

South Derbyshire Local Plan Part 1 Review

Regulation 19 Addendum: Proposed Modifications

Miller Homes Limited

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CONTENTS

1. INTRODUCTION	5
2. PM1 – POLICY REV1 (REVIEW)	7
3. PM2 & PM3 – POLICY S1 (HOUSING REQUIREMENT)	8
4. PM4 & PM42 – POLICY S4 (HOUSING SUPPLY & TRAJECTORY)	10
5. PM 28 – POLICY H2 & SUPPORTING TEXT (AFFORDABLE HOUSING)	12
6. SELF-BUILD AND CUSTOM HOUSEBUILDING	14
7. CONCLUSION	15

1. INTRODUCTION

- 1.1 Carter Jonas LLP is instructed by Miller Homes Limited (“Miller”) to submit representations to South Derbyshire District Council (“SDDC”) in respect of the Regulation 19 Addendum: Proposed Modifications to South Derbyshire Local Plan Part 1 Review Publication Version (2022-2041).
- 1.2 Miller is promoting Land South of Burton Road, Repton to deliver circa 160 dwellings (Site Ref: 033). The site is situated to the west of Repton and extends circa 7.97ha. The existing use of the land is agricultural, and the field boundaries are denoted by hedgerows. The northern boundary fronts onto Burton Road which connects to the centre of Repton and on the opposite side is residential development. To the east is residential, the southern boundary abuts open countryside, and the western boundary adjoins residential development.
- 1.3 Repton is a highly sustainable settlement which offers a wide range of facilities and services to meet the day to day needs of local residents including a village hall, community centre, places of worship, farm shop, convenience store, post office, health centre, dental surgery, primary school, independent schools, sports facilities, restaurants, public houses, hot food takeaways, hair and beauty salons, art gallery, children’s play areas and open space.
- 1.4 The site sits immediately adjacent existing bus stops on Burton Road which provide sustainable connections to Newton Solney, Winshill, Burton on Trent, Willington, Findern, Littleover and Derby via the V3 bus operated by Trent Barton. The nearest Train Station at Willington which is accessible via the V3 bus. Willington Train Station provides connections to Derby, Long Eaton, Beeston, Nottingham, Tamworth and Birmingham.

Regulation 19 Addendum: Proposed Modifications

- 1.5 The document sets out a series of proposed changes to the submitted Local Plan, which have been identified through the examination process as necessary in order to address issues of soundness raised by the appointed Inspector, representors, and the Council’s own ongoing evidence base.
- 1.6 The purpose of the Main Modifications document is therefore to amend specific elements of the Plan - principally its strategic policies, housing requirement, spatial strategy, and supporting evidence - to ensure that it can be found sound in accordance with paragraph 35 of the National Planning Policy Framework (NPPF). In doing so, the modifications are intended to respond to concerns relating to whether the Plan is positively prepared, justified, effective and consistent with national policy, particularly in respect of housing need and delivery.
- 1.7 Miller acknowledges that the publication of Main Modifications represents a critical stage in the examination process. It provides an opportunity for the Council to address previously identified shortcomings and to ensure that the Plan provides a robust and deliverable framework for growth over the plan period. It is also the final opportunity for representors to comment on whether the proposed changes adequately resolve the soundness issues raised at the Regulation 19 stage.
- 1.8 However, while the intent of the Main Modifications is recognised, it is the view of Miller that the proposed changes, as drafted, do not sufficiently address a number of fundamental and interrelated issues, particularly those concerning:
 - The identification of an appropriate and up-to-date housing requirement (Policy S1);
 - The robustness and deliverability of the housing land supply and trajectory (Policy S4); and

- The ability of the Plan to respond flexibly to changing circumstances over time (Policy REV1).
- 1.9 In addition, there remain concerns regarding the practical deliverability of policy requirements, including those relating to affordable housing provision and self-build housing, which must be carefully calibrated to ensure compliance with national policy on viability and deliverability.
- 1.10 These issues are not new. They reflect concerns previously raised by Miller at earlier stages of plan preparation, including the Regulation 19 consultation. While the Main Modifications seek to respond to those concerns, they largely represent incremental adjustments rather than a substantive reassessment of the Plan's key assumptions. As a consequence, the modifications do not fully resolve the underlying issues of soundness.
- 1.11 In particular, the approach to housing need continues to rely on evidence that is now outdated and inconsistent with the latest standard method inputs, contrary to the requirements of the NPPF. This has significant implications for the overall strategy of the Plan, as the housing requirement forms the basis upon which supply is calculated, sites are allocated, and delivery is monitored. An underestimation of need artificially inflates the apparent robustness of supply and masks risks in delivery, thereby undermining confidence in the Plan as a whole.
- 1.12 Furthermore, the housing trajectory and supply assumptions remain overly optimistic, with insufficient evidence to demonstrate that key sites will come forward at the scale and pace anticipated. This raises serious questions as to whether the Council will be able to maintain a deliverable five-year housing land supply following adoption of the Plan, with potential consequences for decision-making and the operation of the presumption in favour of sustainable development.
- 1.13 The proposed changes to the Plan's review mechanism also fall short of what is required to ensure flexibility. While Policy REV1 has been amended, it does not incorporate clear and measurable triggers to ensure that the Plan is reviewed promptly in response to under-delivery or changes in housing need. This is particularly important in the current planning context, where national policy, market conditions, and demographic trends are subject to rapid change.
- 1.14 Against this background, Miller considers that the Main Modifications do not go far enough to ensure that the Plan is:
- Positively prepared, in that it does not make adequate provision for objectively assessed housing needs;
 - Justified, as it relies on evidence that is no longer up to date;
 - Effective, given the concerns regarding deliverability and flexibility; and
 - Consistent with national policy, particularly in relation to boosting housing supply and ensuring plan viability.
- 1.15 The representations which follow therefore focus on those Main Modifications which are most critical to the soundness of the Plan, namely PM1 (Policy REV1), PM2 and PM3 (Policy S1), and PM4 and PM42 (Policy S4), as well as associated policy areas including affordable housing and self-build provision.
- 1.16 In summary, while the Council's efforts to address the Inspector's concerns through the Main Modifications are acknowledged, the changes do not fully resolve the strategic issues at the heart of the Plan. Further modifications are required to ensure that the Local Plan provides a sound, deliverable and policy-compliant framework for growth in South Derbyshire.

2. PM1 – POLICY REV1 (REVIEW)

- 2.1 Miller objects to Main Modification PM1, which seeks to amend Policy REV1 relating to the review of the Local Plan. While the inclusion of a review mechanism is, in principle, consistent with national policy, the revised wording does not go far enough to ensure that the Plan remains responsive, up-to-date and capable of addressing changing circumstances over the plan period. In its current form, the policy lacks the precision, clarity and robustness required to meet the tests of soundness, particularly in relation to effectiveness and consistency with national policy.
- 2.2 The National Planning Policy Framework (NPPF) places clear emphasis on the need for plans to be kept up-to-date and to respond proactively to changes in evidence and circumstances. Paragraph 33 of the NPPF states that policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. This requirement is not merely procedural; it reflects the broader expectation, set out in paragraph 11(a), that plans should be sufficiently flexible to adapt to rapid change. Paragraph 20 further reinforces this principle by requiring strategic policies to make sufficient provision for housing and other needs, while maintaining flexibility to respond to long-term changes.
- 2.3 Against this policy context, the approach taken in the modified Policy REV1 remains insufficient. Although the modification acknowledges the need for review, it does not establish clear or measurable triggers that would ensure a timely and effective response to changing circumstances. Instead, the policy relies on broadly framed and discretionary language which risks delaying the initiation of a review process until issues have become more acute. This approach is inconsistent with the proactive and plan-led system envisaged by the NPPF, which seeks to anticipate and respond to issues before they undermine plan delivery.
- 2.4 The absence of clear triggers is particularly concerning in relation to housing delivery. National policy places significant weight on the need to significantly boost the supply of housing (NPPF paragraph 60) and establishes a clear framework for monitoring delivery through mechanisms such as the Housing Delivery Test (paragraph 79). Where delivery falls below specified thresholds, national policy requires the application of specific policy responses, including the preparation of action plans and, in more serious cases, the application of buffers to housing land supply calculations. The modified Policy REV1 does not reflect this framework, nor does it provide a clear linkage between delivery performance and the requirement to review the Plan. As such, it fails to align with the monitoring and intervention framework set out in national policy.
- 2.5 Furthermore, the policy does not adequately address the need to respond to changes in housing need arising from updates to the standard method. Paragraphs 67 to 69 of the NPPF are clear that local housing need should be assessed using the standard method, unless exceptional circumstances justify an alternative approach. This implies that plans must remain responsive to changes in the inputs to that method, including affordability ratios and demographic projections. Planning Practice Guidance (PPG) reinforces this point by confirming that the standard method should be kept under review and that plan-makers should take account of the most recent data available at the time decisions are made. In the absence of a clear trigger linking updated standard method outputs to a review of the Plan, Policy REV1 fails to ensure that the housing requirement will remain aligned with national policy over time.
- 2.6 The importance of maintaining a deliverable five-year housing land supply also underscores the need for a more robust review mechanism. Paragraph 77 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their requirement. Where a five-year supply cannot be

demonstrated, paragraph 11(d) engages the presumption in favour of sustainable development. The modified Policy REV1 does not include any explicit reference to the maintenance of a five-year supply as a trigger for review. This omission is significant, as it reduces the likelihood that corrective action will be taken promptly in the event of under-supply, thereby increasing the risk of unplanned development and undermining the objectives of the plan-led system.

- 2.7 In addition, the policy fails to reflect the requirements of paragraph 35 of the NPPF, which states that plans should be effective, meaning that they should be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters. Effectiveness in this context includes the ability of a plan to respond to changing circumstances through timely review. A policy that does not include clear triggers, defined processes and a commitment to timely action cannot be said to provide a robust mechanism for ensuring effectiveness.
- 2.8 Planning Practice Guidance (PPG) provides further support for this position. The PPG on plan-making emphasises that local plans should be prepared with an expectation that they will need to be reviewed and possibly updated where monitoring indicates that policies are not having the intended effect. It also highlights that authorities should be proactive in responding to changing circumstances, rather than waiting for formal review deadlines to be reached. The current drafting of Policy REV1 does not adequately reflect this proactive approach.
- 2.9 In order to ensure consistency with the NPPF and PPG, Policy REV1 should therefore be strengthened to include clear, measurable and enforceable triggers for review. These should include, as a minimum, circumstances where housing delivery falls materially below requirements over a defined period, where a deliverable five-year housing land supply cannot be demonstrated, and where updated standard method calculations indicate a materially higher level of housing need. The policy should also commit the Council to commencing a review within a defined timeframe once such triggers are met.
- 2.10 In its current form, Main Modification PM1 does not provide the level of certainty or responsiveness required by national policy. As such, Policy REV1 remains inconsistent with the NPPF, particularly paragraphs 11, 20, 33, 60, 67–69, 77 and 79, and fails to meet the test of effectiveness set out in paragraph 35. Further modification is therefore required to ensure that the Plan can respond appropriately to changing circumstances and maintain its relevance over the plan period.

3. PM2 & PM3 – POLICY S1 (HOUSING REQUIREMENT)

- 3.1 Miller objects to Main Modifications PM2 and PM3 insofar as they amend Policy S1 relating to the housing requirement. While it is acknowledged that the Council has sought to adjust the housing figure in response to examination discussions, the revised requirement continues to rely on evidence that is either superseded or insufficiently robust when tested against national policy and guidance. As a result, the approach to housing need remains inconsistent with the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), and fails to ensure that the Plan is positively prepared or justified.
- 3.2 At the heart of national planning policy is the requirement to significantly boost the supply of housing. Paragraph 60 of the NPPF establishes this as a central objective of the planning system and requires that strategic policies be prepared to meet objectively assessed housing needs. Paragraph 11(b) reinforces this by requiring plans to provide for objectively assessed needs unless specific policies in the Framework provide a clear reason for doing otherwise. In this context, the identification of a robust and up-to-date housing requirement is not a discretionary exercise, but a fundamental prerequisite for plan soundness.

- 3.3 Paragraph 67 of the NPPF is explicit that strategic policy-making authorities should establish a housing requirement figure using the standard method set out in national guidance, unless exceptional circumstances justify an alternative approach. The standard method is intended to provide a clear and consistent basis for assessing local housing need, drawing on the most recent available data on affordability and household projections. Paragraphs 68 and 69 further require that strategic policies identify a sufficient supply of land to meet this need, including appropriate buffers to ensure choice and competition in the market for land. Taken together, these provisions establish a clear expectation that plans should be based on up-to-date, nationally consistent evidence of housing need.
- 3.4 In this case, the modifications to Policy S1 do not satisfy these requirements. The revised housing requirement appears to continue to draw on inputs which are no longer current, particularly in relation to affordability ratios and demographic projections. Planning Practice Guidance on housing and economic needs assessment is clear that the standard method should be applied using the most recently available data at the time of plan preparation and examination. The PPG emphasises that the inputs to the standard method are updated regularly and that plan-makers should ensure that their assessment reflects the latest published information. Failure to do so risks producing a housing requirement which is out-of-date even before the plan is adopted.
- 3.5 This is not a purely technical concern. Affordability ratios have been increasing across many parts of the country, and changes to these inputs can have a material effect on the resulting housing need figure. By relying on earlier data, the Plan risks underestimating the scale of need and failing to respond to worsening affordability pressures, contrary to the objective set out in paragraph 60 of the NPPF. The consequence is that the Plan cannot be said to be positively prepared, as required by paragraph 35(a), because it does not make adequate provision for the full extent of identified housing needs.
- 3.6 Furthermore, the use of an outdated housing requirement has significant implications for the justification of the Plan. Paragraph 35(b) of the NPPF requires that plans be based on an appropriate strategy, taking into account reasonable alternatives and based on proportionate evidence. A housing requirement derived from superseded data cannot reasonably be regarded as proportionate or up-to-date evidence, particularly where more recent data is available which may materially alter the outcome. In these circumstances, it cannot be concluded that the chosen strategy represents the most appropriate approach.
- 3.7 The implications of underestimating housing need extend beyond Policy S1 itself and affect the overall integrity of the Plan. The housing requirement provides the baseline against which supply is measured, sites are allocated, and delivery is monitored. If that baseline is artificially low, it can create a misleading impression that sufficient land has been identified, when in reality the supply may fall short of actual needs. This is inconsistent with paragraph 68 of the NPPF, which requires authorities to identify a supply of specific, deliverable sites sufficient to provide for housing needs over the plan period.
- 3.8 Planning Practice Guidance (PPG) reinforces the importance of this relationship, noting that plan-makers should ensure that the housing requirement is clearly justified and that there is a reasonable prospect that identified sites will be developed within the plan period. The PPG also highlights that housing need should be kept under review and that plans may need to be updated where new evidence becomes available. In the absence of a requirement based on the most recent standard method inputs, the Plan risks quickly becoming out-of-date, thereby undermining its effectiveness.
- 3.9 The issue is further compounded by the absence of any meaningful flexibility above the minimum housing requirement. Paragraph 69 of the NPPF makes clear that planning policies should identify a supply of land, including an appropriate buffer, to ensure choice and competition in the market for

land. This reflects the recognition that not all sites will come forward as anticipated and that some degree of headroom is necessary to maintain delivery. By setting a requirement which appears to represent a minimum figure without any additional flexibility, the Plan risks constraining supply and limiting its ability to respond to changing circumstances.

- 3.10 In addition, the failure to align the housing requirement with the most recent standard method raises concerns about the Plan's consistency with national policy. Paragraph 35(d) requires that plans be consistent with the policies in the NPPF, and a departure from the prescribed method for assessing housing need—without clear justification—undermines that consistency. There is no evidence to suggest that exceptional circumstances exist which would justify an alternative approach, nor that the standard method has been applied using current data.
- 3.11 In order to address these shortcomings, Policy S1 should be modified to ensure that the housing requirement is derived from the most recent standard method inputs available at the time of examination. This would ensure alignment with paragraphs 67 to 69 of the NPPF and relevant PPG guidance, and provide a robust and transparent basis for the Plan's strategy. Consideration should also be given to the inclusion of a modest buffer above the minimum requirement to support delivery and improve affordability outcomes, consistent with paragraph 60.
- 3.12 In its current form, Main Modifications PM2 and PM3 do not resolve the fundamental issue that the housing requirement is based on outdated and insufficient evidence. As such, Policy S1 remains inconsistent with national policy, is not justified by proportionate evidence, and fails to meet the test of being positively prepared. Further modification is therefore required to ensure that the Plan provides for the full extent of housing need and can be considered sound.

4. PM4 & PM42 – POLICY S4 (HOUSING SUPPLY & TRAJECTORY)

- 4.1 Miller objects to Main Modifications PM4 and PM42, which amend Policy S4 in relation to housing supply and the housing trajectory. While the Council has sought to respond to examination discussions by adjusting elements of the supply position, the modifications do not adequately address fundamental concerns regarding the realism, robustness and flexibility of the identified housing land supply. As a result, Policy S4 remains inconsistent with the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), and fails to meet the tests of soundness set out in paragraph 35 of the Framework.
- 4.2 Miller also notes that the Part 1 plan, at least, includes a heavy reliance on large sites in the component of housing land supply. This approach increases risk to the five year housing land supply because delivery of such sites is slower, complex, and vulnerable to delays from infrastructure, funding or market conditions. If such sites stall, projected completions fall sharply, undermining supply calculations and exposing policies to challenge and speculative development pressure.
- 4.3 This then, suggests that the Council should advance the final stages of the Part 2 plan, with a robust supply of smaller and medium sized sites – including land south of Burton Road, Repton – if not including such smaller allocations in the Part 1 plan, now.

Relationship with Policy S1

- 4.4 The robustness of the housing land supply is intrinsically linked to the level of housing need established in Policy S1. Paragraph 68 of the NPPF requires local planning authorities to identify a

supply of specific deliverable sites sufficient to meet their housing requirement over the plan period. This obligation presupposes that the housing requirement itself is accurate and up-to-date. Where the requirement is underestimated, the assessment of supply is correspondingly distorted.

- 4.5 In this case, the concerns identified in relation to Policy S1 are directly relevant to the credibility of Policy S4. The continued reliance on a housing requirement derived from outdated standard method inputs results in a supply position that appears more robust than it would be if tested against current need. This approach is inconsistent with the objective in paragraph 60 of the NPPF to significantly boost the supply of homes, as well as the requirement in paragraph 11(b) to meet objectively assessed needs. It also undermines the justification of the Plan under paragraph 35(b), as the supply strategy is not based on proportionate and up-to-date evidence.
- 4.6 Planning Practice Guidance reinforces the importance of aligning housing requirement and supply, emphasising that plan-makers should ensure that there is a reasonable prospect that planned supply will meet identified needs. Where the baseline requirement is flawed, this alignment cannot be demonstrated. Accordingly, the modifications to Policy S4 do not resolve the fundamental issue that the supply position is derived from an unsound assessment of need.

Deliverability of the Trajectory

- 4.7 A central requirement of national policy is that identified housing sites must be deliverable. Paragraph 77 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. Annex 2 of the Framework defines deliverable sites as those that are available now, offer a suitable location for development, and are achievable with a realistic prospect that housing will be delivered within five years.
- 4.8 In addition, for the wider plan period, paragraph 69 requires authorities to identify developable sites or broad locations for growth, supported by evidence of their deliverability. Planning Practice Guidance further states that authorities should be able to provide clear evidence that sites will be delivered at the times anticipated, including information on site ownership, developer interest, infrastructure requirements and lead-in times.
- 4.9 The trajectory underpinning Policy S4 does not provide sufficient confidence in this regard. The supply is heavily reliant on a number of large strategic sites, many of which are subject to significant constraints, including infrastructure requirements, complex site assembly, and extended lead-in periods. While such sites can make an important contribution to long-term supply, national policy and guidance make clear that assumptions regarding their delivery must be realistic and supported by robust evidence.
- 4.10 There is limited evidence that the build-out rates assumed in the trajectory reflect market realities, including absorption rates and the capacity of developers to deliver multiple outlets simultaneously. The PPG highlights that authorities should consider past delivery rates and market conditions when estimating future delivery. In the absence of such evidence, the trajectory risks overstating the contribution of key sites, thereby undermining confidence in the overall supply position.

Lack of Flexibility

- 4.11 National policy requires plans to incorporate a degree of flexibility to ensure that housing delivery can be maintained in the face of uncertainty. Paragraph 69 of the NPPF states that planning policies should identify a supply of specific, deliverable sites, including an appropriate buffer, to ensure choice and competition in the market for land. This reflects the well-established principle that not all sites will

come forward as anticipated and that some degree of headroom is necessary to accommodate delays and non-delivery.

- 4.12 The approach taken in Policy S4 does not provide an adequate level of flexibility. The supply appears to closely align with the minimum housing requirement, with limited or no allowance for slippage, non-implementation or changes in market conditions. This is inconsistent with the requirement to ensure a robust and resilient supply of land, and increases the risk that the Plan will not be able to maintain delivery over time.
- 4.13 Planning Practice Guidance supports the inclusion of flexibility, noting that plan-makers should consider the likelihood that some sites may not come forward and should plan accordingly. The absence of a meaningful buffer above the minimum requirement suggests that insufficient regard has been had to this guidance. As a result, the Plan lacks the resilience necessary to respond to changing circumstances, contrary to paragraphs 11(a) and 20 of the NPPF.

Five-Year Housing Land Supply Risk

- 4.14 The weaknesses in the trajectory and lack of flexibility give rise to a significant risk that the Council will be unable to demonstrate a deliverable five-year housing land supply following adoption of the Plan. Paragraph 77 of the NPPF requires authorities to maintain a five-year supply of deliverable sites, and paragraph 11(d) establishes that, where this cannot be demonstrated, the presumption in favour of sustainable development will be engaged.
- 4.15 This has important implications for the effectiveness of the Plan. A failure to maintain a five-year supply would undermine the Plan-led approach to development, as decision-making would be driven by national policy rather than the spatial strategy set out in the Local Plan. Paragraph 35(c) requires that plans be effective, meaning that they should be deliverable over the plan period. A supply strategy which is vulnerable to early failure cannot be said to meet this requirement.
- 4.16 The PPG further emphasises that authorities should have clear evidence of deliverability for sites included in the five-year supply, and that assumptions regarding delivery should be realistic and justified. In the absence of such evidence, there is a substantial risk that the Council's supply position will be challenged, both at examination and in the context of planning appeals.

Conclusion on Policy S4

- 4.17 For the reasons set out above, Main Modifications PM4 and PM42 do not sufficiently address the fundamental issues with the housing supply and trajectory. The supply is based on an outdated assessment of need, relies on optimistic and insufficiently evidenced delivery assumptions, and lacks the flexibility required to ensure resilience. As such, Policy S4 remains inconsistent with paragraphs 60, 68, 69 and 77 of the NPPF, as well as relevant Planning Practice Guidance, and fails to meet the tests of justification and effectiveness set out in paragraph 35. Further modification is therefore required to ensure that the Plan provides a robust and deliverable strategy for housing growth.

5. PM 28 – POLICY H2 & SUPPORTING TEXT (AFFORDABLE HOUSING)

- 5.1 Miller notes the Council's proposed changes to affordable housing policy through Main Modification PM28, which amends Policy H2 and its supporting text, alongside the publication of the Interim

Affordable Housing Statement. In particular, PM28 reflects the Council's decision to reduce the headline affordable housing requirement to **30%**, based on updated viability evidence set out in the Interim Affordable Housing Statement. This adjustment is welcomed in principle, as it represents a recognition of the need to align policy requirements more closely with deliverability and scheme viability.

- 5.2 The National Planning Policy Framework (NPPF) requires that policies specifying affordable housing needs should be realistic and deliverable. Paragraph 63 confirms that affordable housing requirements should be clearly set out, while paragraph 34 establishes that plans must ensure that the cumulative burden of policy requirements does not undermine development viability. These principles are reinforced by Planning Practice Guidance (PPG), which emphasises that affordable housing policies should be informed by viability evidence and allow for competitive returns to developers and landowners to ensure that sites come forward.
- 5.3 In this context, the reduction to 30% affordable housing provision, as evidenced through the Interim Affordable Housing Statement, is an important step towards ensuring compliance with national policy. It reflects the outcomes of updated viability testing and acknowledges that higher requirements may not be achievable in practice across the district when taking account of other policy costs, infrastructure requirements and prevailing market conditions. The modification therefore goes some way towards addressing earlier concerns that the previous requirement risked rendering development unviable and constraining delivery.
- 5.4 However, notwithstanding this positive amendment, concerns remain as to whether Policy H2, as modified by PM28, provides sufficient flexibility in its application to ensure consistent deliverability over the plan period. While the revised percentage better reflects current viability evidence, the policy continues to present the requirement in relatively fixed terms, without sufficiently clear mechanisms to address site-specific circumstances. This is particularly important given that viability is not static and will vary over time, influenced by changes in build costs, sales values, and wider economic conditions.
- 5.5 The PPG is clear that, although viability should be tested at the plan-making stage, policies should still be capable of being applied flexibly where justified. Without explicit recognition of this in policy wording, there is a risk that even a reduced requirement could, in certain circumstances, act as a barrier to delivery. This would be contrary to the overarching objective of the NPPF to significantly boost the supply of homes (paragraph 60), including both market and affordable housing.
- 5.6 Furthermore, the Interim Affordable Housing Statement itself underscores that viability is finely balanced in parts of the district, and that the proposed 30% requirement represents a policy position derived from broad assumptions rather than site-specific testing. This reinforces the need for Policy H2 to be applied with sufficient flexibility to account for variation in site conditions and abnormal costs.
- 5.7 In order to ensure full compliance with paragraphs 34 and 63 of the NPPF, and relevant PPG guidance, it is therefore necessary for Policy H2 (as amended by PM28) to incorporate explicit reference to viability considerations and to confirm that affordable housing requirements may be adjusted where robust evidence demonstrates that full policy compliance cannot be achieved. Such an approach would provide greater certainty that the policy will operate effectively in practice and will support, rather than impede, the delivery of sustainable development across South Derbyshire.

6. SELF-BUILD AND CUSTOM HOUSEBUILDING

- 6.1 Miller acknowledges the Council's approach to self-build and custom housebuilding within the Plan; however, further refinement is required to ensure that the policy is consistent with national policy and does not adversely affect the deliverability of housing sites. While there is support in principle for widening housing choice, including opportunities for those wishing to commission or build their own homes, the way in which such provision is secured must be realistic, evidence-based and capable of delivery in practice.
- 6.2 The National Planning Policy Framework (NPPF) confirms at paragraph 61 that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including people wishing to commission or build their own homes. This establishes the legitimacy of policy interventions in this area. However, this requirement must be read alongside the broader provisions of the Framework, particularly paragraph 34, which requires that policies should not undermine the deliverability of the Plan, and paragraph 60, which emphasises the need to significantly boost the supply of housing. Taken together, these provisions make clear that support for self-build must not come at the expense of overall housing delivery.
- 6.3 Planning Practice Guidance (PPG) provides further clarity, noting that local authorities should have regard to the level of demand for self-build and custom housebuilding as evidenced through the self-build register, but also that such registers can include a wide range of entries, not all of which translate into effective demand or deliverable projects. The PPG highlights that authorities should consider whether those on the register have a realistic prospect of securing land and delivering a home, and that plan policies should be informed by a robust assessment of deliverable need rather than headline registration numbers alone.
- 6.4 In this context, concerns arise where policies seek to impose fixed requirements for self-build plots on larger sites without sufficient regard to viability, site layout efficiency or actual market demand. Such requirements can create practical difficulties in delivery, particularly on sites where design, infrastructure or phasing constraints limit the ability to accommodate serviced plots. They may also affect the overall viability of development, especially when combined with other policy requirements, thereby conflicting with paragraph 34 of the NPPF.
- 6.5 Moreover, there is limited evidence in many cases that serviced plots provided on this basis are taken up within a reasonable timeframe. This can result in underutilised land, delays in site completion, or pressure to revert plots back to conventional market housing. Such outcomes do not support the objective of boosting housing supply or ensuring efficient use of land, as required by paragraph 124 of the NPPF, which promotes the effective use of land in meeting development needs.
- 6.6 In order to ensure consistency with national policy and guidance, any requirement for self-build provision should therefore be applied flexibly and be clearly justified by robust evidence of deliverable demand. Policies should allow for a range of delivery mechanisms, including off-site provision or financial contributions where appropriate, and should include safeguards to ensure that requirements do not prejudice the viability or timely delivery of development.
- 6.7 Without such flexibility, there is a risk that well-intentioned policy objectives could inadvertently constrain delivery, contrary to the overarching aims of the NPPF. Accordingly, further modification is required to ensure that the Plan strikes an appropriate balance between supporting self-build housing and maintaining a strong and deliverable housing supply.

7. CONCLUSION

- 7.1 In conclusion, while the Council's Main Modifications represent a recognition of the issues identified at earlier stages of the plan-making process, they do not go far enough to resolve the fundamental concerns regarding housing need, supply, and deliverability. In particular, the continued reliance on an outdated housing requirement, the optimistic and insufficiently evidenced housing trajectory, and the absence of robust mechanisms to ensure flexibility and timely review collectively undermine confidence in the Plan's effectiveness. Although amendments such as the reduction in affordable housing to 30% are welcomed, further clarity and flexibility are required to ensure ongoing viability and delivery. Similarly, policies relating to self-build must be applied in a proportionate and evidence-based manner. As currently drafted, the Plan fails to meet the tests of soundness set out in paragraph 35 of the NPPF, and further modification is required to ensure that it provides a robust, deliverable and policy-compliant framework for growth.

