

**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?

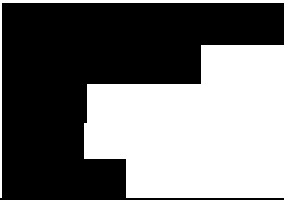


Personal details will be protected although it may be necessary to disclose these to a Planning Inspector appointed by the Secretary of State at a later date. For further information, please visit our Privacy section of our website at www.southderbyshire.gov.uk/privacy where you can see a full copy of 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*: Mr O Heap	Name*: Caroline Chave
Organisation: DKA Commercial Limited	Organisation: Chave Planning Limited
Address*: 	Address*: 
Email:	Email: 

*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		

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.

DKA Commercial Limited (DKA) put forward representations to the Regulation 19 consultation in respect of Policy E1 to contend that it is not positively prepared, nor is it justified by the evidence base. In summary, DKA's representations highlighted that the evidence base would indicate that a flexible approach should be taken, or opportunity sites should be identified, to meet local employment needs on smaller sites. Neither such approach has been taken and instead the Local Plan carries forward site allocations that are not delivering and makes strategic allocations for employment that are unlikely to serve local need and likely to take significant time to come forward, bearing in mind infrastructure requirements. DKA therefore submitted to the Regulation 19 consultation that further consideration should be given to allocation of additional small sites for employment, in particular site 234 on land north of the A516/ A50 junction at Hilton, which is highlighted as being a strong location in the Employment Land Review.

DKA maintains the position set out in their Regulation 19 representations and notes that further assessment has been carried out of employment site options in the Sustainability Appraisal (SA) accompanying this Main Modifications consultation. However, this has not resulted in any change to the Local Plan and, instead, appears to reflect on decisions that have already been made. Following a summary of site scores, paragraph 6.4.2 of the SA confirms that, following the assessment of alternative employment sites, the choice of preferred employment allocations has not altered. There is no real analysis of the choices made, nor consideration of whether additional employment allocations would be justified.

The SA considers site 234 in terms of a number of sustainability criteria. DKA has reviewed the assessment and finds that it does not recognise some of the site's benefits. The following table sets out a commentary by DKA in respect of Site 234, against the sustainability criteria.

Criteria	Topic	Commentary
S01	Biodiversity	The SA records a 'Minor Negative' in respect of the location of the site being within 200 metres of a SSSI. No mitigation is noted, however Preferred Site 211, which scores a 'significant negative' for this criterion is noted to be mitigated by Policy BNE3. It is, therefore, considered that a 'Minor Negative' against this

		<p>criterion should not stand in the way of site 234 being preferred.</p>
S02	Housing	No comment.
S03	Accessibility and Health	<p>The SA notes that the site is not well located in terms of proximity to existing employment via active travel modes. It is not clear why accessibility to existing employment via active travel modes would be an important consideration for an employment proposal (as opposed to a housing proposal) but nevertheless the assessment seems to have overlooked the adjacent employment uses at Badger Farm. Planning permission has been granted across a number of planning permissions in the last 15 years at Badger Farm. This has established a business park at Badger Farm, with around a dozen businesses located there.</p> <p>As noted in the officer's report for application DMPA/2020/0939 at Badger Farm, the site has the benefit of being located close to one of the regular bus services (The Villager) connecting Burton, Hilton, Etwall and Derby. Site 234 is within 200 metres of bus stops on the Derby Road, served by The Villager on a 30-minute frequency. Site 234 is connected by a footway and cycleway to this bus stop and into the village of Hilton.</p> <p>Planning permission reference DMPA/2020/0939, for a research and development facility including offices and warehouse at Badger Farm, secured a scheme for the provision of a footpath along Willowpit Lane, to connect with the footway and cycleway, passing the frontage of Site 234.</p> <p>Site 234 is therefore very well located in terms of proximity to existing employment and connectivity to footway, cycleway and bus service provision.</p> <p>The SA says that, due to the nature of the site, there is anticipated to be heavy reliance on private vehicles and less opportunities for active travel. This conclusion would appear to be entirely unfounded and has not taken into account the Active Travel connections discussed above.</p>

		<p>The SA also states that the development is anticipated to bring industrial/storage and distribution economic development and not include any additional open space or facilities. This, again, is unfounded as it would be anticipated that the development include open space for Biodiversity Net Gain, which would also enhance Active Travel connections through the site.</p> <p>In view of the above, DKA contends that the score for site 234 against this criterion should be 'Minor Positive'.</p>
S04	Quality of Life	No comment
S05	Inequalities	No comment
S06	Economy	No comment
S07	Employment	No comment
S08	Infrastructure	No comment
S09	Sustainable travel	<p>The SA records a 'minor negative' in respect of this criterion, responding to the questions of:</p> <ul style="list-style-type: none"> • Will it reduce journey lengths and times? • Will it maximise opportunities for walking and cycling? • Will it maximise opportunities to access public transport provision? <p>The assessment says that the site is 800 metres from the closest cycling route, which is not true as the dedicated footpath/cycleway noted under S03 above connects the site directly via good quality off-road cycling infrastructure into Hilton.</p> <p>The assessment notes that there is a bus stop within 400 metres of the site, but it concludes that there is unlikely to be significant uptake in sustainable travel modes, particularly due to the heavy reliance on private vehicles in South Derbyshire. This seems an odd conclusion, counter to positive planning to locate employment growth close to homes and sustainable transport in order to encourage modal shift.</p> <p>Considering the questions bulleted above, the site performs well in terms of sustainable travel. It is only 300 metres from the nearest dwellings within the main urban area of Hilton, connected by good quality cycling and walking</p>

		<p>infrastructure. It is within 200 metres of a bus stop, served by frequent buses to Burton, Hilton, Etwall and Derby. It offers an opportunity to locate employment close to a sustainable settlement, where opportunities for walking, cycling and use of public transport can be maximised.</p> <p>In view of the above, DKA contends that the score for site 234 against this criterion should be 'Minor Positive'.</p>
S10	Town and Village Centres	No comment
S11	Resources	The SA identifies that Site 234 is of agricultural land classification Grade 3 and 4. It does not establish whether the site is Best & Most Versatile (Grade 3a and above) – soil testing would be required in order to establish that. It seems unlikely that it would be Best & Most Versatile as contamination is noted. Even if it was Best & Most Versatile, the site area is only 1.1ha, which is well below the 20ha threshold notifiable to Natural England. Therefore, the loss of Best & Most Versatile agricultural land should be noted in the SA as 'Uncertain' or at worst a 'Minor Negative' should be assumed.
S12	Pollution	No comment
S13	Climate Change Contributions	No comment
S14	Climate Change Adaptation	No comment
S15	Historic Environment	No comment
S16	Landscape	No comment

In view of the above, DKA contends that the SA of Site 234 should be revisited. The site clearly has much better credentials in terms of accessibility and sustainable travel than has been accounted for in the SA. If the SA03 and SA09 scores are adjusted to Minor Positives, as justified by the site's credentials, then it would score equally to the chosen employment site allocations in terms of these criteria and equally or better in terms of other criteria. This should surely merit serious consideration of Site 234 as an employment site allocation.

DKA has highlighted in Regulation 19 representations that there is a need to allocate further opportunity sites to meet local employment needs. The allocation of Site 234 would provide a sustainable opportunity, deliverable in the short-term, to meet such needs.

(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.

The Sustainability Appraisal should be modified to take account of accessibility and sustainability credentials and the uncertain/minor loss of Best & Most Versatile Agricultural Land at site 234. Such a modification would justify the site being allocated as an opportunity site to meet local employment needs, in response to the Regulation 19 representations of DKA Commercial Limited regarding Policy E1.

(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 partake in the discussion regarding meeting local employment needs on smaller sites.

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 16th June 2026.**