

**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*: Miresch Mistry	Name*:
Organisation:	Organisation:
[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

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)	
PM22			

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

d) Consistent with national policy		✓ No
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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.

Summary: PM21 turns what was a conditional requirement for an A516–A38 link road into a fixed, mandatory one and ties it to the wider South Derby Integrated Transport Link (SDITL). It is a new strategic infrastructure requirement. I object on three main principles:

1. **Legal compliance** — the Sustainability Appraisal did not properly assess sensible alternatives to PM21.
2. **Soundness - Justified** — the Council's own transport modelling does not show the road is needed, and the road appears to have been treated as a fixed answer before the supporting evidence was in the public domain.
3. **Soundness - Effective** — the cost of the road, and the knock-on effect on affordable housing, has not been shown. Contradicts the Council's own Green Wedge extension principle.

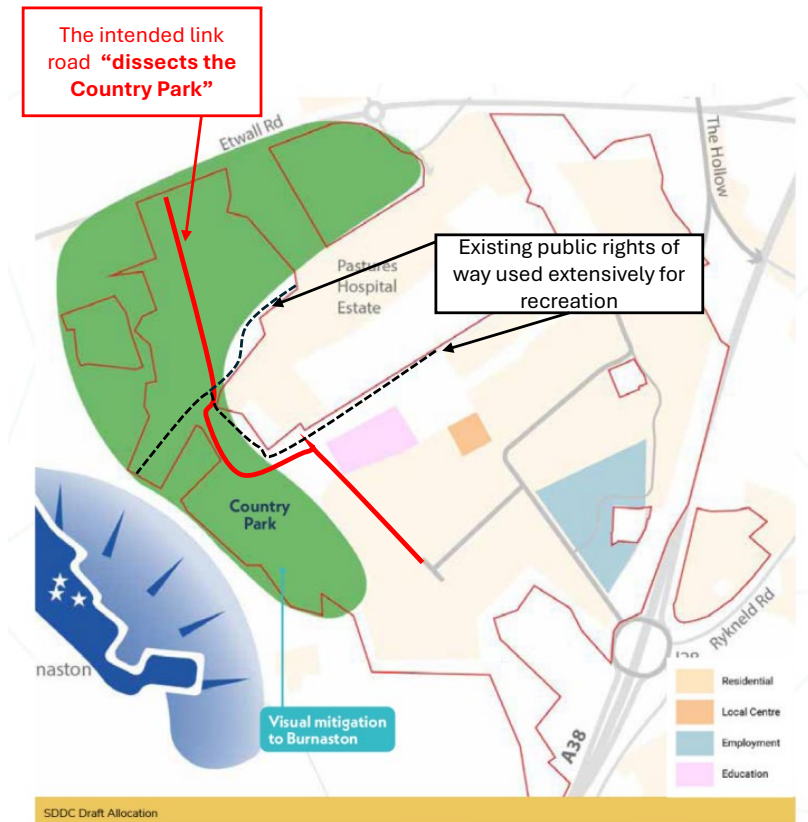
Point 1 — Reasonable alternatives to PM21 were not assessed (*Legally compliant: NO, Justified: NO; Consistent with national policy: NO*)

PM21 is an amended policy that mandates an all-traffic vehicular link ("a vehicular road between the A516 and A38... shall be provided"). It fixes, at plan level, the in-principle decision that such a road is required. Reasonable alternatives to that decision were required to be assessed under Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004, proportionate to the contents and level of detail of the plan.

The same failure is also inconsistent with national policy, because NPPF paragraph 33 requires the plan to be informed throughout its preparation by a sustainability appraisal that pursues alternative options to reduce or eliminate significant adverse impacts, which an SA recording that no reasonable alternatives were identified cannot have done.

AM73's own admission that the road "dissects the Country Park" contradicts any suggestion this is a minor downstream detail: the plan cannot simultaneously fix a road that dissects a Country Park and say its sustainability performance is unchanged and no alternatives arise.

The Council's own SA Report for the Proposed Modifications says, in plain terms, that "*no reasonable alternatives... have been identified*" for the amended policies. I cannot make an intelligent response on alternatives the Council's own SA records as not having been identified.



Genuinely distinct alternatives (or combination thereof) however exist on the face of the scheme and were never tested:

1. No link road.
2. No link road, with Staker Lane traffic-filtering.
3. No link road, with dedicated well-lit pedestrian and cycle access to existing bus connections (Villager, Harlequin and V3 routes) all within 500m to 1000m walking distance to Findern Roundabout/Rykneld Road to the south of the site and Derby Mickleover Hotel to the north of the site.
4. A materially different and shorter link road up to the Mickleover Hotel (c.45% less road length, connects to existing Villager bus route).

Option 4 - A materially different and shorter link road up to the Mickleover Hotel

The broad site/spatial alternatives appraisal provided does not fill the gap. The alternatives test needs to be run against the actual fixed decision PM21 now makes.

This is a legal compliance issue, not a drafting one.

Indicative Alternatives Appraisal					
Criterion	Proposed A516–A38 link road	1. No through-road / A38 primary access	2. Staker Lane filtering	3. Existing bus Pedestrian option	4. Shorter link to Mickleave Hotel roundabout
SA/SEA reasonable alternatives	-- Appears preferred before clear alternatives testing	++ Obvious lower-impact alternative requiring assessment	+ Distinct local mitigation option	++ Genuine sustainable transport alternative	+ Distinct lower-impact highway alternative
Soundness: justified	- Needs stronger evidence that road is necessary	+ Better aligned if modelling shows A38 remains primary access	+ Could address local concern more proportionately	+ Tests non-road solution	+ Tests whether smaller road achieves same benefit
Soundness: effective	0/- May deliver access, but benefits appear limited	0/+ Depends on A38 access capacity and local mitigation	+ Targeted at Mickleave traffic issue	+ Effective if bus routing/frequency secured	0/+ May improve access without full through-route
Soundness: deliverable/viable	-- Highest infrastructure cost and viability risk	++ Removes major road cost	++ Likely materially cheaper	+ Lower capital cost than highway scheme	+ Roughly half-length road may reduce cost
Transport congestion benefit	0/- Modelling benefit appears marginal / <5% issue	0 Needs testing with internalisation and A38 access	+ Could isolate Staker Lane benefit	+ Could reduce car demand if credible	0/+ Could deliver access benefit without full route
Sustainable transport / mode shift	- Road-led solution risks reinforcing car use	+ Can prioritise internal walking/cycling and bus routes	+ Can favour walking/cycling/bus permeability	++ Strongest option for public transport integration	0 Highway-led, but less strategic than full route
Public transport access	0/- Depends on whether road actually improves bus service	0/+ Needs strong bus strategy – see option 3	0/+ Could retain bus/emergency permeability	++ Connects to existing Villager, V3 and Harlequin routes	0/+ Could support access, but less bus-focused
Active travel/public access	- Risks severance through green infrastructure/country park	++ Protects internal green routes and recreational access	+ Can improve permeability without through traffic	+ Supports non-car access to bus stops/services	0/- Still introduces road infrastructure
Landscape/countryside impact	-- Greatest harm from new road corridor	++ Avoids strategic road through countryside	+ Minimal physical intervention	++ Lowest physical infrastructure impact	0/+ Less harm than full road, but still intrusive
Biodiversity/green infrastructure	-- Cuts through green infrastructure/country park concept	++ Best protects GI strategy	+ Limited GI impact	++ Best supports green infrastructure	0/+ Reduced but not avoided impact
Carbon / air quality	- Risk of induced/redistributed traffic	+ Lower embodied carbon and fewer road trips if internalisation works	+ Could reduce rat-running	++ Best aligned with mode shift	0 Lower embodied carbon than full road but still highway-led
Heritage / amenity / recreation	- Potential harm to countryside use and setting	++ Preserves recreational function	+ Protects residential amenity if well designed	+ Supports access without major intrusion	0/- Some impact remains
Proportionality	-- Major intervention for apparently limited modelled benefit	+ Proportionate if A38 access remains primary	++ Directly targets local traffic concern	++ Tests lower-impact sustainable solution first	+ Smaller intervention than full road
Public consultation / transparency	- Late-stage road needs clear public testing	+ Should have been consulted as reasonable alternative	+ Needs standalone modelling disclosure	+ Needs bus feasibility and operator engagement	+ Needs alignment/junction feasibility testing
Overall comparative score	-- / - Highest risk unless evidence clearly proves necessity	++ / + Strong reasonable alternative	+ Strong targeted mitigation option	++ Strong sustainable transport alternative	+ / 0 Useful lower-impact highway comparator

Point 2 — The transport modelling does not support PM21 (Justified: NO)

The Council's stated justification for PM21 is the SYSTRA transport modelling. Read in its own terms, that modelling does not establish that the road is needed:

- **The road is not needed for site access.** SYSTRA itself records that *"despite the A516 connection, the A38 is still used as the primary route to access the proposed strategic development site to the South of Mickleover."*
- **Tiny network benefit.** Tables 23 and 24 (DS3b network statistics) show at best a 4.4% AM and 1.7% PM improvement in junction queues across the network and that is for the whole DS3b package, not for the road on its own.
- **No scenario isolates the road.** DS3b bundles the link road together with the stopping-up of Staker Lane and other measures. No scenario tests the link road on its own. On local knowledge, much of the local Mickleover traffic benefit could stem from Staker Lane being closed - an easy and cheap modelling scenario that has not been run.
- **Worst public-transport result.** Even with a new bus service (labelled HMA3b01) on the link road, the modelling's own table (Table 19) shows the site achieves a 3.5% public-transport mode share - the worst result among comparators. This outcome sits uneasily with the NPPF's sustainable-transport chapter
- **The road adds traffic to the strategic network.** SYSTRA records that the road *"allows some previously suppressed demand to access the highway network at the A38 junction. This causes an increase in traffic along the A38 of around 150 pcus two-way in each peak."*
- **The Council can't have it both ways on SDITL.** PM21 calls the road part of the wider SDITL but the model leaves out SDITL Phase 2 - the corridor being linked would materially change route choice in this region. Either the corridor justification is dropped, or the corridor-level assessment is produced.
- **Trip generation likely overstated.** Trip rates are a "flat figure per dwelling", with no adjustment for the on-site retail, employment and education the Plan promotes. That is likely to overstate traffic, and so the mitigation case.
- **Caution should be applied to the weight placed on this model.** The model performs worst where it matters most. Modelled PM-peak journey times on the A38 are 30% (NB) and 41% (SB) longer than what was observed. The Council's evidence does not include any test showing the route-choice results are robust to errors of that size. The model uses a 2016 base which has not been updated for post-pandemic travel patterns.
- **The whole traffic case rests on the A38 junction upgrade.** The report itself records that removing the A38 grade-separation scheme "is expected to significantly influence route choice and congestion across the network." The site's primary access is onto the A38; the link road does not remove that dependency, and the A38 remains the point on which the network's performance turns. The link cannot, then, be justified as the element that makes the development's traffic acceptable - that is the A38 upgrade's role. Removing the mandatory all-traffic link road does not therefore affect the deliverability of STRA2, which turns on the A38 upgrade. These matters go to the soundness of the PM21, and to whether the transport strategy is effective. The plan's traffic outcomes are made to depend on major infrastructure that the Council neither controls nor funds and whose timing and delivery are uncertain, and the modification fixes a mandatory link

without the Council having assessed alternative means of managing that same dependency. I reserve the right to develop these soundness matters, and the supporting transport and procedural evidence, if invited to the relevant hearing session.

Taken together, this is not a proportionate evidence base for a mandatory strategic infrastructure requirement.

Point 3 — Sequence in which PM21 entered the Plan (*Justified: NO; Positively Prepared: NO*)

This is not an allegation of bad faith. It is a concern about how PM21 came together, evidenced by [sources]:

- **Dec 2022** – [Reg 18] link road concept first appears in Promoter’s material as means of access not mitigation to the north of A516 site
- **Feb 2024** – [EIR] Promoter withdraws the northern site SHELAA due to “ownership issues”
- **Sept 2024** – [Reg 18] STRA2 draft published and doesn’t contain link road
- **March 2025** – [Pre submission review] local consultation events reassure residents of country park mitigation – no link road presented
- **May 2025** — [EDS agenda] a Council meeting recorded that the A516–A38 link was “*now anticipated by the Council*” and would be reflected in amended policy wording.
- **Sept 2025** – [modelling report] First draft transport model report created
- **October 2025** — [EIR] the Council told the site promoter that the emerging modelling was “*likely to conclude*” the link was needed, and used that expected conclusion to discuss layout and access.
- **Nov 2025** – [modelling report] Validation of Transport model finished
- **09 January 2026** – [modelling report] **Final Transport model report sent to SDCC**
- **24 February 2026** — [EDS agenda] the Council described the proposed Main Modifications as finalised but “*not currently in the public domain*”. The committee report relied on transport modelling expressly described as “*not yet published*” and listed no background papers.
- **2–3 March 2026** — the transport modelling report was finally published on the Council's website despite being available six weeks before the agenda was released – most Members were unaware of the release.
- **5 March 2026** — Members voted to consult on the modifications despite nearly +30 residents at the council meeting asking for the evidence leading to that decision.
- **6-10 March 2026** – Targeted EIR requests sent for the transport modelling scope, modelling data and member conclusion materials. The council has acknowledged it has not responded to date. An ICO complaint is in progress.
- **April 2026** – Sustainability Appraisal update was commissioned after the proposed modifications were decided.

Promoters are entitled to promote, and Officers are entitled to form a preferred option. That is not my objection. My objection is that on this sequence, an all-traffic link road appears to have hardened into a fixed requirement before the transport modelling and the Sustainability Appraisal were assessed by the Council. The job

of the Sustainability Appraisal described in Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 is to test alternatives before the answer is fixed, not to write up the case for a road already treated as necessary.

On procedural fairness, the Government's own plan-making guidance encourages authorities to publish evidence-base documents as they are completed to keep communities informed and involved. That has not happened here. A pattern of late disclosure, non-disclosure and under-evidenced decision-making has left consultees unable to engage meaningfully with the material on which these modifications depend:

- the link road, a major infrastructure modification, was brought forward before its supporting evidence base was complete or published;
- the Committee resolved to consult with key evidence still missing, and the critical transport evidence was published only days before that decision despite having been finalised some six weeks earlier (see the Council's response below); and
- key transport modelling evidence requested on 6th and 10th March 2026 and pursued through the Council's own complaints process, remains undisclosed.

The cumulative effect is that consultees were not given sufficient information, at a formative stage, to engage intelligently with modifications of this significance, which goes both to the fairness of the consultation and to the soundness of the modifications it informed.

EIR request summary of incomplete disclosure of Promoter Correspondence

Date / stage	Relevant disclosure
18 April 2024 Derby HMA Transport Sub-Group	The HMA authorities were still establishing what transport evidence would be needed. The minutes discuss the need for transport modelling, the use of the East Midlands Gateway model, base model/scenario issues, forecast year, strategic mitigation and involvement of National Highways/AECOM.
2 July 2024 Derby HMA Transport Sub-Group	The SA work was described as nearing completion; public transport links to edge-of-city sites were identified as a key issue; and the minutes state that transport modelling will be required to look at mitigation on the highway network.
15 May 2025 Mickleover South policy meeting	Draft minutes record: "The highway link ... between the A516 and the A38 is now anticipated by the Council" and would be reflected in proposed amended policy wording. The same note records that PINS planning preparation advice was being sought.
18 June 2025 Design Review Panel update	Council email states that further Design Review work had been commissioned focusing on wider connectivity issues, connections to Derby, cross-boundary connectivity and green infrastructure.
19 June 2025 Shaping Streets Design Review	Council email explains that the review was a connectivity follow-up focused on cross-boundary issues with Derby and that further connectivity work needed to feed ... into the transport modelling . The invitation asked for highways, landscape and hydrology specialists because the focus was connectivity, movement and street design.
8 July 2025 PPA meeting agenda	PPA agenda included Local Plan update, evidence base update and "Highways Update (incl. A38 junction upgrades and modelling assumptions)" , alongside Design Review Panel key points and next steps.
27 August 2025 Allocation plan/capacity	Promoter email asks for ballpark site capacity shown on the plan, noting previous dialogue that the 2,500 dwelling figure in policy STRA2 was considered to be "on the low side".
21 October 2025 Design/open space email	Council email says discussions were moving toward "a fully agreed position" at the point the Local Plan and planning application were submitted. It then states that "the emerging transport modelling work is likely to conclude that a road link between the A516 and A38 is needed" .
21 October 2025 Change from approved/open- space position	The same email states that the current approved SDDC Committee position remained the Reg 19 version, with "the entirety of the area northwest of the Pastures Estate to be open" ; but it then discusses built development fronting the A516 and the new access road.
December 2025- January 2026 EIA scoping/application route	The EIA Scoping Request for Land South of Mickleover was received in full on 3 December 2025, made publicly visible around 10 December 2025, and consultee comments included National Highways and DCC Highways by 7 January 2026.
17 February-2 March 2026 Housing delivery written agreement	The Council sought clear evidence on delivery by 28 February 2026. The promoter response states that an outline planning application was actively being prepared; EIA scoping had been sought in December 2025 and issued in January 2026; and a Spring 2026 outline application was anticipated.
24 February 2026 Main Modifications	Council email states that it was "finalising the proposed Main Modifications to the Local Plan" which were "not currently in the public domain but will be soon" . It also refers to additional design expertise assisting with delivery of the allocation and masterplan framework.
25 March 2026 Revised STRA2 wording and viability	The promoter asks for the proposed revised STRA2 wording that would shortly be consulted on and notes that "the viability work has not been updated to the Council's website" .

SDDC's 2 month late response to my EDS committee question

My Question 5th March 2026

The report states that the transport modelling has “confirmed” that the link road is required, yet paragraph 9 states “No Background Papers”. Under section 100D of the Local Government Act 1972, any document relied upon to a material extent must be identified as a background paper and made available for public inspection.

Please confirm—yes or no—whether the transport modelling constitutes a background paper under section 100D, and if so, where and when it has been made available for inspection.

Response from Planning Services 24th April 2026

The *Derby HMA Strategic Transport Assessment January 2026* and the *Derby HMA Transport Modelling January 2026* were uploaded to the webpage on 2 March 2026 along with Appendix A and Appendix B. Appendix C was then uploaded to the same webpage on 3 March 2026. [Local Plan Review Evidence Base | South Derbyshire District Council](#). Although the report states that Transport Modelling was ‘not yet published’. These documents were published shortly after the agenda and in advance of the meeting taking place. **Members of the Committee had an opportunity to consider the contents of these documents ahead of the Environmental and Development Services Committee on 5 March.** These documents are therefore not considered to be background papers under section 100D of the Local Government Act 1972 as they were published at the time of the Meeting.

Point 4 — Costs, viability and affordable housing (*Effective: NO*)

The affordable-housing requirement has been reduced from 40% to 30% on viability grounds. That reduction was made before any costed view of PM21 was on the table. No detailed viability evidence has been published for the modifications themselves. The Interim Viability Statement seems to absorb the link road cost inside a 15% “*External Works Costs*” concession (est.£50-60m total).

The PM21 road is about 0.9 miles. Recent publicly disclosed completions of comparable links sit in the range £18–£36m per mile. The published evidence therefore indicates:

- the strategic infrastructure may prove undeliverable, or
- the affordable-housing position will have to fall further.

Either way, that is an effectiveness problem. The Plan cannot at the same time treat the road as a mandatory requirement and treat its cost as already absorbed in an unrelated affordable-housing concession.

Point 5 — Contradicts Green Wedge extension principle (*Effective: NO*)

The SA itself identifies receptors: the open gap with Burnaston, the Country Park's role in stopping settlements coalescing, and the setting of the Pastures Hospital Listed Buildings. A link road “severing” this space is not compatible with these receptors.

Similarly AM72 commits the plan to three specific outcomes on the green infrastructure which includes the country park: that Derby's Green Wedges are "not obstructed by development in South Derbyshire"; that Derby residents can access the countryside; and that new residents can reach the city "via attractive green routes." PM21 then requires an all-traffic vehicular road through that same land - a road which AM73 concedes would "dissect the Country Park." An all-traffic distributor road is, by its nature, an obstruction and a severance: it introduces carriageway, traffic, noise, air pollution, lighting and a physical crossing into the precise green corridor that AM72 says must remain unobstructed. The two commitments cannot both be delivered on the same land.

The Council's own Plan also requires a full landscape and visual assessment for major schemes of this kind (policy BNE4), and refuses development whose landscape harm cannot be properly mitigated. No such assessment has been carried out for the link road itself. The Council cannot make this road mandatory while its own landscape policy has not been applied to it.

The green infrastructure and related country park form important recreational and wildlife corridors. I have personally noted over 150 people walking these fields daily and have spotted native English Roe Deer, wild hare, badgers, hedgehogs, bats, and numerous wild birds using these corridors actively (significant evidence can be provided upon request).

Either the green-infrastructure commitment is a genuine part of the plan's strategy, in which case PM21 makes it undeliverable not effective; or it is mere aspiration with no delivery mechanism, in which case it is not effective. If the green routes are not deliverable, the mitigation and benefit case for STRA2 cannot be relied upon.

I urge the Inspector to visit the site to see the country park's mitigation in person.

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.

I do not suggest that defects of this kind are incapable of cure in principle; but a clarificatory note or a short retrospective addendum would not discharge the duty.

Option A - A full and lawful response. Delete PM21 as drafted, and the Council is to:

1. Issue an SA addendum that properly identifies, describes and assesses the alternatives set out above (and other reasonable alternatives).

2. Recommission transport modelling to demonstrate which solution is the least-damaging. The modelling must include the rest of the SDITL (Phase 2) if the SDITL justification is to be retained.
3. Publish itemised viability evidence that isolates the cost of the road, so it can be seen whether the cut to affordable housing is driven by the road or by wider cost inflation and whether the road can be delivered at all.
4. Re-consult on the SA addendum and any revised PM21 wording, for a period equivalent to a Regulation 19 consultation (minimum six weeks).

Option B - Delete PM21. A return back to the previous conditional formulation of PM21 is not possible given it was never the subject of alternatives assessment at the level of the policy choice.

Deleting the road would not put the housing allocation at risk, and I do not ask the Inspector to disturb the allocation. The Plan's own supporting text says the bulk of the development will be to the south of the site, so the housing is not laid out around the link road. The Council's own transport modelling does not conclude the link road is required to make the site work. The allocation can be delivered with transport mitigation that does not depend on an all-traffic A516–A38 link road. Removing the road removes an unjustified and contradictory requirement; it does not remove the homes.

The legal basis for this position is reserved for the Matter Statement and the hearing, should I be invited.

(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

Yes

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:

The matters above turn on close reading of the SA Report, the SYSTRA modelling, my EIR requests, and the viability evidence. Each is fact-specific and is best tested through oral submissions at the hearing. I also plan to present my legal basis for the positions I have indicated.

Please note I am pursuing EIR requests with the council dated 6th and 10th March 2026 through an internal complaints process which I expect to present once received – they concern the transport modelling, promoter correspondence, Derby City Council and the sustainability appraisal.

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**.

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		
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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)	
PM22			

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

d) Consistent with national policy		✓No
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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.

Summary. PM16 inserts a new STRA2 criterion requiring a vehicular access off the A516 on the northern side of the site. The Council justifies it narrowly “to ensure that local bus services have direct access from the northern side of the site to the A516.” But the criterion as worded places no restriction on the access: it permits all traffic, not just buses. An unrestricted all-traffic northern access is only needed to serve the mandatory all-traffic A516–A38 road created by PM21. PM16 and PM21 are therefore two halves of the same decision, and my objections to PM21’s evidence base read directly across to PM16. I object on the same principles: legal compliance (reasonable alternatives not assessed); soundness-justified (the wording goes further than its own justification, and the modelling does not support the road PM16 serves); and soundness-effective (cost and viability, and the contradiction with the Council’s own green-infrastructure commitments).

Point 1 — Reasonable alternatives to PM16 were not assessed (*Legally compliant: No; Justified: No; Consistent with national policy: No*)

PM16 is a new criterion that fixes, at plan level, the in-principle decision to create a new vehicular access off the A516 on the northern side of the site. Reasonable alternatives to that decision were required to be assessed under Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004, proportionate to the contents and level of detail of the plan.

For the same reason PM16 is inconsistent with national policy, since NPPF paragraph 33 requires the plan to be informed by a sustainability appraisal that pursues impact-reducing alternatives, here, the bus-only / active-travel access the Council's own justification implies, which this SA did not assess.

Genuinely distinct alternatives exist on the face of the scheme and were never tested, including:

- no new northern access; and
- the alternative access and movement strategies set out in my PM21 representation: no link road; Staker Lane filtering; Pedestrian access to existing bus connections (Villager, Harlequin and V3 routes).

The Council’s own SA Report for the Proposed Modifications says, in plain terms, that “no reasonable alternatives... have been identified” for the amended policies. I

cannot make an intelligent response on alternatives the Council's own SA records as not having been identified. This is a legal compliance issue, not a drafting one. The legal basis for this position is reserved for the Matter Statement and the hearing, should I be invited.

Point 2 — PM16 is drafted more broadly than its own justification supports, and the modelling does not support the road it serves (*Justified: No*)

The Council's stated reason for PM16 is "to ensure that local bus services have direct access from the northern side of the site to the A516 ... as part of a southwest derby integrated transport route." That is a bus justification. Yet the criterion "north of the site – access to be off the A516" contains no restriction: it permits an all-traffic access. There is a clear gap between the evidence relied on (a bus need) and the policy created (an unrestricted vehicular access).

- **An unrestricted all-traffic northern access is only required if the all-traffic A516–A38 road in PM21 is required.** The SYSTRA transport modelling does not establish that. The report concludes:
 - the road is not needed for site access. SYSTRA records that "despite the A516 connection, the A38 is still used as the primary route to access the proposed strategic development site to the South of Mickleover";
 - the whole DS3b package delivers at best a 4.4% (AM) and 1.7% (PM) improvement in junction queues across the network, and no scenario isolates the access or road from the other measures (such as stopping up Staker Lane);
 - the road adds traffic to the strategic network - "an increase in traffic along the A38 of around 150 pcus two-way in each peak."
- **The bus justification is not borne out by the Council's own evidence.** Even with a new bus service on the link, the transport modelling's own table (Table 19) shows the site achieving a 3.5% public-transport mode share, the worst result among the comparators. The evidence presented does not appear to show the provision for bus services considers operator viability.

The Council cannot have it both ways: either PM16 is a bus access (in which case the all-traffic PM21 road is not needed), or it is the northern end of an all-traffic road (in which case the modelling does not justify it, and the bus rationale is the wrong justification).

Point 3 — Sequence in which PM16 and PM21 entered the Plan (*Justified: No; arguably Positively prepared: No*)

This is not an allegation of bad faith. It is a concern about how the access and the road came together, evidenced by the Council's own documents and EIR disclosures:

- **May 2025** — a Council meeting recorded that the A516–A38 link was “now anticipated by the Council” and would be reflected in amended policy wording.
- **October 2025** — the Council told the site promoter that the emerging modelling was “likely to conclude” the link was needed, and used that expected conclusion to discuss layout and access.
- **09 January 2026** — **Final Transport model report sent to SDCC**
- **24 February 2026** — the Council described the proposed Main Modifications as finalised but “not currently in the public domain”; the committee report relied on transport modelling expressly described as “not yet published”.
- **2–3 March 2026** — the SYSTRA modelling was published on the Council’s website despite being in final form six weeks prior.
- **5 March 2026** — Members voted to consult on the modifications.

On this sequence, both the northern access (PM16) and the all-traffic road (PM21) appear to have hardened into fixed requirements before the modelling, the alternatives appraisal and the SA were in the public domain to be tested. The job of the SA is to test alternatives before the answer is fixed, not to write up the case for an access and a road already treated as necessary.

Point 4 — Costs, viability and affordable housing (*Effective: No*)

PM16’s northern access is the entry point for the PM21 road. The affordable-housing requirement has already been reduced from 40% to 30% on viability grounds, before any costed view of the road was on the table, and no detailed viability evidence has been published for the modifications themselves. The Interim Viability Statement appears to absorb the road cost within a 15% “External Works Costs” concession. A road of this kind (c.0.9 miles) sits, on recent publicly disclosed completions, in the range of roughly £18–£36m per mile. If PM16 exists to serve that road, the same effectiveness problem applies: either the strategic infrastructure proves undeliverable, or the affordable-housing position falls further. If, on the other hand, PM16 is genuinely only a bus access, then the all-traffic road is not needed and its cost falls away. Either way the Council’s position is internally inconsistent.

Point 5 — PM16 enables the route that contradicts the Council’s own green-infrastructure commitments (*Effective: No*)

PM16 supplies the northern all-traffic access that allows the cross-site route to function as an all-traffic distributor, the same route AM73 concedes would “dissect the Country Park,” and which AM72 commits to keeping unobstructed (Derby’s Green Wedges “not obstructed by development in South Derbyshire”; residents able to reach the city “via attractive green routes”). An all-traffic access feeding an all-traffic road through that land is, by its nature, an obstruction and a severance; it introduces carriageway, traffic, noise, lighting and a physical crossing into the precise green corridor AM72 says must remain unobstructed. The two

commitments cannot both be delivered on the same land. If the green routes are not deliverable, the mitigation and benefit case for STRA2 cannot be relied upon. I urge the Inspector to visit the site to see the country park's mitigation in person.

(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.

I do not suggest that defects of this kind are incapable of cure in principle; but a clarificatory note or a short retrospective addendum would not discharge the duty.

Option A — a full and lawful response. Delete PM16 and PM21 as drafted, and the Council to:

1. issue an SA addendum that identifies, describes and assesses the reasonable alternatives set out above;
2. recommission transport modelling that isolates the access and road from the other measures, and includes the rest of the SDITL (Phase 2) if the corridor justification is to be retained;
3. publish itemised viability evidence that isolates the cost of the road, so it can be seen whether the cut to affordable housing is driven by the road or by wider cost inflation, and whether the road can be delivered at all; and
4. re-consult on the SA addendum and any revised wording, for a period equivalent to a Regulation 19 consultation (minimum six weeks).

If the Council's bus justification is genuine, that assessment must be reached through proper assessment, not asserted by a wording tweak.

Option B — delete PM16.

The legal basis for this position is reserved for the Matter Statement and the hearing, should I be invited.

(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

✓ YES

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:

The matters above turn on close reading of the SA Report, the SYSTRA modelling, my EIR requests, and the viability evidence and on the relationship between PM16, PM21 and PM22, which is best examined together rather than in isolation. Each is fact-specific and is best tested through oral submissions at the hearing. I am also pursuing outstanding EIR requests (dated 6th and 10th March 2026) through the Council's internal complaints process, which I expect to present once received. I also plan to present my legal basis for the positions I have indicated.

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.**

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)	
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.

Summary. PM22 replaces the STRA2 indicative layout to show, among other things, the all-traffic A516–A38 link road aligned through the Country Park. Its only stated reason is “To reflect the proposed modifications to the policies as above.” It therefore has no independent justification of its own: it stands or falls with PM16 and PM21. But it is not a neutral drawing. The Plan itself says the indicative layout is “included to guide the development of the strategic allocation and identify the general proposed location of key features” (paragraph 5.17), and the site promoter is already at EIA scoping stage for an outline application that this layout will guide. PM22 converts the road from a policy requirement into a fixed spatial commitment, in the very location the Council’s own AM73 concedes “dissects the Country Park.” I object on the same principles as I do to PM16 and PM21: legal compliance (reasonable alternatives not assessed under Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004); soundness - justified (the layout has no evidence of its own and its parent modifications are unsupported); and soundness - effective (a layout fixed around unviable and contradictory infrastructure cannot deliver).

Point 1 — Reasonable alternatives to the layout choice were not assessed
(Legally compliant: No; Justified: No; Consistent with national policy: No)

PM22 fixes, at plan level, the general location and alignment of an all-traffic road through the Country Park and configures the whole site around it. That spatial choice has reasonable alternatives on the face of the scheme which were never tested: the layouts that follow from no link road; from Staker Lane filtering; from pedestrian access to existing bus connections (Villager, Harlequin and V3 routes); or from a materially shorter link road to the Derby Mickleover Hotel (all set out in my PM21 representation). The Council’s own SA Report says that “no reasonable alternatives... have been identified” for the amended policies. I cannot make an intelligent response on alternative layouts the Council’s own SA records as not having been identified. The previous Regulation 19 consultation was on a materially different layout without the road; the public has never been given an assessed comparison between the two. This is a legal compliance issue, not a drafting one. The legal basis for this position is reserved for the Matter Statement and the hearing, should I be invited.

Point 2 — PM22 has no justification of its own, and its parent modifications are unsupported (*Justified: No*)

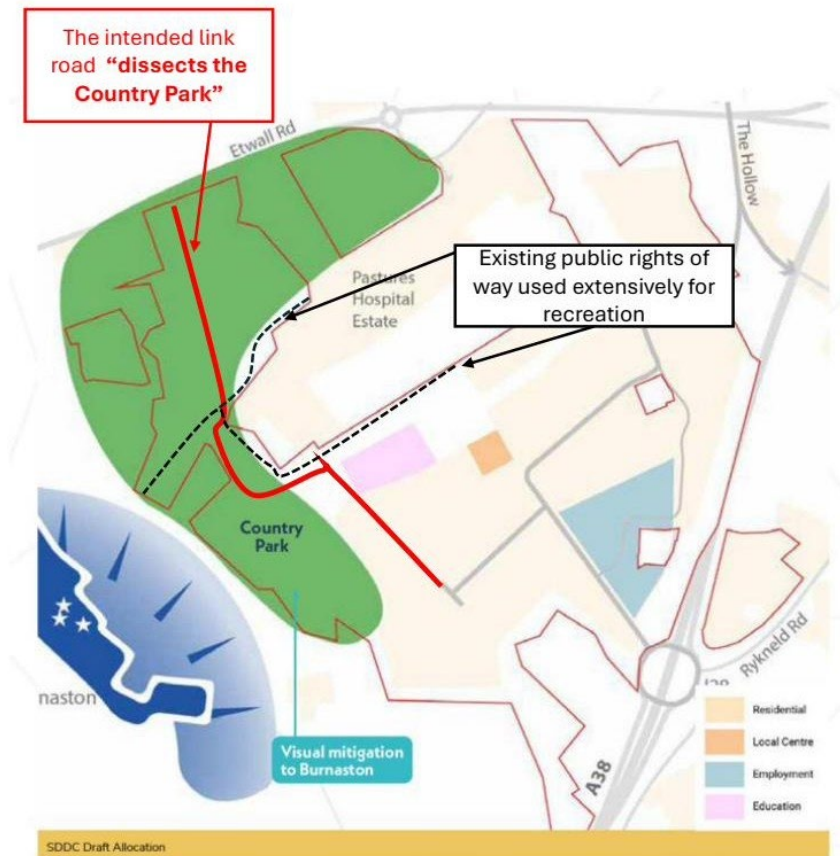
The reason column for PM22 offers no evidence for the layout at all, only that it “reflects” PM16 and PM21. PM22 is therefore only as sound as its parents, and my representations on those modifications set out in detail why they are not. In short, the SYSTRA report concludes:

- the road is not needed for site access - “despite the A516 connection, the A38 is still used as the primary route to access the proposed strategic development site to the South of Mickleover”;
- no modelling scenario isolates the road from the other DS3b measures (such as stopping up Staker Lane), and the whole package delivers at best a 4.4% (AM) and 1.7% (PM) improvement in junction queues across the network;
- even with a new bus service on the link, the site achieves a 3.5% public-transport mode share, the worst result among the comparators; and
- the road adds traffic to the strategic network, around 150 pcus two-way on the A38 in each peak.

If PM16 and PM21 fail, for the legal and evidential reasons set out in those representations, PM22 must fail with them. A layout cannot “reflect” modifications that are themselves not legally compliant and not sound.

Point 3 — The layout acts directly on the receptors the SA itself identifies (*Justified: No; Effective: No*)

The SA identifies the receptors that matter on this land: the open gap with Burnaston, the Country Park’s role in stopping settlements coalescing, and the setting of the Pastures Hospital Listed Buildings. The new layout routes the road through precisely that land. It also crosses the existing public rights of way that are used extensively for recreation. I have noted over 150 people walking these fields daily, and the corridors are actively used by wildlife (evidence can be provided on request). The annotated extract below shows the position:



Proposed indicative layout (PM22): link road shown crossing the Country Park and existing public rights of way (annotations mine).

The Council's own modifications confirm the point rather than answer it. AM73 concedes the road "dissects the Country Park," and its justification text plans "higher densities... adjacent to the main urban parts of the link road" - the layout and supporting text treat the road as settled and build the development form around it. Yet the SA maintains that the sustainability performance of the plan is unchanged and that no alternatives arise. A layout cannot both dissect the Country Park and leave the plan's sustainability performance unchanged.

Point 4 — The layout was shaped around the road before the evidence was public (*Justified: No; arguably Positively prepared: No*)

This is not an allegation of bad faith. In October 2025, months before the modelling was published, the Council told the site promoter that the emerging modelling was "likely to conclude" the link was needed, and used that expected conclusion to discuss the development layout and access road. The Main Modifications, including this layout, were described on 24 February 2026 as finalised but "not currently in the public domain"; the SYSTRA modelling appeared on the Council's website on 2–3 March 2026; and Members voted to consult on 5 March 2026. The layout now presented for consultation is the product of that private dialogue, published days before the decision to consult. The job of the SA is to test

alternatives before the answer is fixed, not to present a layout already drawn around a road treated as necessary.

Point 5 — A layout fixed around undeliverable and contradictory infrastructure is not effective (*Effective: No*)

The layout locks the development form, the density strategy and the Country Park configuration around the road. But on the published evidence the road's deliverability has not been shown: the affordable-housing requirement has already been cut from 40% to 30% before any costed view of the road was on the table, no detailed viability evidence has been published for the modifications, and a road of this kind sits in the range of roughly £18–£36m per mile on recent publicly disclosed completions. The layout also gives spatial form to the contradiction in the Council's own commitments: AM72 commits to Derby's Green Wedges being "not obstructed by development in South Derbyshire" and to residents reaching the city "via attractive green routes," while PM22 draws an all-traffic road through that same land. If the road is undeliverable, the layout fails with it; if the road is built, the green-infrastructure commitments fail instead. Either way, a plan whose key site diagram embodies that contradiction is not effective. I urge the Inspector to visit the site to see the Country Park's mitigation in person.

Point 6 — The new housing fronting the A516 is not justified or effective (*Justified: No; Effective: No*)

The revised layout introduces a parcel of housing fronting the A516 in the north of the site, physically separated from the rest of the development by the Country Park. This is a new spatial choice, and it is unsupported by any evidence.

It is the Council's own description of the change. AM73 states that "the bulk of the development will be to the south of the site with some more limited development fronting onto the A516," and that higher densities are expected "adjacent to the main urban parts of the link road." The northern housing is therefore placed not where the services are, but where the road is.

That runs against what the Plan says it is trying to achieve. The local retail centre, the primary school and the employment land are all located centrally and to the south; PM17 and its supporting text expect retail and education to sit together as a "multifunctional / multipurpose centre" to "reduce the need for travel elsewhere." Housing in the north, fronting the A516 and cut off from that centre by the Country Park, is remote from the site's own day-to-day services and is tied into the rest of the development by the very northern access and link road in dispute.

No evidence has been produced for putting housing there. PM22's only stated reason is to "reflect" PM16 and PM21 (Point 2 above); the supporting text in AM73 is justified only as adding "clarity to the policy requirements." Neither is a needs assessment or a locational justification. The previously consulted Regulation 19 layout kept this land open; the public has never been asked to comment on built development in this location, and the SA which records that "no reasonable alternatives... have been identified" never tested housing in the north against keeping it open. A housing parcel placed to line a disputed road, remote from the

site's own services, contrary to the Plan's own travel objectives, and without evidence or consultation, is neither justified nor effective.

(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.

I do not suggest that defects of this kind are incapable of cure in principle; but a clarificatory note or a short retrospective addendum would not discharge the duty.

Option A — a full and lawful response. Delete PM22 as drafted (the layout reflecting PM16, PM21 and housing fronting the A516), and the Council to carry out the steps set out in my PM21 representation:

1. issue an SA addendum that identifies, describes and assesses the reasonable alternatives;
2. recommission transport modelling that isolates the road from the other measures, and includes the rest of the SDITL (Phase 2) if the corridor justification is to be retained;
3. publish itemised viability evidence that isolates the cost of the road, so it can be seen whether the cut to affordable housing is driven by the road or by wider cost inflation - and whether the road can be delivered at all; and
4. assess the housing now shown fronting the A516 against the reasonable alternative of keeping that land open (the previously consulted Regulation 19 position), and publish the evidence and locational justification for it;
5. re-consult for a period equivalent to a Regulation 19 consultation (minimum six weeks).

Only once an access and movement option has been properly assessed and selected should a revised indicative layout be published to reflect it. The layout should follow the assessment, not the other way round.

Option B — delete PM22 / revert to the previously consulted layout. A layout whose only stated reason is to “reflect” PM16 and PM21 has no basis if those modifications are deleted.

As with PM21, removing the road from the layout does not put the housing at risk: the bulk of development is to the south and the site can be delivered without an all-traffic link (see my PM21 representation).

The legal basis for this position is reserved for the Matter Statement and the hearing, should I be invited.

(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

YES

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:

The matters above turn on close reading of the SA Report, the SYSTRA modelling, my EIR requests, and the viability evidence and on the relationship between PM16, PM21 and PM22, which is best examined together rather than in isolation. Each is fact-specific and is best tested through oral submissions at the hearing. I am also chasing outstanding EIR requests (dated 6th and 10th March 2026) through the Council's internal complaints process, which I expect to present once received. I also plan to present my legal basis for the positions I have indicated.

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.**

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) ✓ AM73	
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.

Summary. AM73 amends the STRA2 supporting text. The Council presents it as an Additional Modification that merely adds "clarity to the policy requirements." It is not clarificatory. It fixes a substantive spatial expectation for a concentrated sports "hub" at the rural edge, directs the form and location of housing, and records that the link road would "dissect the Country Park." I support a sports hub in this general location, concentrating formal provision in one place helps protect the wider green infrastructure. My objection is that (i) a substantive change of this kind should have been brought forward as a Main Modification, assessed in the Sustainability Appraisal and consulted upon as such; (ii) the scale and extent of the hub are left undefined and unevidenced, and reasonable alternatives were not assessed; and (iii) the wider green infrastructure is not secured against incremental encroachment. I object on legal compliance (reasonable alternatives not assessed under Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004; consultation fairness) and on soundness (positively prepared, justified, effective and consistent with national policy)

Point 1 — AM73 is not a clarification; it makes substantive changes that should have been a Main Modification (*Legally compliant: No; Positively prepared: No*)

AM73 is justified only as adding "clarity to the policy requirements." It does at least three substantive things. It fixes a spatial expectation that formal sports provision be concentrated as a "sports hub" at the rural edge of the site. It directs the form and distribution of housing ("the bulk of the development will be to the south of the site with some more limited development fronting onto the A516," with "higher densities... adjacent to the main urban parts of the link road"). And it records that the link road would "dissect the Country Park." Each of these affects the policy content of the Plan, or its environmental effects, or both. The Council's own distinction is that Main Modifications affect policy or soundness and Additional Modifications are clarificatory. A change of this substance should have been brought forward as a Main Modification, assessed in the SA, and consulted upon on the same basis as Regulation 19. By placing it in the clarificatory category, the Council has avoided assessing and consulting on substantive content. This is a legal-compliance and procedural-soundness issue, not a drafting one. The legal basis is reserved for the Matter Statement.

Point 2 — The scale and extent of the sports hub are undefined and unevidenced, and reasonable alternatives were not assessed (*Legally compliant: No; Justified: No*)

I do not object to a sports hub being provided in this general location. My objection is that AM73 directs provision to be "focused" here but fixes no quantum, no boundary and no limit; the scale and extent are left entirely open. The evidence relied on does not support that open-ended scale. The Playing Pitch Strategy that has been published is the assessment stage only; it identifies district-wide deficits but contains no strategy or action plan locating provision. The Infrastructure Delivery Plan itself records that the quantum depends on the updated Playing Pitch Strategy, which is not yet available. Reasonable alternatives to the scale and extent - provision sized to the development's own needs rather than to district-wide deficit; dispersed on-site provision; community-use agreements; off-site upgrades to existing facilities - were never assessed; the SA records that "no reasonable alternatives... have been identified." Provision sized to STRA2's own needs is properly related to the development. Provision scaled to absorb a district-wide deficit, secured against this one site, is a larger and different commitment that the NPPF requires to be based on a robust, up-to-date assessment of need and that assessment has not been produced. The scale and extent have been put ahead of the evidence.

Point 3 — The size of the sports hub is undisclosed and not shown on PM22, leaving the green infrastructure exposed (*Effective: No*)

I am content with the hub's location; my concern is its size. AM73 fixes no quantum or limit, and PM22 (the indicative layout) shows the link road's alignment in detail but not the hub's extent. With the size neither stated nor mapped, nothing stops the hub growing larger than the green infrastructure can absorb, consuming land the SA relies on as mitigation to keep the green network substantially open. The Plan itself restricts built development in the green infrastructure to that "ancillary to... green infrastructure (such as grounds maintenance huts, small changing rooms)" (criterion C), which makes an undisclosed hub size a real gap. With no stated size, no mapped footprint and no fixed boundary to measure growth against, the green infrastructure can be eroded incrementally and is not secured. The Plan is not effective.

Point 4 — AM73 carries further substantive content under the heading of "clarity" (*Justified: No*)

AM73 is also where the housing "fronting onto the A516" and the density direction tied to the link road are introduced, for the reasons set out in my PM22 representation (Point 6): housing placed away from the site's own retail, education and employment, against the Plan's own travel objectives, and without evidence. And AM73 records, in the Council's own words, that the link road would "dissect the Country Park" - the Council's own characterisation of harm to the green-infrastructure feature on which STRA2's acceptability depends. That admission confirms my objection to PM21 rather than answering it. None of this is clarification.

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.

I do not seek deletion of the sports hub; I support provision in this general location. The defect is the absence of definition, evidence and protection.

Option A — a full and lawful response. Re-categorise AM73 as a Main Modification and subject it to a Sustainability Appraisal that assesses reasonable alternatives to the scale and extent of the sports provision and to the green-infrastructure configuration, and to consultation on the same basis as Regulation 19. Define the scale and extent of the hub by reference to evidenced, STRA2-related need and the updated Playing Pitch Strategy, and secure the green infrastructure by defining the size and footprint of the hub, showing its extent on the indicative layout (PM22), and fixing the green-infrastructure boundary on the proposals map, so that the green infrastructure to remain open is identified and cannot be consumed by an open-ended hub. Reconsider the "dissect the Country Park" wording as a function of whatever happens to PM21.

Option B — amend AM73. If it is retained, amend it to: (i) remove the undefined sports-hub scale and extent and refer the quantum, type and detailed location of formal sports provision to the updated Playing Pitch Strategy, site-specific masterplanning and proportionate assessment; (ii) define the size and footprint of the sports hub by reference to evidenced need, show its extent on the indicative layout (PM22), and fix the green-infrastructure boundary on the proposals map, so the green infrastructure to be retained is identified and protected from being consumed by an undefined hub; and (iii) reconsider the "dissect the Country Park" wording in line with PM21.

If the Council maintains that AM73 is merely clarificatory, then it cannot be relied upon to fix a sports-hub scale or to treat the Country Park severance as settled, in which case those expectations fall away and may be brought forward, if at all, only through proper assessment and consultation. The legal basis for these positions is reserved for the Matter Statement and the hearing, should I be invited.

(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

YES

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:

The matters above turn on the Council's own evidence, its playing-pitch evidence, the Sustainability Appraisal and the wording of the modifications, and on how AM73 relates to PM16, PM21 and PM22, which is best examined together rather than in isolation. I plan to present the legal basis for the positions I have indicated should I be invited.

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.**