

**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.

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**Part A: Personal Details\***

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**1. Please provide your contact details.**

<b>Respondent details</b>	<b>Agent details (where applicable)</b>
Name*: Tom Collins	Name*: Tom Ayres
Organisation: Clowes Developments	Organisation: Tetra Tech
[Redacted]	[Redacted]
[Redacted]	[Redacted]

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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?**

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PM11		PM33	
PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21		Other (Please specify) <b>AM60, AM61, AM62</b>	
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.

AM60, AM61, and AM62 all relate to proposed modifications to the projected employment land supply, including changes to the purported surplus of employment land. Whilst the Inspector may determine this as an appropriate modification, it nonetheless reflects monitoring and assessment work undertaken by the council on those sites included within the process and which clearly has implications for the employment land strategy under Policy S5. Whilst reference is made to 'new monitoring figures (as at 31<sup>st</sup> march 2026)' 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 employment land, which ultimately informs the employment 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 AM60, AM61 and AM62 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 AM60, AM61 and AM62 are included in the schedule of proposed modifications, in accordance with the procedural guidance, the PPG, and planning legislation.

Furthermore, in line with our response to AM38, there appears to be a discrepancy in the surplus supply figures on employment land set out in the addendum. This may simply be a drafting error when producing the schedule. 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 AM60, AM61 and AM62 in the schedule of proposed modifications to be considered by the Inspector through the examination process. Address the discrepancy highlighted in our representation.

(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

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 clients interests on this matter.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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

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

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PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21		Other (Please specify) <b>AM27</b>	
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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AM27 proposes changes to the draft Vision to include references to Infinity Garden Village and Land south of Mickleover strategic allocations. We note that the council has not included the Brun Lane Mackworth (FLG1) site within this list. This is the correct approach because the Mackworth site does not, in our view, constitute a strategic allocation. Nonetheless, on this logic, the LPP1 should not allocate the Mackworth site given the council is only proposing allocations on the edge of Derby that are 'strategic' in nature. The proposal to allocate the Mackworth site (for 250 dwellings) is contrary to the over-arching purpose of the LPP1 review, which is to identify strategic allocations.

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

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Delete the Brun Land, Mackworth Site (FLG1).

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

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Please check the relevant box

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Organisation: Clowes Developments	Organisation: Tetra Tech
[REDACTED]	[REDACTED]
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PM21		Other (Please specify) <b>AM29</b>	
PM22			

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	Please tick the relevant box	
	Yes	No
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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		

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AM29 proposes changes to the draft Vision to include a clarification on locations where employment growth will continue to be focused. This includes locations along the A50 corridor. This is the correct approach, which recognises that the A50 corridor is an appropriate focus for future employment development in the area. We support this modification.

However, this modification in our view materially affects the content of the plan because it relates to the plan vision, which ultimately informs the 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). 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). In our view, AM29 is a ‘main modification’.

Given the nature of this modification, we would recommend that AM29 is included in the schedule of proposed modifications, in accordance with the procedural guidance.

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

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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	

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n/a

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PM22			

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AM30 proposes a modification to the draft Vision to include an additional sentence at paragraph 3.2 of the plan. The modification seeks to clarify that strategic allocations are of a scale which will continue to deliver housing, economic and other infrastructure beyond the 2042 plan period. Whilst the Inspector may determine this as an appropriate modification, it is nonetheless seeking to clarify how the vision should be interpreted in regard to future development proposals on those allocations.

This modification, in our view, materially affects the content of the plan because it relates to the plan vision, which ultimately informs the 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).

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Include AM30 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)

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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

√

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To ensure our clients interests are properly represented.

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Organisation: Clowes Developments	Organisation: Tetra Tech
[REDACTED]	[REDACTED]
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PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21		Other (Please specify) <b>AM38</b>	
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)		
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c) Effective		

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AM38 proposes a modification to paragraph 4.24 of the plan, which explains a reduction in the purported surplus of employment land in the district over the rebased plan period (from 10.23 to 6.97 ha). Whilst the Inspector may determine this as an appropriate modification, it nonetheless reflects a change in the quantum of employment land which has implications for future proposals that comprise (in part, or as a whole) an element of employment development.

For these reasons, this modification in our view materially affects the content of the plan because it relates to the provision of employment land, which ultimately informs the employment 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 AM38 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, AM38 is a 'main modification'.

Given the nature of this modification, we would recommend that AM38 is included in the schedule of proposed modifications, in accordance with the procedural guidance, the PPG, and planning legislation.

Furthermore, the 6.97ha surplus purported here differs from the 5.34ha surplus set out in AM62, but is the same as the figure set out in AM93. There is clearly some confusion as to what the correct surplus in employment land actually comprises (assuming such a surplus exists, which we dispute in our response to AM62). This matter needs to be clarified prior to submission of the plan.

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

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Include AM38 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)

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Please check the relevant box

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n/a

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PM8		PM30	
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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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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)

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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)

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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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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)		√
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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)

However, a number of additional modifications which address the plan period end date but which propose 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 merely constitute ‘additional’ modifications for purposes of clarity because they 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 modifications should be considered alongside the other PMs 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 AMs 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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(If you check 'No', please also confirm below which of the 'tests' it fails to meet)		
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PM3 proposes a modification to the overall housing requirement figure over the plan period 2022-2042 (as modified under PM2). The requirement would now be at least 15,263 dwellings to be delivered over the modified plan 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 this 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	√	PM26	
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PM8		PM30	
PM9		PM31	
PM10		PM32	
PM11		PM33	
PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
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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 PMs 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 in regard to 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 2037/38-2041/42.

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' in the Amber Valley Local Plan (2022-2040). The AVLP 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 is not allocated for housing.

It must be acknowledged that the 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 Brun Lane Mackworth site without a comprehensive masterplanning process incorporating both sites. 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. It is not a justified or effective strategy. Furthermore, PM4 provides no clarity on how a comprehensive scheme could be delivered across both these sites. This further undermines the justification and effectiveness of the Plan in regard to delivering the Brun Lane Mackworth site in South Derbyshire.

Similarly, a number of existing site allocations rolled forward into the LPP1 review would deliver a greater quantum of growth than Mackworth, but which are not classed as strategic. In this context, it is completely illogical to suggest that Brun

Lane, Mackworth is 'strategic' and of a similar in scale and nature to other strategic site options, including Thulston Fields.

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 on the edge of Derby City where the additional growth can be delivered in a timely and sustainable manner, as an appropriate means to address the unmet need element of the additional 673 dwellings that forms the additional years' worth of requirement across the modified plan period. This includes the Land at Thulston Fields currently being promoted by our client. Representations submitted at the original Regulation 19 consultation stage demonstrate the Thulston site is both deliverable and developable and can be brought forward in a timely manner to address this need, and would represent a logical extension to Derby City.

(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 Thulston Fields for 250 dwellings (up to 2042, with the residual to be delivered beyond the plan period).

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(If you check 'No', please also confirm below which of the 'tests' it fails to meet)		
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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.

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

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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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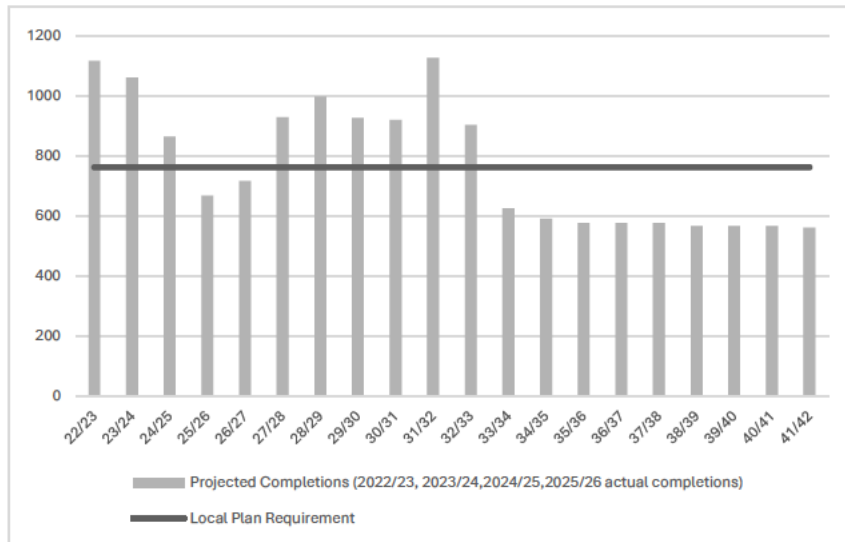
PM4 proposes a revised housing trajectory covering the updated plan period 2022-2042.

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 losses<sup>1</sup>. 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.

<sup>1</sup> 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 medium-to-long 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 entire plan period. The revised trajectory in PM42 does not secure these objectives.

Consequently, on any reasonable analysis additional sites will be needed to build in an appropriate measure of contingency into the Plan in order to mitigate the longer-term risks highlighted above. This is a reasonable and responsible approach to the provision of housing land.

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 Thulston Fields, 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 Thulston Fields.

(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

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.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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 16<sup>th</sup> 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](http://www.southderbyshire.gov.uk/privacy) where you can see a full copy of our privacy notice.

For further information, please visit our Privacy section of our website at [www.southderbyshire.gov.uk/privacy](http://www.southderbyshire.gov.uk/privacy) where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by emailing [local.plan@southderbyshire.gov.uk](mailto:local.plan@southderbyshire.gov.uk)

**Part A: Personal Details\***

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

**1. Please provide your contact details.**

<b>Respondent details</b>	<b>Agent details (where applicable)</b>
Name*: Tom Collins	Name*: Tom Ayres
Organisation: Clowes Developments	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](mailto: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.

<b>Comment being made against:</b>	<b>Please tick only one</b>		
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) <b>Sustainability Appraisal</b>	
PM22			

<b>4. Do you consider the Local Plan is:</b>		
	<b>Please tick the relevant box</b>	
	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.

**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 alternative. 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 the 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 <sup>1</sup>	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.

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, including Thulston Fields (Site 2). We have reviewed the site options appraisal, and set out our soundness concerns below.

Thulston Fields is discussed in section 6.3.2. The site appraisal under SA objective for Landscape (SO16) has been modified from ‘significantly negative’ (- -) to

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<sup>1</sup> Includes rounding

'uncertain' (?). This is response to our submission at the Reg 19 stage which argued for the removal of Green Belt designations from the objective as this is not relevant to landscape. We welcome this modification. The remainder of the appraisal of the site remains unchanged from the Reg 19 SA consultation version.

Following this correction, it is evident that all four strategic site options perform broadly to the same degree in sustainability terms against the SA objectives when read as a whole.

However, following the appraisal, the PMSA has introduced the South of Mackworth site (FLG1) as a preferred strategic site at a very late stage for housing in the LPP1. Consequently, 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) which follows on after the reasonable site options appraisal stage. This is not a sound approach.

Specifically, there is no appraisal of the Mackworth site against any reasonable alternative sites in regard to how the portion of the additional year's worth of housing need (763 dwellings) that is contributing towards Derby City's unmet 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 reconsider previously discounted strategic site options, notably Thulston Fields, in addressing the additional need. The appraisal process has not done this and so 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 in regard to 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 PM 3, PM4, and PM28).

Taken together, there are significant gaps in regard to the appraisal of reasonable alternatives (notably, on sites). Specifically, it is unclear why the Brun Lane Mackworth site (FLG1) has been selected as a strategic site in favour of other reasonable alternatives, including Thulston Fields. 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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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)

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

Yes, I wish to participate in hearing sessions

√

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Forms must be received by **5pm on Tuesday 16<sup>th</sup> June 2026.**