

FAO Planning Policy
South Derbyshire District Council
Civic Offices
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15th June 2026

Dear Sir / Madam

REGULATION 19 ADDENDUM: PROPOSED MODIFICATIONS TO THE SOUTH DERBYSHIRE LOCAL PLAN PART 1 REVIEW PUBLICATION VERSION

Introduction & Background

1. Marrons is instructed on behalf of Richborough to submit these representations in response to the Regulation 19 Addendum consultation on the South Derbyshire Local Plan Part 1. These follow the duly made representations submitted on behalf of our client to the original Regulation 19 consultation held between 10th March and 25th April 2025. Those earlier representations are reproduced at **Appendix 1** and are to be read alongside this letter.
2. It is important to note that the changes introduced through the present consultation do not address the fundamental concerns regarding soundness raised on behalf of our client at the previous Regulation 19 stage. Accordingly, those earlier representations, whilst not repeated here for brevity, are relied upon in full, save where supplemented by the additional matters set out below.
3. **Having regard to the matters previously raised, and given the fundamental nature of our client's concerns regarding the Plan's soundness, a request is made to participate in the relevant hearing sessions.**
4. According to the Council, the purpose of the current consultation is to respond to representations made at the Regulation 19 stage, alongside the publication of further supporting evidence. This includes, amongst other documents, a Sustainability Appraisal Report prepared by SLR dated 5th May 2026.
5. It is noted that a period of more than one year has elapsed since the original Regulation 19 consultation, yet the Plan has not progressed to submission for examination. Moreover, the version now published for consultation incorporates changes of a substantive nature when compared with the earlier iteration. Whilst it is acknowledged that the Plan is purportedly being advanced under transitional arrangements, the purpose of such arrangements is to enable plans at an advanced stage of preparation to proceed to examination without undue delay or disruption.
6. In this context, the extent of the delay to date calls into question whether the underlying objectives of the transitional arrangements have been realised in this instance. Further, it is a matter of concern that, notwithstanding the changes made, the issues previously raised in our representations relating to the soundness of the Plan have not been satisfactorily addressed. In our view, there is significant



doubt as to whether it remains appropriate for the Plan to continue to be progressed under transitional arrangements.

Transitional Arrangements

7. Paragraph 234 of the Framework indicates that, for the purposes of plan-making, the policies in the 2024 iteration of the Framework apply from 12 March 2025 unless, amongst other matters, a plan had reached Regulation 19 stage on or before that date and included a draft housing requirement of at least 80% of local housing need. It is acknowledged that both of these criteria were satisfied in South Derbyshire at the time of the initial Regulation 19 consultation. Whilst the current consultation is also being undertaken under Regulation 19, it is material that footnote 82 clarifies that, in the context of paragraph 234, a plan is to be regarded as having “reached Regulation 19” where the requirements of that stage have been complied with.
8. The Planning Practice Guidance provides further clarification in this regard. It states that, where more than one Regulation 19 consultation is undertaken, a plan will normally be taken to have reached Regulation 19 stage at the point of the first such consultation. However, it also recognises that there are limited circumstances in which the relevant date may instead be that of a subsequent consultation, including where the content of the emerging plan has changed significantly from that previously presented.
9. There is no precise definition of what constitutes a “significant” change for these purposes. Nevertheless, the extent and nature of the modifications made in the present case go beyond simple technical changes. The amendments to the Regulation 19 draft consulted upon in March 2025 extend to some 65 pages. Of particular importance is the extension of the plan period to 2042, which necessitates the accommodation of an additional 763 dwellings and results in corresponding revisions to both the housing requirement and the overall housing land supply. In addition, new site allocations have been introduced, including land at Brun Lane, Mackworth, which is now anticipated to deliver within the plan period, whereas this was not previously the position.
10. Matters such as the plan period, the scale of housing need, and the strategy for meeting that need are fundamental components of any local plan. Changes of this nature and scale are therefore plainly significant and go to the substance of the Plan itself.
11. Therefore, we are of the view that the Plan cannot proceed under transitional arrangements and that it should be examined against the National Planning Policy Framework 2024.

Plan period

12. Having regard to the delays experienced to date, it appears unlikely that the Plan will be adopted until late 2027 at the earliest. On that basis, a plan period extending to 31 March 2042 would fall short of the minimum 15-year time horizon required by the Framework.
13. The Framework is clear that strategic policies should look ahead over a minimum period of 15 years from the date of adoption. In this instance, the current end date would provide materially less than that requirement. As such, the Plan does not presently meet the expectation set out in national policy.



14. In order to ensure compliance with national policy and plan soundness, the plan period should be extended accordingly. An extension to at least 2043 would be necessary to meet the minimum requirement, although an end date of 2044 would provide a more robust and flexible timeframe, allowing for potential delays to adoption or further changes arising through the examination process.
15. Therefore, we request that the Plan period is extended to at least 2043 and additional site allocations identified to meet the additional need arising.

Policy REV1 – Review of the Local Plan

16. Policy REV1 has been substantially altered from the previous version. Rather than committing the Council to a review of the Plan immediately upon adoption and setting out clear timescales for that, the policy now requires the Council to prepare and submit a new Local Plan in line with the provisions for plan-making set out in the Levelling Up and Regeneration Act 2023. This change has been brought about to mimic the approach within the recently adopted Amber Valley Local Plan.
17. In previous representations, it was noted that, whilst the commitment to an early review was welcomed, Policy REV1 did not sufficiently define either the scope of that review or the consequences of failing to progress it within an appropriate timeframe. We considered this to be of particular importance given that the Plan constitutes only a partial review, focused on addressing unmet housing needs arising from Derby, rather than providing a comprehensive strategy for the wider District.
18. Whilst it is recognised that the new plan-making system introduced through the Levelling Up and Regeneration Act is intended to promote more effective adherence to plan-making timescales, there remains a lack of clear consequences in circumstances where those timescales are not met. In particular, there is no direct mechanism by which a failure to progress plan-making would trigger policy consequences, such as the application of the presumption in favour of sustainable development.
19. Given the history of delays associated with the preparation of this Plan, and the limited margin by which it is currently anticipated to meet its minimum housing requirement as discussed, it remains essential for soundness that a more robust mechanism is in place.
20. We therefore request that Policy REV1 a) set out clear timescales for progressing the review to the Plan (which should be commenced immediately) and b) set out clear consequences for failing to adhere that timescale which should be the application of the presumption in favour of sustainable development.

Housing Supply

21. In our previous Regulation 19 representations, it was identified that the Plan did not provide sufficient housing supply to meet its stated minimum requirement, with the housing trajectory indicating a shortfall against that requirement over the Plan period to 2041.



22. On the basis of the updated trajectory, the position has altered such that 15,454 dwellings are now identified against a minimum requirement of 15,263 dwellings. This represents an overall surplus of 191 dwellings across the plan period to 2042, equating to a supply-side margin of approximately 1%.
23. Such margin is extremely limited and would provide little resilience in the face of uncertainty. This is of particular concern given the Plan's reliance on the timely delivery of large-scale Sustainable Urban Extensions, namely South of Mickleover and Infinity Garden Village. Experience indicates that schemes of this nature are often subject to lead-in times, infrastructure dependencies and delivery risks. In this context, the level of headroom currently identified would allow for only minimal slippage, with even relatively modest delays likely to result in a failure to meet the Plan's minimum housing requirement.
24. In order to ensure that the Plan is effective and sufficiently flexible to respond to changing circumstances, it is essential for Plan soundness identify a materially greater buffer within the housing land supply. A margin in the order of at least 10%, and preferably closer to 20%, would provide a more robust basis for delivery.

Policy FLG 1 - Land at Brun Lane, Mackworth

25. The updated Plan and accompanying housing trajectory indicate that land at Brun Lane, Mackworth is now expected to deliver in full within the plan period to 2042. This represents a notable departure from the previous iteration of the Plan, where no completions from this site were anticipated within the plan period to 2041.
26. However, there appears to be no corresponding amendment to Policy FLG1 to reflect this change in reliance. The site continues to be identified as a "long term strategic housing growth area", which suggests a role beyond the immediate plan period rather than as a key contributor to short- to medium-term housing delivery.
27. It is also relevant that, whilst the site retains a form of recognition within the adopted Amber Valley Local Plan as a Future Area for Growth, it was not taken forward as an allocation as proposed due to constraints relating to site availability, namely that the landowner did not wish to see the site developed. The supporting text to that Plan (paragraph 6.1.4) indicates that the site is not expected to deliver until the latter part of the plan period and is not relied upon to meet housing requirements in Amber Valley.
28. In this context, and having regard to the cross-boundary nature of the site, it is difficult to conclude that sufficient certainty exists regarding its availability and deliverability, particularly not when it forms part of a wider growth area most of which lies in an adjacent authority. Where adjacent authorities have not relied upon the site to meet their own housing requirements, there is limited justification for it to be treated differently in the context of South Derbyshire's Plan. As such, the inclusion of Brun Lane, Mackworth as a substantive source of housing supply over the Plan period introduces a clear element of risk and in light of the discussion above, a plainly unacceptable one, given the high reliance the Plan must place on it to deliver even its minimum housing requirement.



29. Land at Brun Lane, Mackworth cannot be relied upon with a sufficient degree of certainty to form part of the identified housing land supply. Accordingly, it should be removed from the housing trajectory unless for Plan effectiveness until robust evidence is provided to demonstrate its availability, suitability and deliverability within the plan period. This would necessarily result in the Plan's supply delivering fewer homes than the housing requirement and so, alternative sites must be identified.

Sustainability Appraisal

30. As with previous submissions, there remain substantive concerns regarding the robustness of the Sustainability Appraisal (SA) process. The most recent iteration, dated 5 May 2026 and entitled "Regulation 19 Addendum: Proposed Modifications – Sustainability Appraisal Report", has been reviewed in this context.
31. Earlier representations identified significant shortcomings in the SA, notably its failure to adequately consider reasonable spatial alternatives beyond the fringes of Derby. Instead, the assessment focused exclusively on options for growth in that location, thereby excluding meaningful consideration of district-wide alternatives for housing distribution. Furthermore, no alternative employment sites were appraised.
32. It is acknowledged that the Council has sought to address these concerns through the introduction of five growth scenarios (Options A to E), which include consideration of locations beyond the Derby fringe. However, the timing of this assessment is of concern. By the point at which these options have been appraised, the Council has already reached a settled position in respect of both the spatial strategy and the distribution of growth. In these circumstances, it is plain that exercise undertaken now does not and has not materially informed the selection of the preferred strategy.
33. Case law establishes that the consideration of reasonable alternatives must be undertaken at a stage in the plan-making process when it can genuinely influence decision-making. The purpose of the SA process is to ensure that environmental considerations are integrated into the formulation of the Plan from the outset, rather than being applied retrospectively once key strategic choices have already been made. Assessing reasonable alternatives after the "main" Regulation 19 consultation has already been carried out is clearly tantamount to such a deficiency in terms of the SA process.

Policy H21 – Affordable Housing

34. Modifications to Policy H21, which reduce the affordable housing requirement from 40% to 30%, are welcomed in light of the supporting viability evidence. However, further flexibility should be incorporated within the policy to ensure that sites can be viably brought forward, particularly given the very limited supply-side buffer above the minimum housing requirement.

Conclusion

35. In overall terms, the Plan in its current form cannot be regarded as sound when tested against the requirements of national policy. The cumulative effect of the matters identified above in in our original Regulation 19 representations is such that the Plan is not sound and accordingly significant further work is required before it could be found capable of adoption.



36. A fundamental concern arises in relation to the reliance on transitional arrangements. Whilst it is accepted that the Plan formally met the criteria at the point of the original Regulation 19 consultation in March 2025, the position has materially changed. The extent of the modifications now introduced, including the extension of the plan period, revisions to the housing requirement, and the identification of additional sources of supply, represent changes of a substantive and strategic nature. These are not minor refinements but alterations that go to the core of the Plan's spatial strategy and overall quantity of development. In these circumstances, it is not evident that the Plan can reasonably continue to rely upon its earlier procedural position, but the scale of change is such that the Plan should be treated as having reached Regulation 19 at this later stage, with the consequence that it should be assessed against the National Planning Policy Framework 2024.
37. The proposed plan period itself further undermines the soundness of the Plan. Having regard to the delays that have already arisen, and the stage the Plan has now reached, it is unlikely that adoption will occur before late 2027 at the earliest. On that basis, the current end date of 31 March 2042 would not provide the minimum 15-year period required by national policy. The Plan as drafted would therefore fail to meet one of the most fundamental expectations of the Framework. In order to rectify this deficiency, the plan period must be extended to ensure at least a full 15-year horizon from the realistic point of adoption, with a longer period providing a more robust and flexible basis for delivery.
38. Concerns also arise in relation to the effectiveness of Policy REV1. The removal of a clear and immediate commitment to review, and its replacement with a more generalised requirement to prepare a new plan under the future system, weakens the certainty previously offered. Given the acknowledged limitations of this Plan as a partial review, and the history of delays in its preparation, it is essential that a clear and enforceable mechanism is in place to ensure that a comprehensive review is progressed without delay. The absence of defined timescales and the absence of any meaningful consequences for failure to adhere to those timescales, results in a policy that lacks the necessary certainty and "teeth" to be effective.
39. The position in respect of housing supply is similarly deficient. Whilst the updated trajectory indicates a nominal surplus over the plan period, the scale of that surplus is minimal, amounting to approximately 1%. This provides no meaningful flexibility and does not reflect the realities of housing delivery, particularly where the supply is heavily dependent on large and complex sites with known risks relating to lead-in times, infrastructure provision and market absorption. A plan which has so little headroom reasonably be described as effective or deliverable. Even modest delays on key sites would result in an immediate shortfall against the minimum requirement. In this context, the absence of a more substantial buffer is a clear weakness, and the Plan should include a materially greater margin of supply in order to ensure resilience and flexibility.
40. The concerns in respect of housing supply generally are compounded by the reliance on Land at Brun Lane, Mackworth. The evidence does not demonstrate with sufficient certainty that this site is available or capable of delivering within the plan period. Its continued identification as a long-term growth area sits uneasily alongside its assumed contribution to short and medium-term supply. Furthermore, the position adopted in the adjoining authority's plan, where the site has not been relied upon to meet the minimum housing requirement, reinforces the lack of certainty surrounding its



delivery. In the absence of robust and compelling evidence to the contrary, it cannot be concluded that the site is deliverable as assumed. Its inclusion within the housing trajectory therefore introduces a clear and significant risk to the overall supply position, which is already marginal. The Plan would need to either remove this reliance or provide substantially stronger evidence of deliverability, alongside identifying alternative sources of supply where necessary.

41. Finally, there remain significant shortcomings in the Sustainability Appraisal process. Whilst it is acknowledged that additional work has been undertaken to consider alternative spatial strategies, this has occurred at a stage when the overarching approach to growth has already been established. As a consequence, it does not appear that the consideration of reasonable alternatives has genuinely informed the development of the Plan. This runs contrary to the fundamental purpose of the Sustainability Appraisal process, which is to embed environmental considerations into plan-making at the formative stages. The retrospective nature of this exercise significantly limits its value and raises doubts as to whether the Plan has been justified through a proper and assessment of reasonable alternatives.
42. Drawing these matters together, the deficiencies identified are not minor or technical in nature and go to the heart of the Plan's soundness. Addressing them will require substantive changes, including reconsideration of the transitional position, extension of the plan period, strengthening of the early review mechanism, identification of additional and more robust housing supply, removal or proper justification of uncertain allocations, and a robust approach to the appraisal of alternatives.
43. In light of the scale and significance of these issues, it is essential our client parties is afforded the opportunity make oral submissions at the examination hearings. The matters raised are central to the determination of whether the Plan can be found sound, and they will require detailed scrutiny through hearing sessions. It is therefore both appropriate and necessary that our client is invited to participate in those sessions in order to ensure that these concerns are properly tested and considered by the Inspector(s).
44. Please contact the undersigned should you have any questions about this letter or its content.

Yours Sincerely

Ben Ward MRTPI

Planning Director

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South Derbyshire Local Plan Part 1 Review (2022 – 2041)



REPRESENTATIONS

REGULATION 19 – PUBLICATION VERSION

APRIL 2025

Project Name: South Derbyshire Local Plan Part 1 Review –
Regulation 1

Client Name: Richborough Estates

Prepared By: B Ward MRTPI

Signed: B Ward MRTPI

Date: 22nd April 2025

Reviewer A Gore MRTPI

Signed A Gore MRTPI

Date: 23rd April 2025

Revision: 1

Table of Contents

1. Introduction	4
2. Scope, Vision and Objectives	5
3. Housing Requirement	8
4. Spatial Strategy	14
5. Land South of Derby	17
6. Conclusions and Changes Sought	18

1. Introduction

1.1 Background

1.1.1 These representations have been prepared by Marrons on behalf of Richborough Estates (hereafter “Richborough”) to comment on the soundness and legal compliance of the South Derbyshire Local Plan Part 1 Review Regulation 19 (Publication Version) Consultation.

1.2 Land South of Derby

1.2.1 Richborough is promoting Land South of Derby for residential development. This site has previously been promoted through the SHELAA and Local Plan process. Further discussion will follow later in this representation.

1.3 Structure of Representations

1.3.1 Our representations raise matters in relation to the substantive content of the emerging Local Plan drawing on elements of the evidence base where appropriate and have been broadly structured as follows:

- Scope of the Plan, Vision and Objectives
- Housing Requirement
- Spatial Strategy
- Land South of Derby

2. Scope, Vision and Objectives

2.1 Plan Period

2.1.1 The Plan sets out a growth strategy for South Derbyshire between 2022 and 2041. The Regulation 18 version of the Plan only sought to address growth needs to 2039. This was not compliant with the NPPF, which requires strategic policies to look a minimum of 15 years beyond adoption, and so it is welcome that the Plan period has been extended to 2041. However, it is highly unlikely that adoption will occur by the end of 2025. The end of 2026 is a more realistic estimate. This requires the Plan period to extend to March 31, 2042 at minimum, and so the Plan still does not look forward over the appropriate time horizon.

2.2 Scope of the Plan

2.2.1 Paragraph 1.6 of the Plan states that this review is a partial update of the Part 1 Local Plan, intended specifically to address unmet housing needs from Derby. Paragraph 1.12 clarifies that a comprehensive plan and full review will follow adoption of the Part 1 Partial Review. Further, paragraph 1.13 highlights that the primary focus of the emerging Plan will be two key allocations on Derby's urban fringe: Infinity Garden Village and the Land to the South of Mickleover.

2.2.2 Section 15 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS must, amongst other things, specify the subject matter and geographical area to which each development plan document relates.

2.2.3 The most recent LDS available for South Derbyshire covers the period 2025 to 2028. *Inter alia*, the LDS sets out that the Council considers itself to be working under the 'transitional arrangements' per the NPPF, meaning this Local Plan Review will proceed under the provisions and procedure of the 2023 NPPF. It is therefore their intention to continue under the two-part plan approach, but accept that a full single plan review will be necessary to be undertaken post adopted of LPP1. It is noted that a new LPP2 would need to be submitted for examination prior to December 2026 if that was the route taken.

2.2.4 Elsewhere in the LDS it is noted that several key pieces of work which would contribute to the evidence base to a Local Plan have yet to be completed. This includes the Local Plan Viability Assessment and some Transport Modelling.

2.2.5 What is notable is that until this most recent Regulation 19 consultation, the LDS (2022-2025) had stated that most of the policies of the Local Plan Part 2 for South Derbyshire would be reviewed alongside the Part 2 Local Plan and subsumed into a new Local Plan. In addition, it was stated the new Part 1 Plan will provide a long-term vision for the spatial development of South Derbyshire and provide allocations for housing and employment sites "across the District."

2.2.6 As set out above, the form of the Plan currently consulted on clashes with that older LDS, and thus proceeds on a different basis to which was previously anticipated. It does not review adopted Part 2 Local Plan, which is carried forward in its entirety. In short, what has been published in the form of the emerging Plan is a partial review to address unmet needs from Derby only and on the edge of Derby only.

2.2.7 Paragraph 1.13 of the Plan states that its focus will be upon two specific strategic allocations at Derby Urban Fringe illustrates that the substantive content of the Plan has been pre-judged. A robust process to formulate the most appropriate strategy when considered against the reasonable alternatives has not been followed. Rather, the Plan appears to have started at what ought to have been its destination through the allocation of specific sites in a certain location, rather than by following an objective process informed by a robust evidence base to identify the best performing strategy and sites which meet objectively assessed needs for development.

2.2.8 The Plan should address housing needs of South Derbyshire as a whole in addition to those unmet needs emanating from Derby and across the HMA over an appropriate plan period.

2.2.9 The restricted scope of the Plan as a partial review only to deal with Derby's unmet housing need is not justified and is inappropriately driving choices regarding the amount and location of housing and economic development.

2.3 Policy REV1: Review of the Local Development Plan

2.3.1 Policy REV1 sets out that plan-making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan. It also states that the comprehensive plan will be submitted for examination within five years of the Part 1 Review Plan's adoption.

2.3.2 The proposed use of an early review mechanism to defer addressing strategic housing and economic needs over the appropriate time period is unjustified. There is no reason why strategic development needs for the District and wider HMA cannot be addressed in the current plan review and across the appropriate time horizon required by the NPPF.

2.3.3 In relation to Derby's unmet housing needs (which the Plan does not meet in full) and as explained further below, the Council should note the advice of the Planning Practice Guidance ("PPG") that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates.

2.3.4 Policy REV1 seeks to commit the Council to an early review of the current Plan, but it does not set out the scope or the nature of the review nor does not set out any consequences for not meeting the timescales for progressing it.

2.3.5 In summary, Draft Policy REV1 is unjustified because it seeks to use an early review to address fundamental deficiencies with the Plan including failure of the Duty to Cooperate and ineffective because it does not set out the scope of a future review, nor any consequences should not be progressed.

2.4 Vision and Strategic Objectives

2.4.1 The Vision at paragraph 3.2 is generic and not locally distinctive. In our view, it does not set out a clear framework for the spatial development of the District over the Plan period. The Vision makes reference to the Climate Emergency declared by the Council, but does not acknowledge the Housing Emergency, despite a chronic lack of affordable homes in the District and declining housing affordability.

2.4.2 The Vision lacks a clear commitment to tackling this affordability problem through boosting the supply of affordable homes and housing more generally. As set out below, the Plan's housing requirement in addition to not meeting all of Derby's unmet needs with the Plan period, will also not be sufficient to secure delivery of sufficient affordable homes to meet objectively assessed needs.

2.4.3 For the reasons set out below, the Plan's housing requirement of 14,500 will be insufficient to support an ambitious economic growth strategy, will not deliver enough affordable homes over the Plan period nor will it address unmet housing needs or meet the needs of older people or requirements for custom and self-build housing or other specialist housing types and tenures.

3. Housing Requirement

3.1 Introduction

3.1.1 Within this section, we comment upon the housing requirement and the underpinning evidence base in relation to housing needs within South Derbyshire and across the wider HMA.

3.2 HMA-wide Housing Need & Duty to Cooperate

3.2.1 The latest Statement of Common Ground ("SoCG") for the HMA was published in December 2024. The SoCG records that Derby City is constrained and that Derby City Council has undertaken work that estimates housing capacity supply over the Plan period 2022 to 2039 at 12,500 dwellings. Despite the crucial relevance of that work to a Plan which seeks to address Derby's unmet needs for housing, that work has not been published either as part of the current consultation or at previous stages.

3.2.2 Until the Derby Capacity Study is published and subject to independent scrutiny and examination, there is no confidence that the figure of 12,500 is robust. Those wishing to make

representations have been deprived of an opportunity to comment on this critical part of the evidence base.

3.2.3 Paragraph 27 of the NPPF states that strategic policy-making authorities should prepare and maintain one or more statements of common ground. Amongst other things, these should be made publicly available throughout the plan-making process to provide transparency. Whilst the most recent SoCG has been made publicly available through the examination of the Amber Valley Local Plan, the Derby Capacity Study is a major evidence base document which underpins the SoCG and this remains unpublished.

3.2.4 Table A of the SoCG sets out a comparison of HMA need (calculated using the previous version of the Standard Method) against HMA-wide “supply,” which equates to the emerging housing requirement figures for Amber Valley and South Derbyshire. For Derby, the city’s presumed urban capacity figure of 12,500 is used as the housing requirement. It is concluded within the SoCG that HMA need is 35,734 and supply is 37,225, resulting in a surplus of 1,491 across the HMA over the Plan period.

3.2.5 The figures above, however, are calculated from 2022 to 2039 whereas South Derbyshire’s emerging Plan extends to 2041 and Amber Valley’s to 2040. Therefore, housing need and supply within the HMA has not been considered over the appropriate time-horizon. Between 2022 and 2041, aggregate need would amount to 39,938 compared to the supply of 37,448. In other words, even taking Derby’s urban capacity at value, **there is a 2,500-dwelling shortfall across the HMA**. This is summarised in Table 1 below.

Table 1: Housing Need compared to Supply (2022 - 2041)

LPA	Local Housing Need (dpa)	Aggregate Need (2022 to 2041)	Emerging Housing Requirements	Surplus / Deficit
Amber Valley	351	6,669	10,465	3,796
Derby City	1,244	23,636	12,500	-11,136
South Derbyshire	507	9,633	14,483	4,850
Total	2,102	39,938	37,448	-2,490

3.2.6 It is common ground between the HMA authorities that Derby cannot meet its own need. The emerging Amber Valley Local Plan is in the latter stages of examination. Accordingly, if the Plan

for South Derbyshire is adopted in its current form with its housing requirement of 14,500, a substantial shortfall will result within the HMA.

3.2.7 The SoCG erroneously states that South Derbyshire District Council is preparing a plan to cover the time period between 2022 and 2039. It also states that Derby City Council is also preparing a Plan that would look to 2039, but this would not comply with the NPPF's expectation the plan period must extend a minimum of 15 years from adoption.

3.2.8 Paragraph 11 b) of the NPPF states that strategic policies should, as a minimum, provide for objectively assessed needs for housing, as well as any needs that cannot be met within neighbouring areas. Paragraph 26 requires effective joint working between strategic policy-making authorities, including whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

3.2.9 The HMA authorities have agreed that Derby's unmet need can be met between 2022 and 2039, which does not align with the Plan period. That time horizon also does not align with the period for the emerging Amber Valley Local Plan nor the likely period for any local plan progressed by Derby City Council. In our view, this does not constitute effective or ongoing joint working.

3.3 Derby's Urban Capacity

3.3.1 As set out above, Derby's Urban Capacity study has not been published. Derby City Council has, however, published a Position Paper dated October 2024, which provides an overview of the work undertaken to date. This does not form part of the Plan's evidence base, but clearly has implications for its proposed housing requirement. **Most notably, the Position Paper states on the last page that the figure of 12,500 is merely an indication of urban capacity and it has not been informed by the full, detailed assessment of sites that would be required to justify a housing requirement figure.** That is tacit acknowledgement that the figure cannot be relied upon.

3.3.2 There is repeated reference throughout the Position Paper to the 12,500 figure being "ambitious." In fact, it is stated at one point that the Council's consultants (AECOM) recommended a lower capacity figure of 10,400. Recent trends of housing delivery within Derby suggest that caution is warranted.

3.3.3 The Housing Trajectory in the Derby City Council Local Plan Part Core Strategy (2017) projected that, by the 2022/2023 monitoring year, a total of 9,459 dwellings would be delivered. However, the Government's live tables on housing delivery show a cumulative total of 6,747 dwellings, resulting in a shortfall of approximately 2,712 units compared to the targets set in the adopted Core Strategy for the same period.

3.3.4 The actual delivery rate equates to an annual average of 613 dwellings since the start of the Core Strategy's Plan period, significantly lower than the 700-800 dpa anticipated in the urban capacity work. There is little reason to believe that such a substantial increase in delivery is feasible within the context of a constrained urban authority and there is no reliable evidence to indicate otherwise.

3.3.5 No part of the evidence base addresses Derby's urban capacity. Recent trends and the limited evidence that has been published suggests that it is over-stated considerably and until the matter is addressed comprehensively and tested through examination, there can be no confidence that the Plan's housing requirement is addressing HMA-wide need.

3.3.6 In relation to HMA-wide need, it should be noted that Table 5 of the SoCG relies on the consultation version of the "new" Standard Method, which has since been updated with the published version. Even so, it is evident even on the new figures that there will be a recalibration of where need arises throughout the HMA, with fewer homes needed in Derby City Council's administrative area and more within the adjacent authorities. As Derby City Council itself points out in its response to the Regulation 18 consultation published within SDDC's "summary of responses," this may have implications as to where growth is located. It should also be noted that whilst SDDC is progressing under a version of the Standard Method which includes the "urban uplift" and therefore attributes more housing need to Derby, any local plan for Derby will need to respond to the current version of Standard Method, as well any early review to the emerging Amber Valley Local Plan, if adopted.

3.4 The Housing Requirement

3.4.1 The District's LHN figure, calculated using the Standard Method, serves as a minimum starting point and does not represent the final housing requirement. This is clearly outlined in the PPG. The PPG also specifies that exceptional circumstances are required if planning for fewer homes than the Standard Method indicates. Therefore, the LHN should be viewed as a floor, not a ceiling. The PPG also sets out a number of circumstances and factors where it might be appropriate to plan for a higher housing requirement than the LHN. These are summarised below:

The Standard Method does not attempt to predict the impact of changing economic circumstances or the impact other factors might have on demographic behaviour.

Circumstances where it may be appropriate to plan for a greater level of housing growth than the LHN includes, but is not limited to:

- *Growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth*

- *Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or*
- *An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground.*
- *There may also be situations where previous levels of housing delivery in an area, or previous assessments of need, are significantly greater than the outcome of the Standard Method.*

Total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing requirement included in the plan may need to be considered where it could help deliver the required number of affordable homes. [Emphasis Added]

3.4.2 Paragraph 4.34 of the Plan states that the Local Housing Needs Assessment (“LHNA”) December 2023 confirms there are no exceptional circumstances justifying a departure from the Standard Method in calculating housing needs. However, the question of whether there are exceptional circumstances to depart from the Standard Method is distinct from whether the housing requirement should be increased beyond the Standard Method to account for the factors mentioned in the Planning Practice Guidance. The PPG makes it clear that the Standard Method does not determine a final housing requirement, but only serves as a minimum starting point. Therefore, we would expect the Plan and its evidence base to comprehensively address the factors outlined in the PPG.

3.4.3 The Government’s live tables on net additional housing supply indicate that over the last five years South Derbyshire has seen an annual average of 1,107 completions per annum. This suggests that the Council can sustain a rate of housing delivery well more than the LHN (which for South Derbyshire on the old Standard Method is 507 dpa). The emerging housing requirement, by contrast, is 763 dpa. This delivery significantly less growth than what has been recently achieved is clearly not consistent with the NPPF’s objectives of significantly boosting the supply of housing.

3.4.4 South Derbyshire has averaged 167 affordable housing completions per year. However, the LHNA identifies a need for 410 affordable dwellings per year. Similarly, Derby City Council has delivered an annual average of 169 affordable units over the past decade, while the LHNA estimates its annual need at 1,076 homes.

3.4.5 The LHNA states at paragraph 6.53 that the notional percentage of affordable housing in South Derbyshire is 41% of the LHN. However, this does not appear to capture the calculated need for affordable home ownership and intermediate affordable tenures. The true ratio is therefore much higher and closer to 80%, when compared to an affordable housing policy requirement of 30% within the District.

3.4.6 In spite of the above, the LHNA concludes that the housing requirement should not include an uplift to address affordable housing needs. The rationale for this is explained at paragraph 6.69 and amounts to the claim that it is too difficult to link affordable housing to the overall housing requirement and that there is no justification for making the link. That proposition is supported by reference to guidance issued by the Planning Advisory Service in 2015. Despite seemingly being aware of the clear direction in the PPG to consider an increase in total housing figures to help deliver the required number of affordable homes, the LHNA appears to disagree with the PPG's clear advice and has proceeded not to apply it in, concluding that no uplift should be made to deliver affordable housing figures. That approach is inconsistent with national policy and has resulted in an unsound housing requirement which has clearly not been informed by the significant level of affordable housing need within Derby and South Derbyshire identified within the evidence base.

3.5 Flexibility & Contingency

3.5.1 The Plan identifies a housing requirement of 14,500 dwellings. Policy S4: Housing Strategy sets out that this will be met through the following provision:

- 12,470 dwellings from proposed for allocation within the Plan and those remaining to be completed on allocations in the adopted Part 1 Plan;
- 242 dwellings to completed on sites in the adopted Part 2 Local Plan; and
- 1,788 dwellings on existing unallocated sites of ten dwellings or more and windfall development on sites of fewer than ten dwellings

3.5.2 The components of supply identified above equate to exactly the minimum housing requirement of 14,500. However, the housing trajectory at Appendix 5 indicates 14,443 cumulative completions over the Plan period, slightly below the minimum housing trajectory.

3.5.3 No allowance for flexibility or contingency has been made to account for delayed delivery. Marrons recommend that Plans incorporate a supply-side buffer of 10-20% to ensure the minimum housing requirement is met.

3.5.4 In the case of the Plan, its strategy for the delivery of homes is heavily weighted towards two Sustainable Urban Extensions (SUEs) located on the Derby urban fringe. STRA1: Infinity Garden

Village is forecast to deliver 150 dwellings per year starting in 2029/30. STRA2: South of Mickleover is anticipated to commence delivery at the same rate but starting in 2030/31. Forecast completions for each site extend beyond 2041.

3.5.5 Given the above, even minor delays to the delivery of these SUEs would start to push a considerable number of completions beyond 2041 meaning that the Plan's minimum housing requirement will not be delivered within that timescale.

3.5.6 Analysis by Lichfields suggests that sites of 2,000+ dwellings take almost 7 years from the validation of an outline planning application to delivery on site. Using that metric, assuming the Plan is adopted by the start of 2027 and that submission outline planning application follows shortly after, 2034 is a more realistic star year. On this analysis, the trajectory is overstated by around 900 dwellings.

4. Spatial Strategy

4.1 Introduction

4.1.1 Within this section, we make representations in respect of the Plan's apportionment of housing growth and the evidence underpinning it, namely in respect of the Sustainability Appraisal process.

4.2 Sustainability Appraisal

4.2.1 A Sustainability Appraisal ("SA") of the Regulation 19 Plan has been undertaken by SLR and is dated 10th March 2025. Page 45 of the SA confirms that the SA process focuses on four strategic site options for distributing housing need for the Derby HMA. Two of these options have been taken forward and two rejected. No options beyond the Derby fringe have been considered within the Regulation 19 SA itself, although it cross references earlier work undertaken on an HMA-wide basis, which concluded that focusing development on the urban fringe of Derby is the most sustainable option.

4.2.2 The Site under promotion by Richborough corresponds to Site 4 (South of Littleover), which has been assessed as a “reasonable alternative” within the SA work and summarily rejected. We strongly object to this approach and the perfunctory analysis upon which the assessment has been based. Prior to addressing our site-specific concerns, there are several broader strategic flaws in respect of the SA process. These are set out below.

HMA Sustainability Appraisal of Housing Options

4.2.3 The September 2024 Derby HMA Sustainability Appraisal of Housing Options (“HMASA”) by SLR considered various high-level options for the scale and distribution of housing growth. Turning first to scale discussed at section 2.1.1, the HMA SA considers scenarios between 2023 and 2039. This does not align with the Plan period either in respect of the base year or the end year. Therefore, the housing numbers tested bear little relation to the substantive content of the Plan and are inaccurate.

4.2.4 Consequently, applying the Standard Method across the HMA, the SA tests a figure of 36,584 (“Scale 1”) between 2023 and 2039 when it should, in fact, test a figure of 39,938 between 2022 and 2041. The only other options for scale of housing growth considered within the SA involve removal of the Standard Method’s 35% urban uplift altogether (“Scale 2”) its replacement with an arbitrary 10% uplift (“Scale 3”).

4.2.5 Neither Scale 2 nor Scale 3 are realistic options. National planning policy is clear that the Standard Method calculates the minimum number of homes required. There is no basis for disapplying the urban uplift for Derby or replacing it with a lower figure nor is there any evidence to indicate otherwise. The urban uplift is an inherent part of the relevant version of Standard Method and part and parcel of calculating an area’s minimum need for housing. Scale 2 and Scale 3 are therefore not reasonable alternatives and should not have been presented or tested as such.

4.2.6 Page 4 of the HMASA says that consideration has been given to a higher growth option than Scale 1 but does not say what this figure is. It then goes on to set out several reasons why housing provision might be greater than the minimum need indicated by the Standard Method but dismisses any option higher than it on the basis that Scale 1 “already includes a 35% uplift identified by central Government and it is agreed that Derby City is unable to meet this.” That is not a valid reason given that the urban uplift is an inherent part of undertaking the calculation and, as recognised in national policy stated within the HMASA itself, the Standard Method only identifies the minimum starting point and does not preclude a higher housing requirement figure.

4.2.7 SA testing in terms of the overall qualities of growth are therefore inaccurate. Reasonable alternatives have not been adequately defined or tested. Those alternatives which have been considered are arbitrary and not based in evidence. The net result is the Plan’s housing requirement has not been justified through an objective or robust SA process.

4.2.8 Table 2-1 provides an overview of how growth options have been assessed. All options presented under Scale 1 (i.e. 36,584 homes) only test the apportionment of 9,022 homes – the purported extent of Derby’s unmet need. Setting aside the fact there is no cogent or robust evidence base underpinning Derby’s urban capacity and therefore the extent of unmet need is unknown, the Plan is clear that it is addressing housing needs both within Derby and within South Derbyshire. Therefore, only testing the extent of unmet housing need attributable to Derby is not a robust approach.

4.2.9 Option D3 considers how a dispersed pattern of growth may be distributed. It assumes that 5,576 dwellings would be met on Derby’s urban fringe with the remaining 3,446 split outside of the urban fringe as per various sub-options. These options do not identify how growth is distributed to individual settlements or tiers of settlements and in an approach which is common across all options, only considers different scenarios for apportionment based on administrative boundaries.

Growth Options Study (2021)

4.2.10 The HMASA makes repeated reference to the Growth Options Study (“GOS”) by AECOM. It is unclear the extent to which this has driven site selection, but the GOS has significant limitations. Essentially, the process the GOS has follows is as below:

- Breaks down the HMA into six very broad assessment areas;
- Analyses the six assessment areas to identify 16 broad areas of search for detailed consideration in Stage 2;
- Analyses the 16 assessment areas; and
- Concludes as to whether the assessment areas are unsuitable, potentially suitable or suitable

4.2.11 The substantive analysis of the GOS commences with a consideration of the key constraints within the very high level HMA assessment areas, of which there are six. The scale of these units of assessment is vast and the conclusions drawn about the key constraint and opportunities can only be very high level and not applicable at the scale of individual sites and settlements.

4.2.12 Following this very broad thematic review, data in respect of constraints and proximity to services is combined in a land suitability and proximity map which uses various shades of purple to provide a land suitability score. The information is presented at such a high level it is practically impossible to infer the relative performance of individual sites or broad directions of growth around settlements.

4.2.13 Following this very high-level work, the GOS moves on to discussing the sixteen broad areas of search but there is limited explanation as to how they've been selected or how the previous stages of analysis informed these choices. The GOS therefore moves from a very high-level review of the HMA to selecting individual broad areas with little in the way of context or explanation. We therefore consider that its conclusions cannot be relied upon.

Site 4 – South of Littleover

4.2.14 Paragraph 6.3.5 explains the choice of preferred options in relation to potential SUEs on the edge of Derby. Site 4 (South of Littleover), is stated as not being closely located to large employments in the area such as Toyota and the Freeport or Infinity Park Derby. Issues are also cited around viability due to multiple landownerships and it is claimed that the site would result in a greater encroachment into the countryside in comparison to the two selected sites and would reduce the separation between Derby and the nearest village of Findern.

4.2.15 The reasons stated for rejecting Site 4 are vague and generalised.

4.2.16 Firstly, the term “closely located” is not usefully quantified in respect of the site’s proximity to large employers. No objective evidence has been used to substantiate this. Land South of Littleover is sustainably located and offers travel opportunities to reach a wide variety of employment opportunities, including the District’s larger employers. There appears to be no objective evidence underpinning the assessment that it performs less favourably against Objective SA9 (Sustainable Travel) than the other site options. Furthermore, Site 4 is the only site which can deliver the South of Derby Integrated Transport Link (“SDTL”), which would deliver a betterment not only for traffic, but also for sustainable transport.

4.2.17 Secondly, Richborough is working collaboratively with other promoters in the area to bring forward South of Littleover. There is no objective evidence suggesting that the site is not viable or that multiple ownerships would constrain deliverability. In respect of the substantive point about the fragmentation of landownership, the area is under promotion by a combination of Redrow Homes, Ainscough Strategic Land and Richborough Estates, all of which have agreements with their respective landowners to promote the site for development, as clearly evidenced by the SHELAA. It is therefore not clear on what basis the Council believe the site is not viable as it is all available for development. Once again, this vague and generalised statement is indicative of a lack of robustness and objectivity in the assessment.

4.2.18 Thirdly, in respect of the comments about encroachment into the countryside and potential coalescence with Findern, these are not based on any objective evidence fairly comparing the performance of individual sites against a consistent methodology. Therefore, they cannot be relied upon and do little to explain why Site 4 was rejected. In fact, all options except for Site 2 (Thulston Fields) have been recorded as having an “uncertain effect” in respect of SA16

(landscape). Therefore, it is unclear how landscape can form one of the principal grounds for rejecting Site 4.

4.2.19 In respect of infrastructure (SA8), we note that Land South of Littleover has been ranked “neutral” against this objective in common with other options, even though delivery of this site would bring forward Phase 2 of the SDTL. The SDTL is identified in the adopted Part 1 Local Plan and the updated emerging Plan as a key piece of strategic infrastructure which will bring substantial benefits including the effective management of traffic flows throughout Derby. This has not been recognised at all in respect of the scoping of Site 4 against the SA objective.

4.3 Other Comments on the Spatial Strategy

4.3.1 We note that despite the inclusion of two large-scale and strategic urban extensions at South of Mickleover and Infinity Garden Village, no objective assessment of the deliverability of these sites has been produced. It is therefore uncertain as to whether the Plan will establish a five year housing land supply on adoption or throughout the Plan period. At this stage, we have key concerns over the deliverability of the South of Mickleover strategic allocation in highways terms and set out our observations below.

4.3.2 In respect of South of Mickleover, the assessment within the SHELAA indicates that the site’s access is potentially constrained. That is underpinned by our own observations, which are set out below.

4.3.3 Vehicular access is shown to be taken from Staker Lane. Staker Lane is currently a rural lane, which is suitable for two-way traffic but is unlit and does not have any dedicated pedestrian and cycle facilities. The width of Staker Lane is also unlikely to be suitable for use by public transport. Whilst Staker Lane can probably accommodate an increase in traffic, it is unlikely to be suitable for the full scale of development proposals. Staker Lane is therefore unlikely to be suitable to serve the full development proposals, and significant improvements or entirely new infrastructure will be required.

4.3.4 Staker Lane connects to the A38 to provide access to the Strategic Road Network. Staker Lane also connects to Haven Baulk Lane and The Hollow, which provide access to the local highway network and onward connections into the centre of Derby. Haven Baulk Lane is an existing residential road and connects to Rykneld Road at a simple priority T-junction. Haven Baulk Lane is not suitable to accommodate a significant increase in traffic flows, and the Rykneld Road junction will likely require capacity improvements, which may not be practical given the constrained nature of the junction. Noise and amenity issues may also be created by the potential increases in traffic flows. The Hollow also serves a number of existing residential properties. The Hollow terminates at the Brierfield Way/Hedingham Way junction, where The Hollow is the minor arm of a simple priority T-junction. The Brookfield Primary School is located opposite the junction. The Hollow is not suitable to accommodate a significant increase in traffic

flows, and the Brierfield Way/Hedingham Way junction will likely require capacity improvements, which may not be practical given the constrained nature of the junction and may lead to conflicts with the existing primary school.

4.3.5 The site is located to the south and west of two high speed dual carriageways. Pedestrian and cycle connectivity across these two roads is required to provide access to the facilities in the local area. The nature of the roads means the opportunities to cross are limited to the existing underpasses at Haven Baulk Lane and The Hollow. There is an existing public right of way just south of the A516 that crosses the A38, but this isn't suitable for use by all. Haven Baulk Lane and The Hollow are also designated as National Cycle Route 66. There are no dedicated cycle facilities along Haven Baulk Lane or The Hollow, and therefore cyclists are going to be on the carriageway. The increase in traffic on these roads is going to materially worsen the conditions for cycles and dedicated cycle facilities will need to be provided, which are unlikely to be deliverable along the entirety of the route.

5. Land South of Derby

5.1.1 As described above, this site, known as Land South of Derby, offers a sustainable location to accommodate an urban extension to the edge of Derby City to meet South Derbyshire's own housing need and to meet any unmet need arising from within Derby City. The Site has also been known as Land off Primula Way, which is the name used in the most recent SHELAA, where it was assessed under reference 143.

5.1.2 Part of the Site was allocated as H16 in the adopted Local Plan. The Site is located south and east of the built form of the Highfields Farm allocation (Policy H12), also now built out, adjacent to Stenson Fields and consists of a number of agricultural fields.

5.1.3 Due to the Site's location, it will help deliver phase 2 of the proposed South Derbyshire Integrated Transport Link (SDITL) which is identified as a key piece of strategic highways infrastructure in the adopted Local Plan Part 1 (Policy INF4) and the accompanying policies maps.

5.1.4 In particular we note that the Council's Part 1 Local Plan states "the Council will work in partnership with Derbyshire County Council, Derby City Council developers and other organisations to deliver these schemes", before further stating that "the South Derby Integrated Transport Link Phase 2 would connect the A38 Junction at Rykneld Road with Phase 1. Together

phases 1 and 2 would provide a complete highway connection between the A38 and A50, Although Transport modelling indicates Phase 2 will not be required to mitigate traffic Impacts of the proposed new development within the Plan Period, the indicative alignment is protected to serve any future growth in travel demand which cannot be satisfactorily mitigated by other means”

- 5.1.5 Richborough consider that the delivery of a sustainable urban extension south of Derby provides an opportunity for developers and public bodies to work collaboratively to deliver this key piece of strategic highways infrastructure.
- 5.1.6 Presently we expect the strategic route to comprise a 7.3m wide carriageway road, at least one 5m wide footway/cycleway (aligned with LTN 1/20) and at least one 7m wide swale to address surface water runoff. We also expect that any new highway will need to provide a strong boundary to contain development to the north and act to restrict the further sprawl of development contiguous with Derby City to the south. We therefore expect any new built development delivered as part of a new Sustainable Urban extension to be contained within land north of the new link road.
- 5.1.7 It is also worth emphasising that the delivery of a new link road south of Derby City could open up additional land in the City itself which could help Derby City meet a greater proportion of its own housing need by providing an alternative access route into land to the east of Moorways Lane and sustainability improvements to the surrounding area through new and improved services and facility. Put simply the SDITL could help Derby City to maximise its own housing delivery within its boundary in this location.
- 5.1.8 The scale of development at the site which will facilitate the strategic link road is also expected to deliver new facilities including education, health and sports provision as required, or in collaboration with adjoining landowners, and will look to ensure and improve connectivity to existing facilities where achievable.
- 5.1.9 The current South Derbyshire Local Plan, Adopted in 2016 and 2017, directed 8,000 homes to the southern edge of Derby City in South Derbyshire and recognised the potential for a further 3,000 or so at Infinity Garden Village south of Chellaston. This growth reflects the status of Derby City as the main driver of growth in the Derby HMA. Sites on the southern edge of Derby, including Highfields Farm to the north and Stenson Fields to the west have typically delivered around 200-250 homes each year, indicating the strong market demand for new homes in this area and have made a significant contribution towards meeting local housing needs.
- 5.1.10 Recent housing growth on the southern edge of Derby is being supported by significant investment in local infrastructure. Development south of Sinfin on the Wragley Way site will be supported by the delivery of the Phase 1 South Derbyshire Integrated Transport Link (SDITL),

which itself will connect into a new £50m Junction to the A50 and the recently completed T12 link (Millennium Way).

- 5.1.11 There are also proposals to deliver a new secondary school within the Infinity Garden Village site south of Chellaston as well as proposals to deliver a new Freeport Site just 3km to the south which will contribute to the creation of 61,000 jobs locally with over 10,000 being located on the new Freeport Site. Further residential development in this location could therefore help contribute towards the delivery of balanced communities.
- 5.1.12 Within the most recent SHELAA Assessment, the Site was referenced as Site 143. Therein, the Site was considered to be achievable and available, and suitable for development. It was however noted that a number of criteria would need to be overcome or require mitigation- those which were rated red or amber on the “RAG” rating system of red, orange and green.
- 5.1.13 With reference to the SHELAA “RAG” ratings, the Site scored a green rating for the following areas; not containing protected sites; not being within the Green Belt; access to public transport; pedestrian and cycle links; not being located within a minerals safeguarding area; not being considered to have an impact on Air Quality Management Areas; less than 5% of the Site being at risk from surface water flooding; and having been partially defined as potentially suitable in the Growth Options Study. Richborough would agree with these ratings and report that the situation remains unchanged in those respects in the intervening period since the assessment was made.
- 5.1.14 There were some areas which the assessment scored amber, indicating that there may be some factors of slight concern but that mitigation should be possible. On the whole we agree with these assessments.
- 5.1.15 However, we would assert that the ability to discuss the need for, and provision of, additional services within the scheme offers the opportunity for ‘Green’ scores for Retail, Education, Employment and Sports Pitch provision, as well as in relation to Health Facilities and availability of Local Park and play areas. The SHELAA recognises the ability of the Site to mitigate the existing position albeit this is caveated with the need for further discussions with statutory bodies. In this regard, we would welcome further dialogue with both the District and the City Council to understand how best to address wider infrastructure needs in this area.
- 5.1.16 We agree that there are very few environmental constraints in this area. There are no landscape designations or environmental designations in the vicinity of our client’s Site that would restrict deliverability. The SHELAA identifies a number of Tree Preservation Orders (TPOs) within the Site boundary but our work at this stage proves that development should be able to proceed without removal or threat to the vast majority, if not all, of the protected trees. Richborough are committed to ensuring that these will be retained and integrated into the site design wherever possible. Similarly, the existing hedgerows would also be retained wherever practicable in order

to help assimilate any proposed development into the wider environment and reduce the environmental/ecological impact of development.

5.1.17 Key local amenities within 2km from the development site include;

- Derby Hospital
- Hollybrook Medical Centre
- Aldi & Co-op supermarkets
- Derby Grammar School
- Littleover Community School
- Derby Moor Academy
- Griffe Field Primary School
- Heatherton District Centre
- Dobbies Garden Centre
- Tutbury Avenue retail units

5.1.18 There existing Active Travel facilities local to the site and there are opportunities to connection to and to enable improvements to enhance the local pedestrian and cycle infrastructure network in the local area. Green travel corridors throughout the site can also be incorporated to link in with existing nearby infrastructure, primarily to the north-east of the site. This will enhance the permeability of the site to sustainable modes of travel in the direction of Derby and local facilities located within Stenson Fields and Littleover.

5.1.19 Moving on, the necessary water and electricity infrastructure to support strategic development is capable of being delivered alongside development and providers network operators with the certainty to plan for the further reinforcement of local infrastructure. We do not consider that the lack of current provision to be a major issue.

5.1.20 Whilst we acknowledge that development would lead to the loss of greenfield land, South Derbyshire, as a rural district, does not have significant areas of previously developed land available to accommodate new growth. For context, it is noted that just 13% of housing was delivered on previously developed land in 2020-21. However a review of the strategic level agricultural land quality maps indicate that agricultural land quality in the vicinity of the Site is likely to comprise of grade 3 land rather than higher quality grade 1 or 2 land. Moreover, the

development of land on the edge of a large urban area such as Derby City will allow site density to be maximised in line with government policy and could therefore help reduce the need for greater losses elsewhere in the District including in locations with higher quality agricultural land.

5.1.21 Finally, as well as our client's site being located in an otherwise sustainable location on the edge of Derby City it is also well located to address future housing needs related to large scale economic growth proposed in the District. The site is located less than 4km from the East Midland Intermodal Park (EMIP) which is part of the East Midlands Freeport. The EMIP site is located off the A38/A50 (Burnaston Interchange) and the SDITL and A38 will provide a direct route to this very large scale site which once built will provide a strategic rail freight interchange serving 5.2million square feet of state-of-the-art manufacturing and distribution space.

5.1.22 Clearly economic development at this scale will need to be balanced by significant housing growth close to the EMIP site to provide the local labour force needed. The Freeport site is surrounded by a number of mostly small-scale key service villages that are relatively sustainable although it is unlikely that these could grow to the extent required to address local labour force needs without their character being adversely affected. The Hall Pastures Farm site and the wider land south of Highfields area provide opportunities to deliver a new large scale community to address local labour force needs close to the EMIP Site whilst protecting the rural character of surrounding settlements.

6. Conclusion & Changes Sought

- 6.0.1 The Plan fails the legal Duty to Cooperate. When considered across the Plan period, there will be a substantial shortfall of housing in the amount of circa 2,500 dwellings across the HMA and there is no evidence in relation to how the HMA authorities have sought to address this through effective cross boundary working. Even this figure is based upon a limited understanding of Derby's urban capacity to 2041.
- 6.0.2 To date, no urban capacity study for Derby has been published nor independently examined. The purported extent of unmet need arising from the city is not credibly based in evidence and it is not clear how the HMA authorities have worked together to properly understand the city's urban capacity and therefore the extent of its unmet needs.
- 6.0.3 For that reason, the quantity of growth proposed within South Derbyshire to address Derby's unmet needs for housing is insufficient on its face and there is no meaningful evidence presented of effective joint working to address these needs.
- 6.0.4 To comply with the Duty to Cooperate and for it to be positively prepared, the Plan should meet, as a minimum, Derby's unmet need for homes (grounded in a comprehensive and evidence-led study in respect of the city's urban capacity), in addition to South Derbyshire's own need. However, the LHN calculated using the Standard Method is only the minimum starting point. There are matters such as addressing affordable housing need and economic growth aspirations which may indicate the need for a higher housing requirement than that indicated by the Standard Method. These factors have not been adequately addressed.
- 6.0.5 The Plan's supply of homes over the Plan period is slightly less than the minimum housing requirement meaning there is no flexibility for delayed delivery. Given the reliance on large-scale SUEs (namely those at Infinity Garden Village and Land South of Mickleover), a supply-side buffer or contingency of 20% should be applied to allow for flexibility as well as choice and competition in the market. The delivery timescales and trajectory associated with Infinity Garden Village and Land South of Mickleover are very optimistic and even minor delays to the delivery of these strategic sites will mean a very large number of dwellings not coming forward within the Plan period meaning the minimum housing requirement will not be met.
- 6.0.6 The development of Land South of Derby provides the opportunity, alongside the adjoining land and the respective promoters and developers, to bring forward the delivery of the Phase 2 South Derbyshire Integrated Transport Link. This is a key piece of highways infrastructure which is supported by both South Derbyshire District Council and Derby City Council through their Adopted Part 1 Local Plans. The SDITL phase 2 would provide a strategic highways connection from the Findern Interchange and would run eastwards towards Wragley Way where it would connect to the Phase 1 SDITL which itself connects into the recently delivered T12 transport Link (now known as Infinity Park Way). The route would also sit within the wider transport

infrastructure being delivered on the Southern edge of Derby City including the new junction on to the A50(T) proposed south of Sinfin to serve the Infinity Garden Village and Wragley Way developments. Richborough welcome dialogue with the District, City and County Council regarding the SDITL route as the Local Plan continues to progress.

- 6.0.7 Reflecting on the Site itself, there are no significant historical designations located on the Site. With the exception of a number of TPOs the site is unconstrained from environmental designations. These features, alongside the hedgerows and boundary trees can be integrated into the site design to maximise landscape and biodiversity improvements. Furthermore, given the highways works proposed there are no significant technical issues which would make this Site unsuitable for development in planning terms.
- 6.0.8 The Site will contribute to the delivery of a key piece of strategic infrastructure in regards the SDITL but also provides an opportunity to safeguard and thereby ensure the delivery of train station in the vicinity of the site in line with the aspirations within the adopted Local Plan and therefore improve transport facilities and local connections in the long term.
- 6.0.9 The Site is therefore considered to be a deliverable housing allocation, is available, suitable and should be taken forward as an allocation in the local plan. Notwithstanding our significant concerns with those sites which have been allocated in the draft plan, even if they are brought forward, this Site will still be required to meet the housing requirement over the Plan Period. The Site will contribute towards a five year supply in future and we respectfully request that Land South of Derby be identified as a housing allocation in the emerging South Derbyshire Local Plan.
- 6.0.10 To conclude, Richborough Estates have fundamental concerns regarding both the soundness and legal compliance of the Plan. Due to the significance of these objections—and in light of their above noted land interest(s) within the Plan area—we believe it is both necessary and justified to present our case in person at the Examination in Public hearing sessions following the Plan’s submission.



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**Regulation 19 Addendum: Proposed Modifications to the South Derbyshire
Local Plan Part 1 Review 2022-2041
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING)
(ENGLAND) REGULATIONS 2012
Regulation 19 Addendum
REPRESENTATION FORM**

The easiest way to **submit your comments is online** at <https://bit.ly/Part-1-Local-Plan-Review> or by scanning the QR code. We would encourage you to use the online form wherever possible. Where online is not possible, you can complete this form and return it to us using the postal address on the final page.



Submission form

This form has two parts

Part A – Personal Details: need only to be completed once.

We will not be able to accept responses where personal details are not provided.

Part B – Your representation(s): **Please fill in a separate sheet for each representation you wish to make relating to each individual policy.**

You will be asked to give details on whether you think the plan is legally compliant and why you consider the proposed modifications to the policies of the Local Plan to be sound or unsound, please be as precise as possible.

You will also be asked to set out the modification(s) you consider necessary to make the Local Plan legally compliant and the policies sound in respect of any matters you have identified. You will need to say why each modification will make the Local Plan legally compliant or policy sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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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?

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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*: Ben Ward	Name*: Harry Jackson
Organisation: Marrons	Organisation: Richborough
[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 – See supporting letter		
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		X
2) Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet)		X
a) Positively prepared		X
b) Justified		X
c) Effective		X

d) Consistent with national policy		X
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5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate.

Please be as precise as possible (e.g., if objecting on the basis of legal compliance, please quote the specific law that the Local Plan does not comply with). If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See supporting letter

(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.

See supporting letter

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation, you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues identified during the examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Please check the relevant box

No, I do not wish to participate in hearing sessions

Yes, I wish to participate in hearing sessions

X

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In light of the scale and significance of the plan's soundness issues, it is essential our client parties is afforded the opportunity make oral submissions at the examination hearings. The matters raised are central to the determination of whether the Plan can be found sound, and they will require detailed scrutiny through hearing sessions. It is therefore both appropriate and necessary that our client is invited to participate in those sessions in order to ensure that these concerns are properly tested and considered by the Inspector(s).

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.**