

South Derbyshire Local Plan Part 1 Review

Response to Regulation 19 Consultation Addendum

On behalf of Catesby Estates

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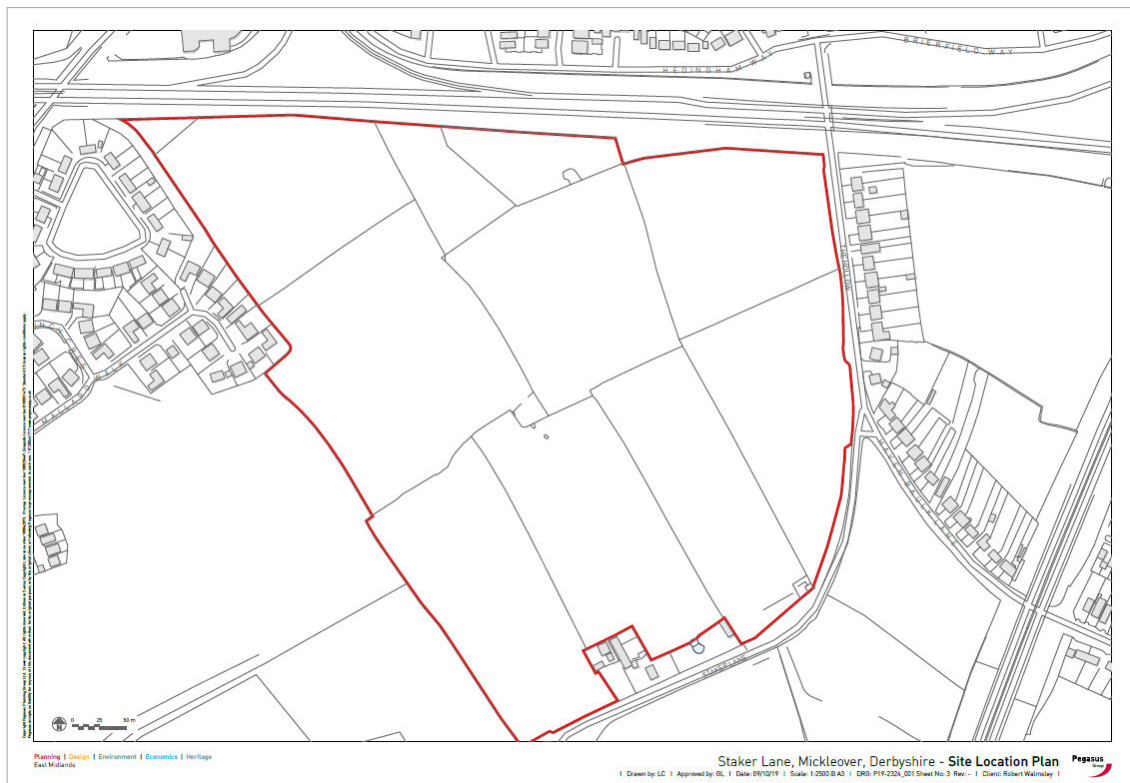
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1. Introduction

- 1.1. These representations have been prepared on behalf of Catesby Estates in response to the South Derbyshire Regulation 19 Addendum Consultation: Proposed Modifications to South Derbyshire Local Plan Part 1 Review 2022–2041 (Publication Version March 2025).
- 1.2. Our client has land interests within the proposed strategic allocation at Land South of Mickleover (STRA2). Our client's site is shown in the Site Location Plan below and at **Appendix A**. The site extends beyond South Derbyshire's boundary into Derby City. The land within Derby City forms part of the Derby City proposed allocation at The Hollow, Mickleover (Policy HA5).



- 1.3. These representations refer specifically to the land within South Derbyshire which has been promoted by our clients for residential development throughout the Local Plan process including making representations to the original Regulation 19 consultation in 2025.
- 1.4. As part of the wider strategic allocation, STRA 2 Land South of Mickleover, the site offers the opportunity to deliver approximately 315 residential dwellings and other benefits including:
 - Affordable homes and homes of varying tenures and sizes responding to local need and demand
 - Green and Blue infrastructure improvements including public open space, play space, buffer planting, grasslands, scrub mixes
 - Improved Pedestrian and Cycle connections to Mickleover and existing Public Rights of Way



15. A concept masterplan of the site is provided at **Appendix B** showing how the proposed development could be achieved and details how the site can positively contribute towards the Council's development strategy and key objectives, notably the delivery of new housing to meet assessed need. It is considered to represent a deliverable form of development which will form a coherent part of the wider development.
16. Our client is in regular contact with the promoters of the remainder of the STRA2 draft allocation and the concept masterplan has been developed as part of a comprehensive approach with green links and vehicular, pedestrian and cycling connectivity between the subject site and the wider draft allocation.

3. PM2 & PM3: Policy S1 Sustainable Growth Strategy

Do you consider the Local Plan is:		
	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		

Please give details of why you consider the Local Plan is not legally compliant or is unsound

- 3.1. Proposed Modifications 2 and 3 extend the plan period by one year to 2042 and updates the housing requirement figure to reflect this. The modified Policy S1 also sets out an update to the proportion of the planned growth in the District that will meet the local housing need of South Derbyshire with the remaining housing requirement being to meet Derby's unmet needs.
- 3.2. Whilst the extension of the plan period is supported, the proposed modifications do not overcome our concerns about the lack of clarity in the policy, supporting text and supporting evidence about how the unmet need from Derby City has been apportioned within the Housing Market Area to ensure the full needs across the market area are met and the plan is positively prepared.
- 3.3. Policy S1 as proposed fails to make a sufficient contribution to meeting the unmet needs arising from Derby City in the context of the newly adopted Amber Valley Local Plan. The Housing Market Area is made up of three authorities – Derby City, Amber Valley and South Derbyshire and the Statement of Common Ground between the three Housing Market Area authorities highlights that each authority is pursuing the lower of the old and new standard method figures leaving a significant proportion of the overall unchanged housing needs in the market area as a whole unmet.
- 3.4. Our client's site within the strategic allocation South of Mickleover has been identified in part due to the opportunity it presents to provide homes close to the City where part of the housing need arises. As we set out below, the proposed allocation policy approach will not making efficient use of the land available and the significance of this for meeting housing

needs can only be fully understood if the housing needs across the Housing Market Area are accurately considered.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound

- 3.5. Draft Policy S1 needs to be supported by a Statement of Common Ground between the Housing Market Area authorities, which clearly apportions the unmet housing from Derby City to South Derbyshire and Amber Valley, which the current Statement does not do. In the context that both South Derbyshire and Amber Valley Local Plans are using the previous standard method figures under the transitional arrangements, the unmet need also needs to be consistently based on the housing needs from the previous standard methodology to ensure the full housing market needs are accounted for.
- 3.6. The policy needs to be updated to account for an accurately calculated and clearly apportioned unmet need.
- 3.7. This is necessary to meet the positively prepared soundness test that the strategy sets out a positive approach to delivering growth which, as a minimum, seeks to meet the area’s objectively assessed needs, and is based on effective joint working on cross-boundary strategic matters.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?	
No, I do not wish to participate in hearing sessions	
Yes, I wish to participate in hearing sessions	✓

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

- 3.8. We have proposed a modification to Policy S1 (Sustainable Growth Strategy) based on a technical issue with the approach to identifying the unmet need from Derby which it would be beneficial to explain at the hearing sessions.

4. PM4: Policy S4 Housing Strategy

Do you consider the Local Plan is:		
	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		
3) Complies with the duty to co-operate		

Please give details of why you consider the Local Plan is not legally compliant or is unsound.

- 4.1. Our clients continue to support the allocation of new housing at the strategic site of Land South of Mickleover. Strategic allocations provide greater opportunity for comprehensively planned facilities and infrastructure benefitting communities and the wider economy.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound

- 4.2. None

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?	
No, I do not wish to participate in hearing sessions	
Yes, I wish to participate in hearing sessions	✓

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

- 4.3. Our client's land at Land South of Mickleover is a significant part of Policy S4: Housing Strategy, and it is important our client is represented in any discussions around the Development Strategy.

5. PM15-22: Policy STRA2 Land South of Mickleover

Do you consider the Local Plan is:		
	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		✓

Please give details of why you consider the Local Plan is not legally compliant or is unsound.

- 5.1. We continue to support the inclusion of the site as a strategic allocation within the draft Local Plan. We are committed to delivering development as a coherent part of wider allocation, to meet the needs of the Housing Market Area.
- 5.2. We are working collaboratively with the promoters of the wider STRA2 allocation to ensure our concept masterplan (**Appendix B**) for the northeast corner of the strategic allocation contributes to a comprehensive approach with green links and vehicular, pedestrian and cycling connectivity.
- 5.3. Whilst some of our concerns with Draft Policy STRA2, set out in our Regulation 19 representations, have been addressed through the Regulation 19 Addendum, there are other matters which have not been addressed. There is also a new significant concern to raise in relation to the proposed Indicative Layout following the most recent changes which undermines the deliverability of development and is unjustified.
- 5.4. Each of the Proposed Modifications in the Addendum related to Policy STRA2 are considered in turn below.

Proposed Modification 17, 18, 19 & 20

- 5.5. No Comment

Proposed Modification 15 – Retirement Village

- 5.6. The proposed modification to policy requirement A iii) reinforces the requirement for provision for older people. It also includes greater flexibility for this to be a retirement village or specialist housing for older people within the scheme.
- 5.7. Our client had no objection in principle to the provision of a retirement village at the Regulation 18 or 19 stage and the additional flexibility in the requirement is noted, but the issue we raised at these earlier stages was about the lack of clarity about what is required to satisfy the policy and the lack of viability assessment of the policy requirements.
- 5.8. There still appears to be no whole plan viability assessment. Viability constraints need to be understood in relation to C2/C3 development and their relationships with requirements for affordable housing and other contributions as this could effect the delivery of the wider site and therefore the effectiveness of the policy.

Proposed Modification 16 and 21 – Vehicular Road Link

- 5.9. The proposed inclusion of a vehicular road link between the A516 and A38 is supported.
- 5.10. This responds to our representations about the need for this link to be informed by transport evidence before the draft plan is submitted and will improve access to Mickleover.

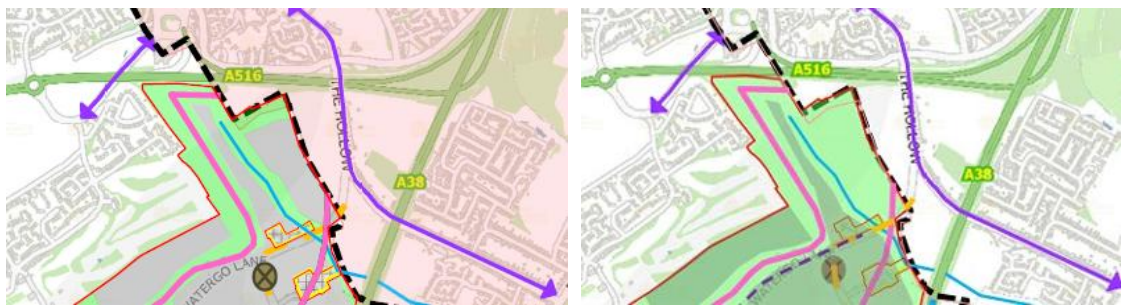
Proposed Modification 22 – New Indicative Layout

- 5.11. Proposed Modification 22 updates the proposed indicative layout presented in support of the policy. The new layout removes a development parcel in the northeast, proposes a new development parcel in the northwest adjacent to the A516, includes the new vehicular link road between the A516 and A38 and introduces a potential new footpath link with the service road for High Grange School off Hospital Lane.
- 5.12. Our comments on the proposed changes are focused on the implications for our client's site in the northeast section of the allocation. A concept masterplan of our client's site is provided at **Appendix B** showing how our section of the allocation could be developed as part of a wider comprehensive plan. It includes details how the site can positively contribute towards the Council's development strategy and key objectives, notably the delivery of new housing to meet assessed need. It is based on an understanding of the constraints and opportunities of the site and represents a deliverable form of development which will form a coherent part of the wider development.
- 5.13. The proposed indicative layout significantly undermines our considered, evidence led proposals for the site and will render our client's site undeliverable.
- 5.14. At Regulation 18 and 19 stages we raised significant concerns regarding the large areas of green infrastructure proposed in this parcel of the strategic allocation and throughout the wider draft allocation. There has been no clear justification provided for scale of green infrastructure being required at this scale or consideration of the implications on the developable area, viability or efficient use of land.
- 5.15. Despite our concerns, which were also raised directly with the Council and through the Design Review Panel process, each iteration of the layout further increases the scale of proposed green infrastructure. The layout published within the Regulation 19 Draft Local Plan showed an increased area of green infrastructure within our client's site and throughout the

allocation compared to the plan consulted on at Regulation 18 and the Regulation 19 Addendum revision removes a further parcel of development area from our client's site.

- 5.16. Each revision of the indicative layout has further eroded the available developable land within our client's site. The extracts of the South of Mickleover Indicative Layout diagram shown below are taken from the Regulation 19 Draft Local Plan and the Regulation 19 Addendum Proposed Main Modifications. The extracts focus on our client's interests in the northeast of the allocation, and they show how extensive the green infrastructure already was in this area to the west of this parcel and how it has now been extended to the east of the parcel where it adjoins the boundary with Derby City, leaving a thin strip of developable area.

Comparison between extracts of the Regulation 19 and Addendum Indicative Layouts



- 5.17. Additional Modification 73 sets out new reasoned justification in support of Policy STRA2 and this suggests the amendment has been made in response to the Green Wedge within Derby City in the land between the A516 and A38 and supporting this Green Wedge by extending the green wedge concept with green infrastructure in South Derbyshire. This however ignores the emerging allocation for housing development which is set out in the City Council's Regulation 18 Draft Local Plan earlier this year.

- 5.18. Derby City have published their Regulation 19 Draft Local Plan as part of the paperwork for Cabinet on 10th June which shows this area allocated in Policy HA5: The Hollow, Mickleover.

Derby City Draft Local Plan – Illustrative Layout of The Hollow supporting Policy HA5

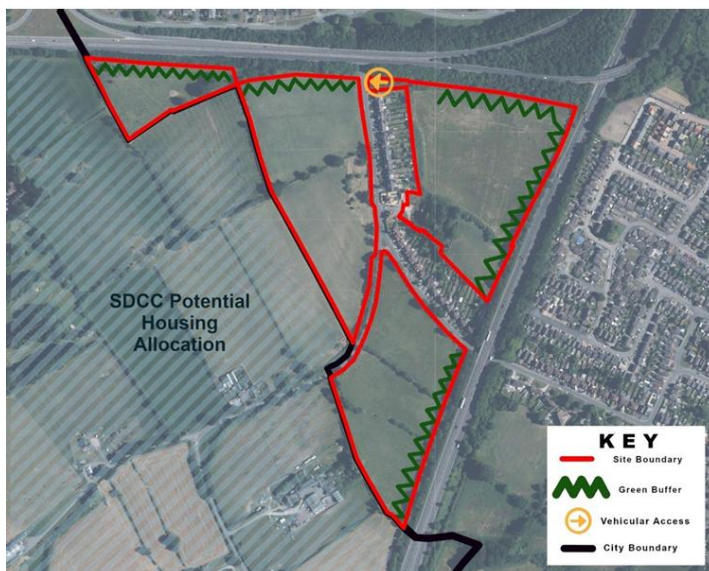


Figure 14: Illustrative Layout for The Hollow

- 5.19. This proposed allocation includes all of our client’s land within Derby City, as shown in the Site Location Plan in **Appendix A**, and includes all the remaining land within the current Green Wedge.
- 5.20. Draft Policy HA5 (The Hollow, Mickleover) sets out that the land at The Hollow will deliver a minimum of 150 high quality new homes as an urban extension to the suburb of Mickleover. The draft policy also notes that:
- ‘The development in this area will form part of a wider cross-boundary strategic housing extension South of Mickleover including a significant amount of mixed-use development within South Derbyshire’.*
- 5.21. The reasoned justification supporting the proposed allocation within the Derby City Draft Local Plan states the following (emphasis added):
- ‘All of the land within the city is identified in the current local plan as Green Wedge. A Green Wedge Review, carried out by consultants on behalf of the Council, has indicated that if developed for housing, it is not possible to retain viable green wedge in this location. **Therefore, the green wedge will be removed**, and the allocation will require onsite public open space to be provided as well as green infrastructure and GI links out of the city into South Derbyshire’.*
- 5.22. The indicative layout presented in the Local Plan currently fails to take account of this changing context.
- 5.23. Whilst the provision of Green Infrastructure throughout the draft allocation and our client’s land interests at Staker Lane is supported, the policy requirements should be justified and evidenced. No appropriate evidence has been provided to suggest that the extensive Green Infrastructure corridors shown on the plan within our client’s land interests are justified to the east or the west of this parcel of the allocation.
- 5.24. The Green Infrastructure corridor to the west of our client’s land interest adjoining the Golf course shown on the proposed plan in the Local Plan is some 100m wide and is located within land also shown as the primary access to its parcel. This is despite discussions with the Council officers suggesting no buffer is needed between development and the Golf course, as evidenced by the proposed development parcel to the south of the Golf course. It is difficult to understand why such a wide buffer is required within this area. It would create an isolated parcel of residential development that is separated from existing built form and future built form as part of the wider allocation and the allocation within Derby City.
- 5.25. The land is in a location that is recognised as sustainable within the existing Part 1 Local Plan. This parcel of land should be identified for a significantly higher quantum of development to capitalise on this sustainable location close to the centre of Mickleover and make efficient use of the land being allocated. The provision of a 100m buffer to the existing built form is considered to be excessive and not considered necessary to deliver a development with appropriate green corridors.
- 5.26. A Landscape and Visual Constraints and Opportunities report was produced and submitted to the Council at Call for Sites Consultation in 2020. The concept masterplan for our client’s land interests (**Appendix B**) has been based upon the findings of this report and our submitted masterplan retains existing green infrastructure features within the site alongside the provision of appropriate green infrastructure to capitalise on existing features. The

masterplan shows a significant buffer to the western boundary at approximately 25m in width and in some places wider. This is considered to be appropriate scale of buffer to provide pedestrian and walking connections to the wider site allocation and Mickleover to the north. The evidenced buffer significantly increases the developable area within the site and in an identified sustainable location to meet the market area's needs.

- 5.27. The concept masterplan appended shows the provision of approximately 345 dwellings within the SDDC area, with significant and appropriate quantum of green infrastructure. The proposal relates well to the existing built form and would avoid an isolated island of residential development.
- 5.28. The scale of green infrastructure proposed as part of the allocation is not justified. It also fails to properly take into account on-site constraints, use the land available efficiently and therefore undermines the viability and deliverability of our client's site.
- 5.29. It is unclear from the published information whether a whole plan viability assessment has been undertaken but there is no indication that the proposed strategic allocation Policy STRA2 has been subject to a viability assessment to ensure that the requirements are realistic and will lead to a deliverable development.
- 5.30. Our client's view continues to be that the Council should prepare a whole plan viability assessment, including a detailed review of the strategic site allocations, and its findings should inform Local Plan modifications to policy requirements before the Local Plan is adopted in order to meet the tests of soundness, specifically that it is effective.
- 5.31. The indicative layout proposed by the Council is not considered to be deliverable and is not supported by our client.

Other Matters

- 5.32. There are a number of other matters which we raised in our Regulation 19 representations which have not been addressed through the Addendum in relation to the following:
- The provision of Gypsy and Traveller sites within Urban Extensions is not supported and this is not considered to be the most appropriate way to meet the needs of the community.
 - Whilst we support the principle of the provision of suitable healthcare provision, the scale of development proposed is unlikely to support the provision of a new healthcare facility on site.
 - Part iii) of the Green Infrastructure criteria related to the Green Wedge in Derby City is not justified or supported.
 - The requirement for new development to address existing deficiencies in availability of sports and recreational facilities does not comply with the CIL Regulations 2010.
 - Whilst the Migration criteria i) is supported in principle, protection of habitats should be removed from the criteria as it does not feature within British Standard 8233 and it is unclear how the development this could be achieved.

- Mitigation criteria ii) is an unnecessary duplication of national legislation and the retirement for on-site provision is contrary to this national legislation. Further clarification may also be required in relation to trees and hedgerows, not all trees and hedgerows on-site are of good quality and some will require removal in line with good arboricultural management practices.
- Mitigation criteria iii) and iv) are a duplication of existing policy and is not considered necessary.
- Criterion E, restricting occupation of development, will have a significant impact on site viability and it has not been justified through viability assessment. The criterion is not appropriate for a strategic policy and should be modified to require the submission and agreement of a phasing plan, which will ensure key infrastructure is delivered in a timely manner.
- Criterion E (ii) in relation to self build plots, supported living, housing with care and care bed is not justified by evidence, its purpose is unclear and so it is not effective.

5.33. Detailed comments on the above are provided in our Regulation 19 representations and therefore not repeated here.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound

5.34. Proposed track changes to the emerging policy set out within our Regulation 19 representations continue to be relevant and set out our view on the changes needed to the policy to ensure it meets the tests of soundness.

5.35. It remains our view that the indicative layout plan should be omitted from the Local Plan with the allocation identified by a red line boundary only, a masterplan can then be developed in collaboration with the Council, building on the design review process as part of the required Development Framework Document.

5.36. Following the Design Review Panel a masterplan was issued by the Panel which differed from the indicative layout included in the Local Plan. Whilst the Council suggest that the published plan has been informed by the Design Review Plan there are clear differences between the two published plans. The masterplanning process should be a collaborative process between all interested parties and our client is committed to this process and is further committed to working with the Council to develop a Development Framework for the delivery of the draft allocation as required by Draft Policy STRA2.

5.37. If it is necessary for a plan to be included, the green infrastructure requirements within the proposed plan need to be refined and reduced to ensure that a suitable and sufficient quantum of development can be delivered in accordance with Part A of the draft policy. Furthermore, it is considered that the reference to 'Green Wedges' is removed from the policy. This is no longer relevant based on evidence and decisions on the future of Green Wedges that have been made by Derby City Council, culminating in the proposed allocation of wider land in this area for housing and its removal from Green Wedge in Derby City Council's Regulation 19 Local Plan.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?	
No, I do not wish to participate in hearing sessions	
Yes, I wish to participate in hearing sessions	✓

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

- 5.38. Our client is one of the promoters of this strategic site and have raised several issues with the policy in its current form. It is vital that our client is represented at the hearing sessions to discuss the policy. Whilst the general principles of Draft Policy STRA2 are sound, modifications to the Policy as set out above and at Regulation 19 are required to ensure that the final policy criteria are capable of being found sound at examination.

6. PM27: Policy H2O Housing Balance & Custom/Self-build

Do you consider the Local Plan is:		
	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		✓

Please give details of why you consider the Local Plan is not legally compliant or is unsound.

- 6.1. Proposed Modification 27 sets out a new criterion F – *'Where a proposal comprises a range of housing provision that is significantly at variance with the requirements identified in parts A, B, C, D and E, the applicant will be expected to provide written justification, which should include reference to market signals, local housing needs and scheme viability'*.
- 6.2. This new criterion is supported and important to support the effectiveness of the Local Plan.
- 6.3. We continue to have concerns with other parts of this policy, however, namely:
- Criterion A which details housing mix percentage requirements and does not allow for sufficient flexibility. We suggested a percentage range.
 - Criteria B which seeks provision of a sufficient number of new homes to meet the identified needs of people with disabilities and older people with no indication of what will satisfy this requirement or whether it has been viability tested.
 - Criterion D which sets out requirement for M4(3)(a) and M4(3)(b) compliant homes and is not supported and has not been viability tested.
 - Criterion E (ii) which requires 10% for serviced plots for self and custom housebuilding which based on 2,000 dwellings at STRA2 is 200 dwellings. There is no evidence of need to support the requirement for this level of provision and this has not been viability tested.



6.4. More detailed comments on these matters are set out in our Regulation 19 representations.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound

6.5. Proposed modifications to Policy H20 are set out in our Regulation 19 representations and not repeated here.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?	
No, I do not wish to participate in hearing sessions	
Yes, I wish to participate in hearing sessions	✓

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

6.6. It is vital that our clients (who are bringing forward one of the two strategic sites in this Local Plan) are represented at hearing sessions given the significant concerns regarding the content and viability of this policy.



7. AM74: STRA2 Explanation

- 7.1. Additional Modification 74 sets out new explanatory text in support of Policy STRA2 Land South of Mickleover.
- 7.2. The new proposed supporting text repeats a significant amount of the policy wording which is unnecessary and could therefore be significantly reduced.
- 7.3. The text includes reference to the Derby City Council Green Wedge policy, as set out in relation to PM22 above, this designation is being removed and replaced with a housing allocation therefore this paragraph needs to be deleted.



Appendix 1 – Site Location Plan



Appendix 2 – Concept Masterplan

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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