

Subject: **Formal Objection Letter South Derbyshire Local Plan Part 1 Review (2022–2042) Proposed Main Modifications & Additional Modifications Regulation 19 Addendum Consultation**

Date: **11/05/2026**

Dear Planning Policy Team,

I am writing to submit a **formal objection** to the Proposed Modifications to the South Derbyshire Local Plan Part 1 Review (2022–2042). My objection is based on **objective evidence contained within the Council’s own Proposed Modifications document**, which I believe demonstrates that the plan remains **unsound, insufficiently justified, and not legally compliant**.

1. The scale and nature of modifications demonstrate that the Regulation 19 plan was not robust

The document contains **extensive changes** made **only after** Regulation 19 consultation, including major policy rewrites, new infrastructure requirements, and significant corrections. The “Reason” column repeatedly states changes were made: “In response to Regulation 19 consultation representations...” (e.g., PM5, PM7, PM8, PM10, PM11, PM14, PM15, PM16, PM17, PM18, PM21). Numerous typographical and structural errors required correction (AM1–AM59). This volume of reactive amendment shows the original plan was **not sound at publication**, contrary to NPPF requirements.

2. Major policy rewrites exceed what is reasonable at modification stage

Several modifications are not minor adjustments but **substantive policy restructures**, including:

SD3 (River Mease) – entire sections moved, rewritten, and expanded (PM32–PM34).

S1, S4 – significant changes to housing numbers and distribution (PM2–PM4).

STRA1 and STRA2 – new criteria, new infrastructure obligations, new layout expectations (PM7–PM22).

These are **material changes** that alter policy intent and should have required **reassessment through the Sustainability Appraisal** and potentially a new Regulation 19 consultation.

3. Housing requirement increased without clear evidence justification

The plan increases the housing requirement from **14,500 to 15,263 dwellings** (PM3), citing only:

- “To accommodate an additional year of housing delivery”.
- “To provide flexibility”.

3. Housing requirement increased without straightforward evidence justification (cont.)

No new SHMA, demographic analysis, or capacity study is referenced in the modification text. This fails the NPPF test of **justification**, as the increase is not supported by proportionate evidence.

4. Infrastructure requirements added late indicate earlier evidence gaps

Key infrastructure requirements were **missing** from the Regulation 19 plan and added only after consultees raised concerns:

- Primary school increased from 2FE to 2.5FE (PM10).
- Healthcare provision separated into its own criterion (PM9).
- Requirement for A516–A38 link road added after updated modelling (PM21).
- National Grid and HSE safety requirements added late (PM13, PM18).
- Network Rail safety concerns added late (PM14).

This demonstrates that the original plan **did not properly assess infrastructure capacity**, undermining deliverability.

5. Evidence base updates show the Regulation 19 plan relied on outdated or incomplete evidence

Multiple modifications update core evidence:

- Population projections (AM21)
- Employment land surplus (AM38)
- Windfall and losses data (AM54–AM56)
- Housing trajectory (PM42)

A Regulation 19 plan must be based on the **latest evidence**. Updating it at this stage indicates procedural weakness and undermines confidence in the plan's soundness.

6. Strategic sites lack demonstrated deliverability

The modifications add new requirements for:

- Elderly housing (PM7, PM15)
- Healthcare (PM9)
- Electricity and gas infrastructure safeguarding (PM13, PM18)
- Bus access and transport integration (PM16)
- Sports facility replacement timing (PM11)

These additions imply that the Council had **not previously demonstrated** that the strategic sites were viable or deliverable, contrary to NPPF para 67.

7. River Mease policy changes indicate earlier noncompliance with Habitats Regulations

The River Mease section has been **substantially rewritten** (PM32–PM34), including:

7. River Mease policy changes indicate earlier noncompliance with Habitats Regulations (cont.)

- New nutrient neutrality requirements
- New headroom capacity tests
- New SuDS requirements
- New bespoke mitigation pathways

This suggests the original policy **did not meet Habitats Regulations Assessment requirements**, risking legal challenge.

8. Internal policy conflicts were only identified after publication

For example:

PM23 corrects a conflict between **H1** and **H21** regarding rural exception sites.

This conflict existed in the Regulation 19 version and was not identified internally, raising concerns about quality control.

9. Vision and strategic narrative altered following developer representations

The Vision section was amended in response to **developer submissions** (AM27, AM30), including references to development continuing beyond 2042.

This raises concerns about **undue influence** and whether the plan's strategic direction is *evidence led*.

Conclusion

Based on the objective evidence within the Proposed Modifications document, the plan remains, in my opinion:

- **Not justified** (insufficient evidence)
- **Not effective** (deliverability concerns)
- **Not consistent with national policy** (HRA, infrastructure, evidence base)
- **Not legally compliant** (material changes without full SA/SEA reassessment)

I therefore suggest that the Council:

- **Reassesses the plan using updated evidence**, including full SA/SEA and HRA review.
- **Reconsults** on any material changes.
- **Ensures all strategic sites are supported by robust, proportionate evidence** demonstrating deliverability.
- **Corrects remaining inconsistencies** and ensures the plan meets all tests of soundness before submission.

Please confirm receipt of this objection.

