

**Regulation 19 Addendum: Proposed Modifications to the South Derbyshire
Local Plan Part 1 Review 2022-2041**

THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING)

(ENGLAND) REGULATIONS 2012

Regulation 19 Addendum

REPRESENTATION FORM

The easiest way to **submit your comments is online** at <https://bit.ly/Part-1-Local-Plan-Review> or by scanning the QR code. We would encourage you to use the online form wherever possible. Where online is not possible, you can complete this form and return it to us using the postal address on the final page.



Submission form

This form has two parts

Part A – Personal Details: need only to be completed once.

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Part B – Your representation(s): **Please fill in a separate sheet for each representation you wish to make relating to each individual policy.**

You will be asked to give details on whether you think the plan is legally compliant and why you consider the proposed modifications to the policies of the Local Plan to be sound or unsound, please be as precise as possible.

You will also be asked to set out the modification(s) you consider necessary to make the Local Plan legally compliant and the policies sound in respect of any matters you have identified. You will need to say why each modification will make the Local Plan legally compliant or policy sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Part A: Personal Details*

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1. Please provide your contact details.

Respondent details	Agent details (where applicable)
Name*: Matt Smith	Name*: Tom Ayres
Organisation: Bellway Strategic Land – Central Region	Organisation: Tetra Tech
[Redacted]	[Redacted]
[Redacted]	[Redacted]

*indicates required field

Future notification

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Part B: Please use a separate sheet for each representation you wish to make

3. To which part of the Local Plan does this representation relate?

Please provide the reference of the policy, paragraph, policies map, evidence etc that your comment relates to. Please use a separate Part B form for each Proposed Modification that you wish to comment on.

Comment being made against:	Please tick only one		
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PM10		PM32	
PM11		PM33	
PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21	Other (Please specify) AM53		
PM22			

4. Do you consider the Local Plan is:		
	Please tick the relevant box	
	Yes	No
1) Legally compliant		√
2) Sound		√
(If you check 'No', please also confirm below which of the 'tests' it fails to meet)		
a) Positively prepared		
b) Justified		
c) Effective		

d) Consistent with national policy		
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5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate.

Please be as precise as possible (e.g., if objecting on the basis of legal compliance, please quote the specific law that the Local Plan does not comply with). If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

AM53 proposes a modification to the list of proposed site allocations at paragraph 4.72 of the plan. This provides updated growth figures for each allocation in line with the updated housing trajectory (which is also set out at PM42). Whilst the Inspector may determine this as an appropriate modification, it nonetheless reflects assessment work undertaken by the council for those sites and which clearly has implications for the housing growth strategy under Policy S1 and S4. It is also unclear what evidence or analysis has underpinned the changes, as no supporting evidence is provided as part of the addendum consultation.

For these reasons, this modification in our view materially affects the content of the plan because it relates to the provision of housing land, which ultimately informs the housing strategy and policies contained in the plan. Planning Practice Guidance (PPG) only allows Inspectors to recommend modifications that 'materially' affect the policies of the plan (Paragraph: 057 Reference ID: 61-057-20190315), in accordance with section 23 of the Planning and Compulsory Purchase Act. The Procedure Guide for Local Plan Examinations Updated 1 June 2026 issued by the Planning Inspectorate confirms this advice (para 1.3 and 1.4).

The council consider that AM53 is an 'additional modification'. This is important because additional modifications are not subject to the formal examination process, in accordance with the procedural guidance (para 1.3). In our view, AM53 is a 'main modification' and which should be a matter for consideration at the forthcoming examination.

Given the nature of this modification, we would recommend that AM53 is included in the schedule of proposed modifications, in accordance with the procedural guidance, the PPG, and planning legislation.

Furthermore, in terms of presentation, it is unclear in many cases (for example H2 Land at William Nadin Way, Swadlincote) what the proposed modifications actually comprise. This may simply be a drafting error when producing the schedule. There is however clearly a potential for confusion as to what the expected capacities on specific sites that will inform the submission version of the plan. This matter needs to be clarified prior to submission of the plan.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Include AM53 in the schedule of proposed modifications to be considered by the Inspector through the examination process.

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation, you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues identified during the examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Please check the relevant box

No, I do not wish to participate in hearing sessions	
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Yes, I wish to participate in hearing sessions	√
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Organisation: Bellway Strategic Land – Central Region	Organisation: Tetra Tech
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PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21		Other (Please specify) AM72, AM73 and AM74	
PM22			

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	Please tick the relevant box	
	Yes	No
1) Legally compliant		√
2) Sound		√
(If you check 'No', please also confirm below which of the 'tests' it fails to meet)		
a) Positively prepared		
b) Justified		
c) Effective		

d) Consistent with national policy		
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AM72, AM73, and AM74 all relate to proposed modifications in response to representations submitted on Policy STRA1, STRA2 and STRA3 for the three strategic allocations. These modifications propose additional justification to underpin these allocations. The council includes them in the 'additional modifications' list as they suggest this is to 'provide clarity to the policy requirements'.

Whilst the Inspector may determine these to be appropriate modifications, the additional text is substantial in length and detail and which, should the modifications be incorporated into the plan, would clearly have a material impact on any proposals to be assessed against the accompanying policies on these sites. Such changes clearly go beyond simple clarification.

For this reason, these modifications in our view materially affect the content of the plan because it relates to additional requirements placed on applicants, which ultimately informs the design and layout of any schemes brought forward on these sites. This is evidently the case given the amount and scope of additional supporting text set out here. Planning Practice Guidance (PPG) only allows Inspectors to recommend modifications that 'materially' affect the policies of the plan (Paragraph: 057 Reference ID: 61-057-20190315), in accordance with section 23 of the Planning and Compulsory Purchase Act. The Procedure Guide for Local Plan Examinations Updated 1 June 2026 issued by the Planning Inspectorate confirms this advice (para 1.3 and 1.4).

The council consider that AM72, AM73 and AM74 are all 'additional modifications'. This is important because additional modifications are not subject to the formal examination process, in accordance with the procedural guidance (para 1.3). In our view, all these are 'main modifications' and which should be a matter for consideration at the forthcoming examination.

Given the nature of this modification, we would recommend that AM72, AM73 and AM74 are included in the schedule of proposed modifications, in accordance with the procedural guidance, the PPG, and planning legislation.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Include AM72, AM73 and AM74 in the schedule of proposed modifications to be considered by the Inspector through the examination process.

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Please note: In your representation, you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please check the relevant box

No, I do not wish to participate in hearing sessions	
--	--

Yes, I wish to participate in hearing sessions	√
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PM8	<input type="checkbox"/>	PM30	<input type="checkbox"/>
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PM14	<input type="checkbox"/>	PM36	<input type="checkbox"/>
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PM16	<input type="checkbox"/>	PM38	<input type="checkbox"/>
PM17	<input type="checkbox"/>	PM39	<input type="checkbox"/>
PM18	<input type="checkbox"/>	PM40	<input type="checkbox"/>
PM19	<input type="checkbox"/>	PM41	<input type="checkbox"/>
PM20	<input type="checkbox"/>	PM42	<input type="checkbox"/>
PM21	<input type="checkbox"/>	Other (Please specify)	
PM22	<input type="checkbox"/>		

4. Do you consider the Local Plan is:		
	Please tick the relevant box	
	Yes	No
1) Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
2) Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Positively prepared	<input type="checkbox"/>	<input type="checkbox"/>
b) Justified	<input type="checkbox"/>	<input type="checkbox"/>
c) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d) Consistent with national policy		
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5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate.

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PM1 proposes the deletion of draft Policy REV1 (Review of the Local Development Plan). The policy wording would be replaced to duplicate the wording in Policy MR1 (Monitoring and Review) of the recently adopted Amber Valley Local Plan (AVLP).

We support the modification in principle, however there is lack of clear commitment from the Council that they will commence work on a new local plan once this LPP1 is adopted. PM1 is not effective in what it is trying to achieve, and so is not soundly-based.

In this regard, the AVLP states (at paragraph 11.1.3):

“The Council will start work on a new plan on the adoption of this plan.”

This is included as supporting text to the AVLP policy.

If the Council wishes to modify Policy REV1 to align with the AVLP (and we do not object to this in principle) then they should fully align with Amber Valley by making the same commitment to commence a review on adoption. TT would recommend that the wording in the AVLP is inserted into Policy REV1.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Insert the following text into Policy REV1:

“The Council will immediately start work on a new plan on the adoption of this plan.”

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation, you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please check the relevant box

No, I do not wish to participate in hearing sessions

Yes, I wish to participate in hearing sessions

√

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To represent our client who has development interests in the district.

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PM2 proposes to modify the timeframe of the Plan by adding an additional year to ensure Local Plan covers a (minimum) 15-year plan period. This would accord with paragraph 22 of the NPPF (December 2023).

TT supports the modification in principle, which address the soundness concerns in regard to the plan period we raised in our pre-submission response.

Nonetheless, the council has issued a number of ‘Additional Modifications’ which they state “*....relate to other text within the plan and are not considered to affect the soundness of the plan, these modifications are included to rectify typographical mistakes or to add clarity on how the policies within the plan should be applied.*”

(p1)

“These modifications are not considered to influence the soundness of the Plan.”

(p18)

(TT emphasis)

The proposed modification to the plan period results in several additional modifications to the Vision (AM26, AM31), the level of affordable housing need to be met in the Plan (AM88) and employment land need (AM62). In our view, these do not constitute ‘additional’ modifications for purposes of clarity because they, in themselves, highlight soundness concerns as a result of applying a plan period that was not soundly-based at the point it was originally consulted on.

In this context, these additional modifications should be considered alongside the other proposed modifications as part of the examination process. We consider this to be a procedural point that should be remedied prior to submission of the Plan. We reserve the right to highlight any other additional modifications that fall under this objection as part of any further submissions we deem appropriate as the examination proceeds.

(Continue on a separate sheet /expand box if necessary)

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Respondent details	Agent details (where applicable)
Name*: Matt Smith	Name*: Tom Ayres
Organisation: Bellway Strategic Land – Central Region	Organisation: Tetra Tech
Address*: Oak House [Redacted]	[Redacted]
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PM3 proposes a modification to the overall housing requirement figure over the (modified) plan period 2022-2042. The requirement would now be at least 15,263 dwellings to be delivered over the period.

The proposed modification to the requirement is merely a reflection of the additional year of housing delivery. However, the council has not gone any further in terms of adjusting the requirement to help address the pressing need for affordable housing or the shortfall in affordable homes delivered in the past. We have provided evidence on these matters in our pre-submission representations.

In our view, the Plan does not ‘match affordable housing need with delivery as closely as possible’, as the council asserts under Policy S1, and so is not justified or effective. We maintain our soundness objections in this regard.

(Continue on a separate sheet /expand box if necessary)

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We rely on modifications put forward at the pre-submission consultation stage.

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PM4 proposes two separate, but related, modifications to Policy S4 (Housing Strategy). The first shows the provision of housing land from strategic allocations and remaining allocations brought forward from the adopted plan (LPP1 allocations) has been increased from 12,470 to 12,822 dwellings over the plan period. The second modification now proposes to allocate the Mackworth site (FLG1 - Brun Lane) for 250 dwellings in the Plan, which is included in the increased supply anticipated from allocated sites.

The reasons given for these proposed modifications is to accommodate an additional year of housing delivery (2041-42) and to reflect the most up-to-date position with regards to unallocated large sites and windfall and losses evidence.

On the second element, we made representations to the pre-submission consultation, which highlighted concerns with the council's approach to the Brun Lane Mackworth site. We maintain our concerns. The council has now decided to bring forward the site into the plan period, with delivery predicted to occur between 2037-2042.

The FLG1 - Brun Lane Mackworth site is located on the border with Amber Valley, immediately to the south of the much larger land parcel defined as 'SGS1 Brun Lane Mackworth'. The Amber Valley Local Plan (2022-2040) has since clarified the status of this land parcel, following its adoption on 2 March 2026. The wider site within Amber Valley is defined in the AVLP as an 'Area for Future Growth'. It is not allocated in the AVLP for residential development. The site was not allocated due to concerns raised by the Local Plan Inspector over its deliverability by 2040, as discussed in our pre-submission representations.

The AVLP also clarifies:

“Delivery of this site is not envisaged until the latter part of the plan period and the Council does not rely upon delivery from this area within its housing supply.”

The AVLP does not set out any clear timeframe for any completions on the larger Mackworth site. The site is also not included in the housing trajectory for Amber Valley. There can be little confidence that the wider site will come forward by 2040, which is why the site not allocated for housing growth.

It must be acknowledged that delivery of the Mackworth site (the part located within South Derbyshire) FLG1 is dependent on the delivery of the wider and much larger site that lies within Amber Valley, given the physical relationship between the two sites. The council, on the other hand, is seeking to treat the site within South Derbyshire as if it were a discrete parcel that could be brought forward independently from the wider site. We dispute whether it is feasible, practical, or developable to deliver the smaller strip of land comprising the Brun Lane Mackworth site without a comprehensive masterplanning process incorporating both sites. It is not an effective strategy. To do so would result in ribbon development on FLG1 which would result in an incongruous extension into the countryside, completely out of character with the surrounding area. FLG1 would not promote the achievement of sustainable development in isolation, contrary to national policy.

Furthermore, the PMs issued for consultation provide no clarity on how a comprehensive scheme could be delivered across both sites. This further undermines the justification and effectiveness of the Plan in regard to delivering the Brun Lane Mackworth site in South Derbyshire.

Consequently, the proposed modification PM4 is not justified, is not effective, and is not consistent with national policy.

To remedy this problem, the council should consider other sites located elsewhere in the district where the additional growth can be delivered in a timely and sustainable manner. This includes the Land at Sandcliffe Road, Swadlincote currently being promoted by our client.

(Continue on a separate sheet /expand box if necessary)

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Delete Brun Lane Mackworth (FLG1) and 250 dwellings from Policy S4.

Allocate Land at Sandcliffe Road, Swadlincote.

(Continue on a separate sheet /expand box if necessary)

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PM28 proposes a modification to Policy H21 and a reduction in the contribution towards affordable housing provision on qualifying sites (10 or more dwellings) from up to 40% to up to 30%. The modification is proposed in light of information set out in the *Plan Wide Viability Assessment Interim Affordable Housing Statement* and to provide clarity with regards to when the policy applies.

We support the proposal to reduce the percentage target in principle. We would agree with the conclusions of the statement, which points to the 30% affordable target as being ‘ambitious’ and could better support ‘consistent delivery’ of affordable housing (para 3.5). Nonetheless, we consider the policy should go further through the allocation of additional sites in the Plan, which would support the consistent delivery of affordable housing at greater levels compared to the past. This would ensure the policy is effective in terms of contributions and delivery on sites.

Furthermore, the findings highlight a clear disparity in increases in sales values (up 50%) in the district compared to rising building costs (up 116%, BCIS) (para 3.2). Nonetheless, these cost figures pre-date the further recent rises in costs (fuel and materials) as result of wider geopolitical issues that are currently ongoing and likely to impact on the development industry for some time. There is clear risk that costs on development will be under-estimated as part of the viability assessment of policies as a result. These additional cost pressures need to be accounted for in the viability evidence base underpinning the Plan to ensure that the percentage target in Policy H21 is sufficiently robust and up to date.

More widely, recent figures published by Home Builders Federation (HBF) reveals that £76,000 has been added to the cost of building a home since 2020, raising serious concerns about the viability of new housing developments across the UK. The report, [The Viability Crunch](#), examined the cumulative impact of policy, taxation and regulatory pressures on home building. The estimated additional £76,000 cost to build per home is made up of:

- More than £7,000 in taxes and levies, including £2,000 in Landfill Tax, £2,320 from the forthcoming Building Safety Levy, £2,055 in other taxes and £985 from inflationary increases on existing charges such as Section 106 agreements
- Over £23,000 in regulatory costs, including £7,770 for building regulations, £5,700 for Biodiversity Net Gain (BNG), and £10,200 in costs linked to the Future Homes Standard
- £37,000 in increased material and labour costs due to high levels of inflation
- £7,000 in additional potential site-specific costs like nutrient mitigation requirements

The increase represents over 20% of the average new home value of £365,000 (as of June 2025). Notably, HBF also submitted the report to the Coventry and Exeter Local Plan examinations recently, and in both cases the inspector has accepted it as evidence of viability. Consequently, we recommend the analysis and conclusions in the council's viability evidence base should be 'sensed-checked' against the HBF analysis.

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Ensure the viability evidence base is up to date in terms of development costs and takes into account recent evidence issued by HBF in line with other recent local plan examinations.

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PM4		PM26	
PM5		PM27	
PM6		PM28	
PM7		PM29	
PM8		PM30	
PM9		PM31	
PM10		PM32	
PM11		PM33	
PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	√
PM21	Other (Please specify)		
PM22			

4. Do you consider the Local Plan is:		
	Please tick the relevant box	
	Yes	No
1) Legally compliant		
2) Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet)		√
a) Positively prepared		
b) Justified		√
c) Effective		√

d) Consistent with national policy		√
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5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate.

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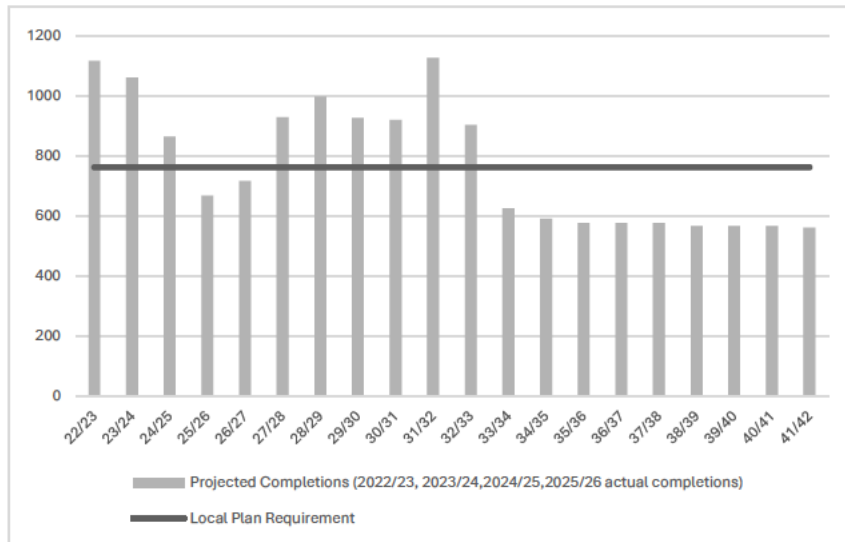
PM42 proposes a revised housing trajectory covering the updated plan period 2022-2042.

The revised trajectory now makes provision for 15,454 dwellings against the revised housing requirement of 15,260. In overall terms, this represents a margin of just 186 dwellings over the 20-year period (1.2%). However, when the Brun Lane Mackworth site (FLG1) is removed, in line with our representations, there is a small shortfall against the requirement (56 dwellings). Nonetheless, this masks potential risks for the Plan in delivering the housing requirement over the plan period, as well as implications for maintaining a five-year supply position on an annual basis and the overall robustness of housing provision.

First, housing delivery in the first half of the plan period (2022-2032) would be derived predominantly from a wide range of sites within the supply based on existing LPP1 and LPP2 allocations, large unallocated sites, and small sites and windfalls. However, in the second half of the plan (2032-2042), the provision of land to meet the housing requirement is predominantly from the three, new strategic allocations and two existing allocations (STRA1, STRA2, FLG1, H15, and H16). Total provision over this period on these sites is projected to be 5,055 out of a total of 6,117 dwellings, including the allowance for losses¹. As a result, the housing trajectory is highly concentrated on a relatively small number of major sites over an extended period of time (10 years). This, in our view, creates a clear and obvious risk to the overall delivery of the housing requirement should any one or more of these sites not come forward as anticipated.

¹ Based on the projections set out in PM42

Second, and related to the first issue, the reliance in the trajectory on relatively fewer sites in the middle and later years of the plan could have major implications for the council's ability to maintain annually a supply of specific deliverable sites including the buffer. This is because delivery is projected to fall dramatically in the latter half of the plan period. We illustrate this in the following graph.



As a result, when the five-year supply period rolls forward this will begin to capture those years where supply is projected to fall below the annual requirement (and buffer). However, the LPP1 review does not address this issue at all. In fact, under the PMs the problem is being made worse due to limited margin provided for in the overall plan period supply.

Taken together, there are clear risks to meeting the housing requirement over the plan period based on the revised trajectory. The Plan does not build in any flexibility or contingency to mitigate these risks in the short-to-medium term. This, in our view, is inconsistent with paragraphs 60 and 69 of the NPPF (December 2023) and the objective of significantly boosting the supply of homes and the importance of ensuring a sufficient amount, variety and mix of sites can come forward. It is not an effective strategy. Consequently, the proposed modification PM4 is not justified, is not effective, and is not consistent with national policy.

In addition, the revised trajectory set out in PM42 is also inconsistent with Policies S1 and S4 of LPP1, which is to provide flexibility in regard to site delivery and to

maintain a five-year rolling land supply of specific deliverable sites over the plan period. The revised trajectory in PM42 does not secure these objectives.

Consequently, on any reasonable analysis, additional sites will be needed to 'fill the gap' in order to address the risks of not delivering the housing requirement and to ensuring a five-year supply can be maintained on an annual basis over the plan period. This would ensure an appropriate measure of contingency is built into the Plan to mitigate the identified risks highlighted above. This approach would align with the council's own recommendations on land supply in the latest Housing Position Paper, dated April 2026, which acknowledges the need to allocate additional sites to ensure that a five-year housing land supply is maintained (in this case, through the LPP2 review process)².

To remedy this problem, we recommend the council should go further and consider additional site allocations or reserve sites in the LPP1 review where the additional growth can be delivered in a timely and sustainable manner. This includes the Land at Sandcliffe Road, Swadlincote, which is currently being promoted by our client. Given the issues highlighted with the revised trajectory, this is a matter that should be addressed through the LPP1 review in the first instance.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delete Brun Lane Mackworth (FLG1) and 250 dwellings from Policy S4.

Allocate Land at Sandcliffe Road, Swadlincote.

(Continue on a separate sheet /expand box if necessary)

² [CMIS > Meetings](#) (Agenda Item 5, officers report)

Please note: In your representation, you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Please check the relevant box

No, I do not wish to participate in hearing sessions

Yes, I wish to participate in hearing sessions

√

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To represent our client who has development interests in the district.

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Please return your completed representation form(s) by post to: Planning Policy Team, Council Offices, Civic Way, Swadlincote, DE11 0AH

Forms must be received by **5pm on Tuesday 16th June 2026.**

**Regulation 19 Addendum: Proposed Modifications to the South Derbyshire
Local Plan Part 1 Review 2022-2041
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING)
(ENGLAND) REGULATIONS 2012
Regulation 19 Addendum
REPRESENTATION FORM**

The easiest way to **submit your comments is online** at <https://bit.ly/Part-1-Local-Plan-Review> or by scanning the QR code. We would encourage you to use the online form wherever possible. Where online is not possible, you can complete this form and return it to us using the postal address on the final page.



Submission form

This form has two parts

Part A – Personal Details: need only to be completed once.

We will not be able to accept responses where personal details are not provided.

Part B – Your representation(s): **Please fill in a separate sheet for each representation you wish to make relating to each individual policy.**

You will be asked to give details on whether you think the plan is legally compliant and why you consider the proposed modifications to the policies of the Local Plan to be sound or unsound, please be as precise as possible.

You will also be asked to set out the modification(s) you consider necessary to make the Local Plan legally compliant and the policies sound in respect of any matters you have identified. You will need to say why each modification will make the Local Plan legally compliant or policy sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Privacy Notice

Representations (including your name) will be made publicly available following the close of the consultation however personal details (personal address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress.

Who has access to your information?

Personal details will be protected although it may be necessary to disclose these to a Planning Inspector appointed by the Secretary of State at a later date. For further information, please visit our Privacy section of our website at www.southderbyshire.gov.uk/privacy where you can see a full copy of our privacy notice.

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Part A: Personal Details*

We will not be able to accept responses where personal details are not provided.

1. Please provide your contact details.

Respondent details	Agent details (where applicable)
Name*: Matt Smith	Name*: Tom Ayres
Organisation: Bellway Strategic Land – Central Region	Organisation: Tetra Tech
[Redacted]	[Redacted]
[Redacted]	[Redacted]

*indicates required field

Future notification

The District Council will retain your contact details to inform you of future consultations on the Local Plan. If you do not wish for your contact details to be added to the consultation database, please email local.plan@southderbyshire.gov.uk

Part B: Please use a separate sheet for each representation you wish to make

3. To which part of the Local Plan does this representation relate?

Please provide the reference of the policy, paragraph, policies map, evidence etc that your comment relates to. Please use a separate Part B form for each Proposed Modification that you wish to comment on.

Comment being made against:	Please tick only one		
PM1		PM23	
PM2		PM24	
PM3		PM25	
PM4		PM26	
PM5		PM27	
PM6		PM28	
PM7		PM29	
PM8		PM30	
PM9		PM31	
PM10		PM32	
PM11		PM33	
PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21		Other (Please specify) Sustainability Appraisal	
PM22			

4. Do you consider the Local Plan is:		
	Please tick the relevant box	
	Yes	No
1) Legally compliant		
2) Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet)		√
a) Positively prepared		
b) Justified		√
c) Effective		√

d) Consistent with national policy		√
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Regulation 19 Addendum: Proposed Modifications - Sustainability Appraisal

Report

The *Sustainability Appraisal (SA) of the Regulation 19 Addendum: Proposed Modifications to the draft South Derbyshire Local Plan Part 1 Review (Publication Version)* has been issued alongside the proposed modifications ('PMSA'). We have reviewed the latest iteration of SA, and set out our soundness concerns below.

Proposed Modifications (PM) appraisal

From the outset, it is not apparent whether the proposed modifications have been included in the PMSA. Reference is made in the PMSA (Section 2.5 and Table 2.4, as well as the Executive Summary) to a 'screening' process applied to the PMs, but this is not explained in any detail how this process was carried out, or what the outcome was from that process, or what the implications are for the SA.

Furthermore, section 2.5 of the PMSA also states that the consultation comments received in relation to the SA have also been 'reviewed' and 'alterations made to the SA where appropriate'. It also states the 'sustainability performance' has not changed as a result of the proposed modifications. However, it is again the case that no explanation has been provided which explains how the review process was carried out or what the outcomes were or what the implications are for the SA or the Plan. Consequently, it is unclear from the PMSA how this conclusion has been arrived at.

Spatial Strategy Options

The PMSA has appraised five spatial strategy alternatives. These options are first presented in section 6.2.1 of the PMSA. Table 6-1 of the PMSA provides detail on the spatial strategy alternatives, Table 6-2 summarises the assessment, and full details can also be found in Appendix F of the PMSA. As follows:

- **Option A (Preferred Option):** 100% Derby Fringe and two Strategic Allocations (identified in Section 6.3.5);
- **Option B:** 0% Derby Fringe, 100% Swadlincote and Key Service Villages (equal split between all);
- **Option C:** 0% Derby Fringe, 50% Swadlincote and 50% Key Service Villages;
- **Option D:** 0% Derby Fringe, 40% Swadlincote, 40% split between Key Service Villages and 20% other local service villages; and
- **Option E:** 50% Derby Fringe, 50% equal dispersion Swadlincote and Key Service Villages.

The council's preferred option remains Option A. The PMSA Executive Summary states that, '*...reasonable alternatives to the spatial strategy, strategic sites and employment allocations have been identified and assessed...*' (our emphasis). We dispute this assertion, for the following reasons.

First, Table 6-1 of the PMSA describes the five spatial options now under consideration, following the Regulation 19 consultation. These are presented in the third column. The second column summarises how the requirement (15,263 dwellings) has been distributed across the district under each option. We would assume the scale of development in the appraisal would equate to the housing requirement (as a minimum) and, consequently, would be the same across all spatial options.

However, the figures differ across the options and, in all options, do not equate to the housing requirement in the full. We summarise this in the following table.

Spatial Option	Scale of housing under the option ¹	Housing Requirement	Difference
A	14,130	15,263	1,133
B	4,320	15,263	10,943
C	4,755	15,263	10,508
D	4,750	15,263	10,513
E	4,500	15,263	10,763

No explanation is provided in the PMSA to explain how the figures in Table 6-1 have been derived or why they are in some cases substantially lower than the requirement. Furthermore, it is unclear on what basis the options assigned to Swadlincote and the rural villages under options B to E have been derived. The lack of clarity on this matter undermines the credibility and robustness of the SA process.

Second, under three options (B, C, and D) the spatial strategy would deliver ‘0%’ homes in the Derby Fringe. However, the Derby fringe includes a number of existing allocations which are to be rolled forward into the revised LPP1 (many of which have extant permission). To assume no growth in these areas under these options is clearly unrealistic.

Third, the council has sought to use the PMSA process and the spatial options appraisal as a means by which any further allocations at Swadlincote can be rejected based on sustainability grounds, by rejecting options B to E. This is, however, clearly illogical given that Swadlincote sites clearly form a part of the preferred spatial strategy under Option A (we estimate about 1,182 dwellings on existing Swadlincote sites). This contradiction is not recognised or resolved in the PMSA. In line with our representations to the Regulation 19 consultation, the PMSA also provides no credible evidence to justify why no further growth should be directed to Swadlincote, or why further concentrating growth at the Derby fringe through FLG1 would lead to fewer significant impacts or better sustainability

¹ Includes rounding

outcomes as a result. This further undermines the credibility and robustness of the SA process.

Site Options

Sections 6.3.1-6.3.4 of PMSA presents summarised findings of the assessment of the four strategic site options located in the Derby urban fringe area. Detailed strategic site options assessments can be found in Appendix D. We have reviewed the site options appraisal, and set out our soundness concerns below.

Following the appraisal, the PMSA has identified the South of Mackworth site (FLG1) as a preferred strategic site for housing in the LPP1. However, the Mackworth site has not been subject to appraisal alongside reasonable alternatives prior to allocation, including the four strategic site options, or any other reasonable alternative sites. The Mackworth site is only referenced in section 6.3.5 of the PMSA as a 'preferred' site (Choice of Preferred Strategic Site Options). This is not a sound approach.

Specifically, there is no appraisal of the Mackworth site against any reasonable alternative sites in South Derbyshire (notably at Swadlincote) in regard to how any of the additional year's worth of housing need (763 dwellings, including the portion towards South Derbyshire's own need) should be accommodated in the LPP1. The Mackworth site is only considered in any detail as part of the preferred plan options appraisal (under Section 7.3, Table 7-2, and Appendix E of PMSA).

Furthermore, the PMSA assumes the Mackworth site is a 'strategic' site. In our view, the Mackworth site does not constitute a 'strategic' site in scale compared to the other four strategic site options. Under these circumstances, it is entirely reasonable that the PMSA should appraise other reasonable alternative site options of a similar scale located beyond the Derby fringe as part of the assessment process. This would include sites at the principal settlement of Swadlincote. The appraisal process is faulty in this regard.

In this context, the appraisal process should apply a similar approach to appraising housing site options as that used to appraise employment site options, which has included a range of sites from across the district beyond the Derby fringe (set out in Table 6-6). The PMSA is not consistent regarding the appraisal of housing site options and no explanation has been provided to justify a different approach for housing sites is appropriate. This is particularly relevant here give the lack of flexibility that now underpins the spatial strategy and the revised housing trajectory (as we explain in our responses to PM3, PM4, and PM28).

Taken together, there are significant gaps regarding the appraisal of reasonable alternatives (notably, on sites) and a lack of clarity on the spatial strategy options appraisal. On this basis, the Proposed Modifications SA is not adequate or justified. It is also unclear how the PMSA has informed the modifications proposed through the Regulation 19 PM consultation, given the lack of any reference in any detail to the proposed modifications within this iteration of SA. The SA is not consistent with national policy (para 32) in this regard.

(Continue on a separate sheet /expand box if necessary)

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Carry out a site options appraisal of all reasonable alternatives as part of the SA process.

Address the issues of gaps and lack of clarity in the SA identified in these representations, prior to submission.

(Continue on a separate sheet /expand box if necessary)

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Please check the relevant box

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√

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