



PART OF HENRY BOOT

Representations in Response to: *Proposed Modifications to the South Derbyshire Local Plan Part 1 Review 2022 – 2041 (Publication Version March 2025)*

The below representations are made by Hallam Land in response to South Derbyshire District Council's; hereafter referred to as SDDC, Public Consultation regarding the Proposed Main Modifications to its Local Plan Part 1. Hallam Land has made previous representations within past consultations on this plan as it has residential interests across the District on schemes ranging from 75 dwellings up to 2,000. We provide these representations in the hope they will contribute towards the creation of an ambitious and deliverable Local Plan for South Derbyshire.

PM3 Affecting Policy S1

Hallam supports SDDC's decision to extend its plan period up to 2042 and are in agreement with the Councils revised housing target of 15,263 from 14,500 total dwellings to compensate for this extended plan period. Hallam however does re-affirm its position that SDDC should conduct a full comprehensive review of both the adopted Local Plan Part 1 and 2, with the aim of producing a singularised Development Plan which encompasses a minimum 20-year period.

PM4 Affecting Policy S4

Hallam does not agree with the SDDC's assertion that windfall sites; totalling 2,390 net dwellings, can be met through Windfall sites. Previously (within the *South Derbyshire Authority Monitoring Report Appendix 2: Housing Position Paper*), SDDC had assumed a Windfall site rate of 41 dpa (dwellings per annum) to meet the gap between its allocated sites and total need, however this has now increased to 79 dpa. As no newer additional evidence has been presented as part of this consultation, there is insufficient justification for the council to nearly double its windfall dpa allowance.

If SDDC find it necessary to double its reliance on windfall sites, it should look first to allocate additional sites within the District, to ensure the delivery of much needed housing. This over-reliance upon windfall sites is not in keeping with Para 75 of the NPPF, as there can be no guarantee of their sustainability or deliverability. In order to ensure the plan is in accordance with the NPPF, SDDC should look to reduce their reliance upon Windfall Sites through the identification of additional sites to include within the Plan.

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PM26 Affecting Policy H20

We **Strongly Disagree** with the inclusion of Part E (ii) of this policy, which states “*Sites of 30 or more homes should make provision for 10% of housing capacity to be for serviced plots for self and custom housebuilding*”. Hallam feels strongly that this raises serious viability issues for housebuilders developing out sites, with a particular impact on SME builders; who already are struggling to maintain delivery of housing sites due to the increasing demands from the planning system on housebuilding.

If this Policy were to be included within the plan, this would result in a situation where the supply of self-build plots available in South Derbyshire would far exceed that of the demand. As an isolated example, Policy STRA1; allocates land south of Derby City for up to 2000 homes, with 1665 to be delivered during the plan, this alone would result in 165 necessary self-build plots, which would more than fulfil the current 116 expressions of interests currently submitted to SDDC’s Self-build register. Taken as a whole, all of the current allocations within the draft plan that would be subject to this policy, would result in the creation of 1,227 self-build plots. Given the current demand with South Derbyshire would equate to less than 10% of this delivery, it is reasonable to assume these plots are likely to be undeliverable within the plan period, possibly resulting in SDDC falling short on their Housing Delivery Test and/or their 5YHLS obligations.

In line with HBF’s previous response within the Reg 19 consultation (March-April, 2025), Hallam acknowledges there is demand for self-build plots within South Derbyshire, due to the 116 total expressions on the council’s Self-Build Register. Similarly to HBF’s previous comments, we also suggest that this should be met through the dedicated allocation of ‘self-build’ housing developments throughout the district. These allocations could be met through SDDC’s owned land, allowing for much greater certainty over delivery than relying upon developers to include this within their schemes.

PM28 Affecting Policy H21

Hallam is supportive of SDDC’s decision to reduce the affordable housing requirement from 40% to 30%. This provision will ensure that schemes remain viable while delivering meaningfully to the provision of much needed affordable housing.

PM29 Affecting Policy H22

We disagree with the inclusion of Part(s) B in Policy H22 for the same reasons as our objection to Part E of policy H20, as it represents another unreasonable requirement for

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developers which would impact the viability and deliverability of said schemes. This; when taken in cumulatively with the provisions held within Part E of Policy H20, represents a serious threat to the viability of schemes. Deliverability is also a key factor which this wording could seriously jeopardise some schemes, as they may not be able to provide land on site which is suitable for Traveller and Gypsy pitches. Given the NPPFs focus on ensuring housing need (including Travellers and Gypsies), delivered through a plan led system, we feel Traveller and Gypsy pitches should be planned for in their own right through their own allocations. This will not only improve their deliverability, but also the suitability of the pitches themselves.

Based on the above we consider that a more realistic and delivery focused approach should be taken by SDDC in allocating land for travellers and suggest that SDDC should carry out their own assessment to identify suitable sites for Gypsies and Travellers and allocate this land as appropriate.

PM34 Affecting Policy SD3

We **Strongly** Disagree with the inclusion of this Policy within the Plan. The Right to Connect is a fundamental part of the development process, with responsibility for maintaining sufficient capacity and pollution control lying firmly within Water Providers remit. Hallam stands firm with the wider house building sector in opposing any suggestion that it is the responsibility of developers to repair damage caused by insufficient waste water treatment works or that housing development should be slowed or stopped until such infrastructure can be sufficiently upgraded.

We have included below a quote from *The Supreme Court case of Barratt Homes Limited v Dwr Cymru Cyfyngedig (Welsh Water) [2009]* decision, which provides relevant context to the importance of the right to connect:

“The right to connect to a public sewer afforded by section 106 of the 1991 Act and its predecessors has been described as an “absolute right”. The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker...”

Based on this, if this policy were to remain included in the plan, it would afford water companies the ability to shed their responsibility under the Water Industry Act 1991 to provide connection into the public sewers. New housing development is a critical not only to plan making itself, but also the government’s target of building 1.5 million homes

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this parliament. It is not the responsibility of the planning system to ensure water companies maintain sufficient wastewater capacity, but rather the Water companies to respond to demand.

The inclusion of this Policy directly undermines the right to connect and will undoubtedly lead to failure in the delivery of housing in the relevant areas of the district, resulting in an insufficient 5YHLS position for SDDC and the resultant speculative development of housing outside of the Local Plan.

Hallam firmly suggest that this Policy be removed from the Plan, as it is in direct conflict with The Water Industry Act 1991 and the NPPF as a whole.

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Registered in England and Wales under company number 02456711
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**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*: Thomas Davidson	Name*: N/A
Organisation: Hallam Land	Organisation: N/A
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	Email: N/A

*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	X	PM25	
PM4	X	PM26	X
PM5		PM27	
PM6		PM28	X
PM7		PM29	X
PM8		PM30	
PM9		PM31	
PM10		PM32	
PM11		PM33	
PM12		PM34	X
PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21		Other (Please specify)	
PM22			

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

d) Consistent with national policy		X
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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.

N/A

(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.

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The inclusion of this Policy directly undermines the right to connect and will undoubtedly lead to failure in the delivery of housing in the relevant areas of the district, resulting in an insufficient 5YHLS position for SDDC and the resultant speculative development of housing outside of the Local Plan.

Hallam firmly suggest that this Policy be removed from the Plan, as it is in direct conflict with The Water Industry Act 1991 and the NPPF as a whole.

(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

X

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:

We would like to be involved in the hearings as we have several interests in the District; some of which are included as draft allocations within this plan, and therefore have a critical role to play in ensuring that the inspector(s) have all the necessary information regarding these site's suitability and deliverability.

We would also wish to be involved in the discussions which arise as a result of this consultation.

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.**