date of the Plan should be calculated from the first full monitoring year following adoption, the Council’s timeline indicates that the Draft Plan should extend to March 31, 2041 as a minimum based upon its current anticipated timescales.  2.1.2 Notwithstanding the above, that the Draft Plan is only at Regulation 18 stage and the likely need to update its content given the impending changes to the NPPF, it is highly improbable that adoption will occur by the end of 2025. A more realistic estimate would be end of 2026 and this would (following the advice of the NPPF) require the plan period to extend to March 31, 2042.  2.1.3 The Plan period underpinning the Draft Plan, which runs only to 2039 is not compliant with paragraph 22 of the NPPF. It is therefore unsound for want of compliance with national policy.  2.2 SCOPE OF THE PLAN 2.2.1 Paragraph 1.6 of the Draft Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow after adoption of the Part 1 Review. Further, Paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby’s urban fringe: Infinity Garden Village and the area south of Mickleover.  2.2.2 Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates. The most recent LDS available for South Derbyshire covers the period 2022 to 2025. Inter alia, the LDS sets out that the Joint Advisory Board for the Derby Housing Market Area (HMA) agreed a minimum plan period of 15 years and that most of the policies of the Local Plan Part 2 for South Derbyshire will be reviewed alongside the Part 2 Local Plan and assimilated into a single, composite local plan. In addition, the LDS states the new Part 1 Plan will provide a long?term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”  2.2.3 As noted above, the Draft Plan currently under consultation conflicts with the most recently adopted LDS. It neither meets the minimum 15-year planning period requirement nor includes a review of the adopted Part 2 Local Plan, which remains unchanged. Most critically, the Plan now published for consultation lacks a long-term vision for the overall spatial development of the entire District and largely only considers sites on the edge of Derby. In summary, the Draft Plan, presented as a partial review to address unmet housing needs solely on the edge of Derby, does not align with the latest LDS. The purpose of the LDS is to create certainty for the public, stakeholders and the development industry over the timescales and scope of plan preparation. Here the LDS has not been followed nor has it been updated to reflect a significantly altered scope from the publication of the most recent LDS.  2.2.4 Paragraph 1.13 of the Draft Plan, which states that its focus will be upon two specific strategic allocations at Derby urban fringe, illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  2.2.5 Although the Draft Plan updates the evidence base for employment land needs and introduces new employment land allocations, it provides no explanation of how these allocations were selected or assessed against reasonable alternatives. A proper and transparent SA process has not been undertaken with regard to employment land, as illustrated below. Instead, the Plan’s narrowly defined and pre-determined scope—limited to addressing Derby’s unmet housing needs through a partial review—is unjustified and has inappropriately influenced decisions on the spatial distribution.  3. EMPLOYMENT LAND REQUIREMENTS & PROVISION 3.1 INTRODUCTION 3.1.1 Draft Policy S5 (Employment Land Need) outlines that a variety of sites will be allocated for industrial and business development to support both the Council’s economic growth strategies and those of the broader sub-region. Additionally, Draft Policy S1, which addresses the Council’s overall growth strategy, emphasises the promotion of sustainable growth to meet objectively assessed needs for both commercial and housing development. Below we consider the overall requirement for employment land and the Draft Plan’s strategy for meeting it in further detail.  3.2 EMPLOYMENT LAND NEEDS 3.2.1 Paragraph 4.96 of the Draft Plan indicates that the Derby and South Derbyshire Employment Land Review (“ELR”) has determined a need for 35.86 hectares of employment land in South Derbyshire through 2039, with an effective supply of 46.09 hectares, resulting in an over?supply of 10.23 hectares. However, the paragraph cites several factors—such as meeting the needs of specific economic sectors, ensuring flexibility, and addressing sub-regional demands— that support the provision of additional employment land. While this recognition is positive, the evidence base lacks any analysis connecting the level of employment growth planned for to objectively assessed needs. The result is an approach that is opaque and unjustified by the evidence.  3.2.2 The ELR has utilised a historic land take-up scenario based on completions between 1991/1992 and 2021/2022, estimating that South Derbyshire has seen 139.98ha gross take-up over that period or an average of 4.52 hectares per year. Adjusted for losses, this lowers to 1.63ha per year, which is then projected forward across the plan period to 2039. A 5 year buffer is then added for flexibility.  3.2.3 Past-take up models are based upon historic trends, but fail to account for the future consequences of economic volatility or long-term structural changes within the economy which have happened recently. They will not, for example, take account of the consequences of recent and unprecedented shifts in the economy or unforeseen events like Brexit or the pandemic, which have considerable effects on employment demand, particularly in logistics and office space. Amongst other things, relying solely on past-take up ignores the potential for rapid change and can result in under-provision for growing sectors and over-provision for shrinking industries. Critically, such an approach also does not recognise the consequences of long-term suppression of demand as a result of limited economic land availability over an extended period of time. The ELR contains clear indicators of suppressed demand in South Derbyshire. For example, the ELR states:  “While there is demand for more industrial and warehouse development, particularly on strategic road corridors like the A50, development is inhibited by rising construction costs and a shortage of readily available employment land.”  3.2.4 Furthermore, market research undertaken within the ELR indicates that there is substantial demand for suitably-located employment land to serve Mid Box and Big Box logistics in good locations with good access to the Strategic Road Network (SRN). It also reports upon indicators of an extremely tight market such as significantly rising rents and the utilisation of poor quality premises. Therefore, a methodology which quantifies needs in terms of what the market has delivered in the past based upon the clear evidence of insufficient land availability to meet demand will have significant limitations. There is also the matter of wider, sub-regional need which the ELR does not appear to consider in any detail other than to note the competition for wider sub-regional demand in other local authority areas. That is in spite of the clear strategic significance of the wider A50 corridor and the role that plan-making could play capitalising upon South Derbyshire’s competitive position, which has not been considered in any substantive way.  3.2.5 The employment land needs modelling within the ELR should build upon historic-take up and demand, adjusting these trends to account for historic supply shortages and the resultant loss in occupier take up. The rationale for taking account for suppressed demand is that when sufficient supply is not available, demand cannot be accommodated. The ELR should also consider future sectoral growth (such as e-commence), which is likely to drive further, specific land demands.  3.2.6 A further limitation of the ELR’s approach is despite the reference within Draft Policy S5 to the Economic Strategies of SDDC and those of the East Midlands Combined Authority, there is no consideration in how these strategies have informed the quantity of employment land required or planned for.  3.2.7 Notwithstanding the above, there is an implicit recognition within the Draft Plan and the ELR that further growth is needed beyond that anticipated by the historic take-up model utilised within the ELR. Hence, Chapter 9 of the ELR considers “further growth opportunities” to meet needs in addition to the “realistic” supply of employment land it identifies. It then goes onto consider 43 relevant sites identified within the SHELAA. Whilst that approach is to be welcomed given the limitations of the ELR’s modelling, it overlooks the critical point that a justified employment land requirement must be based upon robust evidence rather than vague and generalised reasons. Therefore, it is unclear what the Draft Plan’s employment land requirement is, which is reflected in the fact that neither Draft Policy S1 nor S5 set out an employment land requirement and merely refer to making provision for new employment land.  3.2.8 Overall, the employment land requirements for the Plan are unclear and are not based on full and robust evidence. This renders the Draft Plan unsound, for lack of effectives and justification.  3.3 THE SOUNDNESS OF STRATEGIC EMPLOYMENT POLICIES 3.3.1 The omission of a justified employment land requirement makes it impossible to evaluate the Draft Plan’s effectiveness in meeting growth needs, highlighting the need for policy revisions to establish a clear framework for employment growth over the plan period. Furthermore, despite the Plan’s evident preference for integrating employment provision within larger strategic allocations on the Derby fringe, it lacks a clear statement confirming this as the strategy and fails to justify why this approach is appropriate in light of reasonable alternatives.  3.3.2 The most recent iteration of the Sustainability Appraisal is the South Derbyshire Local Plan Sustainability Appraisal Regulation 18 Interim Sustainability Appraisal Report (“ISA”) by SLR. The ISA identifies for strategic sites on the edge of Derby as “reasonable alternatives” – Infinity Garden Village (Site 1), Thulston Fields, (Site 2) Land South of Mickleover (Site 3) and South of Littleover (Site 4). Sites 1 and 3 have been selected for allocation and identified in Draft Policies STRA1 and STRA2, respectively. The Former Drakelow Power Station is also mentioned (Draft Policy STRA3), albeit not tested along with the four options above nor in relation to any other site promoted for employment development. Therefore, it is evident that Council has closed its mind to reasonable alternatives which do not involve the above specific strategic site options on the edge of Derby.  3.3.3 Beyond the four identified strategic site options, the Draft Plan offers almost no discussion of other reasonable alternatives for the scale or distribution of growth within South Derbyshire. While there is some reference to broader HMA studies regarding growth options (discussed further below), the ISA does not build on this work to explore and evaluate reasonable alternatives for meeting growth needs within the District beyond these four specific sites. Instead, the ISA relies on the HMA-wide work to justify concentrating growth on the Derby fringe as the most sustainable option, but has not assessed options for commercial development in any substantive way.  3.3.4 Following the commentary in the ISA, which only considers a narrow set of options, the Derby Housing Market Area Growth Options Study (“GOS”) by AECOM has been instrumental in framing the spatial strategy for the Draft Plan and, alongside the accompanying Sustainability Appraisal, has been relied upon to discount virtually every other location in South Derbyshire other than the four sites discussed within the ISA.  3.3.5 The Growth Options Study (GOS) divides the Housing Market Area (HMA) into six assessment areas, analysing these to identify 16 broad areas of search for further consideration in Stage 2. These areas were then categorised as unsuitable, potentially suitable, or suitable based on a more detailed assessment. It is important to note the limitations of the GOS, as outlined in the report. The broad locations identified are limited to areas with a minimum capacity of 1,000 homes, with no thresholds provided for employment or commercial land. The GOS does not specify individual sites or quantify the potential growth each area could support. The main analysis begins by evaluating key constraints within these large HMA assessment areas, which are substantial in scale. Consequently, the findings on constraints and opportunities are highly generalised and are not applicable to individual sites or settlements.  3.3.6 Following this thematic review, data in respect of constraints and proximity to services is combined in a land suitability and proximity map which uses various shades of purple to provide a “land suitability” score. The information is presented at such a high level it is practically impossible to understand the relative performance of individual sites or broad directions of growth around settlements. Following this very high level work, the GOS moves on to discuss the sixteen broad areas of search, but there is limited explanation as to how these have been selected or how the previous stages of analysis informed these choices. The GOS therefore proceeds from a very high level review of the HMA to selecting individual broad areas with very little in the way of context or explanation. Given the unexplained leap in reasoning, the GOS has limited utility in the way of understanding or testing reasonable alternatives. To illustrate this point, at least one of the options considered in the ISA by AECOM (South of Littleover) is not considered in the GOS. If this reasonable alternative to the selected growth strategy has been overlooked, then it begs the question what other potential sites have not been considered and this plainly evidences that the GOS is neither comprehensive, accurate nor sufficiently detailed, and therefore should be given no material weight.  3.3.7 The Derby HMA-wide SA carries forward the GOS and purports to demonstrate that meeting all the District’s housing need on the edge of Derby is the most sustainable option. Whilst we make no comment on that for the purposes of these representations, the HMA-wide SA is clear that it only relates to housing and does not consider employment or commercial land. Given the Council’s strategy has been broadly to co-locate employment with strategic housing allocations on the edge of Derby (though the proposed allocation at the Former Drakelow Power Station is anomalous to this), it is apparent that the strategy for meeting employment needs has not been considered or tested separately from housing options, which is clearly inappropriate. In a nutshell, the employment sites have been determined by the prior determination of the housing sites. There is no evidence that due consideration has been given to identifying the most appropriate location for employment sites. The evident lack of any SA testing whatsoever in respect of the growth strategy for employment as well as the lack of any strategy generally within the Draft Plan means that its approach to employment land is not justified and is plainly unsound.  3.4 THE SITE SELECTION PROCESS 3.4.1 Given the shortcomings in the SA process outlined above, it follows that employment sites have not been selected through a robust and objective framework that compares them with alternative options. However, Chapter 9 of the ELR conducts a comparative assessment of 43 relevant employment sites, based on the Council’s Strategic Housing and Employment Land Availability Assessment (SHELAA). These sites are then ranked according to a set of criteria, with grades ranging from A+ (indicating a site as a "strong candidate for inclusion in the Local Plan to meet strategic needs") to E (indicating a site should "not be allocated").  3.4.2 The 70 hectares of employment land proposed as part of Infinity Garden Village (IGV), located between Sinfin and Chellaston and included in Draft Policy STRA1 (which also encompasses 2,000 new homes, a potential retirement village, and social/green infrastructure), is appraised in the Employment Land Review (ELR) under reference 090/137. The employment component of STRA1 has been assigned a ranking of "A-", meaning that while there are some constraints that raise concerns about deliverability, a path forward remains possible if certain issues are addressed. Specifically, the land at IGV lacks direct access and depends on other land being developed. Therefore, there are clear doubts regarding its deliverability, and it is likely to come forward only towards the end of the plan period, if at all. In relation to the new junction off the A50 upon which delivery of IGV depends, despite the presence of Government funding in the amount of £49.6m granted in October 2021, it is not yet known what impact subsequent dramatic build cost inflation will have on the viability of this project.  3.4.6 The Draft Plan safeguards land for the development of a Strategic Rail Freight Interchange at Egginton Common (also known as East Midlands Intermodal Park). The role of this site in the overall employment land strategy is unclear and the Draft Plan expects this proposal to be progressed as a Nationally Significant Infrastructure Project (NSIP) under the Development Consent Order (DCO) regime. Nonetheless, it is clear that development of this site is an extremely long-term aspiration despite the fact that the concept has been under discussion since at least April 2014. The fact that so much time has passed despite strong market demand in this location with no form of application being made could be reasonably taken as indicating difficulties in bringing the project forward.  3.4.7 Given the urgent and immediate nature of employment land needs in South Derbyshire as evidenced by the ELR, the Council should prioritise immediately deliverable sites rather than selecting ones which face substantial barriers to deliverability. Land at Access 50 is clearly the most deliverable and most market desirable site within South Derbyshire’s commercial land portfolio, as indicated by the Council’s own evidence base, and as such it should be selected for an allocation.  4. LAND AT ACCESS 50 4.1 INTRODUCTION 4.1.1 As set out above, the Marrons is promoting Land at Access 50 on behalf of Brackley Property Investments for approximately 100,000 sq m of commercial floorspace.  4.2 ELR FINDINGS  4.2.1 The ELR concludes that the site has no significant constraints and is a strong candidate for inclusion in the local plan to meet strategic employment needs. In its specific assessment of the site, the ELR identifies no major constraints, aside from some trees and existing farm buildings. Regarding its market suitability, the ELR correctly notes that the site is located immediately south of the A50/A38 corridor, which it has identified as the prime employment corridor within South Derbyshire, particularly for industrial and warehouse development. The numerous enquiries received by marketing agents to date, a recent selection of which have been included in Appendix 1, support these observations. The ELR also highlights the site’s excellent access to the A50/A38 junction via the B5008. Furthermore, as the ELR points out that Brackley, as an experienced developer of commercial property, combined with the pending outline planning application, suggests that the site is well-positioned to be developed swiftly in response to the immediate and acute employment land needs. That is in stark contrast to the employment land currently advanced within the Draft Plan which, as discussed above, all face major barriers to delivery.  4.3 PLANNING MERITS 4.3.1 As part of the preparation for the pending outline planning application for the site, a series of technical studies were conducted. The Site is located in a highly sustainable area, with nearby residential areas and local amenities that support sustainable transport options. Additionally, the existing bus service between Derby and Burton upon Trent could be re-routed to serve the site, providing links to the established bus and rail services in Repton and Willington.  4.3.2 Assessments of traffic generation indicate that the proposed site junction onto the B5008 will accommodate traffic flows arising from the proposed development plus existing traffic in a satisfactory measure. The Site’s position and connectivity to the SRN means that HGV traffic associated with the proposals will not need to pass through Willington. Road traffic emissions are predicted to be below the relevant air quality objectives at all receptor locations that were considered within the application’s evidence base.  4.3.3 The Site is located entirely within Flood Zone 1, meaning low risk of flooding from rivers and seas. Flood risk from other sources have also been assessed within the submitted Flood Risk Assessment (FRA) as low. A robust surface water drainage strategy has been prepared to ensure that the Site will not increase flood risk elsewhere.  4.3.4 In ecology terms, the Site is dominated by intensively managed semi-improved and species-poor grassland of low ecological value. Mitigation measures will be implemented for those protected / notable specifies identified on site.  4.3.5 As indicated within the outline proposals, the Site creates the opportunity to bring forward significant landscape areas around the perimeter of the Site and green corridors to the southern and eastern perimeters, encompassing approximately 25% of the total site area. The landscape assessment work undertaken as part of the application demonstrates that upon completion of the proposed development the landscape effects will be negligible.  4.3.6 Given the above, the Site should be considered favourably for an allocation given its unique ability to meet presently identified strategic employment growth needs now in a sustainable location with demonstrable market demand for that use.  5. SUMMARY & CONCLUSIONS 5.1 EMPLOYMENT LAND NEEDS 5.1.1 The ELR has carried out a review of employment land needs within Derby and South Derbyshire and concluded that needs will be met by the “realistic” supply of committed sites. The review of employment land needs has been carried out on a past take-up scenario with no consideration of demand suppression or wider sub-regional employment land demand. However, the ELR itself and the Draft Plan appears to recognise that more employment land is needed than suggested by the ELR, a proposition with which we agree, but no effort has been made to quantify that need or address it within the Draft Plan. The Plan’s approach in this regard is therefore unsound.  5.2 EMPLOYMENT LAND STRATEGY 5.2.1 The Draft Plan contains no clear strategy for meeting employment growth needs. The strategic polices do not articulate an employment land requirement nor they identify an overarching approach to spatial distribution. The underlying Sustainability Appraisal work does not consider the approach to meet employment growth needs either in quantitative, distributional or site-specific terms and the policies relating to employment growth within the Draft Plan are both unsound.  5.2.2 Finally, those sites that have been selected to host employment growth within the current plan period have key deliverability constraints and perform poorly when compared with client’s site at Etwall Road, Willington. Given the deficiencies in the SA process described above, the sites selected for employment land allocations are not soundly based and should be reconsidered.  5.3 RECOMMENDATIONS 5.3.1 In light of our comments above, we make the following recommendations • That the ELR considers wider sub-regional need and suppressed demand rather than simply relying on past trends to model future requirements;  • That this work is used to inform a robust employment land requirement over an appropriate plan period to at least 2042, which should be set out within policy; • That the Plan clarifies a clear, deliverable appropriate strategy for meeting employment growth needs which are justified against reasonable alternatives through a robust SA process; • That further work is undertaken in respect of site-selection to ensure that it is informed by deliverability considerations and market demand, recognising the considerable need for commercial land within South Derbyshire along the A50 corridor; • That the Land at Access 50, Etwall Road, Willington is allocated for commercial development on the basis of its clear sustainability credentials, lack of constraints and unique market positioning; and • That sites whose deliverability is questionable are deleted from Plan. | | See Council response to Question 9  The Council will consider whether the plan period should be amended.  The Local Development Scheme will be updated prior to submission of the Local Plan.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243650 | Marrons on behalf of Davidsons regarding their Melbourne Site | Marrons on behalf of Davidsons regarding their Melbourne Site | Yes | | 1. INTRODUCTION 1.1 BACKGROUND  1.1.1 These representations have been prepared by Marrons on behalf of Davidsons Developments Ltd (hereafter “Davidsons”) to comment on the soundness and legal compliance of the South Derbyshire Local Plan Part 1 Review Regulation 18 Consultation.  1.2 LAND AT JAWBONE LANE, MELBOURNE 1.2.1 Davidsons Developments Ltd is promoting Land at Jawbone Lane, Melbourne for residential development. 1.2.2 This Site has previously been promoted through the SHELAA and Local Plan process, and is currently the subject of a live planning application. Further discussion will follow later in this representation.  1.3 STRUCTURE OF REPRESENTATIONS 1.2.3 Our representations raise matters in relation to the substantive content of the emerging Local Plan drawing on elements of the evidence base where appropriate and have been broadly structured as follows: • Scope of the Plan, Vision and Objectives • Housing Requirement • Spatial Strategy • Land at Jawbone Lane, Melbourne  2. SCOPE, VISION AND OBJECTIVES 2.1 PLAN PERIOD 2.1.1 The Draft Plan sets out a growth strategy for South Derbyshire between 2022 and 2039. The National Planning Policy Framework (NPPF) (December 2023) requires strategic policies to look a minimum of 15 years beyond adoption (paragraph 22). Paragraph 1.38 of the Draft Plan anticipates adoption by the end of 2025. As the end date of the Plan should be calculated from the first full monitoring year following adoption, the Council’s timeline indicates that the Draft Plan should extend to March 31, 2041 as a minimum based on the current anticipated timescales.  2.1.2 Given that the Draft Plan is only at Regulation 18 stage and the likely need to update its content given the impending changes to the NPPF, it is highly unlikely that adoption will occur by the end of 2025. A more realistic estimate would be end of 2026 and this would, following the advice of the NPPF, require the plan period to extend to March 31, 2042. 2.1.3 The Plan period underpinning the Draft Plan, which runs only to 2039, is not compliant with paragraph 22 of the NPPF.  2.2 SCOPE OF THE PLAN 2.2.1 Paragraph 1.6 of the Draft Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow after adoption of the Part 1 Partial Review. Further, paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby’s urban fringe: Infinity Garden Village and the Land to the South of Mickleover.  2.2.2 Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates.  2.2.3 The most recent LDS available for South Derbyshire covers the period 2022 to 2025. Inter alia, the LDS sets out that the Joint Advisory Board for the Derby Housing Market Area (HMA) agreed a minimum Plan period of 15 years and that most of the policies of the Local Plan Part 2 for South Derbyshire will be reviewed alongside the Part 2 Local Plan and subsumed into a new Local Plan. In addition, it is stated the new Part 1 Plan will provide a long-term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”  2.2.4 As set out above, the form of the Plan currently consulted on clashes with the most recently adopted LDS. It does not provide for the minimum Plan period of 15 years nor does it review the adopted Part 2 Local Plan, which is carried forward in its entirety. Most importantly, the Plan now published for consultation fails to provide a long-term vision for the spatial development of the District as a whole. In short, what has been published in the form of the emerging Plan as a partial review to address unmet needs from Derby only and on the edge of Derby only, is not in compliance with the most recent with the LDS.  2.2.5 The purpose of the LDS is to create some degree of certainty for the public, stakeholders and the development industry over the timescales and scope of plan preparation. Here the LDS has not been followed nor has it been updated and published as it should have been to reflect a drastically altered scope from the publication of the most recent LDS.  2.2.6 Paragraph 1.13 of the Draft Plan which states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  2.2.7 The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period. The Draft Plan’s accompanying Interim Sustainability Appraisal acknowledges that as a result of forthcoming national policy changes, the number of homes required for South Derbyshire are likely to increase as a result of changes to the Standard Method for calculating local housing need and that the Plan will need to take account of these changes.  2.2.8 The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development.  5. LAND AT JAWBONE LANE, MELBOURNE 5.1 OVERVIEW 5.1.1 We consider that the Land at Jawbone Lane offers a sustainable location to accommodate a small urban extension to the northern edge of Melbourne to help meet local housing needs.  5.1.2 Davidsons have been actively promoting Land at Jawbone Lane in Melbourne for a number of years. This has included representations to previous Local Plan consultations, SHELAA submissions, and most recently, submission of a planning application seeking outline planning permission for up to 66 dwellings. The application (ref: DMPA/2023/1662) also includes provision of land and facilities for an extension to the village cemetery, public open space, and associated infrastructure.  5.1.3 The application was submitted on 22nd December 2023 and has been under consideration by the LPA since that time. During this period extensive conservations have been had with officers about the Site and responses have been received from the consultees.  5.1.4 Furthermore, in preparation for the application, discussions were held with the Melbourne Parish Council and Melbourne Infant School. In respect of the former, this has comprised a number of meetings over a period of years that culminated in a scheme that included the provision of 0.65ha of urgently needed additional burial space on land to the rear of Melbourne Cemetery, a Sexton’s lodge on the land, and improvements to the footpath accessing this land and a new vehicular access enabling funerals and burials.  5.1.5 In respect of the latter, we have also held a number of meetings with the Primary School over the last 12 months that culminated in strong support from the school on the grounds that new homes in the village would address an alarmingly falling school roll, as well as the provision of improvements to play facilities and footpaths within the school.  5.1.6 The application clearly proposes a raft of benefits, including several which go beyond the norm. This serves to demonstrate that this Site is suitable for allocation, available, and imminently deliverable.  5.1.7 In terms of the Site itself, it extends to approximately 4.21 hectares of agricultural land on the North East side of Melbourne. The site comprises two agricultural fields, one north of Jawbone Lane which rises to the North West and one south of Jawbone Lane which falls to the South East. Landscape features, for the most part, are confined to hedgerows, interspersed with trees along the existing field boundaries on the site edges. The agricultural field north of Jawbone Lane continues to the North West and the land south of Jawbone Lane is bound by Station Road on its southern boundary. Vehicular access is to be taken directly from Jawbone Lane to both field parcels. The residential development associated with Stafford Close is located to the west of the site. Existing residential development associated with Jawbone Lane borders the northern parcels northern boundary, while the residential development along Station Road borders the southern parcels eastern boundary.  5.1.8 Melbourne plays an important role in the District as a Key Service Village, second tier of the Council’s settlement hierarchy, which provides a range of retailing provision and other services, including a convenience store and a Post Office; Melbourne Infant and Junior Schools are located approximately 650m from the site entrance (an 8 minute walk); and a bus stop 300m from the site which offers an hourly connection to the East Midlands Gateway, Swadlincote and Burton via the 9 bus service.  5.1.9 As mentioned above, engagement in relation to this Site has long pre-dated the planning application. This has included assessment under the SHELAA, where the Site was considered to be available, achievable and suitable for development. Under SHELAA methodology the Site could yield as many as 103 dwellings (though noted that BNG requirements could reduce this), though the planning application utilised a lower density to provide a better quality development, more appropriate for the village location.  5.1.10 To consider the SHELAA in greater depth, the Site scored mainly green and amber ratings in the RAG rated assessment.  5.1.11 Of note are the green ratings for having no impact on protected sites; not being within the Green Belt; being close to primary education provision; benefitting from good public transport links and utilities; not being in a mineral safeguarding area; having no impact on Air Quality Monitoring Areas; not being at risk from flooding; having low landscape constraints; and having a mainly flat topography. Davidsons would agree with these assessments, noting in particular that close links have been established with the local Infant School who would support the development of the Site as they are concerned about falling numbers.  5.1.12 In respect of trees and hedgerows an amber rating has been given based on the assumption that some hedgerow would be lost for creation of safe site access, and in consideration of the Site being surrounded by hedgerow. However, as demonstrated within the application’s supporting information, the Site is capable of delivering a 14% net gain in hedgerow units which goes above the basic requirement. This is in addition to a 10% gain in habitat units.  5.1.13 An amber rating was scored in respect of retail provision due to being within 800m of a convenience store. This is the case, however that does not tell the full picture, in that the Site is an 11 minute walk from a Spar store and 13 minutes’ walk from a Sainsburys Local. These facilities provide much in the way of day to day needs and are easily accessible on foot or by bicycle.  5.1.14 While the Site received a red rating for access to health facilities, it should be noted that the Melbourne Surgery is just 1.1km from the Site which equates to a 14minute walk.  5.1.15 In respect of walking routes into the village centre, the Site has been rated amber, which does not accurately represent its connectivity. These amenities can be accessed via sustainable means of travel such as by foot or cycle as the proposed development would be supported by footway provision which would tie into existing provision along Jawbone Lane providing a fast, convenient and direct route into the settlement.  5.1.16 It is accepted that the Site is greenfield. Any allocation in the village, which will be necessary in consideration of its status as a Key Service Village, will require a small loss of greenfield land. Given that the Site is located on the edge of the settlement and is well served  by public transport and local services, there may be potential for densities to be maximised in line with government policy and this could therefore help reduce the need for greater greenfield losses elsewhere in the District including in locations with higher quality agricultural land.  5.1.17 Overall the Site is considered to be a sustainable location for development, and is achievable, available and deliverable in the short term, which could provide a boost in housing  6. CONCLUSION 6.1 THE HOUSING REQUIREMENT 6.1.1 The Draft Plan's proposed housing requirement is unsound, as it lacks adequate justification from the evidence base and fails to fully address Derby’s unmet housing needs. Additionally, the plan has been set over an unreasonably short timeframe. Derby’s urban housing capacity has been significantly overestimated, with no rigorous audit of the sites expected to deliver housing within the city. Nevertheless, SDDC and AVBC have based their emerging Plans on this incomplete and flawed data, which, as of this writing, remains to be published fully. This approach risks an HMA-wide housing shortfall, undermining both the soundness of the Draft Plan and the Duty to Cooperate. Moreover, the housing requirement has not been developed with proper regard to the guidelines in the PPG.  6.2 SPATIAL STRATEGY 6.2.1 The Draft Plan’s scope has driven the site selection process. The sites taken forward for allocation on the edge of Derby have not been chosen following a robust, transparent and objective process through the Sustainability Appraisal. The Growth Options Study 2021 and the associated HMA-wide SA have considerable methodological flaws and the ISA has relied upon these to consider only a very limited pool of sites. The result is the Draft Plan fails to justify its overall spatial strategy or the quantity of growth it plans for.  6.2.2 The spatial strategy also fails to consider smaller sites and localised needs resulting in several significant breaches of national planning policy, which can only be rectified through a fundamental re-consideration of the Draft Plan’s strategy.  6.3 LAND AT JAWBONE LANE, MELBOURNE 6.3.1 The Site being promoted by Davidsons Developments Ltd, for which there is a live planning application currently under consideration, is known as Land at Jawbone Lane, Melbourne. The Site is considered to be a sustainable location for development, and is achievable, available and deliverable in the short term, which could provide a boost in housing land supply to aid in establishing a housing land supply position upon adoption of a new Local Plan | | See Council Responses to Question 3 and 4.  The Council will consider whether the plan period should be amended.  The Local Development Scheme will be updated prior to submission of the Local Plan.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243658 | Marrons on behalf of Davidsons regarding their Newton Solney Site | Marrons on behalf of Davidsons regarding their Newton Solney Site | Yes | | 1. INTRODUCTION 1.1 BACKGROUND 1.1.1 These representations have been prepared by Marrons on behalf of Davidsons Developments Ltd (hereafter “Davidsons”) to comment on the soundness and legal compliance of the South Derbyshire Local Plan Part 1 Review Regulation 18 Consultation. 1.2 LAND OFF NEWTON ROAD, NEWTON SOLNEY 1.2.1 Davidsons Developments Ltd is promoting Land off Newton Road, Newton Solney for residential development. 1.2.2 This Site has previously been promoted through the SHELAA and Local Plan process. Further discussion will follow later in this representation. 1.3 STRUCTURE OF REPRESENTATIONS 1.2.3 Our representations raise matters in relation to the substantive content of the emerging Local Plan drawing on elements of the evidence base where appropriate and have been broadly structured as follows: • Scope of the Plan, Vision and Objectives • Housing Requirement • Spatial Strategy • Land of Newton Road, Newton Solney.  2. SCOPE, VISION AND OBJECTIVES 2.1 PLAN PERIOD 2.1.1 The Draft Plan sets out a growth strategy for South Derbyshire between 2022 and 2039. The National Planning Policy Framework (NPPF) (December 2023) requires strategic policies to look a minimum of 15 years beyond adoption (paragraph 22). Paragraph 1.38 of the Draft Plan anticipates adoption by the end of 2025. As the end date of the Plan should be calculated from the first full monitoring year following adoption, the Council’s timeline indicates that the Draft Plan should extend to March 31, 2041 as a minimum based on the current anticipated timescales.  2.1.2 Given that the Draft Plan is only at Regulation 18 stage and the likely need to update its content given the impending changes to the NPPF, it is highly unlikely that adoption will occur by the end of 2025. A more realistic estimate would be end of 2026 and this would, following the advice of the NPPF, require the plan period to extend to March 31, 2042.  2.1.3 The Plan period underpinning the Draft Plan, which runs only to 2039, is not compliant with paragraph 22 of the NPPF.  2.2 SCOPE OF THE PLAN 2.2.1 Paragraph 1.6 of the Draft Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow after adoption of the Part 1 Partial Review. Further, paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby’s urban fringe: Infinity Garden Village and the Land to the South of Mickleover.  2.2.2 Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates.  2.2.3 The most recent LDS available for South Derbyshire covers the period 2022 to 2025. Inter alia, the LDS sets out that the Joint Advisory Board for the Derby Housing Market Area (HMA) agreed a minimum Plan period of 15 years and that most of the policies of the Local Plan Part 2 for South Derbyshire will be reviewed alongside the Part 2 Local Plan and subsumed into a new Local Plan. In addition, it is stated the new Part 1 Plan will provide a long-term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”  2.2.4 As set out above, the form of the Plan currently consulted on clashes with the most recently adopted LDS. It does not provide for the minimum Plan period of 15 years nor does it review the adopted Part 2 Local Plan, which is carried forward in its entirety. Most importantly, the Plan now published for consultation fails to provide a long-term vision for the spatial development of the District as a whole. In short, what has been published in the form of the emerging Plan as a partial review to address unmet needs from Derby only and on the edge of Derby only, is not in compliance with the most recent with the LDS.  2.2.5 The purpose of the LDS is to create some degree of certainty for the public, stakeholders and the development industry over the timescales and scope of plan preparation. Here the LDS has not been followed nor has it been updated and published as it should have been to reflect a drastically altered scope from the publication of the most recent LDS.  2.2.6 Paragraph 1.13 of the Draft Plan which states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  2.2.7 The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period. The Draft Plan’s accompanying Interim Sustainability Appraisal acknowledges that as a result of forthcoming national policy changes, the number of homes required for South Derbyshire are likely to increase as a result of changes to the Standard Method for calculating local housing need and that the Plan will need to take account of these changes.  2.2.8 The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development.  5. LAND OFF NEWTON ROAD, NEWTON SOLNEY 5.1 OVERVIEW 5.1.1 We consider that the Land off Newton Lane, in the settlement of Newton Solney, offers a sustainable location to accommodate a small urban extension to the northern edge of the settlement, to help meet local housing needs.  5.1.2 Davidsons have been actively promoting this Site for a number of years. This has included representations to previous Local Plan consultations and SHELAA submissions.  5.1.3 To consider the SHELAA in greater depth, the Site scored mainly green and amber ratings in the RAG rated assessment.  5.1.4 Of note are the green ratings for having no impact on protected sites; not being within the Green Belt; benefitting from good public transport links and utilities; having a strong highways safety record; not being in a mineral safeguarding area; having no impact on Air Quality Monitoring Areas; not being at risk from flooding; having low heritage constraints; and having a mainly flat topography. Davidsons would agree with these assessments.  5.1.5 To highlight the connectivity of the Site in particular, There are bus stops immediately adjoining the Site on Newton Road. These provide access to an hourly service (the V3) between Derby and Burton on Trent. Moreover it is within walking distance of a number of local services and facilities. Sport provision is located 600m to the south of the Site. There is a Coop located around 1300m from the Site. Tower View Primary School is around 1500m the south east, whilst Abbot Beyne Secondary School is located around 950m to the south. The nearest doctors is located around 1.6km to the east of the Site. Burton on Trent Town Centre is around 2.5km to the south west.  5.1.6 Due to the above, Davidsons would disagree with the Council’s red ratings for access to retail, education and health facilities, given that all services are within a reasonable walking distance of the Site by both walking and cycling.  5.1.7 Focussing specifically on open space and play provision we would highlight that the site is less than 1km (1000m) from Wheatley Lane Park. On this basis the Site should be scored as ‘Amber’ on the SHELAA proforma.  5.1.8 In respect of water quality any scheme would include an appropriate SUDS to ensure the treatment of surface water on site. Surface water would discharge to a ditch/culverted watercourse rather than a foul sewer. In respect of foul flows these would be limited to 105 litres/ per person per day in line with current local plan requirements (policy SD3) and given the likely scale of development we do not expect that the scheme will have a notable impact on the existing foul sewer network or Clay Mills waste water treatment works which serves local area.  5.1.9 Although we note there is an Air Quality Management Area (AQMA) in Burton, this is located some distance from the site and air quality locally is not above acceptable thresholds. In any case all new homes would need to include provision for electric charging as mandated by Part S of the Building Regulations which would help address air quality impacts associated with transport emissions.  5.1.10 It is accepted that the Site is greenfield. Any allocation in the village, which will be necessary in consideration of its status as a Key Service Village, will require a small loss of greenfield land. It should be noted positively that the Site does not contain any land considered to be Best and Most Versatile. Given that the Site is located on the edge of the settlement and is well served by public transport and local services, there may be potential for densities to be maximised in line with government policy and this could therefore help reduce the need for greater greenfield losses elsewhere in the District including in locations with higher quality agricultural land.  5.1.11 On the whole Davidsons agree with the general findings of the SHELAA which indicates that there are very few environmental constraints in this area. There are no landscape designations, no significant areas of historical or archaeological sensitivity, and no significant flood risk or environmental designations in the vicinity of our client’s Site. Hedgerows and hedgerow trees will be retained (although limited loss of hedgerow will be required due to access requirements). However, where possible landscape elements will be integrated into the design of any proposed scheme in order to help assimilate development into the wider environment and reduce the environmental/ecological impact of development.  5.1.12 In respect of Site delivery, given that the Site is small scale, unconstrained with a high level of developer interest we would expect delivery of the entire Site within 5 years.  5.1.13 Overall the Site is considered to be a sustainable location for development, and is achievable, available and deliverable in the short term, which could provide a boost in housing land supply to aid in establishing a housing land supply position upon adoption of a new Local Plan.  6. CONCLUSION 6.1 THE HOUSING REQUIREMENT  6.1.1 The Draft Plan's proposed housing requirement is unsound, as it lacks adequate justification from the evidence base and fails to fully address Derby’s unmet housing needs. Additionally, the plan has been set over an unreasonably short timeframe. Derby’s urban housing capacity has been significantly overestimated, with no rigorous audit of the sites expected to deliver housing within the city. Nevertheless, SDDC and AVBC have based their emerging Plans on this incomplete and flawed data, which, as of this writing, remains to be published fully. This approach risks an HMA-wide housing shortfall, undermining both the soundness of the Draft Plan and the Duty to Cooperate. Moreover, the housing requirement has not been developed with proper regard to the guidelines in the PPG.  6.2 SPATIAL STRATEGY 6.2.1 The Draft Plan’s scope has driven the site selection process. The sites taken forward for allocation on the edge of Derby have not been chosen following a robust, transparent and objective process through the Sustainability Appraisal. The Growth Options Study 2021 and the associated HMA-wide SA have considerable methodological flaws and the ISA has relied upon these to consider only a very limited pool of sites. The result is the Draft Plan fails to justify its overall spatial strategy or the quantity of growth it plans for.  6.2.2 The spatial strategy also fails to consider smaller sites and localised needs resulting in several significant breaches of national planning policy, which can only be rectified through a fundamental re-consideration of the Draft Plan’s strategy.  6.3.1 Turning to the merits of the Site it is our view that the development of Land off Newton Road provides opportunity to bring forward the delivery of an unconstrained and sustainable housing site.There are no significant environmental/historical designations located on the Site and no significant technical issues which would make this Site unsuitable for development in planning terms.  6.1.2 The Site is therefore considered to be a deliverable housing allocation, is available, suitable and should be taken forward as an allocation in the emerging local plan. Given the higher level of developer support and the scale of the Site we consider that can positively contribute towards a five year supply. | | See Council Responses to Question 3 and 4.  The Council will consider whether the plan period should be amended.  The Local Development Scheme will be updated prior to submission of the Local Plan.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1242103 | Marrons on behalf of Rainier Developments | Rainier Developments | Yes | | The Local Plan Part 1 was adopted in June 2016. The Council resolved in August 2021 to undertake a full review of the Plan Part 1 on the basis of an assessment undertaken using the PAS recommended toolkit. A number of areas were identified that required updating to reflect significant changes in circumstances. Further, the full review commenced in 2022 with an Issues and Options consultation.  Paragraph 1.6 onwards of the Draft Plan sets out the basis on which this partial review is now being undertaken. This refers to addressing unmet housing needs through two proposed allocations, green space and biodiversity net gain, updates to reflect national policy, and details around two employment allocations. However, subsequent paragraphs refer to the majority of policies being ‘built upon’ and amended to reflect the latest national policy and local evidence base. There is an ambiguity in the text within the Draft Plan as to whether this is a full review of the Plan or a partial review, and this needs to be addressed before the next iteration.  If the decision is to continue with a partial review, this should be informed by an updated re-assessment of the Plan against the PAS recommended toolkit. Further, the NPPG is clear that Councils must publish a list of policies they will update, and which policies they consider do not need updating, and their reasons (Paragraph: 070 Reference ID: 61-070-20190315). If this Plan is to continue in its current form, this must be undertaken prior to the Regulation 19 stage.  Promotion of land at Elm Tree Farm, Hilton (SHELAA site 187) | | The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243616 | Marrons Planning on behalf of Miller Homes | Marrons Planning |  | | 2.1 PLAN PERIOD 2.1.1 The Draft Plan sets out a growth strategy for South Derbyshire between 2022 and 2039. The National Planning Policy Framework (NPPF) (December 2023) requires strategic policies to look a minimum of 15 years beyond adoption (paragraph 22). Paragraph 1.38 of the Draft Plan anticipates adoption by the end of 2025. As the end date of the Plan should be calculated from the first full monitoring year following adoption, the Council’s timeline indicates that the Draft Plan should extend to March 31, 2041 as a minimum based on the current anticipated timescales.  2.1.2 Given that the Draft Plan is only at Regulation 18 stage and the likely need to update its content given the impending changes to the NPPF, it is highly unlikely that adoption will occur by the end of 2025. A more realistic estimate would be end of 2026 and this would, following the advice of the NPPF, require the plan period to extend to March 31, 2042.  2.1.3 The Plan period underpinning the Draft Plan, which runs only to 2039, is not compliant with paragraph 22 of the NPPF.   2.2 SCOPE OF THE PLAN 2.2.1 Paragraph 1.6 of the Draft Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow after adoption of the Part 1 Partial Review. Further, paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby’s urban fringe: Infinity Garden Village and the Land to the South of Mickleover.  2.2.2 Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates.  2.2.3 The most recent LDS available for South Derbyshire covers the period 2022 to 2025. Inter alia, the LDS sets out that the Joint Advisory Board for the Derby Housing Market Area (HMA) agreed a minimum Plan period of 15 years and that most of the policies of the Local Plan Part 2 for South Derbyshire will be reviewed alongside the Part 2 Local Plan and subsumed into a new Local Plan. In addition, it is stated the new Part 1 Plan will provide a long-term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”  2.2.4 As set out above, the form of the Plan currently consulted on clashes with the most recently adopted LDS. It does not provide for the minimum Plan period of 15 years nor does it review the adopted Part 2 Local Plan, which is carried forward in its entirety. Most importantly, the Plan now published for consultation fails to provide a long-term vision for the spatial development of the District as a whole. In short, what has been published in the form of the emerging Plan as a partial review to address unmet needs from Derby only and on the edge of Derby only, is not in compliance with the most recent with the LDS.  2.2.5 The purpose of the LDS is to create some degree of certainty for the public, stakeholders and the development industry over the timescales and scope of plan preparation. Here the LDS has not been followed nor has it been updated and published as it should have been to reflect a drastically altered scope from the publication of the most recent LDS.  2.2.6 Paragraph 1.13 of the Draft Plan which states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  2.2.7 The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period. The Draft Plan’s accompanying Interim Sustainability Appraisal acknowledges that as a result of forthcoming national policy changes, the number of homes required for South Derbyshire are likely to increase as a result of changes to the Standard Method for calculating nlocal housing need and that the Plan will need to take account of these changes.  2.2.8 The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development.   LAND AT ROSLISTON ROAD, WALTON ON TRENT 5.1.1 We consider that the Site at Rosliston Road, Walton on Trent offers a suitable location for a small urban extension to the village and should be allocated in the Council’s emerging local plan.  5.1.2 The site extends around 2.7ha on land which is currently in agricultural use to the South east of the village. The proposals for the site could deliver around 90 new homes, of which 30% will be affordable. The Site would therefore make a significant contribution towards addressing market and affordable housing needs of Walton on Trent and the wider District.  5.1.3 Reflecting on the Sites wider sustainability credentials we would highlight that the Council’s SHELAA indicates that a Green ‘Red-Amber –Green’ or RAG rating is achieved in respect of the following: • Green Belt • Education Provision • Highways Access • Bad Neighbour Uses • Contaminated Land • Minerals Safeguarding • Air Quality • Fluvial flood risk • Other flood Risk  5.1.4 We agree that the site is unconstrained in respect of the above issues 5.1.5 The site is assigned an amber score in respect of issues related to Protected Sites and Trees and Hedgerows. The site is located around 10m from a local wildlife site which is separated by Codon Road. Having reviewed the nature of the designation we agree with the Council that potentially effects on this site are unlikely to arise and are capable of mitigation. Similarly in respect of trees we note that the Council considers that development could lead to some loss of trees or hedgerow. Again we would agree that losses could occur although would be limited as far as possible to those areas required to access the site. Again we agree that there is a high potential to mitigate losses through new planting and hedgerow creation and hedgerow reinforcement.  5.1.6 We also note that an amber score is assigned in respect of employment provision and highways safety. We agree that there is no strategic employment provision within 1200m of the site, although would point out that there is significant employment located around 2km from the Site in Burton. Given the rural nature of much of South Derbyshire we consider this to be relatively close and within a maximum walking distance of 2km. In respect of highways safety we note that there is no recent history of collisions close to the site. There are however some records of collisions around the junction of Station Road and Main Street and further north on Main Street. We would point out that much of the traffic will be removed from this route with the construction of the Walton Bypass. We do not consider highways safety to be an issue given the distance and scale of our proposals. However any proposals for development would be supported by approbation transport assessments and where required a road safety audit. We consider any potential issues would be capable of mitigation.  5.1.7 We note that the site is also assigned an amber rating in respect of sewerage. Foul flows would connect to the local foul sewer network which would be conveyed to Clay Mills Treatment Works to the North of Burton on Trent. It would not affect the River Mease. There is understood to be capacity at Clay Mills to accommodate further development.  5.1.8 The site is identified as requiring further assessment to investigate if harm to local heritage assets would arise. We note that the site is located close to the Conservation Area boundary for the village which is located on the opposite side of Coton Road, although does not adjoin this. However mitigation is available to significantly mitigate harmful effects. There are no listed buildings located close to the site.  5.1.9 Finally in respect of topography, the Site rises from around 75APOD to its northern edge to around 85AOD to the south. We do not consider this to represent a significant constraint to development and levels changes can be addressed through the carful design and layout of the site.  5.1.10 In respect of criteria receiving a Red ‘RAG’ rating it is noted that these mainly relate to the proximity of the site to local facilities. This includes access to retail, health facilities, access to NEAP and public transport provision. There are currently no convenience stores located in the village although some provision is available in Rosliston (3km) and Burton on Trent (3km). In any case we do not consider this to be as significant an issue as when the Council last reviewed the hierarchy of its settlements as there is now easy access to delivery services for weekly type shops or meeting top up needs.  5.1.11 Similarly in respect of access to medical facilities there is no GP provision across any of the southern villages. Residents therefore have to travel to Swadlincote or Burton to access a local doctor. Nonetheless we would highlight that around a third of medical appointments are now online. Again, being physically close to a medical centre is less important than it was in the past, and this is an issue across the whole area.  5.1.12 In respect of proximity to a NEAP we would suggest that given the quantum of homes likely to be possible on this Site, a NEAP or LEAP would be a possibility for inclusion.  5.1.13 Public transport provision in the village does not extend to an hourly bus service. However the site is located adjacent to bus stops used by the number 22. This provides a once every two hour service to Burton on Trent and Swadlincote. However we expect that local bus services will be subject to significant improvement as part of the Drakelow Park Application as set out in the S106 agreement for that scheme. On this basis a new service to provide an hourly service is likely to serve the village in the near future. We would expect bus stops to be located along the new bypass route within 800m of the Site.  5.1.14 Finally it is accepted that the Site is Greenfield and development would lead to the loss of agricultural land. A review of other available sites in the District indicates a general lack of previously developed land to accommodate further development. It is likely that most sites allocated in the emerging Plan will be Greenfield. Nonetheless we will seek to optimise the density of any development in order that land is used efficiently.  6.3 ROSLISTON ROAD, WALTON ON TRENT 6.3.1 Land at Rosliston Road, Walton on Trent is a suitable site for development. The Site is relatively unconstrained and offers an opportunity to deliver a modest village extension. The Site is of a scale which would be proportionate to the scale of the existing village and would deliver much needed market and affordable housing to meet the needs of the Village and the wider southern parishes in a location well related to Burton on Trent. | | See Council Responses to Question 3 and 4.  The Council will consider whether the plan period should be amended.  The Local Development Scheme will be updated prior to submission of the Local Plan.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243213 | Marrons Planning on behalf of Northern Trust | Marrons Planning |  | | PLAN PERIOD  The Draft Plan sets out a growth strategy for South Derbyshire between 2022 and 2039. The National Planning Policy Framework (NPPF) (December 2023) requires strategic policies to look a minimum of 15 years beyond adoption (paragraph 22). Paragraph 1.38 of the Draft Plan anticipates adoption by the end of 2025. As the end date of the Plan should be calculated from the first full monitoring year following adoption, the Council’s timeline indicates that the Draft Plan should extend to March 31, 2041 as a minimum based on the current anticipated timescales.  Given that the Draft Plan is only at Regulation 18 stage and the likely need to update its content given the impending changes to the NPPF, it is highly unlikely that adoption will occur by the end of 2025. A more realistic estimate would be end of 2026 and this would, following the advice of the NPPF, require the plan period to extend to March 31, 2042.  The Plan period underpinning the Draft Plan, which runs only to 2039, is not compliant with paragraph 22 of the NPPF.   2.2 SCOPE OF THE PLAN Paragraph 1.6 of the Draft Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow after adoption of the Part 1 Partial Review. Further, paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby’s urban fringe: Infinity Garden Village and the Land to the South of Mickleover.  Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates.  The most recent LDS available for South Derbyshire covers the period 2022 to 2025. Inter alia, the LDS sets out that the Joint Advisory Board for the Derby Housing Market Area (HMA) agreed a minimum Plan period of 15 years and that most of the policies of the Local Plan Part 2 for South Derbyshire will be reviewed alongside the Part 2 Local Plan and subsumed into a new Local Plan. In addition, it is stated the new Part 1 Plan will provide a long-term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”  As set out above, the form of the Plan currently consulted on clashes with the most recently adopted LDS. It does not provide for the minimum Plan period of 15 years nor does it review the adopted Part 2 Local Plan, which is carried forward in its entirety. Most importantly, the Plan now published for consultation fails to provide a long-term vision for the spatial development of the District as a whole. In short, what has been published in the form of the emerging Plan as a partial review to address unmet needs from Derby only and on the edge of Derby only, is not in compliance with the most recent with the LDS.  The purpose of the LDS is to create some degree of certainty for the public, stakeholders and the development industry over the timescales and scope of plan preparation. Here the LDS has not been followed nor has it been updated and published as it should have been to reflect a drastically altered scope from the publication of the most recent LDS.  Paragraph 1.13 of the Draft Plan which states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period. The Draft Plan’s accompanying Interim Sustainability Appraisal acknowledges that as a result of forthcoming national policy changes, the number of homes required for South Derbyshire are likely to increase as a result of changes to the Standard Method for calculating local housing need and that the Plan will need to take account of these changes.  The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development.  Land at Winchester Drive Linton This response is prepared on behalf of Northern Trust, with regards to their land interest at Land at Winchester Drive, Linton.  This Site has previously been promoted through the Local Plan process, most recently the Strategic Housing and Economic Land Availability Assessment (SHELAA) in April 2024. The Site has historically been split into two smaller parcels, though it is now promoted as one single parcel. The two parcels are shown on the extract below and have been assigned SHELAA reference numbers 103 (smaller parcel) and 212 (consolidated parcel).  5.2 SITE AND CONTEXT Situated on the edge of the village of Linton, this Site is a logical and appropriate site for residential development, capable of accommodating 120 dwellings across the 5.6ha site.  With Linton being a Key Service Village, served by a range of local services and facilities, it is well placed to contribute a fair apportionment of housing need. Effectively a second tier settlement, the Council’s Settlement Hierarchy Topic Paper states that Key Service Villages are usually large villages containing a wide range of services and facilities. To qualify thy must have a bus service and a convenience store plan at least seven other services. They are considered to be the most sustainable locations for development outside of urban areas.  A review of local services indicates that the village is served by the no.22 bus to Burton on Trent and Swadlincote, and also benefits from the following amenities within the settlement (distance from Site given in brackets): • Linton Primary School (500m) • Park (200m) • Sports Pitches (200m) • Post office and shop (350m) • Village Hall (280m) • Public House (350m)  In terms of constraints, there are no listed buildings or conservation areas on or near the Site that the development would impact upon. There is a public right of way within the Site which would be incorporated into the Public Open Space to create a pleasant route for the benefit of all residents and footpath users. There are no protected trees, or any areas of ecological constraint in the vicinity, save from the River Mease Nutrient Neutrality Catchment. However, the Site is only likely to be within the catchment in so far as surface water is concerned, which will be able to be mitigated through sustainable drainage treatment which will be included in any forthcoming drainage scheme.  Landscape is not an area of concern, with the Derbyshire County Council Landscape Architect identifying the Site as having a low landscape constraint (green on a RAG rating) within the SHELAA.  Likewise flooding is not a point of concern, being entirely within flood zone 1.  Linton is closely related to a number of urban areas, including Swadlincote which lies approximately 2km to the north east, and 5km from Burton on Trent to the north west. Both towns offer an array of services to be expected from a larger town including employment, shops, schools, healthcare services, and a leisure centre. These settlements are linked by road as well as having bus links from Linton. These connections strengthen Linton’s status as a sustainable settlement.  5.2.8 Throughout the Local Plan process, in promoting this Site, background work has been undertaken to substantiate the proposals. This has included a detailed review of the education context locally which is attached in full at Appendix 2. To briefly summarise, Linton Primary School is situated within a large site with room for expansion. While it is close to capacity, this is due to pupils travelling in from other settlements. Forecasts show falling rolls across other local schools which will reduce pressure at Linton. In addition, given that the existing school site has room for expansion, any additional capacity which may be considered to be required as a result of development within the settlement can be accommodated within the existing site.  5.2.9 In terms of secondary provision, The Pingle Academy in Swadlincote is the nearest school to Linton, and there are a further two secondary schools in Swadlincote. The three schools have a combined capacity of 3,151 pupil places, which as of the 2029/2030 academic year are anticipated to have a combined 592 spare places available. This far exceeds the child yield of the development proposed.  In the most recently published SHELAA, the Site has been considered “available and achievable” which is reflective of the low level of constraints, single ownership, and sustainable location.  It should be noted that within the SHELAA, the Site was assigned a ‘red’ RAG rating on a very limited number of items.  Firstly, a red rating was given for access to sports pitches. This is potentially an error, given that the Site is located immediately adjacent to the village recreation ground which includes a small informal football pitch as well as a basketball court with markings for various other sports. There is also an existing formal, high standard, sports pitch at land between Linton and Overseal, just 1.4km from the Site, which is accessible via a metalled and lit pavement. For a settlement of this size the sports provision is good, and those facilities are readily accessible from the Site.  In respect of healthcare it is noted that the nearest health centre (Greasley Dale Health Centre) is located 3km to the north east of the Site within Castleton Park (Church Greasley). There is also a health centre located centrally in Swadlincote next to the bus station, and therefore accessible by bus. Therefore while all potential sites within Linton, and indeed the majority of villages in the Southern Parishes, do not have close access to a health centre, but one is available via a range of transport modes. A large proportion of GP appointments are also now made over the phone, reducing the need for in-person appointments compared to pre-2020.  It is accepted that the Site is greenfield. We also note that there are no previously developed or brownfield sites put forward in Linton. Any allocation in the village, which will be necessary in consideration of its status as a Key Service Village, will require a small loss of greenfield land. It should be noted favourably that this Site comprises mainly of poorer quality agricultural land, with elements of Grade 3. Given that the Site is located on the edge of the settlement and is well served by public transport and local services, there may be potential for densities to be maximised in line with government policy and this could therefore help reduce the need for greater greenfield losses elsewhere in the District including in locations with higher quality agricultural land.  The SHELAA rates the Site as amber in many categories, including: • Trees and hedgerows • Retail provision • Employment provision • Pedestrian and cycle links • Utilities and power • Topography  Hedgerows and hedgerow trees within the Site will be retained where possible and landscape elements will be integrated into the design of the proposed scheme in order to help assimilate any development into the wider environment. The Site will include 20% National Forest Tree Planting. Overall there is a high potential to mitigate any losses to hedgerows and trees.  In respect of retail provision there is a ‘The Village Hub’, including a post office with shop within easy walking distance to the Site, being approximately 350m away. This shop is open 7am to 7pm, offering a range of conveniences including the post office, free cash withdrawals, photocopying, day to day shopping, and convenience foods. Owing to this provision being in such close proximity to the Site, we would assert that the RAG rating for retail should be green.  6.3 LAND AT WINCHESTER DRIVE, LINTON Land at Winchester Drive, Linton, is capable of accommodating 120 new homes of which 30% would be affordable. The required 10% Biodiversity Net Gain can be met on Site and Northern Trust would also provide 20% National Forest Tree Planting, as well as the required enhanced drainage due to being in the River Mease catchment. The Site is sustainably located with a range of services available within walking distance, including retail and primary education, and there are public transport links to higher order settlements including Swadlincote and Burton on Trent. | | See Council Responses to Question 3 and 4.  The Council will consider whether the plan period should be amended.  The Local Development Scheme will be updated prior to submission of the Local Plan.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243226 | Marrons Planning on behalf of Redrow Homes | Marrons Planning |  | | PLAN PERIOD  The Draft Plan sets out a growth strategy for South Derbyshire between 2022 and 2039. The National Planning Policy Framework (NPPF) (December 2023) requires strategic policies to look a minimum of 15 years beyond adoption (paragraph 22). Paragraph 1.38 of the Draft Plan anticipates adoption by the end of 2025. As the end date of the Plan should be calculated from the first full monitoring year following adoption, the Council’s timeline indicates that the Draft Plan should extend to March 31, 2041 as a minimum based on the current anticipated timescales.  Given that the Draft Plan is only at Regulation 18 stage and the likely need to update its content given the impending changes to the NPPF, it is highly unlikely that adoption will occur by the end of 2025. A more realistic estimate would be end of 2026 and this would, following the advice of the NPPF, require the plan period to extend to March 31, 2042.  The Plan period underpinning the Draft Plan, which runs only to 2039, is not compliant with paragraph 22 of the NPPF.   SCOPE OF THE PLAN Paragraph 1.6 of the Draft Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow after adoption of the Part 1 Partial Review. Further, paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby’s urban fringe: Infinity Garden Village and the Land to the South of Mickleover.  Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates.  The most recent LDS available for South Derbyshire covers the period 2022 to 2025. Inter alia, the LDS sets out that the Joint Advisory Board for the Derby Housing Market Area (HMA) agreed a minimum Plan period of 15 years and that most of the policies of the Local Plan Part 2 for South Derbyshire will be reviewed alongside the Part 2 Local Plan and subsumed into a new Local Plan. In addition, it is stated the new Part 1 Plan will provide a long-term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”  As set out above, the form of the Plan currently consulted on clashes with the most recently adopted LDS. It does not provide for the minimum Plan period of 15 years nor does it review the adopted Part 2 Local Plan, which is carried forward in its entirety. Most importantly, the Plan now published for consultation fails to provide a long-term vision for the spatial development of the District as a whole. In short, what has been published in the form of the emerging Plan as a partial review to address unmet needs from Derby only and on the edge of Derby only, is not in compliance with the most recent with the LDS.  The purpose of the LDS is to create some degree of certainty for the public, stakeholders and the development industry over the timescales and scope of plan preparation. Here the LDS has not been followed nor has it been updated and published as it should have been to reflect a drastically altered scope from the publication of the most recent LDS.  Paragraph 1.13 of the Draft Plan which states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period. The Draft Plan’s accompanying Interim Sustainability Appraisal acknowledges that as a result of forthcoming national policy changes, the number of homes required for South Derbyshire are likely to increase as a result of changes to the Standard Method for calculating local housing need and that the Plan will need to take account of these changes.  The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development.   Promotion land south of Highfields  This 70 hectare site, known as Land south of Highfields, offers a sustainable location to accommodate an urban extension to the edge of Derby City to meet South Derbyshire’s own housing need and to meet any unmet need arising from within Derby City. The Site has also been known as Land South of Littleover, which is the name used in the most recent SHELAA, where it was assessed under reference 231.  The Site is located south of the built form of the Highfields Farm allocation (Policy H12) and consists of a number of agricultural fields and farm complex. The Site’s northern boundary aligns with the administration boundary of Derby City. An annotated aerial view of the Site is included below:  Due to the Site’s location, it will help deliver phase 2 of the proposed South Derbyshire Integrated Transport Link (SDITL) which is identified as a key piece of strategic highways infrastructure in the adopted Local Plan Part 1 (Policy INF4) and the accompanying policies maps.  In particular we note that the Council’s Part 1 Local Plan states “the Council will work in partnership with Derbyshire County Council, Derby City Council developers and other organisations to deliver these schemes”, before further stating that “the South Derby Integrated Transport Link Phase 2 would connect the A38 Junction at Rykneld Road with Phase 1. Together phases 1 and 2 would provide a complete highway connection between the A38 and A50, Although Transport modelling indicates Phase 2 will not be required to mitigate traffic Impacts of the proposed new development within the Plan Period, the indicative alignment is protected to serve any future growth in travel demand which cannot be satisfactorily mitigated by other means”  Redrow consider that the delivery of a sustainable urban extension south of the Highfields Farm allocation (Policy H12) provides an opportunity for developers and public bodies to work collaboratively to deliver this key piece of strategic highways infrastructure.  Presently we expect the strategic route to comprise a 7.3m wide carriageway road, at least one 5m wide footway/cycleway (aligned with LTN 1/20) and at least one 7m wide swale to address surface water runoff. We also expect that any new highway will need to provide a strong boundary to contain development to the north and act to restrict the further sprawl of development contiguous with Derby City to the south. We therefore expect any new built development delivered as part of a new Sustainable Urban extension to be contained within land north of the new link road.  It is also worth emphasising that the delivery of a new link road south of Derby City could open up additional land in the City itself which could help Derby City meet a greater proportion of its own housing need by providing an alternative access route into land to the east of Moorways Lane and sustainability improvements to the surrounding area through new and improved services and facility. Put simply the SDITL could help Derby City to maximise its own housing delivery within its boundary in this location.  The scale of development at the site which will facilitate the strategic link road is also expected to deliver new facilities including education, health and sports provision as required, or in collaboration with adjoining landowners, and will look to ensure and improve connectivity to existing facilities where achievable.  The current South Derbyshire Local Plan, Adopted in 2016 and 2017, directed 8,000 homes to the southern edge of Derby City in South Derbyshire and recognised the potential for a further 3,000 or so at Infinity Garden Village south of Chellaston. This growth reflects the status of Derby City as the main driver of growth in the Derby HMA. Sites on the southern edge of Derby, including Highfields Farm to the north and Stenson Fields to the west have typically delivered around 200-250 homes each year, indicating the strong market demand for new homes in this area and have made a significant contribution towards meeting local housing needs.  Recent housing growth on the southern edge of Derby is being supported by significant investment in local infrastructure. Development south of Sinfin on the Wragley Way site will be supported by the delivery of the Phase 1 South Derbyshire Integrated Transport Link (SDITL), which itself will connect into a new £50m Junction to the A50 and the recently completed T12 link (Millennium Way),  There are also proposals to deliver a new secondary school within the Infinity Garden Village site south of Chellaston as well as proposals to deliver a new Freeport Site just 3km to the south which will contribute to the creation of 61,000 jobs locally with over 10,000 being located on the new Freeport Site. Further residential development in this location could therefore help contribute towards the delivery of balanced communities.  Within the most recent SHELAA Assessment, the Site was referenced as Site 231. Therein, the Site was considered to be achievable and available, and suitable for development. It was however noted that a number of criteria would need to be overcome or require mitigation- those which were rated red or amber on the “RAG” rating system of red, orange and green.  With reference to the SHELAA “RAG” ratings, the Site scored a green rating for the following areas; not containing protected sites; not being within the Green Belt; access to public transport; Site access; not being located within a minerals safeguarding area; not being considered to have an impact on Air Quality Management Areas; less than 5% of the Site being at risk from fluvial flooding; and having a mainly flat topography. Redrow would agree with these ratings and report that the situation remains unchanged in those respects in the intervening period since the assessment was made.  There were some areas which the assessment scored amber, indicating that there may be some factors of slight concern but that mitigation should be possible. On the whole we agree with these assessments.  However, we would assert that the ability to discuss the need for, and provision of, additional services within the scheme offers the opportunity for ‘Green’ scores for Retail, Education, Employment and Sports Pitch provision, as well as in relation to Health Facilities and availability of Local Park and play areas. The SHELAA recognises the ability of the Site to mitigate the existing position albeit this is caveated with the need for further discussions with statutory bodies. In this regard, we would welcome further dialogue with both the District and the City Council to understand how best to address wider infrastructure needs in this area.  We agree that there are very few environmental constraints in this area. There are no landscape designations or environmental designations in the vicinity of our client’s Site that would restrict deliverability. The SHELAA identifies a number of Tree Preservation Orders (TPOs) within the Site boundary but our work at this stage proves that development should be able to proceed without removal or threat to the vast majority, if not all, of the protected trees. Redrow are committed to ensuring that they are considered that these will be retained and integrated into the site design where possible. Similarly, the existing hedgerows would also retained wherever practicable in order to help assimilate any proposed development into the wider environment and reduce the environmental/ecological impact of development.  Early work has been undertaken in respect of ecological constraints and opportunities to assess the ecological value of on-site habitats. The main habitat features noted that this stage are low value grassland and arable farmland, with the fields largely in-use for cattle grazing on a rotational basis, with a small proportion as arable. A small area of semi natural broadleaved woodland is present to the northwest of the Site and sections of bramble scrub are also scattered throughout the Site. A single overgrown pond is present as well as hedgerows and trees as previously mentioned. A biodiversity baseline has been calculated which has established a gauge for the units which will need to be achieved post-development, which is considered to be achievable.  In addition to this ecological work, considerable high-level work has also been undertaken in respect of transport and highways.  In respect of active travel, Rykneld Road benefits from a 2m wide footway on both sides of the carriageway, with the northern side extending to the Findern Interchange junction. To the west, dropped kerb crossings provide pedestrian access to the southern side of Findern Interchange onto Burton Road. To the east of the site, pedestrian signalised crossing points are available, crossing Rykneld Road with the junction at Tutbury Avenue.  Key local amenities within 2km from the development site include; • Derby Hospital • Hollybrook Medical Centre • Aldi & Co-op supermarkets • Derby Grammar School • Littleover Community School • Derby Moor Academy • Griffe Field Primary School • Heatherton District Centre • Dobbies Garden Centre • Tutbury Avenue retail units  A traffic-free cycle path is located approximately 1km northeast of the proposed development on Bakeacre Lane. This cycle route provides access to National Cycle Network (NCN) route 66 that then subsequently connects to NCN routes 54/68 and 6 as well as recommended on-road cycle routes. These cycle routes provide onward connections and access to Derby City Centre. Approximately 1.4km to the north of the proposed site on Rykneld Road, an on-carriageway facility is available that also routes towards Derby City Centre.  There existing Active Travel facilities local to the site and there are opportunities to connection to and to enable improvements to enhance the local pedestrian and cycle infrastructure network in the local area. Green travel corridors throughout the site can also be incorporated to link in with existing nearby infrastructure, primarily to the north-east of the site. This will enhance the permeability of the site to sustainable modes of travel in the direction of Derby and local facilities located within Heatherton Village.  In terms of provision of the SDILT, Initial testing of the proposed Redrow and surrounding development, including for Phase of SDITL, has been completed in the Derby Area Strategic Traffic Model. The traffic model testing demonstrates that the SDITL provides a strategic benefit to the local highway network while also providing access to new residential development and the SDITL.  The Redrow site will deliver access to the site, which will also serve as the SDILT access junction and an initial section of the SDITL. Capacity modelling of the site access junction has demonstrated that a large roundabout can provide sufficient capacity to serve the Redrow site, the traffic flows associated with the SDITL, and the traffic flows associated with the potential wider allocation.  It is necessary, realistic, and likely that early housing delivery will be required for any strategic housing allocations. The land south of the Rykneld Road site will be able to enable early housing delivery while also delivering the initial sections of key infrastructure. An initial assessment of some early housing delivery totalling up to 750 units has been undertaken and confirmed that there are no highway capacity barriers to the allocation of the proposed development or the proposed volume of early housing delivery. The roundabout on Rykneld Road, that provides access to the site, is designed to accommodate the whole allocation site and SDITL traffic, The roundabout there has more capacity and therefore more early housing delivery if required is feasible.  Ultimately, as part of any future planning application, the detailed impacts of the proposed development will need to be tested in further detail; however, based on the initial assessment completed, the allocation of the Redrow Site for residential is sound in terms of highway impact.  Moving on, the necessary water and electricity infrastructure to support strategic development is capable of being delivered alongside development and providers network operators with the certainty to plan for the further reinforcement of local infrastructure. We do not consider that the lack of current provision to be a major issue.  Whilst we acknowledge that development would lead to the loss of greenfield land, South Derbyshire, as a rural district, does not have significant areas of previously developed land available to accommodate new growth. For context, it is noted that just 13% of housing was delivered on previously developed land in 2020-211 . However a review of the strategic level agricultural land quality maps indicate that agricultural land quality in the vicinity of the Site is likely to comprise of grade 3 land rather than higher quality grade 1 or 2 land. Moreover, the development of land on the edge of a large urban area such as Derby City will allow site density to be maximised in line with government policy and could therefore help reduce the need for greater losses elsewhere in the District including in locations with higher quality agricultural land.  Finally, as well as our clients site being located in an otherwise sustainable location on the edge of Derby City it is also well located to address future housing needs related to large scale economic growth proposed in the District. The site is located less than 4km from the East Midland Intermodal Park (EMIP) which is part of the East Midlands Freeport. The EMIP site is located off the A38/A50 (Burnaston Interchange) and the SDITL and A38 will provide a direct route to this very large scale site which once built will provide a strategic rail freight interchange serving 5.2million square feet of state-of-the-art manufacturing and distribution space. . Clearly economic development at this scale will need to be balanced by significant housing growth close to the EMIP site to provide the local labour force needed. The Freeport site is surrounded by a number of mostly small scale key service villages that are relatively sustainable although it is unlikely that these could grow to the extent required to address local labour force needs without their character being adversely affected. The Hall Pastures Farm site and the wider land south of Littleover area provide opportunities to deliver a new large scale community to address local labour force needs close to the EMIP Site whilst protecting the rural character of surrounding settlements.   LAND SOUTH OF HIGHFIELDS, DERBY The development of Land South of Highfields provides the opportunity, alongside adjoining land parcels, to bring forward the delivery of the Phase 2 South Derbyshire Integrated Transport Link. This is a key piece of highways infrastructure which is supported by both South Derbyshire District Council and Derby City Council through their Adopted Part 1 Local Plans. The SDITL phase 2 would provide a strategic highways connection from the Findern Interchange and would run eastwards towards Wragley Way where it would connect to the Phase 1 SDITL which itself connects into the recently delivered T12 transport Link (now known as Infinity Park Way). The route would also sit within the wider transport infrastructure being delivered on the Southern edge of Derby City including the new junction on to the A50(T) proposed south of Sinfin to serve the Infinity Garden Village and Wragley Way developments. Richborough welcome dialogue with the District, City and County Council regarding the SDITL route as the Local Plan continues to progress.  Reflecting on the Site itself, there are no significant historical designations located on the Site. With the exception of a number of TPOs the site is unconstrained from environmental designations. These features, alongside the hedgerows and boundary trees can be integrated into the site design to maximise landscape and biodiversity improvements. Furthermore, given the highways works proposed there are no significant technical issues which would make this Site unsuitable for development in planning terms.  The Site will contribute to the delivery of a key piece of strategic infrastructure in regards the SDITL but also provides an opportunity to safeguard and thereby ensure the delivery of train station in the vicinity of the site in line with the aspirations within the adopted Local Plan and therefore improve transport facilities and local connections in the long term.  The Site is therefore considered to be a deliverable housing allocation, is available, suitable and should be taken forward as an allocation in the local plan. The Site will contribute towards a five year supply in future and we respectfully request that Land South of Highfields be identified as a housing allocation in the emerging South Derbyshire Local Plan.  The Draft Plan's proposed housing requirement is unsound, as it lacks adequate justification from the evidence base and fails to fully address Derby’s unmet housing needs. Additionally, the plan has been set over an unreasonably short timeframe. Derby’s urban housing capacity has been significantly overestimated, with no rigorous audit of the sites expected to deliver housing within the city. Nevertheless, SDDC and AVBC have based their emerging Plans on this incomplete and flawed data, which, as of this writing, remains to be published fully. This approach risks an HMA-wide housing shortfall, undermining both the soundness of the Draft Plan and the Duty to Cooperate. Moreover, the housing requirement has not been developed with proper regard to the guidelines in the PPG | | See Council Responses to Question 3 and 4.  The Council will consider whether the plan period should be amended.  The Local Development Scheme will be updated prior to submission of the Local Plan.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243209 | Marrons Planning on behalf of Wain Estates | Marrons Planning |  | | 2.1 PLAN PERIOD  The Draft Plan sets out a growth strategy for South Derbyshire between 2022 and 2039. The National Planning Policy Framework (NPPF) (December 2023) requires strategic policies to look a minimum of 15 years beyond adoption (paragraph 22). Paragraph 1.38 of the Draft Plan anticipates adoption by the end of 2025. As the end date of the Plan should be calculated from the first full monitoring year following adoption, the Council’s timeline indicates that the Draft Plan should extend to March 31, 2041 as a minimum based on the current anticipated timescales.  Given that the Draft Plan is only at Regulation 18 stage and the likely need to update its content given the impending changes to the NPPF, it is highly unlikely that adoption will occur by the end of 2025. A more realistic estimate would be end of 2026 and this would, following the advice of the NPPF, require the plan period to extend to March 31, 2042.  The Plan period underpinning the Draft Plan, which runs only to 2039, is not compliant with paragraph 22 of the NPPF.   2.2 SCOPE OF THE PLAN Paragraph 1.6 of the Draft Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow after adoption of the Part 1 Partial Review. Further, paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby’s urban fringe: Infinity Garden Village and the Land to the South of Mickleover.  Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates.  The most recent LDS available for South Derbyshire covers the period 2022 to 2025. Inter alia, the LDS sets out that the Joint Advisory Board for the Derby Housing Market Area (HMA) agreed a minimum Plan period of 15 years and that most of the policies of the Local Plan Part 2 for South Derbyshire will be reviewed alongside the Part 2 Local Plan and subsumed into a new Local Plan. In addition, it is stated the new Part 1 Plan will provide a long-term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”  As set out above, the form of the Plan currently consulted on clashes with the most recently adopted LDS. It does not provide for the minimum Plan period of 15 years nor does it review the adopted Part 2 Local Plan, which is carried forward in its entirety. Most importantly, the Plan now published for consultation fails to provide a long-term vision for the spatial development of the District as a whole. In short, what has been published in the form of the emerging Plan as a partial review to address unmet needs from Derby only and on the edge of Derby only, is not in compliance with the most recent with the LDS.  The purpose of the LDS is to create some degree of certainty for the public, stakeholders and the development industry over the timescales and scope of plan preparation. Here the LDS has not been followed nor has it been updated and published as it should have been to reflect a drastically altered scope from the publication of the most recent LDS.  Paragraph 1.13 of the Draft Plan which states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period. The Draft Plan’s accompanying Interim Sustainability Appraisal acknowledges that as a result of forthcoming national policy changes, the number of homes required for South Derbyshire are likely to increase as a result of changes to the Standard Method for calculating local housing need and that the Plan will need to take account of these changes.  The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development.  1.2 LAND NORTH OF BURTON ROAD, SWADLINCOTE 1.2.1 Wain Estates is promoting Land North of Burton Road, Swadlincote for residential development. The Site was submitted for the April 2024 SHELAA consultation exercise, a vision document has been produced as part of this exercise, and is appended at Appendix 2.  1.2.2 Wain Estates is keen to work positively and collaboratively with the Council to bring Land North of Burton Road, Swadlincote forward as an allocation for development to help enable the Council to meet its future housing land requirements   LAND NORTH OF BURTON ROAD, SWADLINCOTE  Wain Estates is promoting Land North of Burton Road, Swadlincote for residential development. The Site was submitted for the April 2024 SHELAA consultation exercise, a vision document has been produced as part of this exercise, and is appended at Appendix 2.  Wain Estates is keen to work positively and collaboratively with the Council to bring Land North of Burton Road, Swadlincote forward as an allocation for development to help enable the Council to meet its future housing land requirements.  LAND NORTH OF BURTON ROAD, SWADLINCOTE  The site extends around 15 hectares and lies to the north and west of Midway, Swadlincote. The October 2022 SHELAA assessed that the Site could accommodate up to 300 dwellings. The town of Swadlincote is identified as a Main Urban Area in the adopted Local Plan and is now the third largest settlement in Derbyshire after Derby City and Chesterfield, following a period of rapid and significant growth. The District’s rapid growth is forecast by the Government to continue into the next Plan period.  Whilst the Site is explained in detail below, please refer to the Vision Document at Appendix 2, which shows how the Site may come forward.  The Site is of an irregular shape and comprises a series of existing separate fields. Open fields bound the site to the north. The A511, Burton Road, bounds the Site to the south and provides the optimal point for vehicular access. The ground levels of the Site slope down from the highest point in the south close to the boundary of the A511, towards the north-east.  There are a number of public footpaths which cross the Site, connecting into an established footpath and bridleway network within the area, which provide onward connectivity to local landmarks and destinations. The Site is not subject to any national or local landscape designations, although is located in the National Forest. Given its size, any development will need to incorporate significant tree planting and habitat creation covering 30% of the Site area.  The Landscape Character of Derbyshire indicates that land to the north west of the Site and along the Site frontage with the A511 (Burton Road) lies within the Melbourne Parklands and is identified as falling within the Estate Farmlands Landscape Character Type (LCT). Key characteristics of this LCT are a gently rolling plateau dissected by minor river valleys; mixed farming with intensive arable copping and improved permanent pasture; scattered hedgerow trees; predominantly medium size semi-regular and regular fields enclosed by hedgerows and open views from elevated areas over surrounding lower lying landscapes.  The remainder of the Site falls within the Coalville Village Farmlands LCT. Key characteristics of this area include heavy, poorly draining soils; pastoral farming with localised arable farming on better drained soils; patches of semi-natural woodland; scattered hedgerow trees and locally dense trees along watercourses; ribbon development and housing estates and a legacy of coal extraction.  The Site slopes downwards to the north and is dissected by a number of public rights of way offering views towards Repton Shrubs and a low ridge to the north. These views are partially interrupted by mature blocks of trees and woodland as well as existing hedgerows along much of the site frontage with Burton Road.  Development would be sensitively located and designed so as to preserve the key views across the Site and wider landscape from the elevated land on the edge of Midway and plateau edge to the west of the Site. Development will be focussed on the contained, low lying fields towards the south and east of the Site and existing field boundaries will be reinforced with new hedgerow, tree and woodland planting to provide further containment and softening of development.  Turning to ecology, the Site is located outside of the River Mease Catchment Area and is unaffected by nutrient neutrality requirements. There are no statutorily designated wildlife sites, adjoining or within 2km of the Site. There are a number of Local Wildlife Sites (LWS) in the vicinity of the Site. The closest recorded LWS is located around 100m to the north of the site and this and other non-statutory wildlife sites will be unaffected by development proposals.  There are some Priority Habitat (deciduous woodland) present on the Site as well as several areas in the local landscape. The scheme has been designed to retain these habitats and includes significant areas of new tree planting to support wider habitat connectivity.  The Site has been assessed for the likely presence of protected or notable species. The habitats on site may be suitable for supporting amphibians, reptiles, birds, bats and badgers and a suite of Phase 1 surveys would be undertaken at an appropriate time of year to confirm the presence/absence of these species and appropriate measures adopted where required. Based on an initial ecological review of the Site it is proposed that measures such as the provision of new grassland area, enhancement of amphibian habitat, installation of reptile/amphibian hibernacula and the retention of and creation of new native hedgerow and woodland planting could be incorporated into the proposed development to deliver a minimum of 10% Biodiversity Net Gain as part of the development.  The Site is wholly within Flood Zone 1. The risk of flooding from surface water has been mapped by the EA on a strategic scale and the mapping indicates the Site to be at low risk of flooding from surface water.  There are no Scheduled Monuments, World Heritage Sites or Conservation Areas located in close proximity to the Site. There are two grade II listed buildings located to the west of the Site. These comprise of Midway Farmhouse (1096593); a Late C18/ early C19 farmhouse and a Mid/Late C19. L shaped range of farm buildings. (1096594). Any development on the Site would be pulled back from these buildings due to the local topography and unsuitability of land close to the buildings for development. As a result the principal views of these buildings will be unaffected by development.   It is envisaged that the site access will be taken from the A511 (Burton Road) at the southern part of the Site. Based on the development proposed, a priority ‘T’ junction arrangement is proposed to serve the development.  The location of the access has been chosen to minimise impact on existing trees, whilst an indicative alignment of the access road through the Site has been engineered to demonstrate how it could be delivered in line with design guidance, mindful of the topography of the Site, as it rises towards Burton Road.  A number of new pedestrian connections are proposed linking into the adjacent site and complementing the existing extensive public right of way and bridleway provision. Based on an initial review of the Site it is not anticipated that development would have any impact on local highways capacity or road safety.  In terms of connectivity to public transports the Site is located within 400m of bus stops on Acacia Avenue which provides a twice hourly bus service operated by Midland Classic. The Site is within walking distance of a number of local services and facilities. A convenience store is located around 600m to the east, Elmsleigh Infant and Nursery School and Springfield Junior School are located 800m to the south of the site, Pingle Secondary School is around 1km from the site, GPs are located within 1.2km whilst Swadlincote Town centre is within 1.5km.  Related to the above, it should be noted that Wain Estates also responded to the recent consultation on the Cycle Network SPD. Therein, a Local Cycle Network was posed, which would be in close proximity to the Site.  Within their representations, Wain Estates gave their strong support for the proposals, finding that the routes as proposed in the Draft Cycle Network SPD represent an exciting opportunity to enhance the sustainability and connectivity within the Swadlincote area. This is of particular interest given the proximity of a draft LCN to the Site, and the opportunities that presents by linking the Site with wider facilities and settlements.  It should also be noted that there has been cooperation between Wain Estates and the promoter of the adjacent land parcel (SHELAA ref. 12), the Northern Trust. The two parties have collaborated on an ‘Emerging Wider Masterplan’, as shown at Appendix 3. While it should be made clear that the two sites are still intended to be considered separately, and can be developed independently from one another, there are clear advantages and opportunities to be gained from working collaboratively in this manner. As shown on the Emerging Wider Masterplan, there are excellent opportunities to enhance pedestrian connectivity to benefit future occupiers of both parcels, as well as the wider area. We hope that by showing this option, and demonstrating our cooperation, we can give confidence that this parcel can deliver wider benefits and that the two adjacent parcels complement one another.  5.1.21 Overall the Site is considered to be a sustainable location for development, and is suitable, achievable and available.  LAND AT BURTON ROAD, SWADLINCOTE Overall, the Site known as Land at Burton Road, Swadlincote, is considered to be a Site which is in a highly sustainable location in the County’s third largest settlement. As a result of this size, Swadlincote benefits from higher order facilities, services and connections and is an ideal location for growth. Given the constraints of the south of the settlement, sites in the north will be considerably preferable. This Site is suitably located to achieve the growth required, is unconstrained, and available for development. The site is therefore considered to be suitable for allocation for new homes in the emerging Local Plan. | | See Council Responses to Question 3 and 4.  The Council will consider whether the plan period should be amended.  The Local Development Scheme will be updated prior to submission of the Local Plan.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243202 | Marrons Planning on behalf of William Davis Homes | Marrons Planning |  | | 2.1 PLAN PERIOD The Draft Plan sets out a growth strategy for South Derbyshire between 2022 and 2039. The National Planning Policy Framework (NPPF) (December 2023) requires strategic policies to look a minimum of 15 years beyond adoption (paragraph 22). Paragraph 1.38 of the Draft Plan anticipates adoption by the end of 2025. As the end date of the Plan should be calculated from the first full monitoring year following adoption, the Council’s timeline indicates that the Draft Plan should extend to March 31, 2041 as a minimum based on the current anticipated timescales.  Given that the Draft Plan is only at Regulation 18 stage and the likely need to update its content given the impending changes to the NPPF, it is highly unlikely that adoption will occur by the end of 2025. A more realistic estimate would be end of 2026 and this would, following the advice of the NPPF, require the plan period to extend to March 31, 2042.  The Plan period underpinning the Draft Plan, which runs only to 2039, is not compliant with paragraph 22 of the NPPF.  2.2 SCOPE OF THE PLAN  Paragraph 1.6 of the Draft Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow after adoption of the Part 1 Partial Review. Further, paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby’s urban fringe: Infinity Garden Village and the Land to the South of Mickleover.  Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates.  The most recent LDS available for South Derbyshire covers the period 2022 to 2025. Inter alia, the LDS sets out that the Joint Advisory Board for the Derby Housing Market Area (HMA) agreed a minimum Plan period of 15 years and that most of the policies of the Local Plan Part 2 for South Derbyshire will be reviewed alongside the Part 2 Local Plan and subsumed into a new Local Plan. In addition, it is stated the new Part 1 Plan will provide a long-term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites “across the District.”  As set out above, the form of the Plan currently consulted on clashes with the most recently adopted LDS. It does not provide for the minimum Plan period of 15 years nor does it review the adopted Part 2 Local Plan, which is carried forward in its entirety. Most importantly, the Plan now published for consultation fails to provide a long-term vision for the spatial development of the District as a whole. In short, what has been published in the form of the emerging Plan as a partial review to address unmet needs from Derby only and on the edge of Derby only, is not in compliance with the most recent with the LDS.  The purpose of the LDS is to create some degree of certainty for the public, stakeholders and the development industry over the timescales and scope of plan preparation. Here the LDS has not been followed nor has it been updated and published as it should have been to reflect a drastically altered scope from the publication of the most recent LDS.  Paragraph 1.13 of the Draft Plan which states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Draft Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.  The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period. The Draft Plan’s accompanying Interim Sustainability Appraisal acknowledges that as a result of forthcoming national policy changes, the number of homes required for South Derbyshire are likely to increase as a result of changes to the Standard Method for calculating local housing need and that the Plan will need to take account of these changes.  The restricted scope of the Plan as a partial review only to deal with Derby’s unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development   Land north of Milton Road, Repton  William Davis Homes have been promoting this Site, known as Land to the North of Milton Road, for several years. This has involved representations to previous Local Plan consultations and SHELAA assessments.  Located on the east of the Key Service Village of Repton, the Site is well served by a range of local services and facilities.  Comprising a single agricultural field adjoining existing residential development to the east of the village. New homes have recently been built to the west and south on sites allocated in the Adopted Local Plan. Development of the Site would therefore represent a natural and logical extension to Repton, capable of delivering up to 40 homes.  The Site is largely unconstrained, benefiting from direct access to the public highway (Milton Road), permanent and defensible boundaries as well as accessibility to public transport and local services. The Site can be accessed via an existing field access located in the south west of the Site.  The Site is located around 850m from the nearest hourly bus services to Derby city centre (V3). Moreover it is within walking distance of a number of local services and facilities. A supermarket is located around 900m to the south west, Repton Primary School is around 400m to the south west of the Site whilst a range of village shops are located within the village centre around 950m to the south west. The multiuse village hall is located around 700m away. Repton Sports Centre is located 1200m away.  The site is not covered by any landscape designation that would suggest an increased value or sensitivity to change with mitigation and there are no statutory or non-statutory designations that would prohibit its development for residential purposes. The development would help to create a stronger defensible eastern boundary to Repton and due to the more westerly location of the settlement boundary south of Milton Road would not lead to further coalescence between Repton and Milton, an issue which is considered in the Repton Neighbourhood Plan. In fact, the location of development and creation of a stronger and more uniform edge on the western side of the village would further protect the land between Milton and Repton.  5.1.7 Reviewing the Council Strategic Housing and Employment Land Availability Assessment (SHELAA) form for our client’s Site (reference SD174) it is noted that this indicates that a red ‘RAG’ (Red Amber Green) rating is assigned only a limited number of issues in respect of: • Retail Provision • Sports Pitch Provision • Local Park/ Neighbourhood Equipped Area for Play (NEAP) • Health Facilities • Public Transport • Brownfield/Contaminated Land • Soil Quality  Dealing with these issues in turn we note that the Site scores a red RAG rating in respect of retail provision. There are a number of shops in Repton partly justifying its designation as a Key Service Village in the adopted Local Plan. These services include a SPAR food-store, a butchers, Repton School Business Centre, Post Office, and a number of pubs and cafes which are within walking distance of the Site.  We also note that the sports pitch provision for the site scores a red RAG rating. Having reviewed the location of the nearest provision we would point out that Broomhills Recreation Ground is within 1,200m of the Site and so should be assigned an ‘amber score’.  The site scored red for local parks/Neighbourhood Equipped Area for Play (NEAP). The site masterplan shows public open space will be provided on site, although the scale of the Site it is unlikely that it will contribute to the provision of new play equipment. However, there will be further opportunities for local play provision within the village given the scale of growth required. It is therefore possible for this Site to contribute to the delivery of offsite provision locally.  The nearest GP surgery from the site, Willington Surgery, is located around 2.3km to the north within the settlement of Willington and is served by the V3 bus service from Willington Road. However we would also emphasise that since 2020, according to figures published by NHS digital, around a third of GP appointments are now online or over the phone. We therefore consider that there remains reasonable access to some local health care services without the need to travel.  Public transport is another area which scored red on the RAG rating. However, there is easily accessible public transport near the site. This includes bus stops on Willington Road providing services to Burton upon Trent and Derby as well as Willington Train Station 3km to the north. And although we note that this bus stop slightly exceeds the 800m threshold identified by the Council through its SHELAA methodology (being 850m from the Site) we would highlight that the need to walk an extra 50m or 30 seconds to access this service does not, in our view render the site unsustainable.  It is accepted that the Site is greenfield. Any allocation in the village, which will be necessary in consideration of its status as a Key Service Village, will require a small loss of greenfield land. It should be noted favourably that this Site comprises mainly of poorer quality agricultural land. Given that the Site is located on the edge of the settlement and is well served by public transport and local services, there may be potential for densities to be maximised in line with government policy and this could therefore help reduce the need for greater greenfield losses elsewhere in the District including in locations with higher quality agricultural land.  Further in the SHELAA, the Site scored an amber rating for the following elements, meaning that while there may be relevant factors, any negative impacts are wither slight or capable of mitigation through the course of a planning application. The ‘amber’ elements were considered to be: • Trees and hedgerows • Employment provision • Pedestrian and cycle links • Bad neighbour uses • Water quality • Heritage assets • Landscape/townscape • Topography  To highlight trees and hedgerows, The matrix outlines that there are a number of protected trees on the western boundary of the site. It is confirmed that development would be unlikely to affect any of the mature trees and the TPO located just outside the Site’s western boundary. The Site layout could be designed in a way to conserve existing hedgerows and hedgerow trees, as required by Policy OS3 of the Repton Neighbourhood Plan and to enhance existing hedgerows through further planting although very limited losses could be required to accommodate the access to Milton Road.  Regarding the amber scored employment provision theme, there are many opportunities in South Derbyshire, as well as new opportunities with the designation of land around the A38/A50 Burnaston Interchange as a Freeport. The V3 bus service which is located close to the Site provides direct access to jobs in Burton on Trent and Derby City.  The existing footpath and cycle links leading from the site, including the footpath along Milton Road and the public right of way to the north of the site will be retained and enhanced. This means the site will be well connected to the centre of Repton and the RAG rating should be amended to Green to reflect this commitment.  Turning to the amber scored themes of bad neighbour uses, landscape/ townscape, and topography, the site will be sensitively designed to ensure integration into the surrounding context. The Site is well-related to the existing urban form. The public right of way leading to Askew Hill (viewpoint) will be retained and an appropriate buffer located to the south of this. The scheme design will reflect local landform and townscape character.  We agree that there are very few environmental constraints in this area. There are no landscape designations, no significant areas of historical or archaeological sensitivity, and no significant flood risk or environmental designations in the close vicinity of our client’s Site. Hedgerows and trees will be retained (although limited loss of hedgerow will be required due to access requirements). Existing landscape elements will be reinforced in order to help assimilate the proposed development into the wider environment and reduce the environmental/ecological impact of development.  In respect of Site delivery, given that the Site is small scale unconstrained we would expect delivery of the entire Site within 5 years.  LAND TO THE NORTH OF MILTON ROAD, REPTON 6.3.1 Turning to the merits of the Site it is our view that the development of land north of Milton Road, Repton provides opportunity to bring forward the delivery of an unconstrained and sustainable site in an area where there is a clear need for further market and affordable housing.  There are no significant environmental/historical designations located on the Site. Furthermore, there are no significant technical issues which would make this Site unsuitable for development in planning terms or would delay the delivery of housing.  The Site can positively contribute towards a five year supply. We would be welcome further and ongoing discussion with the Council regarding our proposals | | See Council Responses to Question 3 and 4.  The Council will consider whether the plan period should be amended.  The Local Development Scheme will be updated prior to submission of the Local Plan.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1242281 | Nightingale Land on land north of Linton Road, Castle Gresley | Nightingale Land | Yes | | These representations provide the response of Nightingale Land to the current consultation held by South Derbyshire District Council (SDDC) to the South Derbyshire Local Plan Review (SDLPR) under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.  These representations are focused on specific matters to the proposed policy choices currently being consulted on by SDDC and their potential implications for housing delivery.  Nightingale Land has land interests in South Derbyshire at Land north of Linton Road, Castle Gresley.  The site represents a sustainable opportunity for future residential growth and is submitted for consideration as a potential allocation as part of the Local Plan Review.  National Planning Policy and Guidance. The National Planning Policy Framework (the Framework) makes clear that the planning system should be genuinely plan-led. As such, it is vital that up-to-date Local Plans are in place which provide a positive vision for the future of the area to ensure housing and economic needs are met in full.  Paragraph 20 makes clear that strategic policies should set out an overall strategy for the pattern, scale and design quality of places. National policy makes clear that sufficient provision should be made for housing (including affordable housing), employment, retail, leisure and other commercial development.  To be found sound, the Local Plan will need to meet each of the four tests of soundness. These are a) Positively prepared – providing a strategy which, as a minimum, seeking to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.  The Council will need to be mindful of any changes made following the Government’s recent consultation which ended on 24th September 2024 on the proposed reforms to the Framework and other associated changes to the planning system (including a proposed revised standard method for calculating local housing need) which are soon to be adopted and what implications these changes may have for the preparation of the Local Plan Review.   Site Submission Land north of Linton Road, Castle Gresley  Nightingale Land has land interests in Castle Gresley at Land north of Linton Road. An outline planning application seeking permission for the erection of up to 75 dwellings was submitted on 29th November 2024 and is currently awaiting validation. The proposed site offers the potential to expand the residential offering in Castle Gresley to assist the Council in providing a range of housing land to meet residents existing and future housing needs. A location plan is provided at figure 1 below. In addition, an illustrative layout is provided at appendix 1 of this submission which details how the site can come forward.  The site comprises 5.21ha of two field parcels in agricultural use. Existing residential development bounds the site to the north-west. Housing to Burton Road and Linton Road/Hillside Road bound the site to the east and south. To the west are a group of agricultural buildings and allotments.  The site was previously promoted for up to 100 dwellings and a village hall (planning reference: 9/2019/0124) and refused in February 2019. Nightingale Land has considered the Council’s previous reasons for refusal and have incorporated significant changes to overcome the previous reasons for refusal. Indeed, whilst the site extends 5.21ha the developable area has been reduced to 2.14ha with remaining land incorporating significant levels of landscaping and public open space. It should be noted that the developable area covers the same extent as that considered in the Council’s SHELAA which concluded the site was available, achievable and suitable for development with delivery occurring in years 6 – 10 years.  The site represents a logical extension to the existing settlement and offers the opportunity to deliver the following benefits: - Development of up to 75 dwellings including provision of self-build plots and bungalows providing a mix of housing types and tenures in response to local housing needs. - The northern part of the site is retained for biodiversity and habitat enhancement as is an area to the south of the site adjoining Hillside Road. There is also potential for a Locally Equipped Area of Play. Overall, circa 60% of the site will remain undeveloped for open space, drainage and ecological enhancement. - Above policy compliant level affordable housing provision at 35%. - Provides an integrated network of public open space incorporating play facilities, extensive landscaping, sustainable drainage areas and new ecological habitats. Thereby providing opportunities for the creation of high-quality public spaces for use by existing and new residents for social interaction, play and amenity. - The creation of new footpath and cycleway connections through the site providing links with the Public Right of Way network in the wider area encouraging health and wellbeing for existing and future residents. - Existing vegetation across the site would be retained, conserved and enhanced as far as possible. Any minimal losses will be mitigated for by new native species planting. - In line with National Forest guidance, 20% of the site area is to be woodland planting and landscaping. This equates to an area of 1.04ha which is indicated as proposed woodland/scrub planting on the illustrative layout at appendix 1. - The proposals would deliver 35.99% habitat units and 10.38% hedgerow units on site, resulting in significant Biodiversity Net Gains above the statutory minimum of 10%. - Local and district-wide benefits through investment in the local community resulting in increased economic activity as a result of construction phases and increase footfall supporting local businesses.  Development of the site would represent a logical extension to the settlement with an overall positive effect for residents. The evidence prepared by the Council (in the SHELAA) and that prepared by Nightingale Land suggests that the site is suitable for allocation within the SDLPR and would assist in providing the necessary type of housing sites required to maintain the Council’s housing land supply position until strategic sites start delivering.  Conclusions Nightingale Land hope you have found this letter to be constructive and would welcome the opportunity to discuss the contents of this letter with the Council in greater detail and invite the Council to contact us in this regard. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The District Council is working towards submitting the Local Plan Part 1 Review to the Inspector on or before to the 12th March, in line with the transitional arrangements set out within the December 2024 NPPF. |
| 1242570 | Nineteen47 on behalf of Hallam Land (land at Blackwell Lane) | Nineteen47 on behalf of Hallam Land (land at Blackwell Lane) | Yes | | 1.1 This Representation has been prepared by nineteen47 on behalf of Hallam Land in response to the South Derbyshire Draft Local Plan Part 1 Review 2022-2039 Consultation [“theRegulation 18 Consultation” or “the Consultation”].  1.2 South Derbyshire Council [“the Council”] adopted the Local Plan Part 1 in 2016. This was followed by the adoption of the Part 2 plan, containing non-strategic housing allocations and detailed development management policies, in 2017.  1.3 In 2022, the Council consulted on the Local Plan Part 1 Review – Issues and Options. This was in response to the NPPF requirement at paragraph 33 to review local plans every five years. The proposed amendments to the Part 1 plan have now been published for Regulation 18 consultation, which we understand will be followed by Regulation 19 consultation in Spring 2025, and submission by June 2025. This timetable will enable the plan to be examined under the transitional arrangements set out in the Levelling Up and Regeneration Act 2024.  1.4 The current consultation seeks representations on a revised draft of the Part 1 Local Plan. The proposed approach updates the plan insofar as it sets out how much, where and what type of larger development will take place across the area up to 2039. The evidence base includes an interim Sustainability Appraisal report. The consultation portal acknowledges the anticipated publication of a National Planning Policy Framework (NPPF) update in December 2024.  1.5 In accordance with Paragraph 35 of the current NPPF, all plans should be: • Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; • Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; • Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and • Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.  1.6 Our Client’s representations are submitted with reference to land at Blackwell Lane, Melbourne [“the Site”], as shown at Appendix 1. It is considered that the release of additional land for housing will be essential for the Council to deliver an appropriate quantum of housing to meet the needs of the District and as well as surrounding authorities.  1.7 For the reasons set out within this representation, Hallam Land objects to the current approach to partial update of the Part 1 Local Plan. In particular, the emerging NPPF update is anticipated in December 2024 and is expected to place increased emphasis on speeding up plan-making and the delivery of housing. The proposed piecemeal updates to the existing Blackwell Lane, Melbourne Regulation 18 Consultation Representation2 Local Plan Part 1, which is now 8 years old, focuses on strategic sites only. This approach fails to take account of the needs of other settlements and the sustainable development that could be delivered elsewhere in the district. As set out in detail herein, it is recommended that the Council seeks to review the Local Plan in its totality to ensure soundness, based on compliance with NPPF objectives and to ensure that the plan is positively prepared, justified and effective.  Section 2 | Site Context  2.1 Hallam Land has a controlling interest in the site edged red in Appendix 1. The site comprises 35 ha. of agricultural land located on the eastern edge of Melbourne. The Site comprises a single agricultural field. The is site bound by Carr Brook to the west, Blackwell Lane to the south and the former railway line now providing the Cloud Train Greenway to the north east.  2.2 The land immediately to the west of the site is within the ownership of Severn Trent Water, who are promoting the land for housing development. The land beyond this adjacent Station Road is has recently been developed for housing by Davidsons. Collectively, these sites represent a logical extension and potential housing allocation to the east of Melbourne.  2.3 Our Client’s Site is unconstrainted, with the exception of a power line running through the very eastern corner. It is anticipated in landscape terms that this area will remain undeveloped and therefore this feature will not restrict development on the wider site.  2.4 In landscape terms, the site slopes downwards from east to west towards the town. There are no trees or hedgerows within the site though the boundaries are well defined by established landscaping.  2.5 The Site can currently be accessed via Blackwell Lane on the southern boundary, which leads into Melbourne to the west. A Public Right of Way (PRoW) dissects the site from east to west and it is anticipated that this can be incorporated into any proposed development.  2.6 The Site falls within Flood Zone 1 as shown on the Environment Agency’s Flood Map for Planning, which means that it has a less than 1 in 1,000 annual probability of flooding from a river or sea. A small area along the western boundary of the site falls within Flood Zone 3 (high risk), however it is not anticipated that this will constrain potential development  2.7 There are no statutory landscape designations on the Site or in its near vicinity, either at national or regional level.  2.8 There are no designated heritage assets located within the Site, though there are a large number of designated heritage assets within Melbourne and surrounding Melbourne Hall to the south west of the site. The Melbourne conservation area extends from the village along the southern edge of Blackwell Lane to the edge of the existing urban area but does not include any part of the site.  2.9 The Site is in an accessible location, in close proximity to the services and facilities found in Melbourne.  2.10 Within the surrounding area, there are existing employment opportunities within Melbourne. The site is also close to both Donington Park and East Midlands Airport to the north east, which provide significant employment opportunities within the area.  Planning History 2.11 The Site itself has no relevant planning history.  Current Planning Policy Context  2.12 The Site is currently outside of the Melbourne Settlement Boundary as shown in the Part 2 Policies Map. Together with the Severn Trent land to the west, this area is directly adjacent to the existing settlement boundary.  2.13 Policy H1 of the Part 1 Plan identifies Melbourne as a second tier ‘Key Service Village’ within the settlement hierarchy. Whilst development is to be directed to allocated sites and windfall sites within settlement boundaries, the Local Plan does not expressly prohibit development outside of the these areas, where any adverse impact of development would be outweighed by the benefits when assessed against policies in the NPPF when read as a whole.  2.14 The Policies Map indicates that alternative extensions around the Melbourne settlement boundary are likely to be restricted by, heritage and National Forest designations to the south and west, and potential coalescence issues with Kings Newton to the north. Therefore, an extension of the settlement to the east, as supported by the Blackwell Lane site, represents the most appropriate approach to expansion of the settlement.  2.15 It is acknowledged that the Melbourne Neighbourhood Plan, in so far as it remains compliant with local policies and national guidance, will also be a material consideration going forward.  Strategic Housing Land Availability Assessment 2.16 The site has previously been submitted for assessment in the Council’s Strategic Housing and Employment Land Availability Assessment [SHELAA 2020], which is available to view the Council’s website.  2.17 The site was assessed under reference 207 for the provision of up to 500 dwellings. The site was considered to be deliverable within 6-10 years, subject to addressing a number of sustainability criteria. Subject to appropriate assessment, there were no physical constraints to development identified.  2.18 The neighbouring Severn Trent Water site to the west was identified under ref 098 and extends to 5.10ha. this was ranked similarly to Hallam Land’s site i.e. deliverable within a 6-10 year period.  Deliverability 2.19 NPPF Paragraph 69 outlines that, to ensure a sufficient and suitable supply of land to deliver their housing and previously developed land objectives, planning authorities are required at the local level to identify broad locations and specific sites to enable a continuous delivery of housing for at least 15 years. Specifically, authorities should identify sufficient deliverable sites for the first five years, to be considered deliverable sites, at the point of adoption of a Local Plan.  2.20 In accordance with the NPPF’s glossary, for sites to be deliverable they need to be: • Available - the Site is available for development now; • Suitable – the Masterplan demonstrates that the development of the site will contribute to the creation of sustainable communities; and • Achievable - there is a reasonable prospect that new housing on the Site will be deliverable on the Site in the next 5 years.  2.21 The Council has already confirmed the Melbourne site’s deliverability through the SHELAA report.  2.22 The remainder of this Section reconfirms the sites deliverability as defined above.  Available  2.23 The Site is controlled by Hallam Land, who are a national housing promoter and is within single ownership.  2.24 The Site currently comprises agricultural land and is available in the short-term for residential development. The Site offers a logical extension to the suburban area at the eastern edge of Melbourne.  2.25 The Site has been assessed as available within the SHELAA 2020 following previous promotion of the site. This confirms an ongoing commitment to bring the Site forward at the earliest opportunity. Suitable  2.26 Hallam Land have already undertaken an assessment of the site’s suitability for housing and are satisfied that there are no insurmountable constraints to development.  2.27 It is considered that the development of the Site will create a logical extension to the settlement in an unconstrained location. The Site is located within 2km of the number of existing services and facilities located within Melbourne and further new services may be provided as part of the development. Melbourne is a Key Service Village and provides a wide range of existing local services and public transport connections, which residents of the site would have access to.  2.28 The Site has been assessed for its development potential previously in the Council’s SHELAA in 2017, in which the Site was concluded to be deliverable over 6-10 years. Within the adopted Development Plan, the Site is outside of but within a reason distance of the settlement boundary. Through appropriate design, a suitable extension to the existing settlement can be achieved. Achievable  2.29 The Site can be sustainably developed for the delivery of new residential development, together with supporting infrastructure including access, open space, landscaping and drainage.  2.30 The site can provide a range of housing to respond to local housing need and have the capacity to deliver up to 500no. dwellings including both market and affordable housing and new public open space and biodiversity enhancements.  2.31 Hallam Land has confirmed that they consider residential development of the site to be viable and achievable in the short term.  Conclusion 2.32 For the reasons set out above, the Site is confirmed to be available, suitable, and achievable for new residential development. It forms a logical and sustainable extension to the existing community within Melbourne and offers the opportunity to secure a number of socio?economic and environmental benefits in accordance with the objectives for sustainable development as set out in the NPPF.  3.1 This Section of the Representation considers and responds to the questions posed by South Derbyshire Council in the Regulation 18 Consultation. 3.2 In accordance with paragraph 35 of the Framework, plans should be: • Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; • Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; • Effective – deliverable over the plan period, and based on effective joint working on cross?boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and • Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant. 3.3 The comments in this section focus on matters relating to the strategic and spatial approach proposed, as well as the overall housing requirement to confirm whether the proposed approach sufficiently addresses the needs of South Derbyshire in the future. As such, this representation focuses on the following questions posed in the Consultation:  Section 4 | Conclusions  4.1 This Representation has been prepared by nineteen47 on behalf of Hallam Land in response to the Local Plan Part 1 Review. For the reasons set out herein, Hallam Land objects to the approach to the partial review and make recommendations for an alternative approach to be taken forward.  4.2 As set out in Sections 2 and 3, this representation is submitted within the context of Hallam Land’s interest in the site to the north of Blackwell Lane, Melbourne, as shown in Appendix 1.  The Site is available to deliver housing in the short term, is within a sustainable location and can make a viable contribution to the vitality and sustainability of the nearby area, in accordance with the aspirations of the Framework. The delivery of the site for housing in the short term can address anticipated additional housing need within the District.  4.3 Section 4 of this representation responds to the questions outlined in the Regulation 18 Consultation, focusing on overarching approach and Spatial Strategy, as well as key matters relating to housing provision. The representations raise a number of objections to the current approach and set out recommendations to ensure the emerging Local Plan is sound and capable of reacting robustly to changing circumstances in the District over the Plan Period.  4.4 These recommendations include the need to halt the current Partial Review and consider the preparation of a comprehensive new Local Plan. A comprehensive review of the Local Plan approach, including in relation to the spatial strategy, viability and site allocations, is appropriate to enable due consideration to be given of the District and cross-boundary housing and employment need. This will ensure that new development is appropriately distributed to ensure that it meets the needs of each area. This approach will ensure that the objectives of the NPPF are delivered and that the plan is justified, effective and positively prepared.  4.5 A piecemeal review of a limited number of policies and the introduction of strategic housing and employment allocations only, is not considered to be supported by robust evidence or to be a sound approach to plan making.  4.6 Our Client reserves the right to respond and make further comments on other matters as the emerging Local Plan progresses | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council responses to Question 3 and 4 |
| 1243534 | Pegasus Group on behalf of Cameron Homes Limited-Land s of Cauldwell Road Linton | Pegasus Group | Yes | | This representation has been submitted by Pegasus Group on behalf of Cameron Homes in response to the South Derbyshire Local Plan Part 1 Review Regulation 18 Consultation. 1.2. These representations are made in relation to our client's land interests in Land south of Cauldwell Road, Linton. A Site Location Plan is included at Appendix A and reproduced below for ease of reference  1.3. The site extends to approximately 2.56 hectares and is located north west of Linton, south of Cauldwell Road. The site comprises agricultural land and is situated adjacent to the built?up area of the village, providing a logical extension of this sustainable settlement between Maitland Road and Cauldwell Road.  1.4. Cameron Homes as an SME (small and medium sized) housebuilder has decades of experience in all areas of land development, with a focus on delivering high quality homes. Cameron Homes is a subsidiary of Tara Group, a family-owned independent company involved in the construction and delivery of housing.  1.5. The HBF (House Builders Federation) recently published the fifth edition of their report into the challenges and opportunities facing SME builders (Appendix E). The HBF considers that the change in Government provides the opportune moment for a change of approach that smaller home builders are in need of to ensure they are able to continue delivering high?quality homes at a smaller scale.  1.6. Cameron Homes has previously engaged in the preparation of the plan, by responding to the Issues and Options consultation in October 2022 and making a submission to the Strategic Housing and Employment Land Availability Assessment (SHELAA) Call for Sites. The site was given reference 104: Cauldwell Road, Linton and found to be potentially available, achievable, and suitable.  1.7. The site offers an opportunity to deliver approximately 50 new homes. It could also provide a new woodland copse, play area, links into the existing paved rights of way to the south which provide safe connectivity to the village centre, surface water attenuation and a well landscaped edge to the village. Appendix B provides a Concept Masterplan of the site showing how development could be achieved.  Chapter 1. Introduction 2.1. The proposed approach is to review Part 1 of the Local Plan with Part 2 saved until a full review is undertaken following the adoption of the updated Part 1 Plan. This means the Plan is only allocating strategic sites and updating strategic policies. We do not consider this approach will result in a positively prepared Plan.  2.2. The Council need to consider strategic sites together with small and medium sized sites to ensure the development needs of the Housing Market Area are met and in order that it can maintain a 5-year supply of deliverable housing land over the plan period.  2.35. Cameron Homes are a small housebuilder, and as such, are a key part of delivering the Government’s overall aim of building 1.5 million new homes between 2025 and 2030. Attached at Appendix C is research paper Land Matters Report (June 2024) commissioned by Land, Planning and Development Federation and Richborough Estates which shows that: “delivering 1.5 million homes over the next five years is only achievable through a focus on bringing forward additional sites for up to 250 homes. Sites of this size are less complex, likely involving only one landowner, and require less supporting infrastructure. They therefore start to deliver new homes sooner”.  2.36. Also attached at Appendix C is a report by Savills “Where do we need more small and medium-sized sites?”. Figure 2 shows the position of authorities in regard to meeting newly proposed definition of need. It can be seen that south Derbyshire is one of the authorities that have fewer homes consented than is necessary to meet the new level of need.  2.37. The target of 1.5 million homes set by government is very challenging and can only be achieved by each Council taking the opportunity to respond to identified need in the most positive, expeditious and pragmatic way. The approach of South Derbyshire District Council does not do this.  2.38. The approach to preparing a Part 1 Local Plan to only plan for strategic scale sites is fundamentally flawed. The council should instead prepare a Local Plan with a mixed portfolio of new housing allocations, of a variety of sizes, in a variety of locations, to provide a rolling 5-year supply of housing from the point the Local Plan is adopted.  Site at Land south of Cauldwell Road, Linton 2.39. Linton is a Key Service Village and one of the largest villages in the district containing a wide range of services and facilities including a primary school, shop & post office, village hall, recreational ground, community centre, mobile library, church and public house. The village is also within walking distance of Woodland Trust Foxley Wood.  2.40. Linton also benefits from a regular bus service. The 21E and 821 Services runs from Burton on Trent to Swadlincote, passing through Linton. These services provide a regular weekday and weekend service providing direct access to Swadlincote and Burton on Trent urban areas. This provides residents with sustainable travel options to key employment areas and high order services.  2.41. The land south of Cauldwell Road, Linton is within walking distance of the key services and facilities and within 400m of the nearest bus stop providing a sustainable location for development which would benefit from and support the long-term sustainability of the existing infrastructure and the settlement of Linton, whilst assisting in delivering much?needed homes and achieving the Vision of the Local Plan. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate  See Council responses to Question 3 and 4 and Question 9 Policy S4.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  The Council will provide a housing trajectory as part of its submission to the Secretary of State, which will set out projected housing delivery of the allocations and demonstrate that the proposed Plan have a 5 year housing land supply. |
| 1243538 | Pegasus Group On behalf of L&Q Estates in relation to Land at Staker Lane, Mickl | Pegasus Group | Yes | | 1. Introduction 1.1. This representation has been submitted by Pegasus Group on behalf of Catesby Estates in response to the Draft Local Plan Part 1 Review Regulation 18 Consultation. It is made in relation to our clients land interests at Land north of Staker Lane, Mickleover. A site location plan is provided in Appendix 1 and an aerial image of the site is provided below:  1.2. The site extends to approximately 24.6ha and is located directly to the south of Mickleover. The A511 is located directly to the north and Staker Lane is located to the south, providing a connection to the A38. The site straddles the boundary between South Derbyshire District Council and Derby City Council with the eastern part of the site located within Derby City. The portion of the site located within SDDC amounts to approximately 18.39 hectares and the remaining portion within DC amounts to approximately 6.21 hectares. The site is currently within agricultural use.  1.3. We have previously engaged in plan preparation, a submission was made in 2020 in response to the Strategic Housing and Employment Land Availability Assessment (SHELAA) Call for Sites and we responded to the Issues and Options consultation in December 2022  1.4. These submissions were made on behalf of L&Q Estates, which has recently become part of Catesby Estates. This change has no implications for the promotion of the site. Catesby Estates are an experienced developer and one of the foremost experts in land and planning, specializing in strategic land promotion and infrastructure delivery.  1.5. The site has been given reference 124 – Staker Lane in the SHELAA and was considered to be available, achievable, and suitable subject to overcoming some suitability criteria and mitigation.  1.6. The site area within SDDC has potential to deliver up to 345 dwellings whilst also providing a range of other benefits including public open space and play space, ecological enhancements and Biodiversity Net Gain, new pedestrian and cycle connections to Mickleover, tree planting and other green links.  1.7. The remaining area of land located within Derby City could deliver approximately an additional 95 dwellings, a total of around 450 for the site.  1.8. A Promotional Document was previously submitted alongside the Call for Sites submission in 2020. It appraised the constraints and opportunities to show how the site could be developed as a sensitive extension to the existing settlement, creating a sustainable and deliverable development option that would result in an integrated residential community with a sensitive relationship to the existing settlement.  1.9. An updated Concept Masterplan of the site is provided in Appendix 2, showing how development of the Staker Lane site could be achieved. The masterplan has been informed by the previous Landscape and Visual Constraints and Opportunities assessment and has been further updated to take into account of updated Ecological surveys and Tree Surveys.  1.10. The Transport Appraisal also previously demonstrated that vehicular access can be delivered to the site. The concept masterplan shows the provision of two access points, one from Staker Lane to the south of the development and an additional access from the Hollow located to the east of the site.  Chapter 2. A Portrait of South Derbyshire 2.5. The Portrait of South Derbyshire generally reflects the spatial dynamics of the district, however, the portrait should reinforce the Districts edge of Derby location as a sustainable location for new development, particularly with reference to Policy STRA 2 and the ability for the proposed allocation to take advantage of this sustainable location in delivering new development.  Chapter 3. Vision and Objectives for South Derbyshire 2.6. The Vision states that: ‘By 2039, the economy will have grown with more jobs in a more diverse business environment supported by a more skilled, diverse workforce. Local communities will be healthy and inclusive and will have access to a range of jobs, housing, education, health, shops, services, facilities and green space by a choice of travel options” and ‘The strategy for growth will have delivered at least 14483 new homes between 2022 and 2039 and ensured the District's housing stock is better aligned to the needs of – and available to - everyone, irrespective of their stage of life, income, health or circumstances. This will help to meet the needs of present and future generations housing requirements.’  2.7. The overall principle of the vision is supported, ensuring that housing stock is better aligned to the needs of the population. Our Clients support the overarching vision as a whole and consider that the strategic allocation of the site under Policy STRA 2 will not only bring new residential development, but also deliver new jobs, education facilities, health facilities, shops, services, facilities and green spaces.  2.8. However, as set out later in this response, it is noted that there is a draft masterplan within the Draft Plan for Policy STRA 2 and this masterplan is not supported by our Clients. There needs to be a balance between providing new housing to meet the ongoing demand and the provision of new green spaces within the development. The draft masterplan as published has significantly eroded the developable area of our Clients land interest at Staker Lane and there is no justification provided for the extent of the green space.  2.9. The Vision should set out a long-term development strategy for the Derby HMA and then the role of the District, including the pattern of development and key infrastructure improvements required to support the proposed strategic allocations. There is no reference to STRA 2 or the relationship between South Derbyshire and Derby City as referenced above, regarding the sustainable location.  2.10. Paragraph 22 of the NPPF states that where there are larger scale developments such as new settlements or extensions to villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead to take into account the likely timescale for delivery. Given the strategic allocations, including STRA 2, it is critical that the draft local plan includes a vision which goes beyond the plan period.  2.1. Paragraph 22 of the NPPF states that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities. The evidence base supporting such strategic policies must therefore be reflective of a realistic adoption schedule and plan period.  2.2. It is noted that the most recent Local Development Scheme is out of date and the Council does not have a published projected adoption date for the Local Plan. The report to the South Derbyshire Environmental & Development Services Committee anticipates Regulation 19 consultation taking place in early 2025 with submission to the Secretary of State by 30 June 2025. This is a very ambitious timetable and is not considered to be realistic. The Council will need to review the responses to this consultation, identify the next steps, finalise the evidence base and prepare the Regulation 19 version of the Local Plan. It is not realistic that this will be achieved by early 2025. The examination and adoption process is likely to take at least a year resulting in adoption in late 2026/ early 2027 in a best-case scenario.  2.3. As a result, the proposed Local Plan period up to 2039 will likely result in a plan period of approximately 12 years.  2.4. It is likely that the Government will confirm within the revised NPPF that the deadline for submission of Local Plans will be December 2026, this provides an 18-month opportunity for councils to prepare their plans under the current national regime of plan making. In the interest of proper plan-making our clients consider that the plan period of 2022 – 2039 should be revisited before the draft Local Plan is submitted for Examination to ensure the plan period covers a minimum of 15 years from adoption, in accordance with paragraph 22 of the NPPF.  3. Conclusion 3.1. Our Clients are supportive of the allocation of the site, providing the opportunity to bring forward a much needed residential development to meet ongoing need.  3.2. However, the requirements of the draft allocation policy require careful consideration, particularly with regard to the level of green infrastructure provision shown on the draft masterplan.  3.3. A careful balance is required to ensure that a suitable quantum of residential development can be delivered alongside the other services, facilities and infrastructure necessary to mitigate the impacts of the development. No evidence or justification has been provided in relation to the level of Green Infrastructure within our Clients land interests and whilst the provision of Green Infrastructure is supported in principle, the level of provision within the clients land interests needs to be commensurate.  3.4. Our Client is committed to working with the Council and with the wider land owners within the draft allocation to ensure that delivery of the draft allocation is successful, delivering the required number of homes. | | The Local Development Scheme will be updated prior to submission of the Local Plan.  The District Council is working towards submitting the Local Plan Part 1 Review to the Inspector on or before to the 12th March.  The Local Development Scheme will be updated prior to submission of the Local Plan.  It’s not considered that the portrait needs to be updated as requested. The portrait reflects the existing position if the district, with goals and aspirations in the vision and objectives.  The Vision will consider the need to include specific reference to the proposed strategic allocations at the edge of Derby City. The Vision as it stands says *“To accommodate growth, brownfield land and disused buildings will be brought back into beneficial use and major sustainable urban extensions to Derby will have been developed…”*  In terms of the vision going beyond the beyond the plan period. The vision looks to the long term and doesn’t stop at the end of the plan period. Development, including the delivery of the strategic allocations will go beyond the end date of the plan and it is intended that the vision will provide a long term vision for South Derbyshire beyond the plan period.  The Council will consider whether the plan period should be amended.  In terms of the plan included alongside STRA2, the District Council is awaiting the results of a Design Review for the proposed strategic allocations. The Design Review will influence any proposed amendments to the Policy and the map. |
| 1243546 | Pegasus on behalf of Cameron Homes Land at Moor Ln Aston on Trent | Pegasus on behalf of Cameron Homes Land at Moor Ln Aston on Trent | Yes | | 1. Introduction 1.1. This representation has been submitted by Pegasus Group on behalf of Cameron Homes in response to the South Derbyshire Local Plan Part 1 Review Regulation 18 Consultation.  1.2. These representations are made in relation to our client's land interests in Land east of Moor Lane, Aston on Trent. A Site Location Plan is included at Appendix A and reproduced below for ease of reference.  1.3. The site extends to approximately 2.11 hectares and is located north east of Aston on Trent, east of Moor Lane and north of the newly built homes on Heath Close and Elmlands Close. The site comprises agricultural land and is situated adjacent to the built-up area of the village, with residential development to two sides of the site to the west and south and therefore providing a logical extension of this sustainable settlement.  1.4. Cameron Homes as an SME (small and medium sized) housebuilder has decades of experience in all areas of land development, with a focus on delivering high quality homes. Cameron Homes is a subsidiary of Tara Group, a family-owned independent company involved in the construction and delivery of housing.  1.5. The HBF (House Builders Federation) recently published the fifth edition of their report into the challenges and opportunities facing SME builders (Appendix E). The HBF considers that the change in Government provides the opportune moment for a change of approach that smaller home builders are in need of to ensure they are able to continue delivering high?quality homes at a smaller scale.  1.6. Cameron Homes has previously engaged in the preparation of the plan, by making a submission to the Strategic Housing and Employment Land Availability Assessment (SHELAA) Call for Sites. The site was given reference 186: Moor Lane, Aston and found to be potentially available, achievable, and suitable. Cameron Homes has also previously submitted representation to Issues and Options consultation in December 2022.  1.7. The site offers an opportunity to deliver approximately 38 new homes. It would also provide an extension of the open space to the south, surface water attenuation and additional landscaping to complement the retained woodland. Appendix B provides a concept masterplan of the site showing how development could be achieved.  2. Consultation Response Chapter 1. Introduction 2.1. The proposed approach is to review Part 1 of the Local Plan with Part 2 saved until a full review is undertaken following the adoption of the updated Part 1 Plan. This means the Plan is only allocating strategic sites and updating strategic policies. We do not consider this approach will result in a positively prepared Plan.  2.2. The Council need to consider strategic sites together with small and medium sized sites to ensure the development needs of the Housing Market Area are met and in order that it can maintain a 5-year supply of deliverable housing land over the plan period. Chapter 2. A Portrait of South Derbyshire  2.9. No comments.  2.39. Aston on Trent is one of the largest villages in the district and as a result is designated as a Key Service Village.  2.40. Aston on Trent benefits from a wide range of key services and facilities including a primary school, doctors, post office and convenience shop, village shop, playing fields, community hall, mobile library, church and public house.  2.41. Aston on Trent also benefits from a regular bus service. The 73 Service runs from Derby to Weston on Trent, passing through Aston on Trent. It runs regularly Monday to Saturday and provides direct access to Derby Railway Station and Derby City Centre Bus Station and Derby Business Park and Raynesway Industrial Area on weekdays. This provides residents with sustainable travel options to a number of key employment areas and the higher order services available in the city centre.  2.42. The land east of Moor Lane, Aston on Trent is within 6-8 minutes walking distance of all these key services and facilities and within 400m of the nearest bus stop. The site therefore provides a sustainable location for development in the Key Service Village of Aston on Trent whilst assisting in the Council’s requirement to deliver much-needed homes | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption. |
| 1244535 | Pegasus on behalf of Harworth Group Cadley Lane | Pegasus on behalf of Harworth Group | Yes | | 1. Introduction 1.1. This representation has been submitted by Pegasus Group on behalf of Harworth Group, in response to the Local Plan Regulation 18 Consultation. It is made in relation to our client's land interests at land north and south of Cadley Lane, Castle Gresley. A site plan is included at Appendix 1 and reproduced below for ease of reference.  1.2. The site extends to approximately 33.43 hectares and is located north west of Castle Gresley, adjacent to the western edge of the Swadlincote urban area. The site currently comprises agricultural land.  1.3. Harworth Group has previously engaged in the preparation of the plan, by making a submission to the Strategic Housing and Employment Land Availability Assessment (SHELAA) Call for Sites. The site was given reference 195 - Land at Cadley Lane, Castle Gresley and was found to be potentially available, achievable, and suitable. Harworth Group have also responded to the Issues and Options consultation in December 2022.  1.4. The site offers an opportunity to deliver up to 210 new homes and 9.5ha hectares of employment land, however there is some flexibility for the site to deliver approximately 500 homes and/or 4.7ha of employment land It would also provide a range of other benefits including a public park, ecological enhancements, National Forest planting, trim trails and play spaces which would be accessible through green links and open spaces provided with the development.  1.5. Harworth Group are aware that Bloor Homes are promoting land to south of site E Cadley Park, promoted as “land to west of Castle Gresley” and are comfortable that the two sites could come forward together to form a cohesive development. Attached at Appendix 4 is a wider masterplan for the adjacent area which demonstrates how the two sites could link together.  1.6. The land north and south of Cadley Lane, Castle Gresley site is within the control of Harworth Group, an experienced developer, who are promoting the site for residential and employment development. Harworth Group plc is one of the leading land and property regeneration companies, operating across the north of England and the Midlands. Harworth Group specialises in developing sites into new residential and employment areas.  1.7. Harworth Group are experienced in this particular geographical area, having secured planning permission for nearby Sites A, B and C of Cadley Park, located to the north east of this site. These sites have subsequently been sold as serviced land parcels to major housebuilders, who are now delivering housing in this location. Harworth have also undertaken works to create the nearby 50 acre Country Park (including driving range and golf course).  1.8. Harworth Group have demonstrated that they will fully commit to the long-term management of land and public open spaces, input into key local planning matters, and provide timely liaison with core stakeholders in the best interests of the site over its entire development period.  1.9. Appendix 2 provides a concept masterplan of the site, reproduced below for ease of reference, showing how development could be achieved. On 4th February 2022, Pegasus Group also submitted a Vision Document for the site to South Derbyshire District Council, setting out our goal to create a sustainable new place for people to live work and play whilst minimising carbon emissions.  1.10. The Vision Document, which can be provided again on request, sets out that the Cadley Lane proposals will create a new community, with facilities on their doorstep to facilitate community cohesion. It highlights that the site adjoins the existing urban area and benefits from: • excellent connectivity of the site and existing sustainable transport options and the potential to become part of the bid to reopen the Ivanhoe Line for public use; • access to a large employment area that runs parallel to the A514 to Swadlincote Town Centre, which is continuing to grow; • access to Swadlincote Town Centre which provides a range of shopping, food and leisure facilities that are supplemented by food stores within Castle Gresley and Church Gresley; • 28 primary schools and 8 Secondary Schools within 3 miles of the site, including Stanton Primary School on the A444; • new facilities in the area as part of the Cadley Park development including a nine hole golf course and driving range and a large country park, which Harworth contributed to delivering; • the opportunity to create new public spaces which will link to existing facilities; • not being part of any landscape designation, with no Green Belt land included within the site boundary and having no technical constraints that cannot be overcome through master planning.  1.11. The Vision Document and the supporting evidence used to inform it confirms that the site is deliverable and there are no constraints to prevent the allocation of the site as a mixed use housing and employment site in the emerging Local Plan.  1.12. The Masterplan has been informed by a Landscape and Visual Analysis, a Highways Assessment and a Noise Assessment to demonstrate that the quantum of development proposed can be successfully delivered.  1.13. Included at Appendix 3 is a Transport Appraisal produced by ADC Infrastructure which demonstrates that the site can be made accessible by foot, is accessible to nearby services by bike, and next to the 21 and 22 local bus services.  1.14. The Transport Appraisal also demonstrates that vehicular access can be delivered in a number of ways. The illustrative masterplan shows a strategy that would be compliant with good design practice. Off-site traffic impacts would be the subject of detailed study in a Transport Assessment that supports any future planning application. Mitigation for any adverse impacts will be explored. At this stage, the initial conclusions are that there would not be a material increase in traffic on the rural roads west of the site. Most of the traffic would route to and from the east, where the first major junction would be the Cadley Hill Roundabout on the A444. That roundabout could be improved to enable safe crossing points for pedestrians and cyclists routing between the development and the areas to the east. There is sufficient spare land around the roundabout to introduce capacity enhancements should mitigation for the development traffic be necessary.  1. Introduction 2.2. Paragraphs 1.6 to 1.29 clarify the relationship between Part 1 and Part 2 of the Local Plan and explain that Part 2 of the Local Plan will be saved in its entirety. This means the part 2 Plan will stay in use until the Plan is reviewed as a whole.  5 Strategic Allocations 2.36. We have no comment on these allocations at this stage.  6. Housing 2.37. Policy H1: Housing Settlement Hierarchy sets out a hierarchy made up of four tiers with the urban areas adjoining Derby, the urban area of Swadlincote including Woodville, and adjoining Burton upon Trent identified as the most sustainable tier in the district. This hierarchy is supported as it reflects the role and function of these places in the district.  2.38. Given that the urban area of Swadlincote is identified by the Council as the most sustainable location in the district, it does not seem reasonable or justifiable that it contains no new housing allocations to meet housing needs up to 2039 and beyond. There should be new allocations in the Swadlincote Urban Area as they would provide choice and competition in the housing market, and provide diversity of supply across development strategy supporting delivery in a sustainable location.  2.39. Our client’s site north and south of Cadley Lane, Castle Gresley lies within a sustainable location within the urban area of Swadlincote. It lies within outside of Green Belt and can make significant contribution to the district’s housing needs.  7. Employment and the Economy 2.40. Our client’s site north and south of Cadley Lane, Castle Gresley could provide 9.5 hectares of employment land as part of a sustainable mixed community, which can support the delivery of employment land in line with the districts identified employment needs. Undertaking a Plan Review without allocating any employment sites is a missed opportunity to support the growth and vision that the Council has for this District.  2.41. As noted above, the Council recognises the urban area of Swadlincote as the most sustainable settlement tier in the District, and the Council’s Vison is for it to be a vibrant town cementing its economic role in the District. The provision of employment land at our client’s site is in line with the development strategy and the vision for the borough.  8. Sustainable Development 2.42. We have no comments to make at this stage.  9. Built and Natural Environment 2.43. We have no comments to make at this stage.  Conclusion 2.46. The Council’s Vison is to ensure the District's housing stock is better aligned to the needs of – and available to - everyone, irrespective of their stage of life, income, health or circumstances. This is Vision is commended but will not be achieved if the Council maintains the approach to the provision of housing set out in its Local Plan Part 1 review.  2.47. It is accepted that the Local Plan for South Derbyshire is being prepared against a moving backdrop, particularly in terms of the changes to the Government’s standard method and its implications on the Derby Housing Market Area. Having such a changing context is not an unusual situation when it comes to preparing a Local Plan, and it should not be used as a reason to defer the provision of much needed housing. The table below summarises the uplift in housing that is required:  2.48. This representation has set out a pragmatic approach to dealing with these changing circumstances. The Council needs to revisit its development strategy, informed by a sustainability Appraisal which assess all reasonable alternatives.  2.49. Our client’s site north and south of Cadley Lane, Castle Gresley lies within a very sustainable location within the urban area of Swadlincote. It lies outside of Green Belt and can make significant contribution to the district’s housing needs, supporting the Council’s vision, as part of a sustainable mixed use development. Harworth’s site is also able to form part of cohesive larger development with adjacent parcels of land to the south being promoted land to ‘west of Castle Gresley as illustrated by Appendix 4. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate |
| 1243233 | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | Pegasus on behalf of Harworth Group Land at Site D Cadley Park | Yes | | 1. Introduction 1.1. These representations have been submitted by Pegasus Group on behalf of Harworth Group, in response to the Regulation 18 Draft Local Plan Part 1 Consultation.  1.2. These representations are made in relation to our client's land interests in Site D, Cadley Park, Swadlincote. Appendix 1 shows a site location plan, but is reproduced below for ease of reference.  1.3. The site extends to approximately 9.56 hectares and is located north of William Nadin Way and south of Woodview Road and Fairfield Crescent, Swadlincote. The site is currently vacant and unused. Historically the wider site north of William Nadin Way was in use as Cadley Hill Colliery, which closed in 1988 and marked the end of deep coal mining in South Derbyshire. Open cast surface extraction continued thereafter, ceasing in 1997.  1.4. Harworth Group has previously engaged in the preparation of the plan, by making a submission to the Strategic Housing and Employment Land Availability Assessment (SHELAA) Call for Sites. The site was given reference 184: Site D, North of William Nadin Way, Woodview Road, Swadlincote and found to be potentially available, achievable, and suitable. Representations were also submitted to the Issues and Options Consultation.  1.5. The site offers an opportunity to deliver approximately 150 new homes and forms part of the wider Cadley Park development.  1.6. The site is within the control of Harworth, an experienced developer. Harworth Group plc is one of the leading land and property regeneration companies, operating across the north of England and the Midlands. Harworth specialises in redeveloping brownfield sites into new residential and employment areas.  1.7. Having secured planning permission for nearby Sites A, B and C of Cadley Park, Harworth Group have demonstrated a commitment to working with the District Council to achieve positive outcomes for the existing and new communities. This has included undertaking the works to create the adjacent 50 acre Country Park. Harworth have demonstrated that they will fully commit to the long-term management of land and public open spaces, input into key local planning matters, and provide timely liaison with core stakeholders in the best interests of the site over its entire development period.  1.8. The site adjacent to the west (known as Site A) has outline permission and reserve matters consent for 68 units (reference number: 9/2014/0886 & 9/2019/0590). The wider development also includes Sites B and C (to the south west and east respectively), which have detailed planning permission and are currently under construction (Site B reference numbers: 9/2014/0887, 9/2017/0667 and 9/2018/0497; Site C reference numbers: 9/2014/0888, 9/2018/1276). These sites have subsequently been sold as serviced land parcels to housebuilders, who are now delivering housing in this location.  1.9. Site D would deliver a further 150 homes including affordable homes, new areas of public open space linked to the wider green infrastructure. A planning application for Site D is pending consideration by the Council (reference number DMPA/2023/0006). Appendix 2 to this representation shows an illustrative masterplan to Site D Cadley Park, Swadlincote.  1.10. Our clients wish to make comments on the proposed approach to reviewing the Local Plan, the vision and objectives, spatial strategy in light of changes to standard method for housing need, housing and infrastructure policies. 1.11. Our response is set out using the headings used in the Draft Plan.  1. Introduction 1.12. Paragraphs 1.6 to 1.29 clarify the relationship between Part 1 and Part 2 of the Local Plan and explain that Part 2 of the Local Plan will be saved in its entirety. This means the part 2 Plan will stay in use until the Plan is reviewed as a whole.  Conclusion 1.51. The Council’s Vison is to ensure the District's housing stock is better aligned to the needs of – and available to - everyone, irrespective of their stage of life, income, health or circumstances. This is Vision is commended but will not be achieved if the Council maintains the approach to the provision of housing set out in its Local Plan Part 1 review.  1.52. It is accepted that the Local Plan for South Derbyshire is being prepared against a moving backdrop, particularly in terms of the changes to the Government’s standard method and its implications on the Derby Housing Market Area. Having such a changing context is not an unusual situation when it comes to preparing a Local Plan, and it should not be used as a reason to defer the provision of much needed housing. The table below summarises the uplift in housing that is required:  Table  1.53. This representation has set out a pragmatic approach to dealing with these changing circumstances. The Council needs to revisit its development strategy, informed by a sustainability Appraisal which assess all reasonable alternatives.  1.54. Our client’s site, Site D, Cadley Park, Swadlincote lies within a very sustainable location within the urban area of Swadlincote. It lies outside of Green Belt and can make significant contribution to the district’s housing needs, supporting the Council’s vision, as part of a sustainable mixed use development. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate |
| 1243222 | Pegasus on behalf of Harworth Group Land at Site E Cadley Park | Pegasus on behalf of Harworth Group Land at Site E Cadley Park | Yes | | 1. Introduction  1.1. These representations have been submitted by Pegasus Group on behalf of Harworth Group, in response to the Local Plan Regulation 18 Consultation.  1.2. These representations are made in relation to our client's land interests in Site E, Cadley Park, Swadlincote.  1.3. The site extends to approximately 65.08 hectares and is located north west of Park Road, Swadlincote. The majority of the site comprises open grassland.  1.4. Harworth Group has previously engaged in the preparation of the plan, by making a submission to the Strategic Housing and Employment Land Availability Assessment (SHELAA) Call for Sites. The site was given reference 023: Land north west of Park Road, Swadlincote, and found to be potentially available, achievable, and suitable. In addition, Harworth Group have made representations to the South Derbyshire Local Plan Issues and Options consultation in December 2022.  1.5. The site offers an opportunity to deliver approximately 320 new homes and forms part of the wider Cadley Park development area. The Concept Plan for the site at Appendix A, and reproduced below for ease of reference, shows that the site includes two parcels of housing development, approximately 190 dwellings in the northern parcel, and 130 dwellings in the southern parcel. The site also has the potential to deliver sports pitches for the benefit of the new residents and wider community as well as significant open space linked to the wider green infrastructure.  1.6. The site is within the control of Harworth, an experienced developer. Harworth Group plc is one of the leading land and property regeneration companies, operating across the north of England and the Midlands. Harworth specialises in redeveloping brownfield sites into new residential and employment areas.  1.7. Having secured planning permission for nearby Sites A, B and C of Cadley Park, Harworth Group have demonstrated a commitment to working with the District Council to achieve positive outcomes for the existing and new communities. This has included undertaking the works to create the adjacent 50 acre Country Park. Harworth have demonstrated that they will fully commit to the long-term management of land and public open spaces, input into key local planning matters, and provide timely liaison with core stakeholders in the best interests of the site over its entire development period.  1.8. Site A has outline permission and reserve matters consent for 68 units (reference number: 9/2014/0886 & 9/2019/0590). The wider development also includes Sites B and C which have detailed planning permission and are currently under construction (Site B reference numbers: 9/2014/0887, 9/2017/0667 and 9/2018/0497; Site C reference numbers: 9/2014/0888, 9/2018/1276). These sites have subsequently been sold as serviced land parcels to housebuilders, who are now delivering housing in this location.  1.9. Our clients wish to make comments on the proposed approach to reviewing the Local Plan, the vision and objectives, spatial strategy in light of changes to standard method for housing need, housing and infrastr ucture policies. Our response is set out using the headings used in the Draft Plan.  1. Introduction Regulation 18, Draft Plan Stage of the Local Plan Part 1 Review, Overview 1.10. Paragraphs 1.6 to 1.29 clarify the relationship between Part 1 and Part 2 of the Local Plan and explain that Part 2 of the Local Plan will be saved in its entirety. This means the part 2 Plan will stay in use until the Plan is reviewed as a whole.  4. Spatial Strategy a Plan for Growth Local Plan Period  1.19. Paragraph 22 of the National Planning Policy Framework states that Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long?term requirements and opportunities.  1.20. The South Derbyshire Draft Plan sets out a Plan period to 2039. The report to the South Derbyshire Environmental & Development Services Committee anticipates Regulation 19 consultation taking early 2025 and submission to the Secretary of State by 30 June 2025. It is noted that the most recent Local Development Scheme is out of date and the Council does not have a published projected adoption date for the Local Plan Experience from other recent local examinations suggests that the examination and adoption process is very likely to take more than a year.  1.21. For example, Leicester City Council submitted their Local Plan for examination 26th September 2023 and their first hearing session took place in October 2024. Charnwood Borough Council submitted their Local Plan for examination in December 2021 and are unlikely to adopt until 2025 at the earliest. For south Derbyshire, the proposed Local Plan period of 2039 will likely result in a plan period of 12 years, even at positive timescales for plan preparation and examination.  1.22. It is likely that the Government will confirm that the deadline for submission of Local Plans under the transitional arrangements set out in the NPPF will be extended to December 2026, this provides an 18 month opportunity for councils to prepare their plan under the current national regime of plan making. In the interests of proper plan making, and to align with South Derbyshire stated Local Plan Vision, the plan period should be extended to ensure that it provides a 15 year time horizon from adoption (likely 2029), and includes sufficient allocations to ensure that housing needs over the plan period are met in full. The plan would need to provide for an extra 3,025 homes to extend the plan period to 15 years at the pointof adoption.  Planning for Changing National Planning Context 1.23. It is accepted that Government changes to standard method are likely to have implications over the plan period, including for planning across the Derby Housing Market Area. Against this backdrop the Council needs to take a pragmatic approach to a likely dynamic planning context.  1.24. The current Plan includes provision for provision for 14,483 homes which comprises 8,874 to meet south Derbyshire need and 5,609 to help meet part of the unmet need of Derby City. The Briefing note to the South Derbyshire Local Plan Working Group set out the position with partners across the Housing Market Area covering the period 2022-2039 as follows: |  1.26. The implications of the Government’s proposed changes are that there is likely to be an increased housing need across the Derby HMA, with an overall under provision of 3,349 homes up to 2039. With Derby City’s constrained capacity and with Amber Valley currently in examination, if South Derbyshire fails to respond to the changes to standard method, then addressing the housing needs of HMA will be delayed for many years. It is therefore important that South Derbyshire takes pragmatic steps to address housing for the HMA need whilst it has the opportunity to do so in the preparation of its Pre-Submission Draft Plan.  1.27. These pragmatic steps are to use existing evidence to identify a pattern of development that meets likely unmet need sustainably. The Derby HMA Sustainability Appraisal of Housing Options August 2024 Derby HMA Sustainability Appraisal of Housing Options (HMA SA) provides a basis from which South Derbyshire District Council can prepare an appropriate strategy to accommodate unmet need within the HMA. The HMA SA tested a variety of options with splits between South Derbyshire and Amber Valley, with further permutations including different proportions within urban areas and towns and key villages Table (2-2). The assessment findings of the SA 4.2 show that:  *See original response.*  1.28. The HMA SA demonstrates that there is not an obviously worse or obviously better district in which to accommodate unmet housing from Derby City. The SA however does not consider Green Belt, and in this case South Derbyshire is significantly less constrained than Amber Valley.  1.29. A pragmatic response to the evidence to respond to the emerging standard method figures and to deliver on the Council’s Vision would be for South Derbyshire to accommodate the majority of the likely shortfall in housing provision to 2039. Given this shortfall is likely to amount to 3349 homes, it would be prudent, reasonable and responsible for South Derbyshire to make provision for a further 2000 homes to address unmet need in the HMA. This will ensure that unmet need is being addressed and not deferred. It should also be noted that South Derbyshire’s housing need increases from 522 to 605 dwellings per year, and sothis additional need should be met across the whole of the district and not simply adjoining the urban area of Derby Spatial Strategy  5 Strategic Allocations 1.43. We have no comment on these allocations at this stage  Conclusion 1.50. The Council’s Vison is to ensure the District's housing stock is better aligned to the needs of – and available to - everyone, irrespective of their stage of life, income, health or circumstances. This is Vision is commended but will not be achieved if the Council maintains the approach to the provision of housing set out in its Local Plan Part 1 review.  1.51. It is accepted that the Local Plan for South Derbyshire is being prepared against a moving backdrop, particularly in terms of the changes to the Government’s standard method and its implications on the Derby Housing Market Area. Having such a changing context is not an unusual situation when it comes to preparing a Local Plan, and it should not be used as a reason to defer the provision of much needed housing. The table below summarises the uplift in housing that is required:  1.52. This representation has set out a pragmatic approach to dealing with these changing circumstances. The Council needs to revisit its development strategy, informed by a sustainability Appraisal which assess all reasonable alternatives.  1.53. Our client’s site Site E, Cadley Park, Swadlincote lies within a very sustainable location adjacent to the urban area of Swadlincote and can make significant contribution to the district’s housing needs, supporting the Council’s vision, as part of a sustainable mixed use development | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate  The Local Development Scheme will be updated prior to submission of the Local Plan.  The Council will consider whether the plan period should be amended.  See Councils responses to question3 and 4. |
| 1243194 | Pegasus on behalf of Richborough - Kings Newton Melbourne Estates Limited | Pegasus Group | Yes | | 1. Introduction 1.1. These representations have been prepared on behalf of Richborough Estates Limited (hereafter referred to as ‘our client’) in response to the Regulation 18 South Derbyshire Draft Local Plan Part 1 Review 2022-2039 (October 2024).  1.2. Our client has land interests at Kings Newton Lane, Melbourne as identified in the site location plan at Appendix A and hereafter referred to as ‘the Site’.  1.3. The Site currently comprises predominately agricultural land in the form of two adjoining field parcels that extend to approximately 6 hectares (ha). The Site is directly adjacent to the existing built development of Melbourne.  1.4. Melbourne is a highly sustainable location for development as a tier 2 ‘Key Service Village’ settlement with a wide range of highly accessible local services and facilities including shops, pubs, eateries, primary school(s) and sports and employment areas.  1.5. Our client has previously engaged in the preparation of the emerging Local Plan by making a submission to the Strategic Housing and Employment Land Availability Assessment (SHELAA) Call for Sites and responding to the informal consultation on the initial assessment for the Site. The two field parcels were assessed under SHELAA references 78 and 79 and were found to be potentially available, achievable, and suitable for residential development.  1.6. Our client also submitted representations to the Regulation 18 Issues and Options Local Plan consultation in December 2022.  1.7. The Site offers the opportunity to deliver up to 135 new homes to respond to local need with associated open space and infrastructure in a sustainable and logical edge of settlement location. The previously submitted concept masterplan for the Site is included at Appendix B demonstrating how the development could be achieved. This is currently being updated in accordance with updated technical assessments.  1.8. As set out in the Vision Document of 2021 (resubmitted alongside these representations) the two adjoining field parcels are also capable of being delivered individually with a capacity of approximately 40 and 95 dwellings. Whilst this opportunity to bring the site forward in two phases has been considered and promoted through the Local Plan process previously it is considered that delivering the site as a singular and sustainable settlement edge extension to Melbourne is the appropriate response to addressing the increasing level of unmet need as set out at paragraph 2.19 onwards.  1.9. At paragraph 35, the National Planning Policy Framework (NPPF) requires that Local Plans be considered against the following ‘tests of soundness’:  a) Positively Prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; b) Justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; c) Effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and d) Consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant. 1.10. These representations have been prepared with the above ‘tests of soundness’ in mind.  2.1. Our client’s comments are set out below, following the headings of the draft Local Plan for ease of reference.  Chapter 1. Introduction 2.2. Paragraphs 1.6 to 1.29 of the draft Local Plan clarify the relationship between Part 1 and Part 2 of the Local Plan and at paragraph 1.9 explains that Part 2 of the Local Plan will be saved in its entirety. This means the part 2 Plan remains in place until the Plan is reviewed as a whole resulting in its policies becoming increasingly out of date as the part 1 and part 2 plans are informed by separate evidence and are therefore not aligned.  Part 1. Do we want the LPA to go to Reg 19 stage given the  Chapter 2. A Portrait of South Derbyshire 2.8. Our client has no comments to make in respect of the Portrait of South Derbyshire at this stage.  Chapter 3. Vision and Objectives for South Derbyshire 2.9. Chapter 3 of the draft Local Plan sets out the vision for the Council for the plan period of 2022-2039 which states:The strategy for growth will have delivered at least 14483 new homes between 2022 and 2039 and ensured the District's housing stock is better aligned to the needs of – and available to - everyone, irrespective of their stage of life, income, health or circumstances. This will help to meet the needs of present and future generations housing requirements’.  2.10. Our client supports the overarching Vision as a whole, especially with regard to ensuring the housing stock is better aligned to the needs of local people, however, and as set out in these representations, the plan as drafted will not deliver sufficient homes and as a result the Vision will not be realised.  2.11. Therefore, the Vision should be refined to be more succinct in accordance with the NPPF (paragraph 15) and less Swadlincote focused. In order to ensure the Local Plan delivers a sufficient quantum of sustainable homes in a genuinely plan-led manner, the Vision should look further ahead, to at least 30 years from now, in accordance with the NPPF (paragraph 22).  2.12. Our client has no comments to make with regard the Strategic Objectives at this time. Chapter 4. Spatial Strategy a Plan for Growth  3. Conclusion 3.1. The Vision of the draft Local Plan is to ensure the district’s housing stock is better aligned to the needs of everyone, irrespective of their stage of life, income, health, or circumstances. Our client supports the vision but considers it will not be achieved if the Council does not take a pragmatic approach to housing delivery, allocations, and the plan period.  3.2. It is accepted that the Local Plan for South Derbyshire is being prepared against a changing backdrop, particularly in terms changes to the Government’s standard method and its implications on the Derby HMA, however, the changing context is not an unusual situation when it comes to preparing a Local Plan that is looking 15+ years into the future and therefore it should not be used as a reason to defer the provision of much needed housing for local people.  3.3. The Council needs to revisit its development strategy informed by an updated Sustainability Appraisal and wider evidence base to allocate suitable and sustainable sites, such as the Land South of Kings Newton Lane Melbourne, for additional housing delivery.  3.4. Our client is committed to working with the Council as the Local Plan progresses and is willing to meet with representatives of the Council to discuss the content of these representations | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  See Council response to Question 1, 3, 4  In terms of the vision going beyond the beyond the plan period. The vision looks to the long term and doesn’t stop at the end of the plan period. Development, including the delivery of the strategic allocations will go beyond the end date of the plan and it is intended that the vision will provide a long term vision for South Derbyshire beyond the plan period. |
| 1243184 | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Pegasus on behalf of Wilson Bowden Devts and Barrett Redrow | Yes | | 1. Introduction 1.1. These representations have been prepared on behalf of Wilson Bowden Developments Ltd and Barratt Redrow (hereafter referred to as “our clients”) in response to the Regulation 18 South Derbyshire Draft Local Plan Part 1 Review 2022-2039 (October 2024).  1.2. Our clients have land interests within the Infinity Garden Village proposals at Appendix 1. These representations refer specifically to the land identified within the red line boundary; hereafter referred to as “the Site” which has been promoted by our clients previously for mixed-use development through the Local Plan process.  1.3. The Government announced its support for the Infinity Garden Village in January 2017. Infinity Garden Village in its totality spans across both the South Derbyshire District Council (SDDC) and the Derby City Council (DCC) administrative boundaries and sits within the area known as the South Derby Growth Zone (SDGZ).  1.4. The SDGZ is a strategic initiative that received £49.6m from the UK Government’s Levelling Up Fund (LUF) to unlock land along the A50 corridor for large scale mixed used developments including the residential and employment development associated with Infinity Garden Village. This funding is predicated on the uplift of additional homes and jobs being created in and adjoining the existing allocations in the SDDC and DCC boundaries. It is this additional land that our clients have an interest in and which these representations are based upon.  1.5. The Site currently comprises predominately agricultural land. The area within the SDDC boundary extends to approximately 185 hectares (ha). This includes the land associated with the existing Policy E4 allocation alongside the potential to accommodate approximately 47ha of additional employment land and 95ha for residential development, local centre, primary school and open space.  1.6. The Site offers the unique opportunity to deliver up to 2,000new additional homes (subject to detailed master planning) and up to 47 ha of additional employment land for new jobs in the area within the Infinity Garden Village land, which is supported by the Government. Bringing the Site forward would provide a wealth of benefits including: • Up to 2,000 new homes (including affordable homes) of varying tenures and sizes to respond to local need and demand, • Up to 47ha of employment land, • Critical contributions to the provision of a new South Derby Integrated Transport Link and A50 Link Road, • A 2 Form Entry Primary School, • A Local Centre with community and retail facilities and services, • A range of green and blue infrastructure improvements including community orchards/allotments and play areas for all ages, • Excellent walking and cycling routes into the city, and • Public transport links including frequent bus links connecting to other employment areas including the city centre and Infinity Park.  1.7. A concept masterplan of the Site is provided at Appendix 2 showing how the proposed development could be achieved. This is further set out in the separate Vision Document (resubmitted alongside this representations) which details how the Site can positively contribute to the Council’s development strategy and key objectives.  1.8. The strategic scale of the development and the Garden Village status of the Site and its immediately surrounding area will provide greater opportunities to deliver healthy and sustainable development, which is comprehensively planned to meet the day to days needs of future residents with excellent links into Derby city.  1.9. It will benefit from the existing infrastructure of the main urban area whilst contributing to the delivery of new and improved infrastructure such as primary and secondary education facilities, junction improvements on the A50, community orchards/allotments, and improvements to Sinfin health centre for the benefit of both new and existing residents as well as the provision of a variety of jobs for local people.  1.10. The strategic scale and comprehensive planning of the Garden Village provides an opportunity to make biodiversity net gains, with the provision of green infrastructure such as parkland, wetlands, allotments and community orchards along with carefully designed sustainable drainage systems that create linked areas of blue infrastructure.  1.11. The site is being promoted by Wilson Bowden Developments Ltd and Barratt Redrow, a leading commercial developer and housebuilder in the East Midlands, with a strong track record of delivery.  1.12. Barratt Redrow is the nation’s leading housebuilder both in terms of scale and quality receiving 5 Stars from the Home Builders Federation (HBF) for the 15th year in a row - the only major national housebuilder to achieve this. Infinity Garden Village will contain products from the Barratt, David Wilson and Redrow housing brands together with employment delivered by their commercial division Wilson Bowden.  1.13. At paragraph 35, the National Planning Policy Framework (NPPF) requires that Local Plans be considered against the following ‘tests of soundness’: a) Positively Prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; b) Justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; c) Effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and d) Consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.  1.14. Where helpful, these representations will consider the Councils Regulation 18 draft Local Plan against the above ‘tests of soundness’ which any Regulation 19 representations and indeed the Examination process will assess the Local Plan against  2. Response 2.1. Our client’s comments are set out below, following the headings of the draft Local Plan for ease of reference.  1. Introduction Regulation 18, Draft Plan Stage of the Local Plan Part 1 Review, Overview  2.2. Paragraphs 1.6 to 1.29 clarify the relationship between Part 1 and Part 2 of the Local Plan and at paragraph 1.9 explains that Part 2 of the Local Plan will be saved in its entirety. This means the part 2 Plan remains in place until the Plan is reviewed as a whole.  2. A Portrait of South Derbyshire 2.6. The Portrait of South Derbyshire generally reflects the spatial dynamics of the district; however, the potential of Infinity Garden Village should be acknowledged with respect to the potential to consolidate the district’s strong links with Derby City; the potential to bring a significant amount of diverse housing; and also become a significant growth area for strategic road employment contributing to a more diverse range of employment opportunities.  3. Vision and Objectives for South Derbyshire 2.7. Chapter 3 of the draft Local Plan sets out the vision for the Council for the plan period of 2022-2039 which states: “By 2039, the economy will have grown with more jobs in a more diverse business environment supported by a more skilled, diverse workforce. Local communities will be healthy and inclusive and will have access to a range of jobs, housing, education, health, shops, services, facilities and green space by a choice of travel options” and “The strategy for growth will have delivered at least 14483 new homes between 2022 and 2039”.  2.8. Our clients support the overarching Vision as a whole and consider the strategic allocation of the Site under Policy STRA1 will ensure local communities will have access to a range of jobs, housing, education, health, shops, services, facilities and green spaces.  2.9. Whilst our clients support the principles of the Vision, it is considered that the Vision lacks specific details, for example, it should set out the long-term development strategy for the Derby HMA as a whole and then the role of the district within that, including the overall pattern of development and key infrastructure improvements needed. The vision currently does not reference strategic allocations or their relationship between South Derbyshire and Derby City. Ensuring the Vision is clear is essential to proper plan-making and ultimately the implementation of the Development Plan.  2.10. The vision should set out the long-term development strategy for the Derby HMA as a whole and then the role of the district within that, including the overall pattern of development and key infrastructure improvements needed. There is currently no reference to IGV or the relationship between South Derbyshire and Derby City.  2.11. Infinity Garden Village should be explicitly recognised within the vision as it will provide a unique sustainable community delivering a significant amount of housing and employment land alongside community facilities including high quality green and blue infrastructure.  2.12. Paragraph 22 of the NPPF also states that 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. Given the strategic allocations within the draft Local Plan, including at Infinity Grden Village, it is essential that the draft Local Plan includes a vision for the district which goes beyond a 15-year plan period. 2.13. Our clients have no comments to make with regard the Strategic Objectives at this time.  4. Spatial Strategy a Plan for Growth Local Plan Period 2.14. Paragraph 22 of the NPPF states that Strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities. The evidence base supporting such strategic policies must therefore be reflective of a realistic adoption schedule and plan period.  2.15. It is noted that the most recent Local Development Scheme is out of date and the Council does not have a published projected adoption date for the Local Plan. The report to the South Derbyshire Environmental & Development Services Committee anticipates Regulation 19 consultation taking place in early 2025 with submission to the Secretary of State by 30 June 2025. The examination and adoption process is highly likely to take more than a year resulting in adoption in late 2026/ early 2027 in an absolute best-case scenario.  2.16. As a result, the proposed Local Plan period up to 2039 will likely result in a plan period of approximately 12 years, and even that is highly optimistic.  2.17. It is likely that the Government will confirm within the revised NPPF that the deadline for submission of Local Plans will be December 2026, this provides an 18-month opportunity for councils to prepare their plans under the current national regime of plan making. In the interest of proper plan-making our clients consider that the plan period of 2022 – 2039 should be revisited before the draft Local Plan is submitted for Examination to ensure the plan period covers a minimum of 15 years from adoption, in accordance with paragraph 22 of the NPPF.  3. Conclusion 3.1. Our clients are supportive of the allocation of the Site which provides the opportunity to bring forward a unique mixed used sustainable community with a plethora of benefits that will support the delivery of: • Up to 2,000 new homes (including affordable homes) of varying tenures and sizes to respond to local need and demand, • Up to 47ha of employment land, • Critical contributions to the provision of a new South Derby Integrated Transport Link and A50 Link Road, • A 2 Form Entry Primary School, • A Local Centre with community and retail facilities and services, • A range of green and blue infrastructure improvements including community orchards/allotments and play areas for all ages, • Excellent walking and cycling routes into the city, and, • Public transport links including frequent bus links connecting to other employment areas including the city centre and Infinity Park.  3.2. That being said, the policy obligations associated with the strategic allocation require careful consideration in respect to the deliverability and viability of the site and indeed the Local Plan as a whole. A delicate balance is required to ensure our clients and other developers are able to deliver new homes, services, facilities and infrastructure whilst the Council deliver the required quantum of accommodation and other requirements.  3.3. These representations have set out how a pragmatic approach to policies and their requirements could result in the successful and timely delivery of new homes across the district with our clients’ site making a significant contribution to the district’s housing needs and supporting the Council’s Vision.  3.4. Our clients are committed to working with the Council as the Local Plan progresses and are willing to meet with representatives of the Council to discuss the content of these representations.  Promotion of housing allocation H15: Wragley Way | | See Council responses to question 3 and 4  Its not considered that the portrait needs to be updated as requested. The portrait reflects the existing position if the district, with goals and aspirations in the vision and objectives.  The Vision will consider the need to include specific reference to the proposed strategic allocations at the edge of Derby City. The Vision as it stands says *“To accommodate growth, brownfield land and disused buildings will be brought back into beneficial use and major sustainable urban extensions to Derby will have been developed…”*  The Local Development Scheme will be updated prior to submission of the Local Plan.  A Viability Assessment of the Plan will be undertaken prior to submission of the plan. |
| 1243218 | Planning Issues Town Planning and Architecture on behalf of Churchill Living and | Planning Issues Town Planning |  | | CHURCHILL LIVING & MCCARTHY & STONE RESPONSE TO SOUTH DERBYSHIRE LOCAL PLAN REG 19  McCarthy Stone (MS) and Churchill Living (CL) are independent and competing housebuilders specialising in sheltered housing for older people. Together, they are responsible for delivering approximately 90% of England’s specialist owner-occupied retirement housing. Both operators are therefore well placed to provide comment on proposed policies given their experience in providing older persons housing. Please find below our comments on the proposed submission local plan policies proposed within this consultation insofar as they impact the delivery of specialist accommodation for older persons. These comments are intended to assist the councils in formulating approaches which are both workable in practice and avoid stymying the delivery of a housing typology which the PPG describes as ‘critical’ in terms of addressing housing need.  General Comments Representations were made in respect of the Regulation 18 consultation on 9th November 2022. Comments made at that stage of the plan formation centred around the importance of introducing a positive policy in respect of the delivery of housing for older people. Furthermore, it was recommended that a plan wide viability study was undertaken as required by the NPPG and the requirements of the plan tested to ensure viability and deliverability.  We note that Policy H20: Housing Balance and Custom/Self Build sets out support for the provision of housing for older people. However, this is a generic policy for all housing typologies and as per our original submissions, it is clear that the housing requirements of older people are ‘critical’ (NPPG) and warrant a specific policy. The supporting text at paragraph 4.36 of the draft plan acknowledges the housing requirements for older people but then links this need to the delivery of wheelchair accessible housing. Dedicated housing for older people is more than wheelchair accessible housing and the draft plan should do more to support the delivery of housing for older people in general such as sheltered and extra care forms which are shown to make up in excess of 10% of overall housing demand1 over the plan period.  We remain concerned that the policy does not reflect the urgency contained within national policy to deliver sufficient housing for older persons.  Secondly, it does not appear that a plan wide viability study has been undertaken at this stage with the plan stating that at Autumn 2024 that, a local plan viability assessment was ‘still to be completed’. The most recent study appears to be the 2015 Plan-wide where it was determined that no viability headroom existed for affordable housing contributions from older persons housing development. This was the case on both greenfield and brownfield site typologies.  It is useful at this stage to set out what the PPG requires local planning authorities to consider when requesting planning obligations and other infrastructure and how this must be considered in setting local plan policy.  The PPG Viability section sets out the following key considerations: How should plan makers set policy requirements for contributions from development?  Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).  These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. To provide this certainty, affordable housing requirements should be expressed as a single figure rather than a range. Different requirements may be set for different types or location of site or types of development.  See related policy: National Planning Policy Framework paragraph 34 Paragraph: 001 Reference ID: 10-001-20190509  How should plan makers and site promoters ensure that policy requirements for contributions from development are deliverable?  The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. It is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies. Drafting of plan policies should be iterative and informed by engagement with developers, landowners, and infrastructure and affordable housing providers.  1 The plan highlights a requirement for excess of 1,500 units of older persons housing by 2039 plus care home spaces.  Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision-making stage.  It is the responsibility of site promoters to engage in plan making, take into account any costs including their own profit expectations and risks, and ensure that proposals for development are policy compliant. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies. The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. Landowners and site purchasers should consider this when agreeing land transactions.  See related policy: National Planning Policy Framework paragraph 34 Paragraph: 002 Reference ID: 10-002-20190509  And The total cumulative cost of all relevant policies should not be of a scale that will make development unviable. Local planning authorities should set out future spending priorities for developer contributions in an Infrastructure Funding Statement. Paragraph: 029 Reference ID: 10-029-20190509  In conclusion, the PPG sets out the following key principles: - Local Plan policy should be informed by an assessment of viability to ensure that the policies and costs of policy are viable for each typology. The total cost of all plan requirements should be assessed and not be of a scale that makes development unviable. - Different affordable housing targets may be set for different sites and different typologies dependent upon the viability testing outcome. - The role of viability assessment should be at the plan making stage and the role of viability assessment at the decision making stage is at the discretion of the decision maker. Policies within local plans should therefore be set at viable levels.  Formulating development plan policy requirements is therefore an iterative process which should be underpinned by a proportionate assessment of financial viability. Consulting on draft policies which are as yet not demonstrated as viable at both the Regulation 18 and 19 stages is problematic as it does not allow stakeholders to scrutinise and review the plan evidence base. In our experience, the viability evidence base is generally available at the early stages of the plan formation to allow stakeholder engagement in line with the NPPG requirements. We therefore recommend that this important aspect of the evidence base is prepared and published in draft as soon as possible so that stakeholders may engage in the process before the plan is progressed any further.  The above requirements should be considered in relation to the following proposed policies.  Conclusions We would be grateful if you can advise us of further opportunities to engage on the emerging plan and in particular, the plan wide viability study as referenced above. In line with PPG requirements, the plan and evidence base should be informed by positive engagement with stakeholders.  We would welcome further engagement on the matters raised so that we may assist the council in formulating workable and appropriate policies. We remind the council that the need for older persons housing is described as ‘critical’ within national policy and therefore policies to encourage rather than restrict development must be advanced. | | It is not considered necessary to provide a specific policy for older people. Policy H20 supports the provision of homes for older people, including with support, housing with care and residential care bed spaces. The Policy goes on to state that this will be achieved by allocating provision within allocated and mixed use sites and supporting proposals incorporating suitable provision where consistent with relevant Local Plan policies.  A Viability Assessment of the Plan will be undertaken prior to submission of the plan. |
| 1243668 | rg-p on behalf of Lovell Partnerships Ltd | rg-p on behalf of Lovell Partnerships Ltd | Yes | | The Site and Surroundings These representations relate to the promotion of 2.1 Ha of land at Linton Heath for residential development.  The extent of the site boundaries are shown on the submitted location plan. An illustrative layout showing a mix of housetypes is also enclosed. It is proposed that the development would be delivered alongside a housing association partner, with a focus on the delivery of affordable homes for rent and shared ownership.  The site is bounded by woodland to the north and east, with residential dwellings to the west and south. It fronts onto the main road (Linton Heath) which provides a point of vehicle access and is a short walk from the village primary school. There are various local facilities including a convenience store, public houses, places of worship and a village hall nearby.  Linton and Linton Heath is a sustainable location for further residential development being a key service village as identified in the extant development plan. The village has seen recent growth, including an adjoining development by Walton Homes and expansion to the west of the village by Strata Homes. The site lies adjacent to the settlement boundary which was amended following the grant of planning permission for the site built out by Walton Homes (secured on appeal)  Our Client Lovell is a major national partnership housing and regeneration specialist within the Morgan Sindall Group. Lovell are internally funded wholly by Morgan Sindall Group, who maintain an average daily cash position of circa £275m, and an annual revenue of £3.6bn. The group is financially stable and resilient. Investment in housing remains a strategic priority for the group and Lovell therefore has access to draw upon the substantial liquidity of the Group to meet its funding requirements to successfully deliver this scheme, working alongside a registered provider of affordable housing.  Lovell East Midlands have vast development experience in and around Derbyshire, particularly in close proximity to Linton Heath where they are currently working alongside a housing association partner EMH at Oak Close, Mount Pleasant to deliver 70 affordable dwellings.  The Lovell East Midlands team is experienced in managing and co-ordinating a range of external consultants, subcontractors, and suppliers, to deliver a high quality housing schemes, providing value for money and delivered in a timely manner. 2024 will see the completion of over 400 mixed tenure homes and turnover circa £69.9 million in new build and planned maintenance housing work. Lovell brings extensive experience not only as a national developer but also as a contractor, forging established relationships with affordable housing partners across the East Midlands.  Providing ‘additionality’ affordable units on sites such as this at Linton Heath helps to mitigate the impact of market fluctuations and ensures that the build programmes remain on track. With plots already being forward sold, the pace of construction can continue steadily, maintaining Lovell’s commitment to fast, efficient delivery without compromising on quality.  This strongly adheres to the objectives highlighted in the consultation document, to deliver an increase in housing delivery and affordable housing for the District.  The Emerging Plan Review The emerging plan review consultation document clearly outlines the importance of securing housing, and affordable housing. Paragraph 3.1 of the draft document states: “South Derbyshire has the fastest growing population in Derbyshire and market needs suggest that a considerable number of additional homes will be needed by 2039” and “The cost of housing is unaffordable for many and the longer term trend is a growing gap between average earnings and house prices.” This reflects the national picture as recently set out by Matthew Pennycook MP, Minister of State for Housing and Planning, Ministry of Housing, Communities and Local Government. In addressing the Housing, Communities and Local Government Committee on 20 November 2024 he stated (with our emphasis underlined):  “We have a generation now completely locked out of home ownership as a result of the steadily expanding gap between average house prices and average earnings. We have millions of low to middle-income households forced into insecure, unaffordable and far too often substandard private rented housing. We have 1.3 million people languishing on social housing waiting lists. To our utter shame as a nation—I say this everywhere I go— more than 150,000 homeless children right now are living in temporary accommodation. That is the price we have paid for not being serious about house building rates.”  In terms of the need for new affordable homes it is noted that at paragraph 4.35, the underlying evidence base points to an annual need for at least 214 additional affordable homes to rent in South Derbyshire. This does not include affordable home ownership products when it clearly should. The Council should take all reasonable steps to meet full affordable housing needs and justify any divergence in the Appraisal. The LHNA states that ‘the Councils will need to seek to maximise the delivery of such housing at every opportunity’. It is also possible that given the cross boundary relationship with the City and SDDC, this figure will need to increase further as SDDC will accommodate needs from the City which will include affordable housing. As such it is clear that the plan will not meet affordable housing needs in full and the extent by which affordable housing will be delivered is likely to be further squeezed ‘subject to viability’. Our view is that the housing requirement should increase to ensure that sufficient affordable housing is delivered.  It is also notable that the plan is predicated on a traditional s106 led model for delivering the majority of affordable housing, alongside a limited delivery from rural exception sites which may be supported by very limited cross subsidy. These models are limited in terms of viability and the ‘land led’ approach advocated by Lovell and others in the partnership sector has an important role to play. This means that often, sites can be delivered at greater scale and also at pace, which carries compelling benefits.  As such the emphasis within policy H1 and H21 is not sufficiently flexible to capitalise on the opportunity here to increase delivery of affordable housing.  Firstly, in relation to policy H1, this states an upper limit of 25 dwellings for rural exception sites adjoining settlements with the sustainability credentials of Linton Heath. This is flawed for 2no reasons being:  1) It fails to identify other potential sources of affordable housing, such as through the land led partnership approach; and, 2) The upper limit of 25 dwellings is arbitrary. It is not justified by any evidence or addressed sufficiently within the published Sustainability Appraisal.  Secondly, we also suggest that Policy H21 should be broadened to reflect the opportunity to provide development in the form proposed by Lovell Partnerships.  Finally, we suggest that to provide further certainty and a signal of intent, this plan review should seek to allocate sites proposed specifically for affordable housing. The site promoted here is an ideal candidate and is capable of delivery within the next five years. . I trust that the information provided within this letter is sufficiently clear to assist in further development of this local plan review.  We look forward to arranging a meeting in due course to discuss and assist the Council. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate  See Council response to question 4.  The Local Plan is updating strategic policies and primarily addressing Derby City’s unmet need. In relation to the development allowed at settlements within Key Service Villages, Local Services and Rural Areas, the housing allocations within the Local Plan Part 1 Review significantly exceeds the housing need for South Derbyshire, which in turn helps to address affordable provision. In local terms the Local Housing Needs Assessment does not recommend a future uplift above the standard method and the Settlement Growth Study does not recommend an unmet need for most settlements within the District. Any need identified in the Study could be addressed in either a Part 2 Local Plan (the Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026), or a Full Plan Review.  Consequently, the District Council does not need to provide a large amount of flexibility within Policy H1 and the thresholds for development within Key Service Villages, Local Service Villages and Rural Areas does not need to large. The Local Plan provides a plan led approach for development. It is considered that the thresholds within Policy H1 are inappropriate. |
| 1242100 | RPS on behalf of Bellway and Clowes (Thulston Fields) | RPS on helaf of Bellway and Clowes (Thulston Fields) | Yes | | RPS Consulting Services Ltd (“RPS”) is instructed by Bellway and Clowes to formally respond to the Draft Local Plan Part 1 Review (“DLPP1”) (Regulation 18) 2022 – 2039, as published by South Derbyshire Council (“the Council”) in Autumn 2024. To be clear from the outset, it should be noted that Bellway and Clowes both have land interests at Thulston Fields (“the Site”).  Both Bellway and Clowes support the Council in progressing the Local Plan, however they object to a number of proposed policies and other matters relating to the evidence base, SA scoring and other policy documents.  This submission also provides details of the Site and the emerging proposals that have been updated, which can demonstrate suitable development can be brought forward, so as to be capable of meeting housing and employment needs of the Derby HMA in a timely and sustainable manner.  This submission sets out responses to the questions set out in the DLPP1 . We have referred to those specific questions in the relevant sections of this submission.  RPS, Bellway and Clowes are committed to working with the Council and other relevant stakeholders to design a high-quality and sympathetic development for the Site which delivers significant benefits to the area and contribute toward meeting future needs up to 2039.  THULSTON FIELDS Strategic case for development at Thulston Fields Thulston Fields, a 108-hectare site located south of Boulton Moor in Derby, South Derbyshire, is currently utilized as agricultural farmland. RPS on behalf of Bellway Homes and Clowes Developments are advocating for its allocation for mixed-use development in the South Derbyshire Local Plan review. This report outlines the strategic case for the development of Thulston Fields, emphasising its potential to meet housing and employment needs, its sustainability, and the broader benefits it offers to the wider community and economy.  On 30 July 2024, the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government published a Written Ministerial Statement (WMS) setting out the Labour Government’s proposed reform to housing delivery and the planning system, in response to the national housing crisis but also a route to sustained economic growth. The principal focus of the WMS is to improve the prosperity of the country and the living standards of working people, based on the three pillars of stability, investment, and reform.  In relation to the location of development, the WMS confirms that development on brownfield land is acceptable in principle and proposes taking a more strategic approach to Green Belt release as part of the solution to meet housing delivery. The WMS introduces a sequential approach to the development of land – first consideration to brownfield land, then Grey Belt sites and then higher performing Green Belt land.  Exceptional circumstances for Green Belt release The demand for housing in South Derbyshire is projected to increase both as a result of forthcoming changes to the standard method for calculating housing need as part of the wider NPPF revisions, and as the area is expected to accommodate a portion of Derby City's unmet housing needs. Derby City lacks sufficient land to meet its own housing needs.  Furthermore, it is noted that Amber Valley have recently submitted their Local Plan for Examination. In doing so they have proposed to only accommodate 1,400 homes over their proposed Plan Period through a new Strategic Allocation at Mackworth. While this allocation is expected to eventually provide the 2,000 homes that Amber Valley are contributing towards Derby City’s unmet needs, it is notable that these homes would not all be delivered during Amber Valley’s proposed Plan Period, and more importantly would not be provided by 2028, which is the period that Derby City currently have an unmet need for. In this context, the recent Inspector’s recommendation, and subsequent Local Planning Authority (“LPA”) decision, for the withdrawal of the Solihull Local Plan, on the basis that it could not meet its commitment under the Duty to Cooperate to accommodate a proportion of Birmingham’s need by 2031 (the equivalent to 2028 in the case of Derby City) may indicate that the prospects of the Amber Valley Local Plan being recommended for adoption in its current form is limited.  In addition, the Government have through the emerging NPPF and various other policy announcements, set out a clear expectation that the Planning System should be doing more to support economic growth. In this context it is noted that all of the HMA authorities are members of the recently formed East Midlands Combined Authority (EMCA). The Government are currently consulting on their Modern Industrial Strategy, and the Autumn 2024 budget included reference to Local Growth Plans which are focused on economic growth policy for a particular area. RPS understand that the various Mayoral Combined Authorities, including the EMCA have been tasked with preparing Local Growth Plans with an explicit aim to accelerate economic growth. While Local Growth Plans are understood to not be land use plans, it clear that there will be land use planning implications, and it is expected that there will be an increased requirement for employment land around Derby.  The issue of housing need alone is considered to constitute strategic exceptional circumstances that justify the release of Green Belt land for development. In addition, the potential for an significantly increased requirement for employment land, should this arise, would also constitute exceptional circumstances in its own right.  Limited contribution towards the Green Belt purposes Thulston Fields is strategically bound by the A6 to the east and the A50 to the south, with the committed development of Boulton Moor to the north. These strong defensible boundaries minimize urban sprawl and enhance the site's suitability for development without undermining the purposes of the Green Belt.  As set out in the Vision Document supporting these representations, the site has limited contribution towards the five key purposes of the Green Belt: • Checking Urban Sprawl: The existing road infrastructure and proposed landscaping create a defensible boundary that restricts further sprawl. • Preventing Settlement Merging: The proposed land use effectively prevents the coalescence of surrounding settlements. • Safeguarding Countryside: Physical boundaries currently in place prevent encroachment into the countryside. • Preserving Historic Towns: The site is sufficiently remote from historic assets, ensuring no adverse impact on their setting. • Encouraging Urban Regeneration: The pressing need for land in Derby necessitates considering Green Belt release to fulfil housing requirements.  Our assessment shows the Site makes a limited contribution towards the Green Belt purposes under current national policy, and its release would not undermine the wider Green Belt in this location. We contend that exceptional circumstances exist to justify releasing the Site from the Green Belt. Furthermore, the draft NPPF (issued in July 2024) proposes the introduction of a new designation of land known as Grey Belt. This being land which makes a limited contribution to the Green Belt purposes, and should be considered in advance of any land released from the Green Belt that isn’t previously developed land (i.e., Grey Belt is sequentially more preferable in Green Belt release terms than well-performing Green Belt areas). The draft 2024 NPPF sets out that land which is Grey Belt will: a. Not strongly perform against any Green Belt purpose; and b. Have at least one of the following features: I. Land containing substantial built development or which is fully enclosed by built form II. Land which makes no or very little contribution to preventing neighbouring towns from merging into one another III. Land which is dominated by urban land uses, including physical developments IV. Land which contributes little to preserving the setting and special character of historic towns  As set out within the Vision Document (Appendix 1), RPS contend that the Site meets the criteria to be considered Grey Belt land. Given the Site does not perform strongly against any Green Belt purpose (only limited to moderate contributions) and would fulfil criterion (b)(i) (ii) and (iv) above. RPS also strongly advocate that any Green Belt review should consider the Green Belt comprehensively across the HMA, rather than a piecemeal approach by the LPA which can lead to less sustainable sites being selected. Clearly, subject to the NPPF reforms being enacted it is likely that such a review will start with a consideration of Grey Belt sites. The LPA will be aware that a Green Belt Assessment has not been undertaken since September 2012 as part of the evidence base for the LPP1. That Assessment was integral in informing the Preferred Options Growth Strategy for South Derbyshire and ultimately resulted in the Green Belt release associated with the strategic allocation at Boulton Moor within LPP1. Whilst the Green Belt Assessment did recognise that the Green Belt at this location did perform against Green Belt purposes, this was in the context of a much larger swathe of land at Derby South East, and not in relation to the highly contained site at Thulston Fields. In relation to the Thulston Fields site, both the Green Belt Assessment and Preferred Options Strategy, found that there was good reason for the land at Thulston Fields to be safeguarded as land to be released from the Green Belt beyond the Plan period given its defensible boundaries. Paragraphs 158 and 159 of the Preferred Options Study provide further context:  158 “…..However, an area of Green Belt land to the south east of Derby, south of Boulton Moor saw the construction of the A50 and A6 spur roads in the late 1990s. In the context of needing to consider safeguarded land there is the potential, if necessary, for these major roads to represent new readily recognisable physical inner boundaries in this part of the Green Belt.  159 It is therefore possible that an areas of land approximately 225ha, to the west of the A6 spur and to the north of the A50, could be formally safeguarded to meet longer term development needs stretching beyond this plan period. Any eventual development would be unlikely to prejudice the overall integrity of the Nottingham-Derby Green Belt and would be able to rely on a new, form, readily recognisable inner boundary in this part of South Derbyshire, preventing Derby from coalescing with Elvaston, Thulston and Aston….”  This history demonstrates that the site is considered acceptable for development and RPS agree that the release of land at Thulston Fields would be unlikely to prejudice the overall integrity of the Green Belt and, given the evidence for further land being required to meet housing and employment needs as identified in this representation, believe it should be considered for release now, as part of the review of the Local Plan.  Under the proposed NPPF reforms (para 155 of the draft NPPF), it is recognised that where major development takes place on land which has been released from the Green Belt through plan preparation or review, or on sites in the Green Belt permitted through development management, the following contributions should be made: a. In the case of schemes involving the provision of housing, at least 50% affordable housing [with an appropriate proportion being Social Rent], subject to viability; b. Necessary improvements to local or national infrastructure; and c. The provision of new, or improvements to existing, green spaces that are accessible to the public. Where residential development is involved, the objective should be for new residents to be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.  The associated masterplan within the Vision Document demonstrates how these contributions can be secured and delivered.  Suitability and Deliverability Thulston Fields is adjacent to the existing development at Boulton Moor and benefits from existing and planned infrastructure, including schools, local centres, and open spaces. This proximity allows for a natural extension of the urban area, aligning with sustainable development principles.  The Site benefits from strong transport links and accessibility. The Site can connect to existing and planned bus services at Boulton Moor, enhancing public transport options. Notwithstanding the proposed development of an on-site Park and Ride facility (2ha). The anticipated increase in population from Thulston Fields would support more frequent and direct bus services, making public transport a viable alternative to car travel. The development will integrate with existing and proposed pedestrian and cycling networks, promoting active travel and connectivity to surrounding areas. Further details on the proposed sustainable transport strategy are set out in Appendix 2  It is considered that the Site’s location is particularly sustainable given the proximity to Derby which provides a range of employment opportunities, access to a range of facilities including social and cultural, and excellent transport connections to the wider UK via rail and road. It is considered that at the HMA level, while there are likely to be suitable smaller sites around existing settlements in the HMA that should form part of any credible development strategy, that the Site is likely to be preferable compared to many other sites capable of providing a similar scale of development given its highly sustainable location.  Environmental Considerations Biodiversity Net Gain: The proposed development aims to achieve a net gain in biodiversity, exceeding the statutory requirement of 10%. This includes habitat creation and enhancement, contributing positively to the area's ecological value.  Landscape and Visual Impact: Although the development involves greenfield land, its visual impact is mitigated by existing vegetation, topography, and proposed landscaping that enhances the site's containment.  Deliverability and Viability Site Availability and Control: The land is under the control of Bellway Homes and Clowes Developments, both of whom have a proven track record in delivering residential and commercial projects in the local area. Both Bellway and Clowes have a track record in South Derbyshire for delivering high-quality schemes in the area, namely Broomy Farm and Snelmoor for residential-led development and Dove Valley Park for employment-led development.  Economic Viability: The developers have conducted assessments confirming the economic viability of the project, with confidence in delivering it within the first five years of the plan period.  Strategic Benefits  The development of Thulston Fields can assist in addressing the unmet needs of Derby City, thereby supporting regional growth, allied with employment development to encourage sustained economic growth, an ambition set out within the Statement made by the Deputy Prime Minister.  The proposals are expected to create numerous employment opportunities during the construction phase and on-site employment opportunities (expected to yield 980 jobs across a range of sectors), thereby boosting the local economy. Additionally, it will generate additional local funding via council tax and business rates, expected to be £2.3 million and £1.2 million, respectively each year and the New Homes Bonus. Further information is set out within the Vision Document at Appendix 1. The scheme is expected to create 600 construction jobs (on and offsite) sustained every year, for at least 10 years.  The Site offers a diverse range of housing types and tenures, including affordable housing, catering to the community's needs. The development also features a proposed 2 form entry primary school open spaces, sports facilities, and a district centre with retail and health facilities, significantly enhancing the quality of life for residents and reducing the need for residents to travel further afield and so impact on the wider transport network to meet their day to day needs. A breakdown of the proposed land use budget for the Site is set out as follows: • Residential development: 1,100 dwellings, 40% affordable (within 35 ha) • Employment land: 50,400sqm floorspace (within 12.6 ha, using 0.4 standard calc for floorspace) • Primary School (2 form entry, within 2.5 ha) • Local Centre (1.3 ha) • Park & Ride (2ha)  The strategic case for developing Thulston Fields is robust, considering the strategic and local exceptional circumstances that justify Green Belt release or release by virtue of being Grey Belt land, the site's sustainability and deliverability, and the substantial social, economic, and environmental benefits it presents. The arguments put forward by Bellway Homes and Clowes Developments strongly advocate for the allocation of Thulston Fields for development in the South Derbyshire Local Plan review. We respectfully request that South Derbyshire District Council weigh all relevant factors and competing priorities in its deliberations to act favourably towards a viable allocation of the site. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate |
| 1241834 | Rula Developments Limited |  | Yes | | At this stage the Local Plan does not set out what the employment land requirements are to meet its OAN and any higher ambitions for economic growth . It is not clear at this stage whether the land allocated through the Local Plan Part 1 will ensure delivery of those needs/ambitions. Whilst we note that the ELR as an evidence base document has identified an employment need, we have previously made representations on this document and consider that this is constrained by previous modest delivery in the district, which should not be a benchmark for future growth. In any event South Derbyshire appear to recognise that the employment need established through the ELR should not be a barrier to further growth, but fail to include any policies that would effectively guide this. The employment policies are vague in their requirements.  The sites allocated for employment land represent sites which have not delivered in the most recent local plan and three further large-scale strategic sites. The reliance on large strategic sites has the potential to significantly constrain delivery in the early part of the plan period, further exacerbating the issues identified in the ELR in respect of availability of employment units in the District.  The Local Plan Part 1 should therefore seek to allocate additional land at a range of scales to meet their objectively assessed employment need. The site being promoted by Rula on land north west of the A516 is well placed geographically both in terms of its proximity to the A50 growth corridor and the settlement of Hilton. In terms of deliverability the site also provides an opportunity to get units on to the market as quickly as possible within the plan period. Allocating additional land for employment use through the Local Plan Part 1 will assist with delivery as early in the plan period as possible, rather than being reliant on waiting for a Part 2 plan.  Promotion of land north west of A516 (SHELAA site 196) | | See Council response to Question 9 Policy E1. |
| 1248322 | Oxalis Planning Ltd on behalf of Chesshire Partnership. |  | |  | | .These representations are made by Oxalis Planning Ltd on behalf of Chesshire Partnership.  This response provides representations on the draft local plan on behalf of Chesshire Partnership to those questions of most relevance to their interests in South Derbyshire District Council, and towards the evidence base and other areas as invited by the consultation.  This response includes details of an area of land associated with the ‘Land South of Mickleover’ strategic allocation (Policy STRA2), which has not been included as part of the proposed allocation. Please therefore accept this response as formal confirmation of the availability of that land for consideration within the allocation. A Location Plan for this site in relation to STRA2 can be found in figure 1 and Appendix 1.  Chesshire Partnership have other interest in the wider proposed allocation (please see Appendix 2 for more information) and are keen to submit the remaining land parcel for consideration within the proposed allocation, with the intention of its inclusion for potential commercial uses including Class E, B2, and B8. The response to question 7 contains information regarding this additional landholding.  As with the proposed allocation, Chesshire Partnership are prepared to undertake the work necessary so that the site is imminently deliverable and developable.  In summary, the main points addressed within this response are as follows: • Strong support for the inclusion of the South of Mickleover strategic site STRA2 • Objection to the boundary of STRA2 with the submitted additional land being proposed to be included • Concerns regarding the robustness of the Derby City Council and South Derbyshire District Council October 2023 Employment Land Review • Objection to employment policy S5 • Suggestion to review housing figures based on the emerging NPPF revised objectively assessed housing needs • Suggestion for the plan period to be extended  Our responses to the relevant questions are listed under separate subheadings below.  Proposing additional land for allocation STRA2. | The Council agree in part, amendments have been made to the allocation boundary |
| 1242620 | Savills on behalf of David Wilson Homes East Midlands | Savills | Yes | | On behalf of David Wilson Homes East Midlands (‘DWH’), Savills (UK) Limited is writing in response to the South Derbyshire Local Plan Part 1 Regulation 18 Draft Plan consultation. DWH have an interest in land at Castle Gresley, Swadlincote (site plan attached at Appendix A). Following pre?application discussions with the Council earlier this year, DWH is preparing to submit a full application for residential development shortly. This application relates only to the land etched in red in Appendix B. DWH also have a land interest in the land edged in blue (Appendix A), that is currently allocated for employment uses under adopted local plan policy E1G.  We set out below representations that we wish to be considered, which seeks a relatively small and modest amendment to employment allocation E1G (proposed to be amended to E1C). These responses refer only to those elements of the plan which are proposed to be amended as part of the Local Plan Review, which are highlighted blue within the consultation document.  The Opportunity at Land off Bexley Drive  Land to the south-west of the proposed employment allocation E1C, etched in red in Appendix A, is being promoted by DWH for residential development. Following pre-application discussions with the Council in 2022 and 2024, a full planning application will shortly be submitted for the residential development of this site. The site is located well within the settlement boundary for the Swadlincote area and is surrounded by residential development on all sides, making it a logical location for sustainable residential development to support the district’s housing needs. The Council confirmed in their pre-application advice of June 2024 that an application for residential development would be supported in principle. As part of the ongoing Local Plan Review, and noting that a planning application will shortly be submitted in relation to the site, we consider that SDDC should consider allocating land off Bexley Drive for residential development as part of this Local Plan Review. This would regularise the policy position and ensure that short?term housing needs are met throughout the revised plan period. | | Noted.  See Council response to Question 9 Policy E1.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate. |
| 1243197 | Savills on behalf of Diocese of Derby | Savills |  | | Promotion of SHELAA site 110 | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate |
| 1238831 | Savills on behalf of Midland Land Portfolio Limited (MLPL) | Savills |  | | Conclusion SDDC has a significant housing need to meet for the next Plan period and also has an agreement to assist with meeting the shortfall from the adjacent Derby City administrative area. There is however a need for SDDC to plan to meet the changes arising through the new NPPF, which is expected to include an increased need for SDDC and a potentially reduced contribution towards Derby City needs within sustainable settlement locations which deliver a dispersal of the benefits arising from new development across the communities of South Derbyshire in a robustly evidenced and viable way.  Such an approach should therefore maximise the opportunities for housing development to be located at the sustainable Key Service Villages. The Key Service Villages already benefit from a range of existing community and social infrastructure which can serve, be sustained by, and where necessary be improved by, new housing development.  In preparing the Regulation 19 consultation document SDDC should accordingly recognise the contribution that allocating land for new housing development at the Key Service Villages of Melbourne and Etwall, which both benefit from direct public transport links to Derby City, can make as part of this strategy. MLPL is promoting land at both Etwall and Melbourne which is deemed to be: sustainably located; available and suitable for housing development to meet the needs of the new Plan period; and would form a natural and logical extension to the built form of these settlements.  I trust that these representations will be taken into consideration in producing the next consultation stage of the new Local Plan. Please do not hesitate to contact me if you have any queries in relation to this submission.  Promotion of land odd Station Road, Melbourne  Promotion of land south of Etwall. | | Noted.  See Council response to question 3 and 4.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate |
| 1244130 | St James's Property Management on behalf of Trenport Investments Limited | St James Property Management on behalf of Trenport Investments Limited |  | | Trenport Investments Limited, who are the landowners and promoters of Land North of Derby Road, Hilton (‘the site’), are pleased to submit representations to the South Derbyshire District Council Regulation 18 ‘Draft Local Plan Part 1 Review. The is subject to the recently granted planning permission DMPA/2024/0198 for the following:  “Outline planning application for a foodstore, commercial space for Small to Medium Enterprises, a drive-thru coffee shop, and community spaces with associated parking, servicing, drainage, landscaping and habitat areas as well as highway works (all matters reserved except for access)”  This letter provides a summary of the proposed development that was recently approved and that following this recent approval of planning permission DMPA/2024/0198, the site should now be included in the emerging local plan as a site allocation.  The representation submission consists of the following additional documents: • Appendix 1 Location plan (Drawing Number: A-01-001) • Appendix 2 Decision notice - DMPA/2024/0198, • Appendix 3 Illustrative Masterplan (Drawing number: A-09-001)  It is envisaged that this representation will provide the basis for securing a site allocation in the forthcoming Regulation 19 Local Plan Part 1. Furthermore, we look forward to a positive dialogue with the Local Planning Authority.   Background Site context The site is an agricultural field adjacent to the defined settlement boundary of Hilton (Appendix 1), a Key Service Village within the administrative boundary of South Derbyshire District Council (SDCC). It measures 4.2ha and is under Trenport Investment Limited Freehold DY335477.  Public Right of Way (PRoW), footpath, 11 passes through the site on a south-east to north-west trajectory. There is a hedgerow running through the centre of the site too along with trees on the boundary. It is free of other constraints by being outside of the Green Belt, strategic gap, is within floodzone 1 and there are no Listed Buildings within 100m.  Adjacent the northwest corner of the site is Hilton Gravel Pits SSSI, which includes a pond and surrounding broadleaf trees. The approved development will provide sensitive buffering and mitigation to ensure potential enhancements to the SSSI.  Directly adjacent to the western site boundary is Talbot Farm, a landscaping company. This site also benefits from planning permission for a Use Class E retail units by Aldi. Hilton Industrial Estate is northwest of the site which mostly consists of use class B2 and E(g). Therefore, precedence for residential and commercial use is established by previous development north of Derby Road.  Access will be gained from Derby Road, as per the approved scheme, which leads into the settlement of Hilton and towards the A50. Additionally, there is a bus stop adjacent the sites southern boundary with multiple and frequent half hourly services to Derby (12km west as the crow flies). As confirmed through the grant of the recent planning permission, the site is highly sustainable in terms of transport and services.   Relevant Planning History and Previous Site Promotions. As mentioned earlier in the letter, the site is currently subject to outline planning permission DMPA/2024/0198 which establishes the principle of retail, commercial and community uses on site. Therefore, the planning permission provides for use class E, F, B2 and B8 onsite as per the decision notice (appendix 3). Table 1 provides an overview of the relevant planning applications.  Table 1 Relevant Planning Applications for the site  Land North of Derby Road (the site) - DMPA/2024/0198 Outline planning application for a foodstore, commercial space for Small to Medium Enterprises, a drive-thru coffee shop, and community spaces with associated parking, servicing, drainage, landscaping and habitat areas as well as highway works (all matters reserved except for access). Uses approved onsite include use class E, F, B2 and B8. Approved  The site has a long history of being promoted in through the Council’s ‘Local Plan Call for Sites’ and Strategic Housing and Economic Land Availability Assessment (SHELAA) Process which consistently finds that the site is developable for a range of uses. The most recent SHELAA year 2022/23 found the site to be developable for 94-130 residential uses, along with Eg, B2 and B8 (site reference 032).  The approved planning application and SHELAA history demonstrate that the site will come forward for a range of development uses. Whilst housing was previously considered developable onsite, the approved development will deliver a commercial scheme that will benefit SMEs, retail and community uses for local residents along with onsite ecological improvements.  As part of the planning application, the development proposal was supported by a range of technical and environmental studies that demonstrated suitability. South Derbyshire District Council agreed with the findings of the supporting evidence, which was submitted with the planning application, through the approval of the planning application.  Consequently, the forthcoming Local Plan should allocate the site as per the approved application DMPA/2024/0198 for commercial, retail and community use.  Proposed Regulation 19 Draft Site Allocation in the Local Plan Part 1 To demonstrate the site’s potential allocation an illustrative masterplan from planning permission DMPA/2024/0198 has been submitted as part of the representation (appendix 3). The Illustrative Masterplan shows that the following scheme can be brought forward: • Food Retail - 9,258m² • SME Commercial Space – 8,680m² • Drive thru retail - 1,488m² • Community space – 400m2 • Green and open space -20,858m² (43.4% of site total); o SSSI buffer zone o Attenuation area o Landscaping • Pathways and roadways - 7,393m² (15.4% of site total) • A total of 315 jobs with 155 FTE jobs on-site  It is envisaged that the scheme will be brought forward in two phases as follows: • Phase 1A: Food retail unit with attendant car parking, associated landscaping and attenuation pond. To include upgraded roundabout and spine road providing access to the further phases. • Phase 1B Commercial space and associated landscaping. • Phase 2: Drive-thru unit, community space and associated landscaping.  In terms of access, the site allocation has secured the following: • Vehicle access will require the existing roundabout to be upgraded to create a fourth arm • A new pedestrian & cycle only access point to link up with the spine road and lead to the commercial area. • PROW SD25/11/1 will be brought back into use and enhanced • A relocated bus stop will be provided  Consequently, the site allocation should reflect the above development as part of the Local Plan Part 1. The benefit of this approach will enable the council to demonstrate a supply of land for employment use.  Summary Trenport support the preparation of a new Local Plan Part 1 for South Derbyshire, and request that the site, Land North of Derby Road, Hilton, is allocated for retail, commercial and community use. Trenport also consider that the settlement boundary of Hilton should be amended to include the site.  The site will deliver high-quality retail, commercial and community scheme for residents of Hilton in a well-connected, sustainable location that would align with the overarching principles and objectives of national and (emerging) local planning policy. The site benefits from outline planning permission DMPA/2024/0198 for a foodstore, commercial space for Small to Medium Enterprises, a drive-thru coffee shop, and community spaces.  We would be grateful for confirmation that this representation statement has been received. Trenport welcome the opportunity to meet with SDDC planning policy officers to discuss the inclusion of the site as an allocation and the delivery of the draft Local Plan Part 1. | | Noted.  A refresh of the settlement boundaries will be undertaken in the next phase of plan making. The Settlement Boundary refresh will be undertaken in line with a methodology established within a Topic Paper and each settlement boundary will be assessed against the same criteria.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The Council does not consider that every site that has planning permission needs to be allocated. The site at Hilton being promoted is not inline with the Councils Strategy for the Local Plan Part 1 Review, of allocating strategic development and helping meet Derby City’s unmet need. Allocation of sites help to secure the delivery of sites. The site at Hilton has permission. |
| 1242854 | Stantec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodv | Santec on behalf of Caddick Land in relation to Land North of Ashby Road, Woodville | Yes | | 1 Introduction 1.1 The representations  1.1.1 Stantec is instructed by Caddick Land to submit representations to the South Derbyshire Local Plan Part 1 Partial Review Consultation relating to land North of Ashby Road, Woodville (‘the Site’) for residential development.  1.1.2 The 15.59ha site is located to the east of Woodville, Swadlincote, and adjoins the existing settlement on three sides.  1.1.3 The site has been promoted through the South Derbyshire Call for Sites exercise in the latter part of 2023. A Vision Document was prepared and submitted which outlined the site context, sustainability and its suitability and availability for residential allocation.  1.1.4 These representations demonstrate the site is a logical and sustainable location for much needed future growth in the area. It is not subject to significant constraints and indeed any identified constraints could be readily addressed through the design and development process. The site is available, is a suitable location for development, and subject to planning could start to deliver new homes within five years.  1.1.5 Caddick consider the approach to the Local Plan review is unsound and that a broader consultation is needed to effectively deliver the required housing growth irrespective of any future increases in housing need resulting from the updated Government ‘Standard Method’. The draft plan fails to, but must, consider the benefits of a variety of sites of different scales, from small to medium and large sites that are sustainable and well-located so that growth can be delivered within the envisaged timescales.  1.1.6 By focussing growth on the edge of Derby the plan also fails to distribute growth across the main settlements in the district. In turn the disproportionate level of growth directed to the edge of Derby will be at the detriment to other settlements and could negatively impact the economic growth of South Derbyshire and its main settlements. In turn, this undermines the growth ambitions and overall objectives of both the adopted and emerging plans.  1.2 Benefits of development 1.2.1 Development would form an infill on the edge of Woodville and would not encroach into the countryside given the existing development on three sides. It is an entirely logical location for growth.  1.2.2 Development on the site could deliver: ¡ Approximately 250 new homes, made up of market housing, policy compliant levels of affordable housing and purpose built private rent. ¡ Creation of public open space within the Site, whilst providing new pedestrian and cycle links to connect to the wider network. ¡ Contributions towards the local infrastructure including a potential extension to the existing allotments, a community orchard and tree planting. ¡ Creation of accessible green spaces and wooded areas which benefit both existing Woodville residents and future residents of the potential development. ¡ A high-quality design to promote a mixed community in context with the locality. ¡ Enhancement of green infrastructure on-Site, maximising ecological enhancements and achieving in excess of the Biodiversity Net Gain requirement. ¡ The creation of a safe and accessible new access off Vale Road, including active travel. ¡ Jobs, growth and investment during both the construction phases. ¡ Additional expenditure in the area generated by local expenditure from the new residents.  1.2.3 The Site is well served by public transport and within close proximity to the larger settlement of Swadlincote. It therefore has access to extensive local and regional employment opportunities, as well as being served by the local facilities and services within Woodville and Swadlincote. It is therefore an entirely logical, sustainable and appropriate location for sustainable growth.  1.3 Statement structure 1.3.1 The remaining report is structured as follows: ¡ Section 2 – site context. ¡ Section 3 – national policy. ¡ Section 4 – proposed local plan consultation. ¡ Section 5 – comments on the evidence base. ¡ Section 6 – comments on the strategic approach. ¡ Section 7 – comments on strategic policies. ¡ Section 8 – conclusions.  2 Site context 2.1 The site  2.1.1 Land North of Ashby Road, Woodville extends to approximately 15.59ha and could deliver up to 250 dwellings, which would enable long term and well-planned opportunities for sustainable growth in Woodville and Swadlincote. The site is suitable, available, viable, and ultimately deliverable, and will make a significant contribution to meeting local housing needs.  2.1.2 The site is very well located in the context of the existing settlement and built form and adjoins the existing settlement on three sides. To the west and north-west are residential areas. The site is bound to the south and south-east by the A511 and associated residential development and allotments. To the north-east is agricultural land, woodland belts and solar farm developments, with agricultural fields to the east. It is therefore an entirely logical and suitable location for growth.  2.1.3 The proposed Site Plan shows a high quality development could be delivered, in-keeping with the existing settlement pattern and context. Vehicular access is from Vale Road and there will be pedestrian and cycle access via Ashby Road and Vale Road. There is a PROW adjacent to the west of the site running north-south which can be accommodated within the proposed development and linked to Station Road.  2.1.4 The site is located within Flood Zone 1 and the site gradient, being slightly sloping in the west with a steeper gradient in the east and south has informed the drainage solution, and it is at low risk of flooding.  2.1.5 In landscape terms, the location on the edge of the existing settlement also provides an opportunity for the delivery of a new transitional landscaped edge to Woodville. This will reinforce the relationship of the town with the surrounding countryside through the integration of new green infrastructure and open space along the Site boundaries to the north and east.  2.1.6 The development does not affect any heritage assets, as there are no known heritage and archaeology assets in the area.  2.1.7 Extensive Biodiversity Net Gain can also be achieved through extensive landscaping, planting and green spaces. This can include an ecological mitigation strategy and additional opportunities to support increased diversity of habitat and fauna species.  2.1.8 There are a number of local amenities located within appropriate walking and cycling distances to the development. Nearby schools include Blackford St Margarets C of E School, Woodville Nursery School, Woodville Infant school and Granville Academy. Nearby shops include Tesco Express on Woodville High Street and those in Swadlincote town centre.  2.1.9 The Site is in close proximity to existing pedestrian and cycle infrastructure. A public right of way is also provided via Vale Road, providing a more direct route to Woodville High Street via Station Road, with opportunity to create new cycle and pedestrian routes within the Site. There is excellent access to the local and strategic road network with the Site in close proximity to A511, A42, and the A38.  2.1.10 The nearest bus stop to the Site is approximately 100m from the Southern boundary providing bus services to key destinations such as East Midlands Airport, Swadlincote and Burton upon Trent. A half hourly service provides connections from Queens Hospital to East Midlands Airport. A weekday hourly service connects from Leicester to Swadlincote. To the north of the Site, additional bus stops located 180m away on Elmsdale Road with services to Swadlincote and Burton upon Trent.  2.1.11 Burton-on-Trent railway station is located approximately 10.5km from the Site’s northern most access and can be accessed via the number 9 bus service or via a 20 minute taxi/car journey (subject to traffic conditions). Direct rail services are available to nearby larger settlements of Tamworth, Nottingham, Derby, and Birmingham along with regional and national destinations such as Leeds, York, Bristol and Edinburgh.  2.2 Summary 2.2.1 The site has: ¡ No significant designation based constraints. ¡ No known physical/infrastructure constraints. ¡ Good access to services, employment, and public transport. ¡ Potential for suitable vehicular, cycle and pedestrian access to be created. ¡ Options for habitat and biodiversity enhancement, will not impact protected species and is more than 500m from a local or regional wildlife site. ¡ No contribution to heritage assets or their setting. ¡ No known contamination risks.  2.2.2 The site has no particular constraints, is sustainably located, and is suitable for residential development and so should be allocated for this purpose.  3 National Policy 3.1 National Planning Policy Framework (December 2023)  3.1.1 The National Planning Policy Framework at paragraph 33 states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years.  3.1.2 Further, paragraph 35 outlines that Local Plans must be prepared in accordance with legal and procedural requirements. They are also examined to assess whether they are sound. Plans are ‘sound’ if they are: Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.  3.1.3 Further, in identifying land for new homes, the National Planning Policy Framework (2023) is clear that: ‘Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of: specific, deliverable sites for five years following the intended date of adoption’ (Paragraph 69)   3.1.4 In terms the deliverability of sites, the NPPF sets out in the glossary: ‘To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years… To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.’  3.1.5 The emerging Local Plan must be prepared in accordance with the NPPF. As outlined in further detail in sections 5, 6 and 7, the current partial review of the Part 1 Local Plan presents an ‘unsound’ approach as it is not positively prepared or justified and is not an effective document to deliver required growth over the plan period. Therefore, it is not consistent with national policy. Indeed the failure to progress a wider plan review when the plan as a whole is more than five years old, is a clear and significant flaw.  3.1.6 Land North of Ashby Road, Woodville, is developable and deliverable. It can be delivered in the short to medium term, within five years, and there also are no technical or legal restrictions which limit development nor constraints that cannot be mitigated. The site is both available and achievable. and is in a suitable and sustainable location given its proximity to services.  3.2 NPPF Consultation (July 2024)  3.2.1 The Government published a Draft consultation version of the updated NPPF in July 2024.The finalised updated NPPF, along with associated changes to the ‘Standard Method’ for calculating housing needs, is expected to be published before the end of 2024.  3.2.2 The revised Paragraph 11 now clarifies that if policies relating to the supply of land are absent or out of date then the presumption applies, and it sets a clear expectation that such policies should be kept up to date. This clarifies the current NPPF position which related to the ‘most important for determining the application’, and therefore sets a clear expectation around the supply of land and the application of the presumption in favour. The consultation also focuses on giving extra weight to housing developments in sustainable locations which also deliver much needed affordable housing. Whilst this relates to development management principles, there is a clear Government commitment to delivering new housing is sustainable locations  3.2.3 The revised NPPF also proposes to remove the requirement for councils to demonstrate only a four year supply of housing if a plan has reached Draft Plan (Regulation 18) consultation state and the plan contains strategic policies and development sites (compared to the usual 5 year supply). The effect of this change is that the five year supply requirement will apply to all authorities regardless of the stage of plan preparation, including South Derbyshire.  3.2.4 In respect of housing delivery, the NPPF consultation confirms that the ‘Standard Method’ for calculating housing need should be used. Specifically, the consultation removes the requirement that the ‘Standard Method’ is a starting point and expressly removes the ability for council to depart from the Method unless the most exceptional circumstances apply.  3.2.5 Further, the Written Ministerial Statement of 30th July 2024 states that ‘it is important to balance keeping plans flowing to adoption with making sure they plan for sufficient housing’.  3.2.6 The draft NPPF and associated guidance set out proposed transitional arrangements for Local Plan making, with the intention that current draft local plans can be submitted for examination under the current Framework and plan making regulations until the 30th June 2025. After this, the plan must be adopted by 31st December 2026.  3.2.7 After the above deadlines, new Local Plans must be comprehensive (not delivered in two parts), as well as being in line with the new NPPF.  3.3 Revised Standard Method (July 2024)  3.3.1 Alongside the NPPF consultation, a revised Standard Method was released in July 2024. In relation to South Derbyshire, the annual requirement has increased from 507 to 606 dwellings per annum.  4 Proposed Local Plan Consultation 4.1 The Consultation Process 4.1.1 South Derbyshire Council undertook an initial review of the adopted Local Plan Part 1 (2016) and Local Plan Part 2 (2017) in 2021, on the basis that local plan are required to be reviewed every five years and therefore the plans were at, or approaching, a point where a review was necessary. The Council concluded a replacement Local Plan was necessary and began work on a new Local Plan in 2021, with an Issues & Options (Regulation 18) Consultation in late 2022. This consultation focussed on the Part 1 Local Plan but acknowledged the potential for Local Plan Part 2 policies to be reviewed due to the interlinked nature of the plans.  4.1.2 Subsequently, the Council progressed the evidence base for a Preferred Options consultation document and invited ‘Call for Sites’ submissions in 2023. This Site has previously been submitted to this exercise given its suitability for residential allocation.  4.1.3 On 19th September 2024 the Council resolved that the new Local Plan be put on hold, with a partial review of the existing Part 1 Local Plan brought forward in its place. The reasoning for this approach being the Partial Review can be submitted quickly before the NPPF transitional arrangements deadline of 30th June 2025 whilst still addressing long term housing need priorities (in the Council’s opinion), whereas a wholly new local plan would not meet the deadline. A new Local Plan will be prepared on adoption of the Draft Partial Review. Detail of the current consultation is outlined in the below section.  4.2 The Current Consultation  4.2.1 The partial update to the Local Plan Part 1 document focusses on: ¡ Meeting unmet housing need arising from the Derby Urban area through the addition of two new strategic housing sites on the Derby urban fringe. ¡ Ensuring that the plan is consistent with the latest national government planning policy from 2023. ¡ Increasing developer requirements for provision of green space and biodiversity net gain. ¡ Additional information on two identified strategic scale employment locations.  4.2.2 The partial update document specifically excludes a number of important areas and policies which are outlined below, i.e., the partial updated excludes: ¡ Current Part 1 Local Plan policies concerning: • The settlement hierarchy; • Wider development options and opportunities in South Derbyshire; • Development needs elsewhere in the District, and specifically Swadlincote; • Retail policies. ¡ The Part 2 Local Plan in its entirety (i.e., the Part 2 Local Plan would be reviewed as partof a wholly new local plan at a later date).  4.2.3 The current policies within the adopted Local Plan part 1 have been updated and ‘built-on’ ‘to reflect the latest national policy and local evidence base rather than replaced (see paragraph 3.12 of the report to Council).  4.3 Implications of the proposed approach  4.3.1 NPPF paragraph 33 requires that plans are reviewed every five years. The Local Plan part 2 was adopted in 2017 and so this should be reviewed alongside part 1. The Council accepted in 2022 that the plan should be reviewed as a whole as highlighted by the Issues and Options Regulation 18 consultation in 2022/2023. There has been no justification given as to why the Part 2 plan is no longer being reviewed.  4.3.2 With regards to housing need being assessed, it is critical that a full range of options are considered in order to meet need. Only reviewing Part 1 is not a sound approach as both Part 1 and Part 2 are essential to delivering sustainable development in South Derbyshire.  6 Comments on the Strategic Approach 6.1 Concerns with the Strategic Approach 6.1.1 There are a number of concerns with the consultation and its approach which are outlined in this section. In summary these are: ¡ Timescales for adoption of the partial review ¡ Focus on the edge of the Derby urban area in the plan review, and infrastructure constraints on the edge of Derby ¡ Scale of sites proposed for allocation ¡ Lack of consideration for other options  6.1.2 These comments are notwithstanding our overall position that it is unsound for the Council only to consider a partial review of the Part 1 plan when the matters involved have clear implications for the development plan as a whole (i.e., both the Part 1 and Part 2 plans).  Timescales 6.1.3 The timeframes and deadlines do not allow for the plan review to be completed in a sound manner as the timescales set out by the Council for the consultation and submission of the revised Local Plan Part 1 are very ambitious.  6.1.4 The revised Local Plan would have to go through the below process: ¡ Deadline for comments on this Regulation 18 draft is in December 2024, ¡ The incorporation of comments raised and the consolidation of the evidence base, ¡ The drafting of a Regulation 19 by the Council, ¡ At least a 6 week period of public consultation on the Regulation 19 draft (proposed consultation starting in early 2025), ¡ The drafting of a finalised submission document, and ¡ The submission of the Local Plan to the Secretary of State for examination before the deadline of 30th June 2025.  6.1.5 The deadline for the submission of plans for consideration under the current NPPF is 30th June 2025. This gives only 6 months for the above, and significant, Local Plan preparation activities. This is notwithstanding the fundamental point that there has not been a holistic and well-rounded evidence base or Sustainability Appraisal process and so correcting these potential flaws is likely to take considerable time, thereby making submission of the finalised plan before the deadline unlikely.  6.1.6 The stated purpose of partial review is to enable the council to quickly adopt revised strategic policies which align with updated Government policy and address unmet housing need in the wider Derby HMA. However, we consider the timescales for the partial review are still not achievable. The Council should instead focus on a full plan review which enables the full and proper assessment of the key issue and can set long term policies accordingly.  Focus for Housing Growth 6.1.7 There are concerns with the focus of housing growth not aligning properly with the Settlement Hierarchy as well as the allocated sites being of a strategic scale which will lead to housing delivery issues in the short to medium term. It is considered the locational focus for new housing as set out in the consultation document is inappropriate and not well evidenced.  6.1.8 The focus for housing growth in the consultation draft are two large scale strategic sites on the Derby Urban Fringe at the Infinity Garden Village and Land South of Mickleover. However, the focus on solely the Derby Urban Fringe is not a sound approach as it does not align with the Settlement Hierarchy nor the logical distribution of allocations in various sustainable locations around the district. A full review of the plan is required in order to deliver growth to the most sustainable settlements and support ongoing growth in those settlements.  6.1.9 The proposed focus of housing growth solely on the Derby Urban Fringe would lead to an unsustainable strain on local infrastructure, as well as the over-development of this area. This is picked up as a significant negative effect in the SA with accessibility and health, resources, pollution and the landscape (page 59) being impacted by the strategic allocations.  6.1.10 Collectively, the two new allocations would introduce approximately 4,500 homes in the Derby Urban Fringe, in addition to the 6,340 dwellings which are already proposed to be carried over from the current Local Plan Part 1 in this location. This is a total of 10,840 dwellings in the Derby Urban Fringe over the plan period, compared to an overall housing need of approximately 14,000 homes. The focus on the Derby urban area means that other allocations carried over total only 4,430 dwellings for the rest of the South Derbyshire district, which is entirely out of kilter with the wider local plan strategy and settlement hierarchy.  6.1.11 It was noted in the report to Council on 19th September 2024 that ‘the proposed changes to policies in the NPPF will be able to be integrated into the document after the consultation finishes, which will allow more efficient and timely delivery of the strategy’ (paragraph 3.20). However, the revised Standard Method alters the level of growth needed in Derby alongside South Derbyshire and so a wholesale change of approach will be needed. The Council should continue to proactively deliver growth and remain focussed on sustainable delivery.  6.1.12 The Plan Review states that an ambitious vision and objectives are set out. Under the Sustainable Growth Strategy Policy S1, it is outlined that the Council will promote sustainable growth to meet its objectively assessed housing needs in the plan period. This includes: ¡ At least 14,483 dwellings built in South Derbyshire, ¡ Retaining, promoting and regenerating employment development on sites in urban areas or areas well served by infrastructure, ¡ Providing new infrastructure to support growth across the District,  6.1.13 The plan vision outlines the below with regards to Swadlincote: As South Derbyshire’s principal settlement, Swadlincote will have developed its town centre offer to cater for the needs of South Derbyshire’s growing population and cementing the economic and commercial role of the town. The design of all major residential urban extensions will have been shaped by local people, through the development plan, informed by a design review and comprehensively designed to provide the highest possible quality living environments being sustainable, prosperous, safe, clean and energy efficient. A culture of good design will also have become established for all developments in the District. Swadlincote will have become firmly established as a vibrant town in a high quality retail, residential, commercial, leisure and shopping environment… Major urban renewal will also have taken place in the wider Swadlincote urban area with the reclamation and re-development of underused and derelict brownfield land south of Woodville. This will create new employment land and leisure area, significantly enhancing the environment and job opportunities in the area.  6.1.14 Further, Objective 12 specifically states that: To enhance and develop the role of Swadlincote town centre and its wider urban area as a focus for living, working, shopping and leisure.  6.1.15 The emerging Local Plan should focus on how South Derbyshire can deliver its housing need, alongside other unmet need, based on the sustainable allocation of the most suitable site within its boundaries. The approach also does not consider other targeted options for housing allocation, including growth in Swadlincote, which is in the highest grouping on the Settlement Hierarchy. Economic growth in South Derbyshire, and in Swadlincote as a local growth priority, could be undermined by allocating housing sites on the outskirts of Derby.  6.1.16 There is a clear need for housing to support South Derbyshire’s economic growth ambitions, particularly the proposed Willington Freeport and significant developments such as the large employment allocations progressing nearby in North West Leicestershire. This necessitates housing sites of all sites being identified across the district in order to support growth and sustainable patterns of development.  6.1.17 In particular, it is vital that housing is provided specifically for South Derbyshire residents, including provision of affordable housing to meet local needs and to address vulnerability within existing communities. However, the proposed plan approach (as assessed in the SA) would focus on meeting housing needs in Derby to the detriment of settlements in South Derbyshire, which in turn does not deliver wider sustainable development. The SA does not provide the level or type of assessment needed to enable the drafting of positively prepared and evidence-based policies and allocations.  6.1.18 Therefore, the proposed housing growth focus does not align with the wider plan vision and objectives as Swadlincote is highlighted as the district’s main settlement where there should be a focus for growth, whilst there are no further residential allocations proposed here.  Infrastructure constraints on the edge of Derby  6.1.19 There are known infrastructure constraints on the edge of Derby which will constrain the ability to deliver key items such as sustainable transport, highways upgrades, and new education and healthcare facilities.  6.1.20 The delivery of larger sites being promoted will be impacted by recent funding reviews alongside the delays to the A38 Derby Junctions project. These constraints will also have an impact on the speed of housing delivery and if funding cannot be obtained then this will impact on viability and deliverability of sites. There is a genuine risk these sites may not be deliverable as envisaged due to infrastructure requirements.  6.1.21 This, in turn, undermines the deliverability of the plan. Further, this policy approach does not align with the Council’s priority to enhance Swadlincote.  Scale of sites proposed for allocation and timescales for delivery  6.1.22 Importantly, the two strategic scale housing allocations proposed in the draft plan will require large scale infrastructure to support the housing growth including: ¡ An appropriate scale of retail, healthcare and community facilities, ¡ Local retail centre, ¡ Country park, ¡ Provision of schools, and ¡ Pedestrian infrastructure. ¡ Road infrastructure  6.1.23 The above are significant infrastructure requirements which are very likely to slow down the delivery of housing. There is also strong data backing this statement in Lichfields ‘Start to Finish 3’ report. It is noted in the report that sites of this scale have significant lead in times. The report notes that, on average, it takes 6.6 years from validation of the first planning application to the first dwelling being completed on schemes of 2,000 dwellings or more. The report also notes that the build out rates for large scale sites have slowed across the UK.  6.1.24 Therefore, there may be delays with housing delivery in the short to medium term as even though it is expected that housing allocations carried over will meet this need, there has not been a detailed proposed trajectory included and so this cannot be confirmed. A range of sized sites should be brought forward in line with the Settlement Hierarchy to bring sites forward quickly and in suitable and sustainable locations. These would also help to maintain the Council’s housing land supply.  6.1.25 Furthermore, if any unexpected issues arise on one or both of the strategic allocations, this will significantly reduce housing delivery with little other options or allocations to fall back on. Smaller and more medium sized sites need to be brought forward in line with the Settlement Hierarchy to bring sites forward quickly and in suitable and sustainable locations. It should be noted that sustainable growth is at the heart of the NPPF  6.1.26 Therefore, a wider and more comprehensive consultation focus is needed on the most sustainable locations for housing in the district as the current approach is unsound. This is to bring forward more diverse, deliverable and suitable growth to meet housing need. Swadlincote and Woodville present a sustainable location for growth, given that this area is highest on the Settlement Hierarchy.  Failure to consider reasonable alternatives 6.1.27 The Local Plan review has taken a very narrow approach and so has failed to consider all reasonable options. Other options include the potential for allocations elsewhere in South Derbyshire to meet needs with those sites being capable of being assessed in the Part 1 Review. Further, there is also the other pertinent option to undertake a full local plan review that would be aligned with Paragraph 33 of the NPPF in that all Local Plans must be reviewed every five years.  6.1.28 A wholesale and complete review of both Local Plan parts to create a new, comprehensive plan is required in order to enable sustainable and controlled growth in the most appropriate locations. This would also allow appropriate timescales for the collation of a robust evidence base and drafting of consultation documents  6.2 Land North of Ashby Road, Woodville  6.2.1 A comprehensive plan review is needed to produce a sound Local Plan. As part of this, to ensure housing delivery in the short to medium term, a range of sites need to be allocated for housing in sustainable and suitable areas alongside the already proposed large-scale sites on the edge of Derby. This is because the Council cannot solely rely on large scale strategic sites, as these sites have significantly longer delivery timescales and specifically in this case there are known infrastructure constraints on the edge of Derby. Land at Swadlincote does not have such constraints and is readily deliverable.  6.2.2 Allocating and delivering additional sites beyond the edge of the Derby urban area is fundamentally essential to support wider growth ambitions of South Derbyshire, and is the only means by which meeting Derby’s unmet housing needs can deliver benefits across the District.  6.2.3 Land north of Ashby Road is adjacent to the built form of Swadlincote and Woodville and is in a sustainable area for growth and is an entirely logical and suitable location for growth. The development would be sensitive to the context and there are no known technical constraints which cannot be overcome through site layout and design. The Site is deliverable as it: ϒ Is available now. The site has a single landowner and is under option to one developer, and has no insurmountable technical constraints to development. ϒ Offers a suitable location for development now. It adjoins the built form of Woodville and is close to a number of services that can be accessed on foot, by bike or by public transport. ϒ Is achievable, with a realistic prospect that housing can be delivered within five years. There are no technical constraints. The site makes efficient use of land whilst also being able to be built out relatively quicky, compared to larger allocations with slower lead times.  6.2.4 The above points also mean that the site is ‘developable’. The Strategic Approach to the consultation should have a wider focus and, to make the plan sound, it should consider the plan as a whole to enable the most suitable and deliverable sites to be allocated for residential development in the most sustainable places.  6.2.5 There is currently a mismatch between the new strategic allocations and the Settlement Hierarchy. The development sites allocated do not allow for short to medium term sites to come forward to meet identified housing needs, which is an unsound approach as these sites are an important part of maintaining housing delivery.  8 Conclusions 8.1 Summary 8.1.1 Stantec is instructed by Caddick Land to submit these representations to the South Derbyshire Local Plan Part 1 Partial Review Consultation relating to land North of Ashby Road, Woodville (‘the Site’) for residential development.  8.1.2 This report demonstrates that the Site is deliverable for housing and is a logical and sustainable location for much needed future growth in Swadlincote. The site is available, is a suitable location for development, and is deliverable within five years.  8.1.3 Caddick consider the approach to the Local Plan review is unsound and that a wider consultation is needed to effectively deliver the required housing growth which has also been boosted by the revised Standard Method figures. This includes ensuring that a range of scales of allocations are included in the updated Local Plan.  8.2 Land to the North of Ashby Road, Woodville  8.2.1 Development on this site can deliver a significant range of benefits including: ϒ Provision of 250 new homes, made up of market housing, policy compliant levels of affordable housing and purpose built private rent. ϒ Creation of public open space within the Site, whilst providing new pedestrian and cycle links to connect to the wider network. ϒ A high-quality design to promote a mixed community in context with the locality. ϒ Enhancement of green infrastructure on-Site, maximising ecological enhancements and achieving in excess on the Biodiversity Net Gain requirement. ϒ The creation of a safe and accessible new access off Vale Road, including active travel. ϒ The Site is well served by public transport and within close proximity to the larger settlement of Swadlincote. ϒ There are excellent employment opportunities locally. ϒ The Site is well served by the local facilities within Woodville, such as pubs, hotels, pharmacies, shops and primary schools.  8.2.2 The Site should be allocated for residential development as this site could be brought forward in the short to medium term.  8.3 Scope of Consultation  8.3.1 The partial update to the Local Plan Part 1 document focusses on, i.e., it includes: ϒ Meeting unmet housing need arising from the Derby Urban area through the addition of two new strategic housing sites on the Derby urban fringe. ϒ Ensuring the plan is consistent with the latest national planning policy from 2023. ϒ Increasing developer requirements for provision of green space and biodiversity net gain. ϒ Additional information on two identified strategic scale employment locations.  8.3.2 As such, the partial update specifically excludes a number of important areas and policies which are outlined below, i.e., the partial updated excludes: ϒ Current Local Plan Part 1 policies concerning: • The settlement hierarchy; • Wider development options and opportunities in South Derbyshire; • Development needs elsewhere in the District, and specifically Swadlincote; • Retail policies. ϒ The Local Plan Part 2 in its entirety (i.e., the Part 2 Local Plan would be reviewed as part of a wholly new local plan at a later date).  8.3.3 The local plan review should incorporate both the Part 1 and Part 2 Local Plans, and it is contrary to the NPPF (paragraph 33) that the council is proposing only a partial review when there is an accepted requirement (as per the Council’s Issues & Options Consultation) for the plan to be reviewed as a whole.  8.3.4 As detailed in Section 4 of these representations, the purpose of the proposed Partial Review is to seek the prompt adoption of a new housing target and additional strategic sites. However, as detailed in these representations the scope of the review must inevitably include the Local Plan Part 2 sites as these sites are essential to delivering sustainable growth across the District. Furthermore, the proposed local plan timescales are overly ambitious and do not allow sufficient time for key evidential points such as the Sustainability Appraisal and distribution of growth to be properly or robustly considered.  8.4 The Evidence Base  8.4.1 The SA is not robust and does not appropriately assess alternative options. Further, there are issues and inconsistencies in the scoring matrix and research undertaken to inform the SA. The SA approach and document are unsound.  8.4.2 The SA needs to consider policies and options in a more rigorous manner, based on up to date evidence. This includes considering all feasible options for housing delivery, including considering Swadlincote/ Woodville as they are in the highest tier of the settlement hierarchy.  8.5 Strategic Approach and Policies  8.5.1 The partial review of the Local Plan Part 1 is unsound, and the timeframes for the Review do not allow it to be completed in a sound manner.  8.5.2 There is an over-concentration of housing allocations in the Derby Urban Fringe, and as a result housing growth is not distributed proportionately or in line with the Settlement Hierarchy. Further, the two allocated strategic sites are large scale which will lead to housing delivery issues in the short to medium term. Unexpected issues with the allocations would cause major issues with housing deliverability across the plan period.  8.5.3 Consequently, proposed Strategic Policies on Sustainable Growth Strategy, Housing Strategy and the Settlement Hierarchy do not link in a coherent manner due to the disproportionate spread of housing allocations in the plan and the focus on growth on the edge of Derby.  8.5.4 The proposed strategy and disproportionate focus on the edge of Derby would have a detrimental impact on the wider growth and regeneration ambitions for South Derbyshire as a whole. The plan covers South Derbyshire, however the plan review effectively focussed on the Derby urban area rather than considering how unmet needs could be delivered in a more sustainable and proportionate manner across the District.  8.5.5 A wholesale review of the entire Local Plan is required in order to enable sustainable growth in appropriate locations. This would also allow appropriate timescales for the collation of an evidence base and drafting of consultation documents.  8.6 Conclusion  8.6.1 Caddick considers that the draft plan is unsound for the following reasons: ϒ The Sustainability Appraisal bases its approach to the housing allocations in the Local Plan Review entirely on the Derby HMA SA and does not provide a detailed and evidenced assessment of why other options were not taken forward such as the allocations being spread across the South Derbyshire area. ϒ The strategic approach, policies and allocation policies do not align with the settlement hierarchy, particularly the lack of further allocations in Swadlincote and Woodville as the main settlement in South Derbyshire. ϒ The focus on the edge of the Derby urban area fails to align with wider plan objectives and the Council’s vision of delivering sustainable growth across the District, as some settlements will see little to no growth as a result of the proposed strategy. ϒ There could be infrastructure and delivery issues with the two strategic housing allocations, which in turn would undermine the plan. ϒ The time frames for submission of the Local Plan before the transitional arrangements end are too ambitious. ϒ The Part 2 Plan has not been included in this review, and such an approach is contrary to the NPPF when the Council has already considered a full plan review is needed., and ϒ The revised affordable housing policy has not been viability assessed. | | See Council response to Question 3, 4, 12.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate  The District Council is working towards submitting the Local Plan Part 1 Review to the Inspector on or before to the 12th March, inline with the transitional arrangements set out within the December 2024 NPPF.  The Local Plan Part 1 Review is a full review of the adopted Local Plan Part 1 not a partial review. Every policy has been reviewed, and changes have been made to policies where deemed necessary. The Council will ensure that the Pre-Submission Local Plan Part 1 clarifies this.    The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  At submission the local plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  It is acknowledged that Policy H1 is an adopted Local Plan Part 1 policy, however the District Council is not intending to update the Hierarchy within this Local Plan Review as this together with other existing Local Plan part 1 policies to be carried forward in this Local Plan Review have been subject to Sustainability Appraisal and found to comprise sustainable development.  The Local Plan Part 1 Review is proposing strategic allocations only and carry’s forward Adopted Local Plan Part 1 allocations. The Local Plan Part 1 Review is updating strategic policies and helps address Derby City’s unmet need. The evidence collected shows that meting the Derby City’s unmet need as close as possible to the City amounts to Sustainable Development. The two mixed use strategic allocations are proposed at the edge of Derby City.  The Settlement Hierarchy has been reviewed and the Urban Areas (including the urban areas adjoining Derby) are at the top of the hierarchy, which is inline with the proposed strategy.  Any amendments to other tiers of the Hierarchy will be addressed as part of a comprehensive review of the Local Plan.  It is considered that the Settlement Hierarchy is line with the Local Plan Part 1 strategy and the proposed strategic allocations. Tier 1 Urban Area states “the urban areas adjoining Derby…”, and the mixed-use strategic allocations are adjoining Derby City’s administrative boundary.  In terms of smaller scale housing schemes, outstanding allocations within the Local Plan Part 1 have been carried forward, Part 2 allocations remain and there are outstanding non-strategic sites within the Districts housing supply. It is not considered that there is a shortage of variety of housing sites within the District. |
| 1243614 | Stantec on behalf of JSC Efarms LLP Boulton Moor | Stantec on behalf of JSC Efarms LLP Boulton Moor | Yes | | We are pleased to submit, on behalf of JSC Efarms LLP, representations to South Derbyshire Draft Local Plan Part 1 Review. JSC Efarms LLP is a major landowner within the Boulton Moor Sustainable Urban Extension (SUE) and remains committed to the delivery of high quality homes and retail offering within South Derbyshire District Council.  JSC Efarms LLP supports the inclusion of draft policy H13, however SDDC should amend the policy map and dwelling numbers included within draft policy H13 to accurately represent what SDDC have granted/ soon to grant permission for.  JSC Efarms LLP reaffirms their commitment to delivering the District Centre and final phases of the Boulton Moor SUE.  We trust the above representations are of assistance to officers in progressing the Local Plan Part 1 Review document. | | See Council Response to Question 9 |
| 1244310 | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | Stantec on behalf of JSC Efarms LLP Land off Aston Ln and Cowlishaw Close | Yes | | REPRESENTATIONS TO SOUTH DERBYSHIRE’S REGULATION 18: DRAFT LOCAL PLAN PART 1 REVIEW  We are pleased to submit, on behalf of JSC Efarms LLP, representations to South Derbyshire’s Draft Local Plan Part 1 Review.  Please see below comments regarding the draft policies which are within the Draft Local Plan Review currently subject to consultation. These representations refer to sites at Shardlow which are owned by our client and are promoted for housing development.  The sites are identified within the 2024 Strategic Housing Land Availability Assessment (SHELAA) as site 199 ‘Land at Aston Lane’ and site 200 ‘Land off Cowlishaw’. The sites are available and can be brought forward for development now. Moreover, South Derbyshire’s SHELAA has concluded these sites are ‘developable’  Land off Aston Lane, Shardlow The land off Aston Lane (Site Location plan attached at Appendix 1) is a triangular shaped parcel of land measuring approximately 6.15 hectares in size and is currently in agricultural use. The site extends southwards towards the A50 located to the south of Shardlow. The site is well-related to the settlement and can be accessed via Aston Lane at the eastern boundary and via Glenn Way and Alts Nook Way to the north.  The Site is sustainably located with a bus stop within 100m of the Site. Buses run frequently (every 30 minutes) to Derby which can be reached in approximately 30 minutes. A primary school is also within close proximity of the Site.  JSC Efarms LLP proposes the Site has potential to deliver approximately 150 dwellings which could be delivered in the short to medium term.  The Site is located outside of the Green Belt and would form a logical extension to the settlement of Shardlow. Given Shardlow is categorised as a ‘Tier 2’ settlement; one below an ‘urban area’, this area should be expected to accommodate a level of growth which could help to meet housing needs. Moreover, as mentioned above, the Site benefits from good public transport links towards Derby, East Midlands Airport, Leicester and Loughborough.  As set out further below, we are aware that the SHELAA assessment of this site concludes that it is available, achievable, and suitable for development. o Flood Risk  A Flood Risk Note has been prepared by Cannon to accompany these representations and is included as Appendix 2.The Site is shown to be partly affected by the medium probability flood area (Flood Zone 2) with the south-easternmost area shown to benefit from a suitable level of flood defence (denoted by the hatching on the EA mapping).  A Level 2 Strategic Flood Risk Assessment (SFRA) does not form part of the council’s Evidence Base and hence a more detailed analysis of the flood zones, together with an assessment of actual and residual risk, is not available.  There are a number of versions of the Derwent-Trent flood model; model updates having been generated on the back of flood defence works in the area.  As indicated in the Flood Risk Note, JBA Consulting were approached to produce up-to-date flood model outputs for this location based on their historic experience of the Derwent-Trent model and knowledge of the area. JBA contacted the Environment Agency (EA) in early 2022 when only the 2008 Derwent-Trent model was available to derive flood outlines. JBA re-ran the original 2008 Derwent-Trent model with up?to-date rainfall profiles and the most recent LiDAR data to inform the previous version of this note (May 2022).  JBA has since updated the flood outlines for this location through using the EA’s Derbyshire Trent 2021 and Derwent 2011 models. In respect of the latter it should be noted that the most recent model (for the Derwent) is not yet formatted for wider use, and hence when this becomes available a further revision of this note will be produced to support representations at the next stage of the Local Plan.  In absence of a Level 2 SFRA forming part of the Evidence Base and the most up-to-date flood model of the River Derwent from the EA, the flood modelling exercise undertaken by JBA gives an insight into the outcomes of the residual flood risk (worst case scenario) at Shardlow.  The Site is not shown to be inundated by floodwater from either the River Trent or River Derwent under the 1 in 100 year storm event. It is only when the flood defences are removed or compromised that flood water make its way to the south-eastern corner of site under a 1 in 1,000 year storm event. Under such a residual risk scenario, the depths of flood water at the Site can be readily managed through the Site master planning or through simply raising the land / floor levels of properties in this specific location. This Site could therefore deliver residential development that is resilient to flood risk even under the unlikely event of a complete defence failure.  o Archaeology A desk-based Archaeological Assessment has been undertaken which establishes that there are no designated heritage assets within the Site and development within the Site will not impact upon any designated heritage assets within the wider area. It is acknowledged that there are known archaeological remains within the Site comprising elements of a Late Iron Age – Romano-British field-system and related features identified from cropmarks. These features are part of a wider ceremonial, settlement and agricultural landscape dating from the Neolithic to Romano-British period and are considered to be of local to regional importance. There is low potential for earlier unrecorded Prehistoric assets to be present.  The archaeology known upon the Site would not preclude development and could be adequately safeguarded by an appropriately worded planning condition.  o Mineral Safeguarding Zone Whilst noting the Site is within a mineral safeguarding area, this should be considered in light of the opportunities of providing dwellings which could help assist SDDC’s in meeting additional housing needs.  Furthermore, a planning application would be accompanied by a Minerals Assessment which would assess any loss of minerals at this site.  o SHELAA This Site has been promoted previously through the Councils call for sites exercise and most recently promoted through the 2024 SHELAA (Site 199). It is considered that the majority of items coded amber (trees/ hedgerows, highway access, pedestrian/ cycle links, utilities, sport provision), could be overcome through careful design or via a S106 contribution. Notwithstanding the above, the Site performed relatively well against the SHELAA methodology, and the majority of criteria can be addressed through careful design of any future scheme. The SHELAA concluded:  The site is considered available, achievable, and suitable. However, a number of suitability criteria would need to be overcome/require mitigation.  We are proposing the Site has potential to deliver approximately 150 dwellings including an appropriate level of affordable housing to meet local needs. The Site therefore presents an opportunity to deliver high quality new housing, including a mix of market and affordable housing, to help meet the needs of the area.  - Land off Cowlishaw Close, Shardlow The land off Cowlishaw Close (see Location Plan at Appendix 3) is located to the east of Aston Lane and south of Cowlishaw Lane.  The Site is rectangular in shape, approximately 1.6 hectares in size and is currently in agricultural use. Technical work which has been prepared indicates that the site has capacity for approximately 35 dwellings with access via Aston Lane and Cowlishaw Close. Any development would include an appropriate level of affordable housing to meet local needs.  The Site is sustainably located with a bus stop within 100m of the Site. Buses run frequently (every 30 minutes) to Derby which can be reached in approximately 30 minutes. A primary school is also within close proximity of the Site.  JSC Efarms LLP proposes the Site has potential to deliver approximately 35 dwellings. It is considered that this is appropriate in this location during this Plan period.  The Site is located outside of the Green Belt and would form a logical extension to Shardlow. Moreover, the Site benefits from good public transport links towards Derby, East Midlands Airport, Leicester and Loughborough.  o Flood Risk As above, we recommend that the Council carry out a Level 2 SFRA to form a robust part of the Evidence Base for the Local Plan, which gives an insight into the outcome from a more detailed analysis of the actual and residual flood risk at Shardlow.  Should the more detailed analysis be taken into account by the council in their application of the Sequential Test then it is considered that this Site would “pass” the sequential test, as the flooding associated with a defence failure is limited only affecting the southern boundary. The redline could therefore be drawn to exclude this area or this residual flood risk could be respected through an appropriate layout and built form.  o Archaeology A desk-based Archaeological Assessment has been undertaken with establishes that there are no designated heritage assets within the Site and development within the Site will not impact upon any designated heritage assets within the wider area. There are no known archaeological remains within the Site. However, there is low potential for Prehistoric and Romano-British archaeology to be present. Should such archaeology be present upon the Site, this would not preclude development and could be adequately safeguarded by an appropriately worded planning condition.  o Mineral Safeguarding Zone Whilst noting the Site is within a mineral safeguarding area, this should be considered in light of the opportunities of providing dwellings which could help assist SDDC’s in meeting additional housing needs.  Furthermore, a planning application would be accompanied by a Minerals Assessment which would assess any loss of minerals at this site.  o SHELAA This Site has been promoted previously through the Councils call for sites exercise and most recently promoted through the 2024 SHELAA (Site 200). The Site performed relatively well against the SHELAA methodology, and the majority of criteria can be addressed through careful design of any future scheme or S106 payment. The SHELAA concluded:  The site is considered available, achievable, and suitable. However, a number of suitability criteria would need to be overcome/require mitigation. The Site therefore presents an opportunity to deliver high quality new housing, including a mix of market and affordable housing, to help meet the needs of the area  Conclusion In summary, as indicated above we consider that SDDC will need to increase its housing need in reflection of the updated Local Housing Need figure (expected to be finalised alongside the updated NPPF shortly) and therefore the Council needs to allocate further residential sites to meet this additional need. We also consider that the Plan period needs to be extended by at least a further year, again emphasising the need for the Council to allocate further residential sites.  We consider that Shardlow is an appropriate location for further development given its location within the settlement hierarchy as a ‘Tier 2’ Key Service village and proximity to the city of Derby (30 minutes). As indicated above, we consider our client’s sites are sustainable, benefits from excellent public transport links and are appropriate for development, as indicated in the SHELAA, to assist the Council in meeting this additional need. The flood risk constraint is acknowledged, however updated flood modelling needs to be carried out, and therefore the Council needs to undertake a Level 2 SFRA to support their Local Plan.  We trust the above representations are of assistance to officers in progressing the Local Plan Part 1 Review document. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate |
| 1243615 | Stantec on behalf of JSC Efarms LLP London Rd |  | Yes | | We are pleased to submit, on behalf of JSC Efarms LLP, representations to South Derbyshire Draft Local Plan Part 1 Review.  These representations relate to Land north of London Road, Shardlow which is owned by our client and promoted for approximately 115 dwellings (20-30 per hectare), or for commercial uses including office, research and development, light industrial &/or general industrial, warehousing, or a solar farm. There is also potential for the site to be used for biodiversity net gain (BNG) purposes. Please refer to Appendix 1 which illustrates the extent of land being promoted.  Land north of London Road o Site Context The Site measures approximately 10.2ha and is currently in agricultural use. The Site is centrally well?related to the existing settlement of Shardlow and can be accessed via London Road (B5010) at two points along the southern boundary.  Approximately 0.9ha of the Site comprises previously developed land (PDL) in the form of numerous farm buildings.  The client proposes the Site could accommodate approximately 115 dwellings (20-30 per hectare) or a commercial use including office, research and development, light industrial &/or general industrial, warehousing, or solar farm. There is also potential for the site to be used for BNG purposes.  The Site is sustainability located and benefits from good public transport links (buses every 30 minutes) towards Derby and is also within close proximity (approx. 200m from site entrance) of a primary school.  Shardlow is a ‘tier 2’ Key Service Village, one below an ‘urban area’ and should be expected to accommodate a level of growth and help meet housing needs. At present, South Derbyshire’s Draft Local Plan Part 1 Review does not include any proposed housing allocations at Shardlow, despite its prominent position in the settlement hierarchy. Given Shardlow is categorised as one level below an urban centre, this area should be expected to accommodate a level of growth and help meet housing needs.  o Green Belt The Site lies within the Green Belt. As set above, the green belt should serve 5 purposes as set out below within text explaining why we consider this site does not meet these purposes. a) to check the unrestricted sprawl of large built-up areas; The Site is centrally located within Shardlow and set just back from the main road, any development would form a logical extension to the settlement and result in no unrestricted sprawl. In order to prevent sprawl, the green belt boundary should be re-drawn at the nearest physical feature. Please refer to criterion c) for further details. b) to prevent neighbouring towns merging into one another; By virtue of its central location, the development of this site would result in no unrestricted sprawl or merging of neighbouring towns. The nearest towns/ villages are Ambaston, Thulston and Church Wilne all of which are in excess of 1 mile away, the release of this land would result in no coalesce within these settlements. c) to assist in safeguarding the countryside from encroachment; NPPF paragraph 148 subsection (f) states when defining boundaries, physical features that are readily recognisable and likely to be permanent should be used. In line with the NPPF, should this land be allocated for development, it is proposed the green belt boundary is aligned with the watercourse just north of our clients land ownership given this is most definitely a permanent and physical boundary. The redefining of the Green Belt in the area would continue to safeguard the countryside from encroachment. d) to preserve the setting and special character of historic towns; and It is acknowledged that the Site is within a conservation area. Any development would need to be sensitively designed, and high quality, in order to preserve the setting and special character of Shardlow’s conservation area. e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. A small proportion of the site is brownfield and would be regenerated as part of any future development, criterion e is predominantly not applicable in this case. For the reasons set out above, the removal of this land would not undermine the purposes of the Green Belt and, as indicated above, we consider that this site could assist the Council in meeting its housing needs.  o Flood Risk The Site is located in flood zones 2 and 3. The mapped flood zones do not account for the influence of flood defences (notably there is a flood defence embankment broadly following the northern site boundary) so the actual extent of flooding may be less than shown. We would recommend that the Council carry out a Level 2 SFRA to form a robust part of the Evidence Base for the Local Plan, which gives an insight into the outcome from a more detailed analysis of the actual and residual flood risk at Shardlow. Without this information, the District cannot accurately understand the flood risk in this area.  o Conservation Area As set out above, the site is located in Shardlow’s Conservation Area and any development would have to be sensitively designed in line with the character areas and retain principle views where necessary. The Shardlow Conservation Area Character Statement also shows the Site to be within an area of high Archaeology potential although any planning application would be supported by an archaeology desked based report.  Conclusion In summary, we consider that SDDC need to allocate further residential sites to reflect the updated Local Housing Need figures expected to be published alongside the updated NPPF very shortly. We also consider that the Plan period needs to be extended by at least a further year, again emphasising the need for the Council to allocate further residential sites. We consider that Shardlow is an appropriate location for further development given its location within the settlement hierarchy as a Key Service village and proximity to Derby.  We therefore consider that land north of London Road is sustainable and can assist the Council in meeting this additional need. As explained above, we consider that the Site does not meet the five purposes of the Green Belt and therefore should be considered for release from the Green Belt in order that site can assist the Council in meeting the additional housing need. Whilst the flood risk constraint is acknowledged, an updated Level 2 SFRA should be undertaken to support the Local Plan as the mapped flood zones do not account for the influence of flood defences so the actual extent of flooding may be less than shown.  Any development at this site would have to be high quality and sensitivity designed given Shardlow’s Conservation Area.  This Site therefore presents an opportunity to deliver high quality new housing, including a mix of market and affordable housing, to help meet the needs of the area. Alternatively, our client considers that the site could support commercial uses including office, research and development, light industrial &/or general industrial, warehousing, or a solar farm. We trust the above representations are of assistance to officers in progressing the Local Plan Part 1 Review document | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  It is not considered that there are exceptional circumstances for any amendments to the Green Belt. |
| 1243556 | Stantec on behalf of Parker Strategic Land South of Mickleover | Stantec on behalf of Parker Strategic Land South of Mickleover | Yes | | 1 Executive Summary 1.1.1 This report is prepared on behalf of Parker Strategic Land Limited (PSL) (the ‘Principal Promoters’), in response to the South Derbyshire Local Plan Part 1 Review 2022-39 Regulation 18 consultations, prepared by South Derbyshire District Council, which runs until 06 December 2024.  1.1.2 These representations relate to the land (the ‘Site’; Appendix A) controlled by PSL in respect to the proposed draft allocation STRA2. The Regulation 18 representation recognises there are other parcels of land that comprise the wider draft allocation and at this stage separate representations are being submitted. Therefore, representations focus on the Site with consideration of the wider opportunity area also provided where appropriate.  1.1.3 PSL is committed to working collaboratively with landowners through the Design Review process, to ensure a comprehensive approach to the delivery of strategic growth in this location, shaping spatial distribution and guiding the site wide infrastructure plan and wider masterplan.  1.1.4 These representations are summarised as follows: • A Site Opportunity Review, provided at Appendix B, has been undertaken by the technical team to consider draft Policy STRA2 and its associated indicative layout provided against the PSL Preferred Masterplan. • The Site Opportunity Review is set out within these representations and supporting Topic Papers on Transport, Landscape and Ecology, Flood Risk Management, and Heritage. • Outcomes of the review demonstrate that at this early plan-making stage, the STRA2 indicative layout misses out on crucial opportunities to connect to existing communities and celebrate the significance of existing features. The indicative layout also protects areas of low ecological and landscape value whilst proposing development in those areas that are more sensitive or constrained. • The PSL Preferred Masterplan takes into account existing watercourses and applies the Sequential Approach to sensitively lay out the development within the proposed STRA2 boundary. As a result, the PSL masterplan represents a more efficient use of land that: ▪ Removes/modal filters vehicles from Staker Lane; ▪ Provides road network infrastructure (link road) between the A38 and A516; ▪ Seeks to incorporate local level employment space within neighbourhood and local centre hubs collocated with day-to-day services and community facilities; ▪ A development capable of providing land to facilitate appropriate space for Primary and Early Years Education and land for a new Secondary School (if required); ▪ An efficient but not overly dense development appropriate to the area between 34-35 dwellings per hectare, capable of delivering 3,100 or 3,400 much needed homes if the Local Education Authority determine secondary school provision is better located elsewhere; and ▪ Parkland and Green and Blue Infrastructure corridors that connect rather than segregate existing and planned new communities, whilst allowing an appropriate amount of buffering and increased appreciation of historical assets. • A further review of strategic policy and non-strategic policies within the Regulation 18 Draft Plan version shows that there remains outstanding evidence to understand fully the need for affordable housing, custom & self-build and Gypsy and Traveller accommodation needs and all reasonable alternatives. • The Sustainability Appraisal (SA) Review, provided at Appendix H, concludes that the SA broadly complies with the legislative and guidance requirements of SA that are required at this stage. However, it is noted that two deficiencies were identified. • Moreover, the SA Review concluded that, based on the site appraisal as provided in Appendix B, the potential development of Mickleover South known as ‘Land at Mickleover South’ in the Local Plan is a sustainable site for inclusion within any proposed site allocations within the Local Plan. Overall, the sites score well against the Council’s SA Themes and Objectives and would lead to a range of economic, social and environmental benefits.  2 Introduction 2.1 The Site and Structure 2.1.1 These representations are submitted by Stantec on behalf of Parker Strategic Land Limited (PSL) (the ‘Principal Promoters’), in response to the Local Plan Part 1 Review 2022-39 Regulation 18 consultation, prepared by South Derbyshire District Council, which runs until 06 December 2024.  2.1.2 PSL is a family-owned company that promotes, manages and develops new places to live, work and play around the country. PSL owns the freehold on the land that is the subject of this representation.  2.1.3 This representation relates to the land known as ‘Mickleover South’, shown at Appendix A (the ‘Site’), which is recognised to be suitable for a new community and supporting infrastructure for South Derbyshire (Proposed allocation Policy STRA2: Land South of Mickleover). The Site represents a suitable, available, achievable and deliverable opportunity for an exemplary new neighbourhood that is seamlessly connected to the wider Derby conurbation but is also as self-sustaining as possible to the benefit of both new and existing communities.  2.1.4 PSL estimates that up to 2,200 new homes, key connectivity corridors, Local/Neighbourhood Centres, community, education and recreational facilities can be provided on land within its control.  2.1.5 The Site is gently undulating and generally falls away from a ridge to the centre of the Site towards a number of unnamed, ordinary watercourses and ditches. The highest point is at approximately 88m AOD at this ridge, falling to 62m AOD to the west and 53 m AOD to the east.  2.1.6 The Site abuts an area of development that sits central to the proposals, comprising mainly post-war development around the former Pastures Hospital, now Duesbury Court and the Pastures Golf Club. Duesbury Court was a Victorian hospital and is now converted to residential development. Further built form is present along Grassy Lane. High Grange School is located to the east of the Site, south of the A516.  2.1.7 The remainder of this report is structured as follows: • Section 3: Mickleover South Draft Allocation STRA2 • Section 4: Response to the Local Plan Part 1 Reg 18 • Section 5: Sustainability Appraisal & Alternative Assessments Review • Section 6: Conclusions • Section 7: Appendices  4 Response to the Local Plan Part 1 Reg 18 4.1 Regulation 18 Local Plan Consultations 4.1.1 This section of these representations provides a review of the remaining relevant policies insofar as they relate to STRA2 – Land South of Mickleover.   6 Conclusions 6.1.1 These representations have been provided on behalf of PSL, the Principal Promoter, with respect to its land interests, which represent the ‘Core’ land within the proposed draft STRA2 allocation.  6.1.2 As the Principal Promoter, PSL welcomes South Derbyshire District Council’s recognition of the opportunities for land south of Mickleover to create an exemplary new neighbourhood that delivers new homes but also crucially new community facilities and high quality environmental benefits as part of a sustainable development that connects to the wider Derby conurbation.  6.1.3 A notable base of technical work and survey work has been undertaken to date to establish baselines and create an understanding of the Site. Previous representations included a full suite of evidence and supporting material has been previously submitted to consultations held in December 2022.  6.1.4 These representations, taking into account previous technical work, focus on the Site with consideration of the wider opportunity area also provided where appropriate. Responses to are set out to:  • Consider draft Policy STRA2 and how the accompanying indicative layout and the PSL Preferred Masterplan respond to South Derbyshire District Council’s ambitions for sustainable growth south of Mickleover; • Provide commentary to other proposed strategic and non-strategic policy and their wording to aid the Council to proceed with the preparations toward a ‘sound’ Local Plan; and • To review the appropriateness of the Sustainability Appraisal Draft Scoping Report, the first step in the overall SA process and therefore to assist in the ‘sound’ appraisal of policy and site options.  6.1.5 It is noted that current Regulation 18 consultations represents early plan-making stages where not all evidence is established and provide an opportunity for representations to assist the Council in further plan preparation stages. The Site Opportunity Review (Appendix B) has been prepared to explain our rationale to design and how it can achieve South Derbyshire Council’s preferred outcomes set out in draft policy STRA2.  6.1.6 Outcomes of the Site Opportunity Review (Appendix B) show that: • If development were to be limited to ‘Housing development’ areas to the south and east, as shown on the indicative layout, the allocation is unlikely to achieve the quantum of development aspired to within draft Policy STRA2. Moreover, this may even reduce further than estimated within the Site Opportunity Review once existing conditions of habitat & landscape value, existing watercourses, and powerlines are taken into account; • Based upon technical analysis undertaken to date, the land controlled by PSL is assessed to be capable of delivering up to 2,200 new homes and the wider allocation up to 3,100 whilst reserving land for a secondary school. Should the Local Education Authority determine that a secondary school is not needed, the PSL Masterplan can be demonstrated to deliver approximately 3,400 homes; • Staker Lane, whilst being a semi-rural lane with no footway provision, is well-used with 5,500 two-way vehicle movements per day traveling between the Findern Interchange (A38) and Mickleover. Staker Lane is identified as unsuitable to serve as secondary vehicle access and the PSL Preferred Masterplan would focus a modal filtering/ closing of vehicle access of this route to facilitate a true modal shift along desire lines. A crucial link road in conjunction with a ‘traffic in village assessment’ would mitigate against increased northbound traffic through Burnaston; • There exists opportunity to pursue flexible local employment provision consisting of small office or studio-style, workspace accommodation to be included alongside cafes, shops and community hub facilities. Whilst no reasonable barrier exists for the Site to deliver E(g) pr B2 land uses, Industrial employment space may be better located in other suitable locations as considered within the Councils’ Employment Land Review (October 2023); • Whilst the provision of parkland is welcome, the Country Park location shown on the indicative layout is inexplicably extensive and located in areas of low ecological and landscape value, which in turn locates built up development in those areas that are more valuable for their landscape and ecology; • Taking into account habitat and landscape characteristics of the Site, the PSL Preferred Masterplan is considered the optimal layout that also applies a sequential approach to locating development areas away from areas at risk of potential flooding; and • drawing on the framework of law, national and local planning policy and industry best practice guidance, there are opportunities to avoid and mitigate harm to heritage assets, such as through visual screening, but also promote and celebrate their significance, ensuring they play an active role in future communities. Opportunities to better promote the heritage values of assets associated with Pastures Hospital are lost within the STRA2 indicative layout, restricting the value they will bring to future communities.  6.1.7 Further Responses provided to the Local Plan Part 1 Reg 18 consultation are in respect of the Council’s Vision, as well as strategic and non-strategic policies and also where site-related. Proposed amendments to policy wording are provided to improve clarity where appropriate. It is acknowledged, that at this early plan-making stage no ‘justified’ evidence exists in the form of detailed viability work, or establishing a full understanding of Gypsy and Traveller Accommodation needs, as well as custom and self-build needs.  6.1.8 The review undertaken of the Sustainability Appraisal (SA) process supporting the emerging Local Plan Part 1 Review concludes that the SA broadly complies with the requirements of Sustainability Appraisal. However, it is noted that two deficiencies were identified in relation to monitoring and the non-technical summary, and further areas of the SA which would potentially benefit from additional consideration at the Regulation 19 Stage. These broadly relate to relevant plans and programmes, baseline conditions, likely evolution and key issues, and the Habitats Regulation Assessment and are set out in the SA Review provided at Appendix H.  6.1.9 Furthermore, following the completion of the SA Review concluded that, based on the site appraisal, the potential development of Mickleover South known as ‘Land at Mickleover South’ in the Local Plan is a sustainable site for inclusion within any proposed site allocations within the Local Plan. Overall, the sites score well against the Council’s SA Themes and Objectives and would lead to a range of economic, social and environmental benefits | | Noted.  See Council response to question 7 and 12. |
| 1242425 | Stone Planning Services (on behalf of Peveril Homes Ltd) | Stone Planning Services (on behalf of Peveril Homes Ltd) | Yes | | Policy H1 Please see attached (at Q9).  Response to question 9: Policy H1: Settlement Hierarchy The settlement hierarchy, as set out in the policy, is supported. Our client has an interest in land off Manor Road, Overseal. We agree that Overseal has a good range of everyday facilities and that as a Key Service Village can support additional growth.  However, we are concerned with regard the text within the policy which states: “For the above two tiers, development of all sites within the settlement boundaries will be considered appropriate and sites adjoining settlement boundaries as rural exception sites in accordance with policy H21 as long as they are not greater than 25 dwellings”.  We consider that this restriction will impact on the ability to deliver new housing to serve the community of Overseal. The existing settlement boundary to Overseal is very constrained. There are no potential housing sites within the settlement boundary which could serve local needs.  The 2024 SHLAA indicates that there are 11 candidate sites to provide additional housing to serve Overseal. The sites vary in size, using a SMELAA methodology calculated yield, from 19 units to 233 units on land south of Moira Road.  The settlement boundary to Overseal was revised in the curent Local Plan. There was a small extension to the west on Lullington Road and a larger extension at the southern end of the village to the east of Acresford Road. Both developments are built out. There is clearly demand for housing in Overseal.  Our client’s site is Site Reference 194 – land off Valley Road, Overseal. Whilst the is an indicative SHELAA Yield of 47 units we consider that to achieve on site Biodiversity Net Gain and on-site attenuation that a yield of 31 is more appropriate.  The site is well contained with Valley Road and residential properties to the north, residential properties to the east, mature woodland and scrub to the south, all of which will be retained and enhanced, and a mature hedgerow with public footpath along the western boundary. The site is self-contained and would not be capable of expanding further.  The scheme would provide for a mix of houses – 2, 3 and 4+ bed houses would be delivered.  Policy 21 relates to affordable housing and sets a requirement for up to 40% affordable. This site would propose 40% affordable homes.  Biodiversity Net Gain will be secured on site. Mature trees will not be lost. Access would be off Valley Road which would be widened and the existing footpath extended across the site frontage to link the existing public footpaths which enter the site at its northwestern point.  Existing road junctions in the locality are capable of accommodating the additional flow, Surface water discharge will be controlled by an onsite attenuation pond. Foul water will drain to existing sewers.  The site is identified as a Minerals Safeguarding Area. However, this is a small area with residential properties adjacent on two boundaries and 2 public footpaths. The site would not be viable or suitable for mineral extraction.  The site is promoted by a house builder, not a developer. Peveril Homes Limited have a track record of delivery in the District. Delivery would certainly be within years 1 - 5. The Framework, at paragraph 70, recognises the role that small and medium sized sites in delivering housing and meeting targets. Land at Valley Road, Overseal is one such site which has no impediments to delivery.  The site is modest in scale and proportionate to the size of Overseal. However, the policy would fetter its delivery.  We consider that Policy H1 should be amended to either: a. Allocate land at Valley Road, Overseal and the settlement boundary revised accordingly; or b. If the settlement boundary is not to be amended, or sites allocated, that the wording of Policy H1 should allow for market housing sites, with policy compliant affordable housing, to be delivered on sustainable sites adjacent the existing settlement boundary.  The policy as set out will deliver neither market nor affordable housing in Overseal. It is clear that there is demand in the village which will not be met. | | Noted. See Council response to Q9, Policy 1.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate  A refresh of the settlement boundaries will be undertaken in the next phase of plan making. The Settlement Boundary refresh will be undertaken in line with a methodology established within a Topic Paper and each settlement boundary will be assessed against the same criteria. |
| 1243648 | Tensi Properties Ltd | Tensi Properties Ltd | Yes | | 1.1. Introduction 1.2. Tesni Properties Limited (referred to as ‘Tesni’) are promoting the referenced site as part of the ongoing Local Plan Review process. As outlined in previous representations, the site at Burton Road, Rosliston has been submitted to South Derbyshire District Council (SDDC) for consideration as a housing allocation.  1.3. This letter is in response to the consultation on the revised draft of the Local Plan Part One, which sets out the strategic allocations that are proposed to be brought forward in the borough up to 2039.  1.4. To inform the process appropriately and highlight the opportunity of a smaller allocation, supporting a more rural community with evident benefits. This letter is also supported with more site-specific information including a Considerations Plan, Concept Plan and a Transport Note; which are all appended.  2. Local Plan Making 2.1. It is pertinent to highlight that the proposed plan, as currently drafted, does not meet the requirements of Paragraph 22 of the National Planning Policy Framework (NPPF). To reference this paragraph directly, it explicitly requires that Local Plans should “look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.”  2.2. By not meeting this requirement, it would appear that the Local Plan is insufficiently forward-looking in it’s scope. In particular with addressing long-term housing and more sustainable patterns of distribution, employment needs and responding to changes in infrastructure, climate policy and/or demographic trends.  2.3. Without a robust long-term strategy, the plan risks becoming outdated shortly after adoption, undermining it’s effectiveness, creating further challenges for sustainable development that supports the area as a whole. This lack of ambition from the authority will not adequately address the unique challenges or opportunities within the Derby Housing Market Area.  2.4. The two new allocations at Infinity Garden Village and Land South of Mickleover are likely to require a longer-term vision extending beyond 2039. This could have serious implications for both the delivery or necessary development.  2.5. In order to address the points above, it is felt that South Derbyshire’s approach should be reconsidered. Including an extension to it’s temporal scope, in order to provide a robust strategy for at least 15 years from the anticipated date of adoption. This would include a more comprehensive assessment of future challenges and opportunities, such as climate resilience, technological advancements and shifts in housing demand. By making these changes the Local Plan should align with national policy requirements and ensure a sustainable and proactive approach to planning in the area.  2.6. That said, Tesni also hold significant concerns about the timing of this consultation. It is felt that this process is being conducted prematurely, in advance of the proposed reforms to the National Planning Policy Framework (NPPF).  2.7. Whilst it is accepted that there is a need to maintain progress in plan-making, this Local Plan Review has been gradually developing for over two years now. A temporary delay until the new year would not have a significant impact whilst ensuring alignment, relevance and long-term effectiveness with proposed national policies.  2.8. Conducting the consultation in advance of the NPPF reforms and possible misalignment could necessitate early reviews or significant modifications, undermining the plan’s credibility and providing abortive works whilst resources are stretched. Inevitably this could erode at public confidence in the local planning process and the ability to deliver stable and long-term outcomes.  2.9. As has been previously consulted and reaffirmed in a recent address by the Prime Minister, Kier Starmer, the draft reforms of the NPPF signal substantial changes in areas such as housing delivery, environmental protection and infrastructure planning. The absence of these reforms in the current consultation limited the opportunity for this Local Plan to be future-proof and responsive to evolving priorities.  2.10. Therefore, it is Tesni’s perspective that the consultation should be paused until the final NPPF reforms are formally published, allowing for integration of these policies into the plan-making process.   4. Site Specific 4.1. Land at Burton Road, Rosliston is a 1.65ha site, comprising of an agricultural field that sits directly adjacent to the northern edge of the ‘Local Service Village’. The forestry centre, associated infrastructure and an area of woodland is located to the north, with a well-defined hedgerow separating site with further agricultural land to the east. Overall, the site is extremely well contained and holds a close relationship to the existing settlement; a village ‘with some services and facilities’ which ‘could benefit from development of a local scale’.  4.2. Rosliston includes a primary school, pub, convenience store, country store, village hall, playground, fish and shop, tea room, sports pitches as well as other services and facilities. The town of Swadlincote is located 6km northeast of the village and the town of Burton upon Trent is located 6km northwest of the village. Swadlincote is a first-tier market towns with a great variety of services, facilities and employment opportunities. Additionally, the village is located 3km from Linton, a second-tier Key Service Village, with more essential service and facilities.  4.3. The Diamond bus service serves the village with a stop adjacent to the site, which is available during peak times, to facilitate travel to and from the village. This bus travels to Swadlincote (via Linton) and Burton (via Walton on Trent).  5. Site Constraints and Opportunities 5.1. Representations made for the site, dated 30th April 2024, appropriately respond to the local authority’s SHELAA and the conclusion that the referenced site is identified as ‘suitable’. The site is understood to have limited constraints, all of which are believed to be mitigated, as is highlighted breifly below.  5.2. Highways 5.2.1. It has been independently assessed that the local highway network is capable of accommodating the potential for additional traffic demand arising from the proposed development of the Site. It has been confirmed that the site frontage with Burton Road can facilitate an access width of at least 6 metres and could accommodate a visibility splay of at least 2.4m x 43m; in accordance with the Manual for Streets. Pedestrian footpaths can also be provided across the site connecting it to existing infrastructure and amenities along Burton Road and within the village centre.  5.3. Heritage 5.3.1. As the previously submitted Heritage Impact Assessment (HIA) highlighted and concluded, the significance of the grade II\* listed Church of St Marys can be retained and the effects of the development mitigated through sensitive placement of the build development, respecting existing field boundaries and landscaping, protecting key views in, out and across the Site.  5.3.2. As can be seen within the proposed Concept Plan, development is proposed to be focused to the western part of the site and could be brought forward in a manner which is respectful towards the setting of the heritage asset, as well as the character and appearance of the settlement. The central part of the proposed development would be retained as open space to provide viewing corridors between the woodland and the Church.  5.3.3. Tesni also acknowledges the non-designated heritage assets in the area. Once again, the site has been developed in order to contribute to the setting of these assets, their setting and character. Nevertheless, it should also be noted that dwelling have recently been constructer to the north west of the Site on the adjacent side of Burton Road which have had an effect on the setting of these referenced assets.  6. Summary 6.1. In consideration of the above, Tesni are under no doubt that this consultation has come forward prematurely. For the reasons outlined, it would be recommended that the Local Plan Review process is temporarily held until clarity is received on the upcoming NPPF reforms. In light of these reforms, as well as the principles of sustainable development, it is also felt that the distribution of the proposed allocations should be reconsidered, in order to provide appropriate investment and support to South Derbyshire’s rural communities. As well as supporting more short term delivery and diversity in the housing market.  6.2. Further to this, Tesni feels that Land at Burton Road, Rosliston should be reconsidered for allocation. It is evident that the site can be delivered for approximately 25 dwellings and include necessary mitigation measures to accommodate the impacts and opportunities across the land. A safe and suitable access arrangement can also be delivered from Burton Road. Tesni consider Rosliston to be a sustainable and suitable settlement for further development and that the Site is suitably located close to the core of the village and existing facilities. The Site is suitable and available for residential development | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  The Council will consider whether the plan period should be amended.  The District Council is working towards submitting the Local Plan Part 1 Review to the Inspector on or before to the 12th March, inline with the transitional arrangements set out within the December 2024 NPPF  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption. |
| 1243215 | Trent and Dove Housing Association | Trent and Dove | No | |  | | Noted |
| 1242865 | Turley on behalf of Hallam Land | Turley on behalf of Hallam Land | Yes | | 1. Introduction 1.1 These representations to the South Derbyshire District Council (SDDC) Local Plan Part 1 Review consultation have been prepared by Turley on behalf of Hallam Land in relation to their interests in two sites; Land at Burton Road, Overseal and Land west of Mount Pleasant Road, Repton.  Hallam Land 1.2 Hallam specialise in the promotion of strategic land opportunities and have been involved in a number of schemes in South Derbyshire having previously secured consent for 400 units at Woodville, 120 units at Repton, 100 plots at Chellaston and 150 plots at Hilton.  1.3 More notably Hallam have been involved in the delivery of the Infinity Garden Village at Sinfin, securing an allocation for 2,200 plots off Wragley Way in 2016 which forms the main residential element of the emerging Garden Village.  1.4 Hallam Land welcomes the review of the Local Plan in principle and recommitment to ambitious housing targets to deliver continued sustainable growth across the District. These representations are made in support of the consultation and reflect Hallam Land’s aspiration to be involved in the plan-making process.  1.5 Through these representations, Hallam Land reiterate that the sites in Repton and Overseal currently being promoted are suitable, available and achievable for residential development. Noting their wide-ranging experience promoting and delivering sites within South Derbyshire, the sites presented are considered to represent opportunities to deliver for much needed residential development in sustainable locations in the shorter term whilst the proposed new strategic options for growth take time to deliver.  1.6 The enclosed Vision Documents and are submitted in support of these representations (Appendix 1 & 2). It should be noted that Vision Documents were submitted with the Issues and Options representations in December 2022 and have since been updated. The Vision Documents consider the site’s opportunities and constraints and demonstrate that the sites represent sustainable locations for development in the District.  1.7 It is highlighted that these sites have previously been included in the Council’s Strategic Housing Land Availability Assessment (SHLAA) (Mount Pleasant Road ref S/0089 and land at Burton Road ref S/0294) and the Strategic Housing and Economic Land Availability Assessment (SHELAA). Both sites are considered available, achievable and suitable.  1.8 The structure of these representations is as follows: • Section 2 considers the proposed amendments to the National Planning Policy Framework and the implications for the Local Plan Review and the calculation of housing needs that the plan will need to provide for; • Section 3 contains commentary on the relevant sections of the current Local Plan consultation document; • Section 4 provides a summary and conclusion; • Vision Documents for each site are provided as appendices (1 & 2) and demonstrate the type, scale and potential design of development which could be achieved on the sites; and • An ‘Updated Review of Housing Need in South Derbyshire’ has been prepared by Turley in support of these representations, forming Appendix 3.  2. Proposed Changes to the National Planning Policy Framework 2.1 Public consultation of the revised National Planning Policy Framework (NPPF) was undertaken nationally between July and September of this year. The updated NPPF is expected to be formally published and come into effect by the end of 2024.  2.2 The proposed transitional arrangements for the purposes of plan making are set out at Paragraph 226 of the NPPF consultation document. Since the emerging South Derbyshire Local Plan Review comprises the review of a Part 1 Local Plan, which sets out strategic policies identifying housing requirements, and the Plan Review will not have reached Regulation 19 on or before the publication date of the NPPF, plus one month, expected to be the end of January 2025, the Local Plan Review will be required to be prepared in accordance with the revised NPPF.  2.3 As part of the proposed update to the NPPF, the consultation establishes that Local Plans should be ambitious, and that the standard method will be made the “mandatory starting point for planning for homes” (paragraph 6 of the “Proposed reforms to the National Planning Policy Framework and other changes to the planning system”). In addition, the standard method of calculating Local Housing Need (LHN) is proposed to be revised. The proposed update to the methodology results in an increased LHN for the majority of Local Planning Authorities nationally.  2.4 As set out in the Technical Review included with these representations at Appendix 3, the new approach would increase the implied level of housing need in South Derbyshire, from 522 dwellings per annum – when SDDC applied the current method last year – to 606 dwellings per annum.  2.5 This remains lower than the proposed requirement for 852 dwellings per annum but would have the effect of shrinking the surplus that is intended to help meet the unmet needs of Derby City, by approximately one quarter. Any contribution would amount to only 246 dwellings per annum, equivalent to only three quarters of the city’s unmet needs based on its overall need for 1,062 dwellings per annum – slightly lower than under the current method – and its reported capacity to provide only 735 dwellings per annum.  2.6 Amber Valley could theoretically close this gap through its own contribution of 73 dwellings per annum, but this may cease to exist if its Local Plan – currently at examination – is not found sound. However, with the proposed 87% increase in its own housing needs an immediate review will be necessary and could remove this contribution in light of the greater need now faced by the borough.  2.7 With the Draft Local Plan already in need of review to reflect the likely introduction of a new standard method, the appended Technical Review explains how SDDC could Derby City’s unmet need by elevating its proposed housing requirement to at least 933 dwellings per annum. This would meet the district’s own needs in full while offering greater certainty that Derby City’s needs are also being met, without necessitating an increase in the recent rate of development in South Derbyshire  3. Representations Principle of the Local Plan Review 3.1 The review of the Local Plan is supported in principle, as set out in our representations to the Issues and Options consultation in 2022. However, the partial review of the Local Plan, comprising the Part 1 Local Plan only, is not supported.  3.2 We consider that the Review of the Local Plan should be undertaken as a comprehensive, full review. This is on the basis that a full plan review will allow a more comprehensive approach to strategic issues such as addressing the unmet needs of the Derby housing market area (HMA).  3.3 Furthermore, the Part 2 Local Plan was adopted in 2017, paragraph 33 of the NPPF (2023) outlines a requirement for Local Plans to be reviewed “at least” once every five years. Given the Part 2 Local Plan is some 7 years old, the plan is dated and in urgent need of review. This is an opportunity to undertake a full plan review ensuring that all policies contained would age at the same pace, avoiding a potential policy vacuum where policies in part of the plan become out of date more quickly than others.  3.4 Paragraph 1.9 of the emerging Local Plan Review states that “the Part 2 South Derbyshire Local Plan adopted in 2017 will be saved in entirety. This means the part 2 Plan will stay in use until the Plan is reviewed as a whole”. Given the dated nature of the Part 2 Plan, and that there will otherwise be no substantive review of whether policies are fit for purpose before they are “saved”, this approach is considered to be entirely inappropriate and unsound.  3.5 As a minimum, the Council should undertake a review of the Part 2 policies as part of the Sustainability Appraisal to help to consider whether the policies are still sound and meet the tests of soundness set out by paragraph 35 of the NPPF, including whether they are consistent with national policy. Having regard to the policies contained within the Local Plan Part 2, non-strategic housing allocations included in the plan have largely been developed, with just 285 homes outstanding for delivery on these sites (as set out at Paragraph 4.73), applying a blanket approach to saving all policies in this plan is not therefore a sound approach since it would not meet objectively assessed needs. A comprehensive review of the Local Plan is considered to be the most efficient and effective means of ensuring the plan is sound.  3.6 In addition, the combined comprehensive review alongside the Local Plan Part 2 would allow the Council to allocate additional non-strategic housing allocations, in combination with large scale Sustainable Urban Extensions (SUE’s). This would avoid there being an overreliance on strategic sites, which typically require extensive infrastructure and complex and convoluted detailed planning permissions prior to new homes being built. Sites like those identified in Repton and Overseal, require much less infrastructure and are typically less constrained, meaning they can come forward quickly and early in the plan period, representing a more sustainable approach to growth and addressing housing needs.  3.7 Given the delay to the Plan Review programme for the Part 1 plan, it is anticipated that the Local Plan Part 1 Review wouldn’t be adopted until early 2027. At which point, the Local Plan Part 2 policies will be 10 years post adoption, with some of the evidence base underpinning the plan being even more dated. Assuming the comprehensive Local Plan Review is submitted for examination five years post Review adoption (circa 2032), and examination is around 30 months (as per the proposed Plan Making Reforms set out in the Levelling Up and Regeneration Act, 2023), a new Local Plan would be adopted in 2034/2035, making the Local Plan Part 2 policies 18 years old prior to their replacement and the Part 1 Review policies at least 7 years old. As such, at policies would be seriously out of date by this point and are unlikely to be considered sound for decision making purposes.  3.8 As a minimum, the policy should define when plan making would commence and given how dated the Part 2 policies will become, commencement should commence “within 12 months from the adoption of the Local Plan Part 1 Review”. Furthermore, since evidence base development can occur in tandem with the examination of the Local Plan Part 1 Review to expedite plan making, the date for submission of the comprehensive plan for examination should be brought forward to two years post adoption. This could potentially bring forward adoption of the new plan to 2031/2032. Although the Part 2 Plan policies would still be seriously dated at the point of adoption, this would at least help to close the gap in the instance that the Part 1 Plan Review is progressed at this stage (as currently proposed) and reflect the national imperative for speeding up the plan making process.  Local Plan Period 3.9 The Local Plan Review is based on the plan period 2022 to 2039. This covers a 17-year period and therefore accords, in principle, with paragraph 22 of the National Planning Policy Framework (NPPF, 2023), which sets out that strategic policies should cover a minimum of 15 years.  3.10 This notwithstanding, the Local Development Scheme 2022 – 2025 establishes the timeline for adoption of the Local Plan Review as December 2024, following Regulation 18 Issues and Options consultation in November – December 2022. As such, given the delay to the Plan Review timeline, it is anticipated that adoption is unlikely to take place until early 2027, based on the submission of the plan in June 2025, as per paragraph 4.5 of the Local Plan Review consultation document. This is considered to be ambitious given the progress of the plan review to date, the complex issues South Derbyshire will need to continue to work with the Derby Housing Market Area (HMA) authorities to address and the forthcoming update to the NPPF, including the increased LHN.  3.11 In considering the above, the plan period should be revised to, as a minimum, provide for an additional two years i.e. to 2041, allowing for the delay to the plan submission and a degree of flexibility should there be further delays to the plan adoption.  3.12 Over the current plan period, “at least” 14,483 dwellings will be built in South Derbyshire, as set out by Policy S1 “Sustainable Growth Strategy”, equating to 852 (rounded up) dwellings per annum. By extending the plan period by two years, this would add a further 1,704 homes which would need to be provided in the District to 2041 (without taking account for the increased LHN).  3.13 Combining the need generated by extending the plan period, and the uplift in housing need calculated by the revised standard method, proposed by the NPPF consultation (as set out in Section 2 of these representations), an additional circa 3,243 homes are required in South Derbyshire over the revised plan period (19 years).  3.14 Sites such as those promoted by Hallam Land in Repton and Overseal, which have previously been assessed as available and suitable for development (as set out in Paragraph 1.11 of these representations and at Appendix 1 and 2), could provide a meaningful contribution to meeting this shortfall and could be delivered early in the plan period.  4.1 In summary, the key points made through these representations are as follows: • Hallam Land welcomes the review of the Local Plan in principle. However, we believe that the Local Plan Review should be a comprehensive full plan review. • The preparation of a single plan review would allow for better consideration of all the needs and strategic issues the plan must take into consideration, including the housing shortfall identified across the Derby Housing Market Area, the unmet housing need from Derby City, and allow non-strategic sites to also be identified. • In light of proposed changes to the standard method, it is considered that South Derbyshire should plan for a minimum of 933 dwellings per annum to both meet its own needs in full and offer greater certainty that the unmet needs of Derby City will also be addressed. This would equate to an additional 81 dwellings per annum, compared to the proposed housing requirement, or some 1,377 additional homes over the proposed plan period of 17 years. • Furthermore, the Local Development Scheme 2022 – 2025 establishes the timeline for adoption of the Local Plan Review as December 2024, following Regulation 18 Issues and Options consultation in November – December 2022. Given the delay to the Plan Review timeline, it is anticipated that adoption is unlikely to take place until early 2027, based on the submission of the plan in June 2025. The plan period should be revised to, as a minimum, to provide for an additional two years i.e. to 2041, allowing for the delay to the plan submission and a degree of flexibility should there be further delays to the plan adoption. • Accordingly we believe the plan period should be revised to provide for an additional two years i.e. to 2041, allowing for the delay to the plan submission and a degree of flexibility should there be further delays to the plan adoption. Simply extending the plan period by two years without amending the overall requirement would add 1,704 homes that need to be provided in the District to 2041. • Combining the need generated by extending the plan period, and our conclusion on a more appropriate housing requirement, an additional 3,243 homes are required in South Derbyshire over the revised plan period. • In meeting its own needs and an appropriate proportion of the wider Housing Market Area, it will be necessary for South Derbyshire’s most sustainable settlements to accommodate growth. • A substantial proportion of housing delivery is being directed towards strategic sites. Although in principle, this may be considered an appropriate approach, the strategic sites identified will require significant infrastructure to enable delivery, including major highways infrastructure. Given the lead in times for these to be delivered, the Plan Review should be identifying a mix of sites that can provide homes quickly and early in the plan period. • Furthermore, the Plan Review currently leaves a sizeable proportion of the total housing delivery to windfall sites. By identifying medium and smaller sites in this plan, there would be less reliance on large strategic sites and growth would be properly plan led through the identification of sustainable and appropriate sites for development. The capacity and capability of those sites “saved” from the adopted Local Plan Part 2 should be the subject of careful scrutiny. Rolling forward the allocations from this plan is therefore not considered to be a sound approach, particularly if they have not started delivering to date during the plan period. • Repton and Overseal benefit from a variety of local amenities, facilities and public transport access. These settlements are therefore considered to be sustainable locations for residential development whilst the sites at “Land west of Mount Pleasant Road, Repton” (SHELAA Site Reference: 144) and “Burton Road, Overseal” (SHELAA Site Reference: 145) are identified as being “available, achievable, and suitable” for development. Given the likely need to identify additional sites to meet the housing needs of South Derbyshire, due to the increased LHN and extended plan period, notwithstanding the identification of sites to avoid unnecessary reliance on windfall sites or large strategic sites, sustainable settlements such as Overseal and Repton should be a key focus for the Council  4.2 Overall, whilst we support the principle of the Local Plan review and the ambitious growth targets of South Derbyshire we believe a comprehensive plan review is the most appropriate mechanism for this, that more housing land should be identified now and that these should comprise non-strategic sites. Hallam Land would welcome the opportunity to further discuss the sites in Repton and Overseal with the Council as options to provide additional site allocations to make a contribution to meeting this need | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate  See Council responses to question 3 and 4  The District Council is working towards submitting the Local Plan Part 1 Review to the Inspector on or before to the 12th March, inline with the transitional arrangements set out within the December 2024 NPPF.  It is not considered that the District Council needs to undertake a review of the Part 2 policies as part of the Sustainability Appraisal, as part of the Review of the adopted Local Plan Part 1 Review.  The Council is permitted to undertake a part 2 plan process until the new Bill comes into force December 2026. The Council will progress with either a Part 2 Local Plan or Full Plan Review very quickly after adoption.  The Council will consider whether the plan period should be amended. |
| 1243606 | TWB Town Planning Consultants Ltd on behalf of Mr. G. Roe & Mr. J Warren | TWB Town Planning Consultants Ltd | Yes | | As stated within the consultation material, the draft plan does not incorporate changes recently consulted upon by Government, including the new proposed standard method for calculating local housing need. Under the proposed standard method, Derby's need decreases from 1,244 dpa to 1,062 dpa, however, continuing to meet Derby's unmet need within South Derbyshire is inevitable, as demonstrated by Derby's figure of only 628 average annual net additions (2020/21-2022/23), which going forward will likely be further reduced as the City itself becomes increasingly constrained. South Derbyshire's local housing need increases by 99 dpa under the proposed standard method, equating to a further 1,683 dwellings over the plan period.  In order to meet this need Sites such as SHELAA site 197 Land at Rose Tree Lane, Newhall are considered necessary for inclusion in the emerging South Derbyshire Local Plan given the increase in local housing need proposed using the revised standard method coupled with the need for a five-year supply for the district to be maintained; smaller sites such as SHELAA site 197 Land at Rose Tree Lane, Newhall are available and deliverable and can readily boost local housing supply to ensure the plan becomes sound and delivers the required housing needs of the District, while also helping meet the unmet needs for Derby. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  See Council responses to question 3 and 4. |
| 1244443 | Walsingham Planning on behalf of Metacre Ltd | Walsingham Planning |  | | Introduction We are grateful for the opportunity to submit representations on behalf of our client Metacre Ltd in relation to the above Local Plan consultation.  Our client controls land (under an Option agreement) accessed via Longlands Road, Midway, Swadlincote and we have previously submitted representations in relation to various Local Plan consultation documents over recent months and years, supporting the principle of the land in question being allocated and developed for residential purposes in the future.  Within this letter, we principally comment in relation to the Council’s approach of preparing a partial review of the Local Plan at this stage, draw reference to the importance of the proposed imminent amendments to the National Planning Policy Framework (NPPF) and comment on the general approach the Council has adopted within the consultation document.  The Draft National Planning Policy Framework (NPPF) – July 2024 A draft NPPF has recently undergone consultation (between July and September 2024) and its adoption is expected around the end of 2024.  Local authorities will be required to prepare new plans that are consistent with the new NPPF. The impending adoption of a new NPPF is a further reason why the current partial review process should be ceased and recommenced in a more comprehensive form.  The new standard method for calculating local housing need outlined within the draft NPPF will mean increased housing targets for the Councils and its neighbours. The proposed standard method will see the Council’s housing requirement increase from 507 dwellings per anum (dpa) to 606 dpa, an increase of 19.5%.  Any consultation exercise progressing at this time should be wholly mindful of the new proposed NPPF and its impending proposed adoption. The fact that this current consultation wholly ignores this requirement is inappropriate.   Land West of Longlands Road, Midway  In taking forward a comprehensive review of the Part 1 and II Local Plan Documents, as the appropriate course of action, as opposed to the current proposed partial Part I review, the Council should consider a wide range of options for meeting its housing needs, inclusive of those it will accommodate from Derby City. The housing needs figure should be established in accordance with recommendations from the new NPPF.  In considering appropriate housing locations to meet part of the established housing needs figure, we again request that Land West of Longlands Road, Midway is considered as an appropriate, available and deliverable location to meet part of Swadlincote’s significant future housing needs.  The enclosed Vision Document highlights the site’s accessibility to various services and facilities in the area and demonstrates how a housing scheme or around 95 dwellings can be delivered at the site taking full account of its opportunities and limited constraints. This is combined with the neighbouring site, forming a joint masterplan which, delivers the potential for additional houses and benefits to be delivered at this sustainable location.  The Vision Document demonstrates that the Land West of Longlands Road, Midway site:  •Is entirely suitable, deliverable and viable for housing development; and will deliver a mix of housing types, including both market and affordable homes; •Is sustainably located in proximity to a range of amenities, services and facilities; •A site layout and significant quantum of new housing development can be delivered that responds to the site’s TPO and ecological characteristics, without creating adverse impacts in either regard. As such, there are no technical constraints that prevent the site’s residential allocation or development; •Is not subject to any technical or environmental constraints that would prevent the delivery of housing; •Can deliver a landscape-led masterplan that complements the surrounding site context, and creates a high-quality housing development; •Will provide a network of high quality open spaces; and Generates significant socio-economic benefits by providing housing choice, and stimulating job creation and economic investment, increased consumer spending will also help to support shops and services within Swadlincote.  Additionally, as identified within the most recent Strategic Housing and Economic Land Availability Assessment (February 2024) and seen above in Fig 1, the site is logged as Ref. 12 and is seen as developable being Suitable, Available and Achievable within a timeframe of 6-10 years. The site can deliver on its proposed 95 dwellings, as seen within the vision document, while also protecting the identified areas of conservation on the plan. Furthermore, the site located to the west (Ref. 99) also included on the Vision Document submitted as part of this Consultation is regarded as the same level of achievable, suitable and available within the timescale of 6-10 years | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  See Council responses to question 4.  The District Council is working towards submitting the Local Plan Part 1 Review to the Inspector on or before to the 12th March, inline with the transitional arrangements set out within the December 2024 NPPF. |
| 1248316 | Heatons on behalf of Tarmac Trading | Heatons on behalf of Tarmac Trading | Q13 | | Heatons have been instructed by Tarmac Trading Limited (‘Tarmac’) to prepare and submit representations to the above public consultation forthe revised draft of the Local Plan Part 1 for South Derbyshire. The consultation closes on 6th December 2024.  Tarmac has significant commercial operations in the South Derbyshire which includes mineral extraction sites and also ancillary construction product manufacturing facilities.  Following a review of the published consultation documents, this letter is Tarmac’s formal response to the draft Local Plan Part 1. It is trusted this will contribute positively towards preparing and publishing the Plan.  This letter first describes Tarmac’s interests in South Derbyshire and their current planning context. Relevant existing adopted planning policy is then described followed by a full section of Tarmac’s comments and recommendations in response to the public consultation.  Tarmac Interests in South Derbyshire Tarmac has the following interests in South Derbyshire: • Elvaston – Mortar Plant & (mothballed) Sand and Gravel Quarry • Swarkestone – Sand and Gravel Quarry  As these operations in South Derbyshire are strategically important Tarmac is committed to safeguarding their longevity for mineral extraction and for mortar production.  Planning Policy and Guidance Context Derbyshire and Derby Minerals Local Plan (2022-2038) The Derbyshire and Derby Minerals Local Plan (2022-2038) is the emerging Minerals Plan for the County. A consultation of the pre-submission draft was undertaken in Spring 2023. The new plan will be known as the Derbyshire and Derby Minerals Local Plan and will cover the period to 2038.  The plan covers the geographical county of Derbyshire, excluding that part which lies within the Peak District National Park. The plan sets out its strategic priorities for minerals development through its vision and objectives. It includes strategic policies to address those priorities, including policies to enable the supply of important minerals and, where necessary, it identifies specific sites for mineral working. The plan also includes a set of non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development.  Given the stage of the draft Local Plan Review Part ! for South Derbyshire, and the late stage the Derbyshire and Derby Minerals Local Plan (2022-2038), it would be pertinent to apply significant weight in ensuring that the SDDC draft Local Plan Part 1 review aligns with said DCC emerging Minerals Plan.  In the Derbyshire and Derby Minerals Local Plan (2022-2038), both of Tarmac’s sites are allocated with an existing permitted area covering the majority of the sites. Both Elvaston Quarry and Swarkestone Quarry are covered and allocated under Policy SP5 of the Emerging Minerals Plan. Across the two quarries, land is allocated to provide for at least an additional 6.38mt of sand and gravel over the Plan period as extensions to Swarkestone and Elvaston Quarries and new sites at Foston and Sudbury, as shown on the Policies Map.  Despite the aforementioned allocations, the Local Aggregate Assessment (2024) for Derbyshire indicates that the County falls short of the required 7-year landbank, with only a 6.64-year supply, demonstrating a shortfall and a need to safeguard all sand and gravel sources.  South Derbyshire Local Plan Part 1 Review The revised draft of the Local Plan Part 1 for South Derbyshire will set out a strategy updating how much, where and what type of larger development will take place across the area up to 2039. It will provide planning policies and site allocations to guide change and enhance new development proposals.  Whilst we understand that South Derbyshire District Council are not the Mineral Planning Authority, it is absolutely vital that the policies and allocation proposed within the revised Local Plan Part 1 reflect the mineral needs of the counties and do not inhibit mineral extraction.  It appears that SDDC has avoided proposing conflicting allocations within close proximity to either Swarkestone or Elvaston quarry, which could otherwise jeopardise mineral development. We would urge SDDC to maintain this position and ensure a sufficient buffer around each site. Furthermore, considering that Derbyshire does not currently have a 7-year landbank for sand and gravel, the protection and safeguarding of these sites, through ensuring no agent of change jeopardises the extraction is even more pertinent.  In the event of any new draft allocations (not disclosed in this Regulation 18 consultation) within the vicinity of Swarkstone or Elvaston quarries, Tarmac requests to be consulted on these promotions as the mineral operator, as well as said allocations being discussed with Derbyshire County Council as the Mineral Planning Authority.  If you require any further details on either quarry, then please also get in touch via the details given on the first page of this representation. | | Noted.  The District Council will inform anyone on the Local Plan database of future consultations on the Local Plan database. |
| 1248307 | Copesticks on behalf of Alexander Bruce Estates Ltd. | Copesticks on behalf of Alexander Bruce Estates Ltd. | Q13 | | 1.1 We act on behalf of Alexander Bruce Estates Ltd., a successful and active local residential developer based in the District.  1.2 We will provide constructive comments on the relevant policies of the draft Revised Local Plan Part 1 and we will include details of two sites that we consider ought to be included in the settlement boundary of Melbourne/Kings Newton, as a minimum or considered for allocation through the Plan revision process.  1.3 In the first instance we would draw attention, more broadly, to the changing position, nationally, in relation to housing and planning and how that may affect the Local Plan Part 1 before the next stage in the process and affect the relationship between Parts 1 & 2 of the Local Plan.  2.1 The consultation material notes that the changes to the NPPF will be incorporated into the Plan before the next stage of consultation, but the NPPF changes could involve quite significant amendments to the Plan. As noted above, it is believed that more needs to be done at this stage, Local Plan Part 1, to allocate and/or apportion development across the District.  2.2 To this end, our client would like to put forward two modest parcels of land for consideration either for allocation, if additional sites are to be earmarked ahead of the next stage of consultation; alternatively, for consideration in settlement boundary changes, or as evidence of suitable, available and developable sites as justification for apportioning development targets and for later detailed consideration.  Land at Station Road, Melbourne 2.3 This parcel of land is effectively Phase 3 of the development undertaken jointly between Alexander Bruce Estates and Davidsons. The site amounts to around 0.7 hectares and shares the same constraints as phases 1 & 2, which is predominantly the flood risk at the lower part of the site adjacent to Carr Brook.  2.4 The constraints were taken into consideration when preparing the following sketch scheme as an extension to the most recent Station Road development.  2.5 The site is clearly sustainable, it is an extension to the station Road development that is nearing completion and has only recently been granted planning permission as a sustainable development for which the presumption in favour was engaged.  2.6 Our client is aware of and appreciates the local demand for bungalows and would happily engage with the Local Authority, to deliver a scheme that includes a greater proportion of bungalows than is usually offered or secured in Melbourne.   Land at Main Road, Kings Newton, Melbourne 2.7 This parcel of land sits adjacent to Kings Newton Hall (Grade II Listed Building); the site lies within what was historically land associated with the Hall, but it is outside the curtilage.  2.8 Kings Newton Hall is in need of significant repairs and refurbishment and seeking to secure some enabling development is the most logical way of funding the works.  2.9 The land lies on the periphery of Melbourne and the village centre is less than a kilometre to the south along Pack Horse Road. There are also amenities closer to the site, including the Hardinge Arms restaurant and hotel, the bowls club and the Scout and Guide HQ, just over the road, also, the primary school is less than 500m south.  2.10 The site lies on the No.2 bus route, which links Melbourne to Derby with two buses per hour throughout the day. The site is highly sustainable.  1.1 The emerging NPPF may result in a significant increase in the housing target and the reliance on larger strategic sites, in the form of sustainable urban extensions (plus nearby competing strategic allocations) may not yield the new homes hoped, within the Plan period.  1.2 Our concern is that not enough is being done at Part 1 stage to allocate land around the rest of the District, or direct development, strategically, to the right places. The result is that there will be increased, perhaps excessive reliance on non-strategic allocations and windfall sites.  1.3 It is suggested that additional certainty is delivered at Part 1 stage, either through additional allocations (preferable), or through apportioning growth to the higher order settlements, based on their sustainability. The latter option, “directions for growth” is a common approach and establishes targets for the District and Parish Councils (NDPs) and for developers and landowners.  1.4 Additional allocations would be the preferred solution, in accordance with the plan, monitor, manage methodology. To this end, these representations include two modest sites that we would like to offer for inclusion in this Part of the Local Plan, or the next, with which we will also engage. | | See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate.  See Council responses to question 4.  The District Council is working towards submitting the Local Plan Part 1 Review to the Inspector on or before to the 12th March, inline with the transitional arrangements set out within the December 2024 NPPF. |
| **Members of the Public** | | | | | | | |
| 1238069 | Alan Burrell |  |  | | I attended the recent meeting at Aston on Trent and I would like to thank the people from the planning team who were present for taking the time to hear and make note of our views This e-mail is to expand on the points I made at the time. | | Noted  Agree: Paragraph 8.21: delete "Derbyshire" substitute "Leicestershire"  Update INF3 map so that label A5132 is by the road rather than the railway line.  The District Council will look to address spelling and formatting mistakes within the plan.  The District Council will look to establish whether the boundaries of the proposed allocations are the correct boundaries or whether alterations should be made.  At submission the local plan will be supported by an updated Infrastructure Delivery Plan which (in consultation with service providers) assesses and identifies the infrastructure needed for new development and considers how this will be delivered.  Planning applications can be submitted for any use at any time. The Development Management Team will make recommendations for determination of applications submitted based on accordance with policies within the Local Plan.  In terms of proposed allocations STRA1, STRA2, and STRA3, please see Council response to Questions 5, 6,7,8.  See Council response to Barrow upon Tren Parish Council regarding Chesterfield to Willington Electricity Transmission.  The Council has a Design SDP which make use of appropriate densities, which can include high densities on appropriate sites. In addition the Council is undertaking a design review process for the new strategic allocations which will explore appropriate densities of strategic allocations.  In terms of the type and tenure of new dwellings within the District, Policy H21 affordable housing seeks to secure up to 40% affordable housing on sites over 10 dwellings and Policy H20, sets out that housing and mixed use development should comprise a range of dwelling types broadly apportioned to the table within the Policy.  The Council does not consider it necessary to amend Policy H1. The policy allows rural exception sites adjoining to settlements and gives a quantum of housing based of a settlement position within the Hierarchy. The Council considers this to be an appropriate strategy in regard to the provision of rural exception sites. Furthermore, the Plan should be read as a whole when applications are being determined, including Policy BNE1 which sets expects all developed to well designed and requires development to respond to their context and have regarding to townscape and heritage characteristics.  The Council undertook consultation on the Draft local Plan Part 1 in accordance with the Councils adopted Statement of Community Involvement. The consultation included (but was not limited to) sending letters/emails informing consultees on the Local Plan database of the consultation, this included Parish Councils. Parish Councils were also sent a poster advertising the consultation to display around the Parish and press releases were issued.  No amendments to the Green Belt are being proposed in the Local Plan Part1 Review.  In terms of the designation of further Greenbelt, the NPPF states  *“The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances…”* (paragraph 144).  *“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.”* (Paragraph 154)  It is not considered that there are exceptional circumstances for the designation of further greenbelt.  See Council response to Andrew Large Surveyors Ltd & The Staunton Harold Estate regarding the Plans housing strategy.  The District Council will be undertaking a Transport Assessment and a Flood Risk Assessment which will be part of the evidence base for the Local Plan.  South Derbyshire Gypsy and Traveller pitch need is high, with a need of 59 pitches between 2020-2040 (as set out within the Derby, Derbyshire, Peak District National Park and East Staffordshire Gypsy and Traveller Accommodation Assessment. The District Council is taking a proactive approach to secure provision. This involves providing gypsy and traveller pitches on strategic mixed use allocations (or the developers of these sites providing alternative land (as set out within Policy H22)), making future Local Plan allocations and determining planning applications for Gypsy and Traveller pitches.  Securing Gypsy and Traveller provision on strategic allocations or providing developers with an option to find suitable alternative land has been assessed by the Sustainability Apprisal and found to be sustainable development  See Councils response to Question 3 regarding Derby City’s unmet need.  Policy BNE3 sets out the requirement of Biodiversity Net Gain (BNG) inline with the requirements of the Environment Act. It is not expected that the proposed strategic allocations at this stage will provide a matrix in regarding to BNG. Details such as a BNG matrix will be provided at the Planning Application Stage.  The Derby HMA Boundary Study concluded that Erewash are not within the Derby HMA. |
| 124871 | Tony Beresford |  |  | | Dear Sir/Madam,  As a previous consultee I thought I should contact SDDC again despite not having any specific concerns to register at this stage.  Suffice to say I didn’t have chance to visit any of the consultation events but viewed the various documents online. I would be grateful if my status as a consultee can be continued throughout the review period.  Yours sincerely,  R. A. Beresford. | |
| 1236474 | Alan Dixon |  | No | |  | |
| 1241993 | Alan Mercer Jones | Individual | Yes | | Couple of typos; Paragraph 8.21: delete "Derbyshire" substitute "Leicestershire" INF3 - map: "A5132" is beside railway line rather than road on south side of highlighted area | |
| 1240863 | Amardeep Bhopal |  | No | |  | |
| 1233332 | Ameila Hunt |  |  | | You need to rethink some of the development and enforce that gp surgeries, schools and dentists are built. Plus transport links where possible but that is less important. Most people drive even when they are on a bus route. You'll never get people to give thier cars up so just focus on the greener options. Houses having electric charging ports etc | |
| 1241473 | Amy Simes |  | Yes | | As set out above, we consider SHELAA site 159 New Range Farm Burnaston should be included within STRA 2: Land South of Mickleover Mixed Use Allocation. The additional land sits adjacent to the A38 road network and would allow for a natural expansion to the area already earmarked within the draft Local Plan. | |
| 1241986 | Andrea Thompson | Local resident | Yes | | It's an absolute travesty | |
| 1241956 | Andrew Lee |  | No | |  | |
| 1235411 | Andrew Norman |  | Yes | | I reserve the right to add any future comments prior to the deadline set for completion of this stage of the process. | |
| 1232852 | Angus Chan |  | No | |  | |
| 1239219 | Anne Heathcote |  | Yes | | I am deeply concerned about the Battery Electrical Storage Systems that have been proposed along the valley between Barrow and Willington. There appears to be a lack of coordinated planning about the siting of these, their proximity to housing, the known danger of these sites, and the apparently haphazard siting of many smaller sites in the area. | |
| 1236247 | Anthony Overton |  | No | |  | |
| 1233824 | AYeomans |  | Yes | | The people of Mickleover are fed up, frustrated and disappointed that local councils continue to put the community under greater pressures by pushing more developments on green spaces and not improving infrastructure. Enough is enough, this area is not suitable for yet more houses and the local community do not want to see another green area demolished and destroyed by housing developments.  There are plenty of other spaces where SDCC could build houses nearer to council offices in Swadlincote rather than running an already over-run area into the ground.  I am emailing to express my concerns regarding the proposed housing development on Staker Lane in Mickleover.  Mickleover has already taken more than its fair share of housing growth near the Ward/City boundary. The proposed development south of Mickleover lacks 'breathing space' / green space buffer for established Derby City communities. Proposing 2,500 more homes as an urban extension to Mickleover is neither sustainable nor appropriate development, especially with ample land available elsewhere in South Derbyshire.  The proposed strategy appears to prioritise urban extensions and fringe development close or on the Derby City boundary at the expense of South Derbyshire's own development opportunities and identity. The draft plan does not adequately explain why.This disconnects new developments from South Derbyshire's local services, such as schools, healthcare facilities, and public transport systems. Residents in these fringe developments are highly likely to rely on Derby City's services instead, undermining the ability to build sustainable, self-reliant communities.  I am especially opposed to the proposal of traveller pitches. Placing such provision on the city's fringe creates significant issues related to fairness, accessibility, and alignment with national policies aimed at supporting integration and inclusivity. This provision is not for "Derby's need" and SDDC have failed to adequately explain and evidence why the proposed Traveller & Gypsy sites are concentrated exclusively on the Derby City boundary. Which sites have been considered rest of South Derbyshire and what is the evidence for ruling them out? This raises significant challenge regarding lack of accessibility and integration, inequitable distribution of responsibility and poor alignment with land use policies. The Traveller & Gypsy sites proposed (without specific detail on the location within the development footprints) are disconnected from South Derbyshire's services and identity and therefore places overreliance on Derby City Services. SDDC's Swadlincote civic offices are 12 miles away from the South of Mickleover site and even further from the other(s). - Concentrating Traveller and Gypsy pitch provision on the Derby City boundary is a narrow and inequitable strategy that fails to align with national policy objectives or local development goals. This approach isolates these communities, places an undue burden on Derby City, and neglects opportunities for integration and service provision within South Derbyshire.  Additionally, there is insufficient evidence for housing and infrastructure strategy. There is insufficient explanation of how the housing figures and site allocations were determined, i.e. a lack of transparency on evidence base. The reliance on partially built or existing allocations raises questions about whether South Derbyshire has truly planned strategically for future housing needs. There is no clear plan to mitigate congestion, provide adequate public transport, or improve pedestrian and cyclist infrastructure for key sites like Mickleover and Chellaston.  The destruction of green space in and around Mickleover over recent years is harrowing. The landscape is changing irreversibly, with natural environments being destroyed. Mickleover does not have the capacity to cope with yet more housing: its services, including, Doctors, pharmacies, dentists and schools are at breaking point.  I strongly oppose the proposals and hope the South Derbyshire Council listen to the views of local residents and take them into account. | |
| 1242556 | Carl Whysall |  | Yes | | 'That the area of South Derbyshire bordering the city of Derby be considered for designation as Green Belt.’  Green Belt designations exist for parts of Amber Valley and Erewash that border the city. The five principles of green belt are equally applicable in the northern fringes of South Derbyshire District Councils administrative area and I respectfully request that due consideration be given to this policy inclusion in the Local Plan. | |
| 1232962 | Chris Munn |  | No | |  | |
| 1235648 | chris stott |  | Yes | | A large area of land between Willington and Chesterfield has been identified for an extension to the National Grid. The pylons for this powerline need to be located 50m from the nearest house. I am therefore amazed that this route is not mentioned in the draft plan. It seems an amazing oversight. Especially since it passes partially over the Boulton Moor development and close to Infinity Village. The shortest route from Willington to Chesterfield is up the A38 but National Grid wants to spend much more money and take it around the south and east of Derby. The interaction of this powerline with new builds needs to be considered. | |
| 1242108 | Chris Wilson |  | Yes | | Please start using some common sense when planning the future of Derby and particularly Mickleover, which as you know has had far more than its fair share of development. We understand the need for housing - but not all in the same place every time.  Surely Drakelow brownfield sites are far more suited to the current needs. A whole new village/town can be built without the detrimental effect on peoples’ and the environment’s wellbeing. Drakelow is a huge site. Think how many new homes can sensibly be built there.  Please please think again. | |
| 1242574 | Christian Murray-Leslie |  | Yes | | We are in a climate emergency, which is not being adequately addressed. GHG emissions are rising not falling , and the natural ecosystems on which we depend are in deep trouble. It is therefore ESSESNTIAL that any new housing should be fitted with solar panels and heat pumps. New housing should be much higher density than is currently the practice to make the very best use of the land, nature and natural drainage that we are destroying. We need to be serious about addressing climate change and not hide about words such as sustainable, pretending that all is well when it certainly isn't. We won't get a second chance! | |
| 1242360 | Christina |  |  | | I believe we are swallowing up too much land to build larger homes in low density estates. More affordable housing needed for young people, terrace type 2 storey 2 to 3 bedroom rather than 4 or 5 bedroom. | |
| 1243592 | Christine Allen |  |  | | Lorries will always take the most direct route. Hubs may seem good since the hub was built at Castle Donington travelling north Laurie‘s passed down Woodville High Street in spite of having a bypass built with three sets of traffic pollution occurs with standing traffic. | |
| 1232876 | Claire Woodward |  | No | |  | |
| 1238657 | Clare Wood |  | Yes | | There needs to be a huge rethink on housing. We cannot continue as we are. People cannot get onto the housing ladder not because there aren't enough homes, but because there aren't enough affordable homes. This is because the prices have been forced up as a result of properties being used as investments, with many people buying to let to make money to supplement their incomes. In addition, many more young people go to university now and usually rent out a private house in their second and third years. This has contributed to the housing crisis as many students homes are what used to be seen as first-time buyer homes.  We cannot continue to concrete over our green spaces, destroy wildlife habitats and biodiversity, increase car-dependency and pollution and 'kick the can' of the climate emergency further down the road. It is happening and we are all going to be affected by it. | |
| 1242374 | D Cooper |  | Yes | |  | |
| 1239872 | Daniel Robertson |  | No | |  | |
| 1241955 | David Stockwell |  | Yes | | Housing is clearly a nationwide/ Government issue and sites need to be found but these should be "Brown Field" and not agricultural. The Drakelow Power Station site is ideal for development but others are not appropriate and need to be maintained as they are. Other sites can be identified | |
| 1237912 | David Warriner | David Warriner |  | | I don't agree with the changes made to H1 : Settlement Hierarchy section (Page 66 of Part 1 review) that’s been altered in the (October 2024) iteration compared to the earlier version.  These changes will, in practice, allow extensive development around our Local Service Villages and small Rural Villages. In the long period of the local plan (to 2039) this will significantly alter the character of our region and mean that much of our rural character will be very materially changed.  I’d ask that the 2 occurrences of the word “adjoining” are removed as these will make a fundamental difference in allowing village settlement boundaries to be respected. These are boundaries are designed to protect against development “sprawl” and this one change will protect our village landscape. It won’t, however, prevent suitable development (of affordable and other housing) within settlement boundaries.  I set out the arguments for maintaining this protection below.  1. SDDC already has a well developed strategy for its major housing development locations (e.g. Infinity Garden Park, Mickleover, Drakelow Park, Boulton Moor, Wragley Way). It doesn’t need to extend extensively into our rural landscape in this manner.  2. The full list of all South Derbyshire’s housing locations (documented in Policy S4: Housing Strategy of the local Plan) will provide 13,632 dwellings over the timeframe of the plan. SDDC’s own data (Points 4.74 and 4.76 on page 39 of the Part 1 Plan) shows that the small number of further homes (851) needed to meet its overall target of 14,483 can very confidently be expected to be met by “windfall” (i.e. adhoc or unplanned) requests for planning approval.  3. SDDC’s housing strategy is explicitly providing more homes than it needs to. This is to support Derby City Council in meeting its shortfall ((Point 4.77 on page 39 of the Part 1 Plan). This support to DCC shouldn’t extend to adversely impacting South Derbyshire.  4. The proposal to allow development on “adjoining” land will be a huge financial incentive for landowners with fields around rural villages to apply for development permission. They can reasonably be expected to net circa £1m per location for a permission of 15 houses.  5. The proposal provides no protections for multiple applications around villages and we can reasonably assume that these will occur given the financial incentives for landowners.  6. Experience has shown that, unless a Local Plan provides explicit protection, it is unlikely to be possible for SDDC’s Planning Committee to prevent future multiple developments in any one village location even if it wants to.  7. The recent relaxation (21st May 2024) of Q class planning regulations means that far more barns and other agricultural buildings now qualify for housing conversion. The impact of these changes is already feeding into planning requests in South Derbyshire. Even before this “adjoining” proposal in the local Plan, the Q class changes will make a notable difference to our rural landscape. They will also make it even easier for SDDC to meet its 851 windfall/ adhoc/ unplanned housing allocation through 2039.  8. If SDDC wishes to allow structured and well thought out development around villages in the future it can do so by adjusting settlement boundaries explicitly. It doesn’t need to adopt the loose and uncontrolled approach currently under consideration. | |
| 1241995 | Donna Shacklock |  | Yes | | Listen to local people .. this is not acceptable. | |
| 1241890 | Edward Stupple | Retired | Yes | | Have not seen information from councillors on their views. Have not seen information on the views of Derby City Council. The Plan was a complete surprise to residents of the Pastures Country Park estate which directly adjoins the site and will have a detrimental impact. Only found out about this Plan at a very late stage from the Mickleover Directory. Consultation completely inadequate Inadequate consultation period | |
| 1236731 | Ewan Thompson |  | Yes | | In general the LDP seems well-worded and comprehensive. I appreciate you have indicated where changes are made relative to the previous version.  As a general point, have all existing and emerging NDPs been reviewed in preparation of the draft LDP and is there a strategy to engage with communities to link NDPs with the new LDP? | |
| 1238115 | Fiona Bevington |  | No | |  | |
| 1235132 | Frazer Murphy |  | No | |  | |
| 1235316 | Geoff Lewins |  | Yes | | Previous developments have been made on the basis of commitments (e.g. GP surgery, a38 expansion) which have not been met. The credibility of the council(s) and their planning process is therefore extremely low.  The usual process of building the houses , taking the money, whilst promising then failing to deliver infrastructure will not be acceptable | |
| 1243600 | Geoffrey Tubey |  |  | | What are the metrics of calculating current by diversity?  How do you then establish 10% gain?  Swad, as the real natives call it, has seen a massive increase in housing. Along with that comes a similar increasing demand for sports facilities in traditional activities (cricket and football).  Some years ago, Swadlincote cricket club were kicked off Eureka Park by SDDC.  Facilities for the most popular sport (football) are virtually nil in the Swad area. Pitches available are very poor if not unsafe. Training facilities are provided by county or school academies not SDDC. (If you live in wealthy Melbourne you get a 1 million grant of course).  Opportunities have been made available to SDDC to help but SDDC have chosen not to do so. (Don’t blame Northwest Leicestershire, the problem is yours and yours to solve) Ironically Albert village FC‘s headquarters are in South Derbyshire at Granville school! Easy to blame someone else Staffs got the blame for the Walton Bridge fiasco.  The children/teenagers/adults of Swad deserve better service than they get. | |
| 1242119 | George Selby |  | No | |  | |
| 1235279 | Gerald Arthur Bowker |  | Yes | | With regard to STRA 2: Land South of Mickleover; Up to 40% of the housing will be social, yet SDDC civic offices are 12 miles away in Swadlincote. This housing should be closer to those services. There's also no reason to place SDDC Gypsy and Traveller pitches near Derby when suitable land exists in South Derbyshire. | |
| 1242367 | Grace McCullouch |  | Yes | | In general the LDP seems well-worded and comprehensive. I appreciate you have indicated where changes are made relative to the previous version. The idea is simple. Surrounding people with takeaways, in housing estates where they drive everywhere and have no recreational areas leads to poor health. Surrounding people with recreational areas for exercise and socialisation leads to better health. Alongside this, it would help to have more greengrocers rather than takeaways. Do developers get to have a say on the type of retail units they allow? Let's use housing development as an opportunity to boost the health of Mickleover. | |
| 1241973 | Graham Keith Sanders |  | Yes | | Infrastructure (Doctors,Shops,Schools,Roads,Utilities) will not cope ! Councils inability to fulfill obligations (Refuse,Drains,Paths,Roads,Trees,Grass cutting) | |
| 1233334 | Harvey Heldreich |  | Yes | | Mickleover development has far exceeded growth for the area and is a breaking point, redevelop more suitable area closer to home, especially when some is affordable housing and your offices are many miles away, with no direct travel there is a issue, | |
| 1241873 | Hilary Lomas |  | Yes | | South Derbyshire are inflicting this huge development on Mickleover and it will have a detrimental effect on Derby.  The infrastructure cannot sustain this level of housing. | |
| 1232904 | Holly Robinson |  | No | |  | |
| 1234311 | Ian Fox |  | Yes | | I can not state enough the STRA2 area is full and the existing area is not being supported by the services. No new dwellings can be supported.A large increase in all services are required to support the existing dwellings with growth capacity secured and guaranteed before any new dwellings can start to be planned. | |
| 1240252 | Ian McHugh |  | No | |  | |
| 1233335 | Ian Molyneux |  | Yes | | Please go back to the drawing board and come up with other options | |
| 1240150 | Ian Turner | - | Yes | | Get more of a life! | |
| 1241860 | Innes Mary |  | No | |  | |
| 1232861 | Jack O’Connor | Rolls-Royce | No | |  | |
| 1243552 | Jim Froggatt |  | No | | Not at this stage. | |
| 1241773 | Joanna Ayres |  | Yes | | What other areas near towns in South Derbyshire such as Swadlincote have been considered for further housing development? I think this information should be published. | |
| 1241686 | John Moore | John Moore | Yes | | There is much more available space within South Derbyshire which could be considered for development.  STRA1 & STRA3 are sites which can be utilised with the appropriate improvements to local infrastructure and amenities leading to sustainable growth in those areas.  STRA2 is wholly inappropriate in it's size and placement. There is little or no regard paid to recent significant and ongoing developments in the area and the already stressed local amenities would be overwhelmed by the proposed increased demand.  Please examine the ACTUAL difficulties caused by recent developments and do not repeat those mistakes. | |
| 1241240 | Jonathan Watson |  | Yes | | Sustainable transport has not been effectively implemented in South Derbyshire, just look at the new builds and the lack of cycle tracks etc at a time when they could have been built into the plans. The new A516 roundabout actually had the planning permission altered to remove safe crossing areas from the roundabout junctions.  Improve bus services and find a way of getting people to leave their cars at home. | |
| 1234342 | Julia Bather |  |  | | he area around the edge of Mickleover, Etwall and Hilton has been heavily built on over the last 5 years.  There has been no investment in improved infrastructure, roads, health centers, secondary school,mobile phone signals etc.  The traffic is becoming intolerable, you cannot get a dr appointment, have to call 111, John Port School causes issues in Etwall at school start , finnish times, parking is dangerous, blocking access for Emergency vehicles.  No more new houses in S Derbyshire until, A38 is improved, Swarkestone Bridge is replaced and more Secondary school place where the existing new estats have been build, Dr Surgery built in either Etwall or new estate on outskirts of Mickleover | |
| 1241728 | Julie Craig |  | Yes | | I strongly object to further development on the land south of Derby City. This land has been used farmland for a significant period. Also to increase housing in just three adjoining areas is fundamentally unfair and does not help those on lower incomes to access services they require as these will be based at Swadlincote which currently is not accessible from the area by easy public transport (some 12 miles away). I do agree with wide buffer zones around the three areas as that will enable clarity of areas and not lead to one 'mass'. | |
| 1234363 | Julie Eason |  | No | |  | |
| 1236417 | Kaye Macken |  | Yes | | I have lived in Mickleover over 20 years and have never opposed any of the other extensive building done over this time but I feel that we have rally reached a saturation point in mickleover now and strongly oppose this proposal | |
| 1242063 | Laura Massey-Pugh |  | No | |  | |
| 1232863 | Lauren Ryan |  | Yes | | Please don’t ruin Mickleover anymore | |
| 1232988 | Leigh Fearon |  | Yes | | Planners need to visit local areas to discuss directly all the issues and have local representation not on the council. Yes we have Mickleover councillors but they seem to be ignored! | |
| 1235572 | Lisa Marie Roberts | NHS Derby & Derbyshire ICB | Yes | | I found this questionnaire really difficult to complete. I do not agree with additional housing or the gypsy and traveller site for the Mickleover Area. All the villages will be merging into one if we keep building houses and having no green space is not well for health and wellbeing for people living already in the area. | |
| 1235357 | Lorna Hodgetts |  | No | |  | |
| 1241896 | Margaret Holmes |  | No | |  | |
| 1233131 | Mariah Senaa |  | Yes | | I have several additional comments regarding the Local Plan and its potential impacts:  Mickleover has already taken more than its fair share of housing growth, particularly close to or on the Ward/City boundary. The proposal for development south of Mickleover does not provide the necessary ‘breathing space’ or green buffer for the established Derby City communities and these new dwellings. This approach does not represent sustainable development. Proposing 2,500 dwellings as another urban extension to Mickleover is neither sustainable nor appropriate development, especially when there is suitable and abundant land available elsewhere in South Derbyshire.  Additionally, up to 40% of these dwellings are to be social housing, yet South Derbyshire District Council (SDDC) offices are 12 miles away in Swadlincote. This social housing should be located closer to SDDC services for practical access. Furthermore, there is no justification for placing SDDC Gypsy & Traveller pitches on the Derby City boundary when there is suitable land available within South Derbyshire itself.  I am also concerned that SDDC is rushing the local plan process. The government is currently reviewing national planning policy and the future of the A38 junction upgrade scheme, and SDDC should have waited for clarity on both issues before pushing ahead with this proposal. Moreover, SDDC has not yet published their Sustainability Assessment Report, which is a critical document for demonstrating how housing and Traveller sites have been considered, ruled out, or chosen. This report is fundamental for testing the validity of the local plan process and the selection of housing and Traveller sites. The consultation should not have been launched without this document being made available for review.  Additionally:  1. Lack of Engagement with Local Communities – There has been insufficient consultation with local residents who will be directly affected by the proposed developments. More effort should be made to engage and incorporate feedback from those living in areas like The Hollow and Mickleover, who are concerned about the scale of development and its impact on their daily lives. 2. Overemphasis on Housing Numbers – The plan seems overly focused on meeting numerical housing targets without considering the long-term effects on infrastructure, local services, and the environment. A greater focus on sustainable, incremental growth is needed to balance housing provision with community wellbeing and environmental health. 3. Inadequate Environmental Safeguards – The Local Plan lacks sufficient detail on how the environment will be safeguarded from the effects of large-scale development. More concrete commitments are needed regarding green space preservation, flood mitigation, and biodiversity protection, particularly in sensitive areas. 4. Alternative Development Approaches – The current strategy of focusing large developments on the urban fringe could be reconsidered. There may be more balanced ways to meet housing needs by distributing development across smaller sites, revitalising brownfield land, and improving underused urban spaces, rather than concentrating so much growth in specific areas. 5. Long-Term Planning for Infrastructure – The plan assumes that infrastructure will adapt to growth, but lacks clear mechanisms to ensure timely and adequate delivery of services and facilities. This should be a priority before development is approved.  In summary, while the Local Plan aims to address housing and employment needs, it risks compromising the very sustainability and quality of life it seeks to promote. A more thoughtful, balanced, and community-centred planning approach is required. | |
| 1241749 | Mark Hoptroff | N/A | Yes | | As a resident on Staker Lane I would like the plan to consider how this will affect my house and surroundings. The plan includes 'housing' right up to our fence and totally surrounds our property and the two other properties in the cluster of three. Another big issue is that the housing will include gypsy and traveler sites that will defiantly affect the price of our property and there is no compensation in place for this when the owners of the land will be handsomely compensated to sell the land for development, how is this fair. If this has to go ahead what assurances will we get that we won't have houses right on our boarder totally destroying the current view we have from our house. Looking at the size of the proposed land this seems very optimistic that it will include 2500 houses, does that mean that there will be many blocks of flats etc that will totally destroy the area. | |
| 1232938 | Martin Turner |  |  | | Future build of South Derbyshires new homes should be mainly new towns away from neighbouring cities where all services can be provided. | |
| 1242135 | Matt Coxon |  | No | |  | |
| 1233743 | Matt Hunt |  | Yes | | If sustainable transport was being taken seriously the Burton to Leicester railway would be funded immediately along with Stenson Fields station and pushing for electrification from Lichfield TV HL to Derby to provide sustainable frequent services for the communities.  Also the new junction for the A50 to serve the garden village should be constructed by now not still in draft plans.  People living in these areas are suffering because of the councils lack of 'just get on and do it' and instead spending millions on reviews and consultations. | |
| 1232922 | Maureen Shenton |  | No | |  | |
| 1242418 | Michael Holland |  | No | |  | |
| 1234532 | Michelle Garnham |  | No | |  | |
| 1238942 | Mr Brian J Harrison |  | Yes | | To reiterate a common theme - I don't live in Derby, and don't understand why a site previously deselected has become relevant again as STRA-2. | |
| 1234080 | Nick Pope |  | Yes | | The area south of Mickleover must not be built on. | |
| 1241910 | Nigel Bentley |  | No | | SDDC councillors and planners need to come and spend several days walking the area with locals at all times of the day to truly understand the absurdity of what they are proposing in the Mickleover locality…….. | |
| 1242391 | Pamela Pym |  | Yes | |  | |
| 1241987 | Patrick Munro | N/A |  | |  | |
| 1241975 | Paul Hopkin | None | Yes | | Stop trying to rush the process to piggyback on the Government's desire to rip up planning control. You have rushed into buying the necessary land adjacent to Mickleover without giving any proper consideration to the impact on its neighbours. Put development in thew heart of your own community and stop destroying others. | |
| 1241989 | R Coxon |  | Yes | | Mickleover has had more than it's fair share of housing developments, with no improvement to services and infrastructure or any effort to reduce congestion within Mickleover and the surrounding areas. | |
| 1233313 | Rae Louis |  | Yes | | How does SDDC propose to look after social housing when their offices are 12 miles away from the development site? | |
| 1240880 | Rebecca Buckley |  | No | |  | |
| 1236005 | Richard Larder | Retired | No | |  | |
| 1235713 | Rob M |  | Yes | | The adverse effects on the lives of the people living in the adjoining areas are not given enough weight. Mickleover in particular has been adversely affected by numerous recent large housing developments which have already adversely affected most residents one way or another. | |
| 1242376 | Robert Kinross | Resident | Yes | |  | |
| 1232946 | Rosemary Whitehouse |  | No | |  | |
| 1233241 | Russell Licence |  | Yes | | This shouldn’t even be for consultation, south Derbyshire keep agreeing to new developments in and around Mickleover. It cannot cope, it’s getting worse, it needs to stop now.  Go and build on the ex willington power plant site. It needs development and is brown filed. | |
| 1242130 | Samantha Furniss |  | Yes | | Do not allow to the these buildings to go ahead on the green land next to Mickleover. | |
| 1241947 | Sarah Glover |  | No | |  | |
| 1241985 | Shirley Jackson |  |  | | Put your logical thinking hat on, and think again. Mickleover has already had a huge amount of property development with more planned. | |
| 1241058 | Stephen Alcock |  | Yes | | The south and east of Derby has had far more than its fare share of housing developments placed just outside the boundary, and it is time other areas are used. We cannot sustain more bolt on growth without overwhelming the local infrastructure, especially doctors, schools, shops, local parking and main roads in the area, especially into the city centre, which cannot be significant revised to increase traffic flow at peak times. Traffic around the Royal derby Hospital is also a major concern, where traffic jams occur daily and emergency vehicle access is compromised. | |
| 1232906 | Steve Wilson | Home owner | No | |  | |
| 1232909 | Stuart Orr |  | No | |  | |
| 1241682 | Sue Glover |  | Yes | | Please reconsider! | |
| 1233359 | Sukhdev Bangar |  | Yes | | In general the sites being proposed make sense to the average resident. However their is little proof/track record that the needed infrastructure to sustain these new communities will be built as proposed thus putting even greater pressure on the already stretched existing infrastructure (especially NHS Dentists) | |
| 1242052 | Susan Marshall |  | Yes | | Overall, Part 1 of the Local Plan looks good for Aston and Weston. Strategic development is constrained to the north of the A50 and the vision for the villages in the Trent Valley is welcome, provided this vision translates into reality. We are concerned that Aston & Weston will be impacted by large infrastructure projects (e.g. the Freeport) but we will see little benefit. We are also concerned that not enough is being done to tackle the Climate Emergency, which is already affecting groundwater flooding in our area. We look forward to seeing the improvements in sustainable transport links and infrastructure which we expect to see in the Local Plan Part 2. | |
| 1232857 | Teri Licence |  | No | |  | |
| 1242138 | Tiran Sahota |  | Yes | | Please re-consider these proposals for development in these areas. I strongly feel that other areas need to be considered and we need to do more to protect the green belt land.  It feels that the areas that being considered for development are too concentrated around certain areas close to Derby city. The resources in these areas are massively overstretched. Recent developments in these areas have lead to an increase in traffic and congestion and this isn't fair on people who are already living in these areas.  Please consider the impact that these developments will have on the local community and the environment because we don't want to see our areas change beyond recognition. Please take on board our views and consider them when making a decision regarding these proposals. | |
| 1242584 | Tony Walsh |  | Yes | | In principle I recognise that we need more houses and do not raise an objection on that basis. My concerns are for you as a planning departments, control of the developers contracted to deliver the new builds. There is a history of failure with many councils of holding developers to account. I note that headline requirements for Policy STRA1 lists a variety of items including primary school and nursery, new secondary school and healthcare and community facilities. The statement “it is expected this will include a refurbished Sinfin Health Centre” is open to dilution and leaves wriggle room for a developer. It is essential that these requirements are written as DEFINITE in any contract so that escalating costs cannot be used as an excuse not to deliver by the contractor.  I note also there is provision for a green corridor. I wrote recently commenting on the plans for the Radbourne Lane new build just within Amber Valley area. I stressed my concerns regarding the detrimental effects on local wildlife. I passed by this site which is now being cleared in preparation for the commencement of building. I note that the hedge adjacent has been removed for the length of Radbourne Lane. This is totally contrary to my and doubtless many other respondents comments. I am concerned that your department is paying lip service to public comments. Please take note. | |
| 1242325 | Tracy and Gordon Harrison |  | No | |  | |
| 1243173 | Trevor Yeomans |  | Yes | | In principle I congratulate South Derbyshire District Council for a professional and comprehensive Review and update of the current Local Plan Parts 1 and 2. I do support many aspects of the Review as presented.  However, there are several areas of the Review which I do not support, and which I consider must be corrected or improved before the Review proceeds further in the consultation process…  Summary of Shortcomings… A. Housing Market Area – insufficient information on the interaction and mutual dependency of areas within the Derby HMA and areas immediately to the north and east of Derby City (parts of Erewash Borough)  B. Housing Provision within Derby City and Suburbs – insufficient information to justify the scale of Derby City Housing Need, and proportions which can and cannot be met.  C. Housing Provision and Collaboration of Authorities – insufficient information to show if all authorities which share a boundary with Derby City will take an equitable and proportionate share of the Derby City unmet need.  D. Environment and Biodiversity – Insufficient information on the scale of biodiversity nett loss resulting directly from the Plan Review, and a strategy for provision of biodiversity net gain to the same scale +10% within South Derbyshire  E. Transport Infrastructure – Insufficient information on the scale of adverse impacts which will result directly from the Plan Review, a strategy to prevent derogation, to maintain, and to enhance transport infrastructures  F. Ground Water Levels – Insufficient specific information on the scale of adverse effects on long term high ground water levels, a strategy to prevent compromise in ground water conditions, and strategy for protecting and enhancing resilience to short term flooding events   Analysis of Shortcomings 0. Contents and Appendices 0.1. Contents Lines 11 and 12 – A Portrait of South Derbyshire is split on two lines – should be shown as only 1 line 0.2. Contents Lines 17 and 18 – Spatial Strategy – A Plan for Growth is split on two lines – should be shown on 1 line only 0.3. Appendix 2 – add words “List of Superseded Policies” 0.4. Appendix 3 – add words “List of Saved Policies” 0.5. Appendix 4 – add words “List of Evidence Base’  1. Section 1 – Introduction – Page 7 1.1. Paragraph 1.17 - spelling of Eggington should be Egginton. 1.2. Paragraph 1.21 - Spelling of formally should be formerly  2. Section 1 – Introduction 2.1. Page 9 – Paragraph 1.33 2.1.1. This paragraph states that Both Amber Valley and South Derbyshire are closely linked to Derby City with whom the two authorities share strong associations in terms of housing, employment, transport and other infrastructure 2.1.2. It is noted that Erewash Borough Council is excluded from the HMA, and this has been the case for many years. 2.1.3. I point out that Erewash Borough includes Breadsall, Morley, West Hallam, Dale Abbey, and many other urban areas which lie west of the M1. 2.1.4. I consider that Housing Market forces, Employment, Transport, and Infrastructures are very closely aligned and integrated with those of Derby City, much more so than with Nottingham City. 2.1.5. I therefore disagree that Erewash Borough is excluded from the Derby HMA, and maintain that Erewash Borough should be included in the Derby HMA  2.2. Page 14 – Paragraph 2.2. 2.2.1. The population figures are stated as “current” 107,200” and forecast “132,208”. These numerical values are correct according to the data sources. However, the census figures are actual values and the ONS figures are projected values, and it is misleading to compare the figures in this way. The correct mathematical use of these figures should show…  2.2.2. The 2021 census shows an actual South Derbyshire population of 107,200. The ONS projections for South Derbyshire show 2021 (109,933) and 2039 (132, 208) which equates to change of +20.2% over 18 years  2.2.3. With an actual population of 107,200 in 2021, the projected change of +20.2% to 2039 indicates a projected population of 130,784 at 2039. I therefore disagree with the projected figure of 132,208 in this case  2.2.4. The text in this paragraph should be amended to say… for the period 2021 to 2039 ONS population projections show forecast change of +20.2%. As the 2021 census population was 107,200, this & change indicates that by 2039, the population of South Derbyshire will be 130,784.   4. Section 4 – Spatial Strategy a Plan for Growth 4.1. Pages 23 to 34 – Paragraphs 4.4 to 4.61 4.1.1. Having studied the 2019 report by ORS I consider that there are arguments for Erewash to be within either Derby or Nottingham Planning Areas. In addition, having studied the Greater Nottingham Strategic Plan of January 2023, there are also arguments for Erewash to be within either Derby or Nottingham Planning Areas. The Nottingham Plan does show some aspects of Erewash within Nottingham Area Plans. 4.1.2. However, paragraph 2.6 of the Nottingham Plan does say that Erewash is undertaking a separate Core Strategy Review for which consultation took place in 2022. To my knowledge, Erewash Borough has asked that it is allowed to withdraw it’s Dram Local Plan, but HMG has refused this request. I am not aware of the present status of this matterr, but it seems that Erewash is not a strong partner in the Nottingham Planning Process and does not have a clear and fixed plan for future housing needs.  4.1.3. In this case I consider that it is not appropriate for Erewash to be locked into the Nottingham Planning Process. Nor is it acceptable for Plans for the Derby HMA to remain silent on the subject of Erewash Housing Needs Assessment and the relationship between the Derby HMA and the Erewash Housing Needs and Plans.  4.1.4. For simple courtesy and openness in local government and planning proceedings, the SDDC Dram Local Plan Review must be supported by a statement on the relationship of the Derby Housing Needs Assessment and the Erewash Housing Needs Assessment  4.1.5. In principle I maintain that Erewash Housing Needs and Provisions should be included within the Derby HMA, and this should be shown in the figures presented in the SDDC Dram Local Plan Review 4.1.6. With reference to the Derby City unmet need, it seems unreasonable for HMG to apply a 35% uplift on housing needs for Derby City, and then for Derby City to immediately report that it is unable to meet the total quantum of these needs. This has been the case for the previous Plan Period, and the current Plan Period 2022 to 2039.  4.1.7. It is possible to accept failure on one occasion, but if the same failure occurs on two separate occasions it seems that there is a fundamental problem with either a) the process of applying Housing Needs to Derby City, or b) the way in which Derby City is handling these needs. It seems that rather than Planning for complete success, Derby City is Planning for a proportion of failure  4.1.8. With reference to page 34 Policy S4 i) of the total 14,483 dwellings, 8,874 (61%) arise from South Derbyshire need and 5,609 (39%) arise from Derby City unmet need. This seems to be a disproportionate and unreasonable burden on the residents of South Derbyshire. This supports my view that it is unreasonable for South Derbyshire to repeatedly accommodate housing needs to compensate for Derby City failure to meet national housing targets.  4.1.9. It is known that the Standard Method requires that Housing Needs Assessments are calculated without constraints. It is not clear if Derby City has conducted an unconstrained Housing Needs Assessment. I consider that Derby City should publish its unconstrained Housing Needs assessment and should also publish its Strategic Housing Land Allocation assessment. Only by doing this can we have transparent and factual evidence to support the proposal for Derby HMA to handle the Derby City unmet need.  4.2. Page 46 – Paragraph 4.113 4.2.1. Line 2 includes words “covers the 28 north east” – the number 28 seems to be an error.  7. Employment and Economy 7.1. No observations  Watercourses, Groundwater and Flooding in the Findern Area - Findern covers a land area of 5.3sqkm and at the 2021 census had a populatioon of 4,070. These represent 0.2% of the land area, and 0.2% of the population of Derbyshire County - Whilst Findern has lower flood risks than other key areas within Derbyshire, it does experience high ground water levels and localised flooding at key points during periods of heavy rainfall. - This report provides a snapshot of high water and flooding events at these key points in the period 20 October 2023 to February 2024 and provides a view of conditions at these same points up to 1 October 2024.  Burton Road - Burton Road is a key transport route for local bus services, local traffic, and through traffic, and the high ground water level seen was close to nearby businesses and residential properties  Bakeacre Lane and Doles Brook - Bakeacre Lane is not a bus route but is a through road which provides important connections between Findern, Derby suburbs, local farms, and the Derby Moor Spencer Academy. Flooding causes significant disruption to local traffic  Common Piece Lane and Doles Brook - Common Piece Lane is not a through road for normal traffic, but provides an important connection between Findern, local farms and businesses, the managed conservation area, sewage farm, footpaths to Trent and Mersey Canal and related amenities  Buckford Lane - Buckford Lane is a key route between communities in Findern, Stenson and Twyford, and is vital for access to the Findern Primary School. Flooding, particularly at school opening/closing times causes significant disruption to all road traffic.  Observa=ons and Perceived Risk Factors 1. Burton Road and Paddock Field Area o Apparent difference between the risk zone in Flood Maps for Planning risk zone in Longer Term maps showing risk from surface water. o Ground water runs from the field area, through drainage gulleys and on to the roadway  2. Bakeacre Lane/Doles Brook o Sharp change in direction of watercourse from north-east to south o Dense undergrowth around north side of the culverts o Small size of culverts rela<ve to size of water channel  3. Buckford Lane at Findern School o Environment Agency maps show no flood risks in this area 4. Buckford Lane and Twyford Brook o North bridge parapet seems to be at risk of damage by passing traffic o Unusual structure across Twyford Brook south of Buckford Lane bridge, incorporting small diameter pipes and concrete railway sleepers | |