

Local Plan Representations

For The Strategic Land Group Ltd | 22-582

South Derbyshire Local Plan Part 1 Review 2022-2041 (Regulation 19 Addendum –
Publication Version) - Land South of Moira Road, Overseal

Project: 22-582
Site Address: Land South of Moira Road, Overseal
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1. Introduction

- 1.1 Emery Planning is instructed by The Strategic Land Group (hereafter referred to as 'SLG') to submit representations to the Regulation 19 Addendum of the South Derbyshire Publication Version Local Plan Part 1 Review consultation. These representations should be read in conjunction with SLG's submissions to South Derbyshire's Local Plan Part 1 2022-2041 (Publication Version) consultation which took place between 10th March and 25th April 2025.
- 1.2 SLG considers that the draft plan is not currently legally compliant, is unsound, and does not comply with the transitional arrangements set out at paragraph 234 of the Framework. It should therefore be examined under the December 2024 version of the Framework.
- 1.3 SLG is promoting the land South of Moira Road, Overseal for residential development. The site is not proposed as an allocation in the plan, and it is therefore an omission site. These representations demonstrate that should the site be allocated as part of the plan, it can contribute to addressing the identified shortfalls in housing provision in a sustainable way.
- 1.4 We address overarching key issues and specific policies in turn below.



2. Transitional arrangements

2.1 Paragraph 234 of the Framework (Annexe 1) states:

“For the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply:

a. the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need;

b. the plan has been submitted for examination under Regulation 22 on or before 12 March 2025;

c. the plan includes policies to deliver the level of housing and other development set out in a preceding local plan (such as a joint local plan containing strategic policies) adopted since 12 March 2020;

d. the local plan is for an area where there is an operative Spatial Development Strategy and the local plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025; or

e. the plan deals only with minerals and/or waste matters and has reached Regulation 19 on or before 12 March 2025; or has been submitted for examination under Regulation 22 on or before 12 March 2025.” (our emphasis)

2.2 Footnote 82 clarifies in respect of part a):

“Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In this context “reached Regulation 19” refers to when Regulation 19 has been complied with (i.e. when the planning authority has made a copy of each of the proposed submission documents and a statement of the representations procedure available, and the statements required in Regulation 19(b) have been sent to consultation bodies).”

2.3 Paragraph 235 goes on to state:

“Where paragraph 234a, b, c, d or e apply, the plan will be examined under the relevant previous version of the Framework.”

2.4 Section 1.1 of the Procedure Guide for Local Plan Examinations states:

“1.1. The plan that is published for consultation at Regulation 19 stage should be the plan that the LPA intends to submit to the Planning Inspectorate for examination. This is a key premise of delivering an efficient examination timetable. Therefore, the LPA should rigorously assess the plan before it is published under Regulation 19 to ensure that, in their view, it is sound and meets all the necessary legal requirements. The pre-examination checklist should help the LPA with that assessment. In particular, they



should ensure that it takes full account of all relevant policies in the NPPF and relevant guidance in the PPG. The plan should identify all the matters which need to be planned for, and provide policies to address them, paying careful attention to deliverability and viability. **This approach may raise uncomfortable questions but the purpose of preparing a plan is to address all the necessary matters as far as possible, and not defer them to future updates or rely on the Inspector to deal with them, or to ‘fix’ deficient plans at examination.**” (Our emphasis)

2.5 Paragraph 61-086 of the PPG goes on to state:

“How do the implementation aspects of the NPPF apply to plans where more than one round of Regulation 19 consultation has been undertaken?”

Some local planning authorities may undertake more than one round of Regulation 19 consultation on a plan. Where this is the case, for the purposes of implementing Annex 1 of the Framework, a plan is normally to be taken as having reached the Regulation 19 stage at the date on which the first round of Regulation 19 consultation commenced.

However, in some limited circumstances, a plan is to be taken as having reached Regulation 19 on the date that a subsequent round of consultation commenced. These limited circumstances could include instances such as when the content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage.”

2.6 Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 states:

2.7 Regulation 19 states:

Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must—

(a) make a copy of each of the **proposed submission documents** and a statement of the representations procedure available in accordance with regulation 35, and

(b) ensure that a statement of the representations procedure and a **statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected**, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1). (our emphasis)

2.8 Regulation 22 (Submission of documents and information to the Secretary of State) then states:

22.—(1) The documents prescribed for the purposes of section 20(3) of the Act are—

(a) the sustainability appraisal report;

(b) a submission policies map if the adoption of the local plan would result in changes to the adopted policies map;



(c) a statement setting out—

(i) which bodies and persons the local planning authority invited to make representations under regulation 18,

(ii) how those bodies and persons were invited to make representations under regulation 18,

(iii) a summary of the main issues raised by the representations made pursuant to regulation 18,

(iv) how any representations made pursuant to regulation 18 have been taken into account;

(v) if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations; and

(vi) if no representations were made in regulation 20, that no such representations were made;

(d) copies of any representations made in accordance with regulation 20; and

(e) **such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan.** (our emphasis)

2.9 The initial South Derbyshire's Local Plan Part 1 Review 2022-2041 (Publication Version) consultation was undertaken between 10th March and 25th April 2025. The proposed submission documents were clearly not available at the time of this purported Regulation 19 consultation. The draft plan was published without the necessary evidence base present to inform its content¹, and not all of the proposed submission documents had been made available. Key documents which were clearly relevant to the preparation of the local plan (as acknowledged by the LPA) were missing. Indeed, the Council acknowledged at the time of the previous consultation that a number of documents which could impact on the content of the final plan had not been finalised prior to that Regulation 19 consultation, and remained unavailable for its duration. The nature of missing evidence was material to the content of the plan (e.g. viability and transport evidence) and SLG's representations to that consultation highlighted the implications this could have on its final content. That consultation can therefore not lawfully be considered to be a Regulation 19 consultation.

2.10 The Council's own Summary of Consultation document published as part of the current consultation states that the March 2025 consultation was undertaken in order to meet the transitional arrangements, rather than because the plan was ready for submission to the Secretary of State. That is not at all what is expected

¹ Section 2 of SLG's representations to the Publication Version Part 1 Local Plan Review



within the terms or the spirit of the transitional arrangements. It also clearly demonstrates that the earlier consultation did not comply with Regulation 19.

- 2.11 Having regard to paragraph 61-086 of the PPG, the changes now proposed to the Publication Version plan, over a year after the initial Regulation 19 consultation took place, are clearly significant. The affordable housing target has been reduced, which has much wider implications for meeting affordable housing needs across South Derbyshire. There are further changes including the inclusion of a new strategic housing allocation, amendments to the delivery expectations on other strategic sites, an extended plan period, changes to the housing requirement and amendments to the housing trajectory. The changes are not minor modifications. They can only be described as significant.
- 2.12 Furthermore, significant evidence still remains outstanding. The Plan Wide Viability Assessment Interim Affordable Housing Statement was only finalised in April 2026, and paragraph 1.1 confirms that it only provides a high-level review as the detailed plan viability testing is still being undertaken. This is totally unacceptable. Once again, the submission documents are not available, and this prevents the making of informed representations by all parties under Regulation 20.
- 2.13 It is clear that the Publication Version Part 1 Local Plan was not fit to be, and indeed was never intended to be, submitted for examination. It did not meet the requirements of Regulation 19. Significant changes have been proposed from the original Regulation 19 plan, and the relationship and implications of the proposed changes on other policies have not been appropriately assessed. On that basis, it is considered that the Part 1 Local Plan Review reached Regulation 19 stage on 5th May 2026, as opposed to 10th March 2025. It therefore follows that it does not meet the transitional arrangements set out within paragraph 234a).

Implications of not meeting the transitional arrangements

- 2.14 The consequence of not meeting the transitional arrangements is that the emerging South Derbyshire local plan needs to be assessed against the policies of the December 2024 Framework, with which the plan clearly does not comply. In particular, the housing requirement and the contribution to addressing Derby's shortfall are based on the previous Framework. As such, the plan should not be submitted for examination.
- 2.15 The Council should instead prepare a new plan under the new local plan-making system. There are a number of implications resulting therefrom, including the application of policies set out in the December 2024 Framework and the new standard method which results in an annual requirement of 596 dwellings per annum (an increase of 89 dpa from the proposed housing requirement).
- 2.16 Furthermore, the plan would need to be prepared as a single comprehensive plan, as opposed to the current draft Part 1 and Part 2 plans being progressed in South Derbyshire. This matter was put forward



for comment by the Council in the Part 2 Local Plan Review Regulation 18 consultation, and SLG's² response clearly set out that a full review of the Local Plan (taking into account the increase in South Derbyshire's local housing need) should be undertaken now. The Part 1 Review is not at all reflective of current needs and will result in (at best) a plan being adopted that is immediately out of date and fails to meet the needs of South Derbyshire.

2.17 Without prejudice to our comments above, the remainder of these representations address the Regulation 19 Addendum consultation documents as published.

² Section 2 of SLG's representations to Part 2 Local Plan Review Issues and Options Regulation 18 consultation



3. Sustainability appraisal

3.1 It has been raised through SLG’s previous representations to the Publication Version Part 1 Local Plan Review³ that an assessment has been carried out of its needs together with the HMA and specifically the unmet needs of Derby City, rather than examining options to meet its own needs the first instance. The two comprise distinct and separate exercises which need to be undertaken (and have not been).⁴In the case of Shropshire, the Sustainability Appraisal assessed its standalone housing needs, but there was an issue relating to the amalgamation of its own needs with those of the Black Country when considering an uplift to meet the neighbouring authorities unmet needs. Paragraph 4.1 of the Inspectors letter dated 16 January 2024 states:

“4.1 What the Council has not done as part of the revised SA work is to look at what the environmental impacts are of meeting some of the unmet needs of the Black Country i.e. 1500 homes and 30ha of employment land, in addition to meeting its own needs. Instead, what the revised SA does is amalgamate the Black Country’s unmet needs into its own growth options and at the same time alter the growth options compared to earlier SA work. This needs to be assessed as a distinct and separate exercise.”

3.2 The Sustainability Appraisal still relies upon the Derby HMA Sustainability Appraisal of Housing Options in relation to the scale and distribution of housing. However, this document only assessed three options, all at the HMA level:

- Scale 1: Standard method in full (including 35%); 36,584 dwellings across the HMA
- Scale 2: Standard method steps 1-3 (no 35% uplift); 31,008 dwellings across the HMA
- Scale 3: Standard method steps 1-3 (no 35% uplift) + 10%; 34,109 dwellings across the HMA

3.3 SLG’s comments in respect of this approach are set out in full in the representations to the previous Publication Version Part 1 Review⁵.

3.4 In addition to the position set out previously, the recently published Interim Affordable Housing Statement and consequent amendment to the affordable housing requirement from 40% to 30% has not been addressed within the Sustainability Appraisal in respect of the potential impacts on the housing requirements. A higher growth options for South Derbyshire should be assessed to ensure that the District

³ Section 3 of SLG’s representations to the Publication Version Part 1 Local Plan Review

⁴ Paragraph 3.4 of SLG’s representations to the Publication Version Part 1 Local Plan Review

⁵ Paragraphs 3.8 to 3.11 of SLG’s representations to the Publication Version Part 1 Local Plan Review



can meet its own needs in the first instance in light of the significant annual affordable housing needs and the viability issues surrounding the requirements of Policy H21.

- 3.5 Furthermore, the Sustainability Appraisal fails to include site FLG1 within its Strategic Site Options Assessment (section 6.3 and Appendix D), despite it now forming part of the proposed strategic sites alongside STRAT1 and STRAT2.
- 3.6 To conclude, regardless of whether the LPA considered, as a matter of planning judgement, that the housing requirement should only make an allowance for the minimum local housing need figure for South Derbyshire (rather than an uplifted figure) in addition to meeting Derby's needs, a higher figure for South Derbyshire itself should have been considered as an option and properly assessed. In view of the evidence, it cannot be described as an alternative which could clearly be seen as not being a viable candidate. The range of reasonable alternatives has therefore been improperly limited, and as such, the requirement to consider reasonable alternatives has not been fulfilled.



4. PM2 - Plan period

4.1 Paragraph 20 of the 2023 Framework makes clear that strategic policies are those which make provision for housing, employment and other types of growth:

“Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.2 Paragraph 22 states:

“Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.”

4.3 Paragraph 22 therefore has two very clear requirements:

- Strategic policies must cover at least a 15-year plan period from adoption.
- In instances where larger scale developments form part of the strategy, policies should be set within a vision that looks further ahead (at least 30 years).

4.4 The St Helens Inspectors Report (May 2022) states at paragraphs 47 & 48:

“47. The Framework indicates that strategic policies should look ahead over a minimum 15-year period from adoption. The Plan has a stated timeframe of 2020 to 2035. However, the LP has had a long gestation period and, if it is adopted in 2022, it would only have about a 13-year period post adoption.



48. Extending the Plan period to 2037 would ensure a 15-year period post adoption so that it can respond to long-term requirements and opportunities, including those arising from improvements to infrastructure. The longer period would increase employment and housing land requirements but the Plan is able to accommodate these changes as demonstrated later in the report. Retail floorspace requirements would not need to change as they would be reviewed well before 2037 when changes in shopping behaviours, including the effects of the pandemic, would be taken into account.

49. A Plan period up to 2037 is required so that the Plan is positively prepared, justified, and consistent with national policy. MM001 would secure the relevant changes. There are other consequential changes throughout the Plan which are dealt with below.”

- 4.5 The Inspector’s report for the Greater Manchester Places for Everyone Joint DPD (February 2024) states at paragraph 59:

“The submitted Plan looks ahead to 2037 from a base date of 2021 using land supply information relating to 2020 and estimated completions for 2020-2021. However, to ensure consistency with national policy, relevant policies in the Plan need to look ahead to 2039 (at least 15 years from adoption).”

- 4.6 The Inspectors’ findings letter to Shropshire Council dated 10 December 2024 states at paragraphs 28 and 29:

“28. The submitted Plan at paragraph 2.18 anticipated that the Plan would be adopted in 2022 and therefore have a minimum of 15 years from adoption, as expected by paragraph 22 of the National Planning Policy Framework July 2021 (the Framework). The current Plan period is 2016-2038. Given the further work that would be necessary for soundness it is unlikely the Plan would be adopted until 2026, at the earliest. This means there would be a maximum of 12 years left of the Plan period from adoption.

29. Consequently, as well as the increases in the requirements associated with contributing to meeting BC needs, at least three additional years would need to be added to the housing and employment requirements, and the Council would need to find at least an additional three years’ worth of supply. Any extensions to the plan period would also need to be supported by up-to-date evidence and may have implications for the soundness of the proposed spatial strategy”

- 4.7 Modification ref. PM2 (and others throughout) proposes a new plan period for the South Derbyshire Local Plan Part 1 of 2022 to 2042, an addition of one year to that proposed in the original Publication Version draft plan. The base date used for the monitoring of the housing and employment land supply, as referenced at numerous points within the plan, is 1 April. Therefore, the end date of the strategic policies relating to housing and employment land supply is 31 March 2042. This means for the strategic policies to cover at least 15-years from adoption, it must be adopted by 31 March 2027.



- 4.8 The Local Development Scheme (2026 - 2029) (LDS) published in December 2025 did not allow for a further Regulation 19 consultation and projects that the plan will be adopted in Autumn 2026, following predicted submission to the Secretary of State in Spring 2026. The LDS remains very optimistic in its assumptions given that the latter has already passed, and the current Regulation 19 consultation is open until 16th June 2026.
- 4.9 The proposed extension of the plan period by a single year aligns with the delay in submission following the last Regulation 19 consultation. However, it does not take account of issues raised through the previous consultation and the Council has not taken this opportunity to take on board the issues highlighted, which provide justification in their own right for the plan period to be extended. Furthermore, as referred to in Section 2 of these representations, the detailed plan viability testing is still being undertaken and could have further implications on plan preparation timescales. SLG's representations to the previous consultations outlined concerns regarding the optimistic assumptions within the LDS⁶. As previously set out, based on our extensive experience, Local Plans examinations can last multiple years, particularly where there are cross boundary issues and this should be factored into the plan period.
- 4.10 Whilst SLG's previous representation called for the plan period to be extended to 2042, this was on the basis of the expected examination timescales at the time and not accounting for a further year of delay.
- 4.11 With respect, there is absolutely no prospect of the plan being adopted by 31 March 2027. The fact that the plan period has only been extended by one year, despite a whole years' worth of delay whilst the Council sought to prepare a version for consultation that is actually Regulation 19-ready, is an aberration that means that even if submitted, significant main modifications would be required which were entirely avoidable.
- 4.12 Therefore given the passage of time and issues raised through the previous consultation, the plan as currently drafted will not cover a 15-year period from adoption and is inconsistent with national planning policy. Appropriate contingency should be built into the plan period, on the assumption that the plan may not be adopted until after 1 April 2027. We therefore consider that the plan period should be extended until at least 2043, although 2044 would be a safer end date.

⁶ Section 5 of SLG's representations to the Publication Version Part 1 Local Plan Review



5. PM3 – Policy S1: Sustainable Growth Strategy

5.1 Modification ref. PM3 proposes to increase the housing requirement to 15,263 dwellings over the plan period of 2022 – 2042 (763 dpa). This is made up as follows:

- 10,140 dwellings (507 dpa) to ‘meet the needs of South Derbyshire’
- 5,123 dwellings (256) to ‘to help meet Derby City’s unmet need to reflect the high level of housing delivery experienced in South Derbyshire in recent years; to provide flexibility in regard to site delivery and to help match affordable housing need with delivery as closely as possible’.

5.2 The amended figures reflect the extension of the plan period by a single year and do not alter the annual housing requirement or its apportionment between the needs of South Derbyshire and other matters. We respond to the proposed changes below.

Policy wording / expression of the housing requirement

5.3 SLG’s position in respect of this matter was set out in response to the Local Plan Part 1 Review consultation and is reiterated here in light of the wording not being updated through the proposed modifications. The policy wording fails to disaggregate the remainder of the housing requirement (5,123 dwellings) between the three items identified, and therefore conflates matters relating to South Derbyshire’s needs (such as affordable housing need) with those of neighbouring authorities. This issue was underlined in the recent appeal decision in respect of the land south of Kings Newton Lane, Melbourne (PINS ref: APP/F1040/W/25/3368728), where the Inspector discounted 24% of the Council’s 5-year housing land supply, as the current development plan plans for housing delivery were based on meeting the needs of South Derbyshire and of Derby on a 76% / 24% split.

5.4 In the case of Shropshire, the Inspectors found that the higher growth scenario was not assessed separately to the provision of housing to meet the unmet needs of the Black Country, resulting in an amalgamation of the housing requirement above the local housing need. Paragraph 5.7 of the examining Inspectors’ letter of 16th January 2024 states:

“What the SA should do is test options based on the 2020 baseline with 2 extra years, but only look at the growth options tested in the original SA, so a 5, 10 and 15% uplift and look at this with the Black Country unmet needs of 1,500 homes and without it. The results of the SA should then be used to assess what is an appropriate housing requirement in the Plan. **The Plan should then make clear what the housing requirement for Shropshire is and how much of the Black Country unmet needs are**



being accommodated in the Plan. This should be included in Policy SP2 as well as the explanatory text which will need modifying accordingly.” (our emphasis)

- 5.5 Policy PM3 of the draft South Derbyshire Local Plan does not distinguish between the housing requirement for South Derbyshire, including any uplift to account for affordable housing or flexibility as proposed through the policy wording, and the needs of Derby City. Instead, any increase above the housing requirement is proposed to be multifunctional and serve to meet affordable housing needs, flexibility, any economic growth, as well as Derby City’s unmet needs. As a result, the plan is not effective as it is not clear what the contribution is towards Derby’s unmet needs and what proportion of the 5,123 dwellings comprises an uplift to the South Derbyshire’s housing requirement to meet affordable housing needs. The plan must be clear on the contribution, to provide certainty in relation to future monitoring and planning. It should also set out which sites (including the existing allocations) are identified to meet Derby’s needs.

Soundness of the proposed housing requirement

- 5.6 Without prejudice to our comments in Section 2 regarding non-compliance with transitional arrangements, we do not consider that the housing requirement as proposed through these modifications is sound. Given that the annual housing requirement remains the same and the increase simply reflects the addition of a year to the plan period, the proposed housing requirement still only seeks to meet the minimum housing need figure for the district under the previous standard method. SLG’s response to the previous Regulation 19 consultation⁷ therefore still stands, and we consider that South Derbyshire should plan for higher growth. We hereby summarise SLG’s position as set out previously.

Planning positively

- 5.7 The housing requirement is not positively prepared as it is lower than; the provision made in the adopted development plan (565 dpa), the provision proposed through the Regulation 18 consultation (522 dpa), the revised standard method (596 dpa), and the average completions in South Derbyshire in the last five years (999 dpa).

Revised Framework and Local Housing Need

- 5.8 Although the revised standard method does not apply to the emerging local plan (notwithstanding our comments in Section 2), it represents the future figure that will need to be planned for, and the current local housing need of neighbouring authorities.

⁷ Section 6 of SLG’s representations to the Publication Version Part 1 Local Plan Review



Exceptional circumstances / Economic growth

- 5.9 The job creation associated with East Midlands Freeport (EMF) has not been appropriately taken into account, alongside job growth near but outside of the administrative boundary (such as Ratcliffe-on-Soar Power Station site redevelopment and East Midlands Airport and Gateway Industrial Cluster). The Derby and South Derbyshire Employment Land Review (ELR) also shows employment growth of 13 percent gain over 2015-2021, exceeding HMA, regional and national growth. For such trends to continue, the growth must be supported by appropriate housing delivery.

Affordable housing

- 5.10 Local Housing Need Assessment (LHNA, December 2023) shows a need of 214 affordable dwellings per annum in South Derbyshire alone, representing just over 42% of the proposed annual housing requirement apportioned to meeting South Derbyshire's housing needs. SLG previously raised concerns regarding the unavailability of a viability assessment in respect of the 40% affordable housing contribution proposed at the time, and the need to consider an increase to the housing requirement to provide more affordable homes. In light of the publication of the South Derbyshire Interim Affordable Housing Statement, proposed modification PM28 now shows a reduction in affordable housing contribution from 40% to 30% for viability reasons. That change will see approximately 1,500 fewer affordable homes delivered across the plan period based on 10% of the proposed housing requirement, an average of 100 fewer every year from adoption.
- 5.11 There appears to have been no consideration of the overall implications for meeting housing needs, and consequently the housing requirement, based on this change, including whether an uplift should be applied to address the resultant significant shortfall in affordable housing provision. The Sustainability Appraisal simply states that all options assessed a housing delivery figure of 15,263 dwellings, therefore no higher growth alternatives to take account of affordable housing needs appear to have been explored. This is particularly relevant given that the wording of Policy S1 indicates that the housing requirement is proposed to be above local housing need, in part to help meet affordable housing needs.
- 5.12 We therefore consider that the significant affordable housing needs, coupled with the reduced affordable housing contribution requirement, justify an uplift to the proposed housing requirement. The reduction in affordable housing delivery is a significant issue, and it is not merely a minor change to the plan to be considered in isolation.



Unmet needs of neighbouring authorities / Derby HMA

5.13 SLG's representations to the Part 1 Review Regulation 19 consultation⁸ identified a number of issues relating to the unmet needs of Derby and the HMA. The position is reiterated below taking account of relevant updates since the last consultation.

Extent of Derby's supply / shortfall

5.14 Derby's local housing need calculated using the standard method and using the most recent inputs amounts to 960 dpa, equivalent to 19,200 dwellings between 2023-2043 (the proposed plan period). This equates to a shortfall of at least 6,700 dwellings, taking the Council's capacity assumptions at face value. However, the true extent of Derby City Council's supply is likely to be significantly lower than claimed:

- The capacity position (12,500 dwellings) is overstated despite AECOM's conclusions that a lower capacity of 10,400 dwellings was more realistic over a longer 18-year period. None of the assumptions applied have ever been tested at examination.
- The latest version of the emerging Derby City local plan set out a housing requirement equivalent to 625 dpa, led by its capacity. By comparison, its current local housing need amounts to 960 dpa.

5.15 Therefore the true extent of the shortfall is understated.

Approach to addressing the shortfall across the HMA

5.16 The draft South Derbyshire plan proposes to contribute at most 5,123 dwellings toward Derby's unmet needs (notwithstanding that it is not clear whether this is also to provide flexibility and increased affordable housing for South Derbyshire).

5.17 Table A within the February 2026 SoCG provides the housing need figures for each authority based on the 2023 and 2024 standard method and May 2025 inputs. An extract is shown below:

⁸ Paragraphs 6.32 to 6.45 of SLG's representations to the Publication Version Part 1 Local Plan Review



	Annual SM Need (2023 Standard Method)	Need 2022-2039 (2023 Standard Method)	Annual SM Need (Dec. 2024 Standard Method)	Need 2022-2039 (Dec. 2024 Standard Method)
AVBC	351	5,967	643	10931
DCC	1,244	21,148	917	15589
SDDC	507	8,619	592	10064
Total	2,102	35,734	2152	36,584

5.18 Table B of the SoCG claims that the supply to be provided across the HMA over the plan period is sufficient to meet housing needs, with a claimed surplus across the plan area of 1,423 dwellings:

	Annual target	Expected Plan provision for each Councils end date	NPPF total plan requirement based on 2023 SM for AVBC and SDDC and 2024 SM for DCC following each Council's plan end date.	Total over or under-provision based on 2023 SM for AVBC and SDDC and 2024 SM for DCC
Amber Valley	424	8,714	6,318	+2,396
Derby	917	12,500 (Capacity Cap)	18,340	-5840
SDDC	763	14,500	9,633	+4,867
		35,714	34,291	+1,423

5.19 However, there are a number of flaws in terms of the position set out. Firstly, Table B provides a mismatch of the 2023 standard method and the 2024 standard method, and does not reflect local housing need across the HMA on any basis. Secondly, Table A only sets out housing need over the period 2022 – 2039. The plan period for the South Derbyshire Local Plan is 2022 – 2042 (notwithstanding our view that the plan period should be 2022 – 2043). Using the housing needs as shown in the above table and the proposed plan period 2022 to 2042 results in the following housing need across the Derby HMA:

Authority	Annual SM Need	Need 2022-2042
AVBC	643	12,860
DCC	917	18,340
SDDC	592	11,840
Derby HMA total	2,152	43,040



5.20 The table below further shows the position using the 2024 standard method and latest inputs:

Authority	Annual SM Need	Need 2022-2042
AVBC	670	13,400
DCC	960	19,200
SDDC	596	11,920
Derby HMA total	2,226	44,520

5.21 Therefore, without prejudice to our view that the proposed plan period is incorrect, housing needs are not being met across the HMA during the current proposed plan period for the South Derbyshire Local Plan. The need over the period 2022 – 2042, applying the current standard method is actually 44,520 dwellings. Taking the supply figures in Table B of the SoCG, there is a shortfall in provision of some 8,806 dwellings over the plan period, before any allowance is made for flexibility and contingency.

5.22 It is also important to note that the plan periods of the emerging local plans across the HMA do not align. At present, Derby City does not benefit from any assistance from the HMA authorities in relation to its unmet needs beyond their proposed periods.

5.23 Assuming the total remainder of South Derbyshire’s now proposed housing requirement figure of 5,123 dwellings is attributed to Derby, this would leave a residual requirement of approximately 1,577 dwellings. However, Policy S1 states that this figure will also assist with meeting affordable housing needs and provision of flexibility in relation to site deliverability, therefore the contribution towards Derby City’s needs is unknown and could indeed be much less than 5,123 dwellings. As referred to at paragraph 5.4 of these representations, it was found in the case of Shropshire that plans should make clear what the housing requirement for the authority is, and how much of neighbouring authorities unmet needs are being accommodated in the plan⁹.

5.24 Amber Valley has now also adopted its Local Plan for examination and proposes just 1,320 dwellings to meet the needs of Derby City. However, this figure originated from the number of dwellings to be delivered on the proposed allocation at Brun Lane, Mackworth . The landowners advised during the examination that they would only release land for approximately 500 dwellings in this location.

5.25 Taking the above contributions toward Derby’s unmet housing needs at face value still leaves an unaddressed shortfall of 257 dwellings. However, as outlined above, there a number of concerns regarding

⁹ Paragraph 5.7 of the examining Inspectors’ letter of 16th January 2024 to Shropshire Council (ID37)



the deliverability of both Derby's stated supply as well as the contributions from both South Derbyshire itself and Amber Valley. We therefore consider that the needs of Derby are unlikely to be met over the plan period. Consequently, significant further assistance is required from the neighbouring authorities to ensure that Derby's needs, and the needs of the HMA as a whole, are met in full.

Distribution of development

5.26 No changes are proposed to Policy H1. The comments previously set out in SLG's representations to the Part 1¹⁰ and Part 2¹¹ Review consultations remain and the policy should be further reviewed in light of them.

¹⁰ Paragraphs 6.46 to 6.49 of SLG's representations to the Publication Version Part 1 Local Plan Review

¹¹ Paragraphs 2.10 to 2.26 of SLG's representations to the Issues and Options Part 2 Local Plan Review



6. PM4 - Policy S4: Housing Strategy & PM42 – Housing Trajectory

6.1 For the plan to be justified and effective it is necessary to demonstrate that there is a sufficient supply of housing to meet the requirement over the plan period. Paragraph 69 of the Framework states:

“Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a) specific, deliverable sites for five years following the intended date of adoption; and
- b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.”

6.2 The proposed housing requirement in Policy S1 as amended through PM3 is 15,263 dwellings over the period 2022 – 2042. The total claimed supply up to 2041/42 in the trajectory shown at main modification PM42 is 15,454 dwellings. This marginally meets the proposed housing requirement with a headroom of just 191 dwellings and does not provide sufficient flexibility, even without assessing the deliverability of the claimed supply. The reason for main modifications relating to adjusted delivery figures and timescales refers to new delivery evidence. However, this does not appear to have been published as part of the consultation, therefore the justification for the amendments is unavailable and the amendments cannot be comprehensively assessed. Again, the evidence which should be available at Regulation 19 stage is not.

6.3 We therefore have concerns in relation to the amendments set out at main modifications PM4 (Policy S4), AM53 (table on page 38) and PM42 (housing trajectory). We address the proposed sources of supply below.

Housing land supply

Strategic site allocations

6.4 SLG’s previous position¹² set out that it is not realistic to assume that the two strategic sites will deliver a combined 3,450 dwellings during the plan period. This has now increased to 3,503 dwellings up to 2042 through main modification PM42. Site FLG1 (Brun Lane, Mackworth) has also now been included as a strategic site. We have significant concerns in this regard given their scale and extent of infrastructure

¹² Paragraph 7.4 of SLG’s representations to the Publication Version Part 1 Local Plan Review



required. We address these issues specifically in our response to Policies STRA1 and STRA2. The implication for the housing distribution is that an over-reliance on two very large sites is unlikely to address Derby's unmet needs during the plan period.

6.5 We address the three strategic sites below.

STRA1: Infinity Garden Village Mixed Use Allocation

6.6 The plan assumes that Infinity Garden Village will deliver 1,665 dwellings up to 2042, reduced from the previously proposed 1,800 dwellings. 70 hectares of employment land are also proposed to be delivered. There remains insufficient evidence that the site will deliver this quantum of development by 2042. There is no planning application, and an application could be several years away.

6.7 In terms of the proposed lead-in time, the Council is assuming that 150 dwellings will be delivered in 2031/32, with first delivery of 15 dwellings in 2030/31 which is less than 5 years away. However, large sites such as this typically take much longer before first completions are realised. The Lichfields report: Start to Finish 3 (March 2024) provides a credible and up-to-date assessment of build rates and lead-in times for large sites. It identifies that the average lead-in time from validation of the first planning application to the first dwelling being completed on schemes of 2,000 or more dwellings in 6.7 years.

6.8 Furthermore, Wragley Way Phase 2 (site ref: H15) provides a local example of lead-in times on a major strategic site. The site was allocated in the Part 1 Local Plan (adopted in 2016). An outline planning application for up to 1,850 dwellings was submitted on 06 June 2019 by Hallam Land Management (ref: DMPA/2019/1097) and is still pending determination, 7 years after the submission of the application and some 10 years since the adoption of the Part 1 plan.

6.9 In terms of build rates, the Council has assumed a build rate of 150 dpa. The Council needs to adduce evidence of the local delivery record to support this assumption, as well as provide evidence to demonstrate that there will be multiple developers / sales outlets on the sites on the edge of Derby.

STRA2: Land South of Mickleover

6.10 The plan assumes that the site will deliver 1,838 dwellings and 5-10 hectares of employment land over the plan period.

6.11 We refer to our comments on lead-in times and build rates for the other strategic allocation (Policy STRA1: Infinity Garden Village Mixed Use Allocation). The same comments apply to this site. There is insufficient evidence that the site will deliver 1,838 dwellings by 2042.



FLG1 - Brun Lane, Mackworth

6.12 Site FLG1 (Brun Lane, Mackworth) has now been included as a strategic site, although the allocation policy itself identifies it as a future growth area and no amendments are proposed to its content.

6.13 The delivery of the site has been pushed forward from beyond 2042 to 2037/38 without any apparent justification or evidence being made available. Furthermore, the remainder of the site within Amber Valley's authority area was found to be undeliverable due to the landowners unequivocally stating that the majority of the site is not available for development. The Inspectors examining the Amber Valley plan stated that it should be removed as an allocation¹³. Whilst it is now proposed as an 'Area for Future Housing Growth' instead, there remains no confidence that the smaller available parcel could deliver the level of infrastructure required to support the development, a concern which was also shared by the Inspectors. Indeed, draft Part 1 Policy FLG1 requires, among other things, the delivery of:

- Primary and secondary school provision and a 3G playing pitch
- Significant highway infrastructure, including a potential highway to the required specification as the initial phase of a potential link road between the A52 and the A516
- A new neighbourhood centre

6.14 It is simply not clear how 250 dwellings will be able to viably deliver all of the above infrastructure, with or without the remainder of the growth area within Amber Valley coming forward. There remains no evidence to support the viable delivery of the site.

6.15 The 'Reason' for the modification states:

"To accommodate an additional year of housing delivery, 2041-42

Updated to reflect the most up-to-date position with regards to unallocated large sites and windfall and losses evidence." (our emphasis)

6.16 As stated above, no details of the updated positions appear to be published within or alongside the main modifications. We therefore do not consider that the site should be shown as delivering within the plan period based on the available evidence, or lack thereof.

Saved allocations

6.17 The plan as amended through the main modifications remains heavily reliant on saved allocations to deliver housing over the plan period. We would reiterate SLG's previous representations to the Publication

¹³ [INS07 - Inspectors Post Hearings letter to the Council](#)



Version Part 1 Review¹⁴, which highlighted that the saved allocations have not come forward in almost 10 years since adoption. There remains insufficient evidence to support the proposed housing trajectory, including the saved allocations, strategic sites and the proposed windfall allowance, and there is insufficient flexibility in the supply. Additional allocations are required to ensure that the housing requirement will be met over the plan period.

Windfall allowance

- 6.18 The windfall allowance has been reduced in line with average delivery rates. However, it remains the case as previously set out by SLG¹⁵ that the onus is on the Council to provide analysis of the types of sites that have previously come forward as windfalls and whether these sources of supply will continue to be available. It is not clear what factors or policies influenced the type and quantity of sites that have previously come forward. Proposed changes to policies, such as the increase to the affordable housing provision and its thresholds, may also impact on the deliverability of windfall sites in the future.
- 6.19 Furthermore, there are strategic benefits in planning for growth through allocations, such that the settlements within South Derbyshire all receive an appropriate quantum of development to allow them to grow and thrive. An over-reliance on unplanned development may result in an unbalanced approach to growth, particularly in rural areas.
- 6.20 Section 8 of these representations sets out a proposed site allocation at Overseal. The site can deliver sustainable growth in the village, and it can contribute to increasing and diversifying the housing land supply in South Derbyshire, including the supply of much needed affordable homes.

Flexibility

- 6.21 The proposed housing land supply of 15,263 dwellings provides just 1% flexibility in terms of delivery. Indeed, there is a surplus of only 191 dwellings based on the stated position. For context, in the event that site FLG1 (Brun Lane, Mackworth) alone fails to deliver during the plan period, the authority will not meet its housing requirement.
- 6.22 The majority of Local Plans provide a flexibility allowance of at least 10%. We consider that there should be a contingency allowance of at least 20%, based on our experience of authorities with recently adopted Local Plans being unable to demonstrate a 5YHLS, and the Local Plans Expert Group report to the Communities Secretary and to the Minister of Housing and Planning in March 2016. The report recommended that the Framework should make clear that local plans should be required to demonstrate

¹⁴ Paragraphs 7.5 to 7.7 of SLG's representations to the Publication Version Part 1 Local Plan Review

¹⁵ Paragraph 7.8 to 7.13 of SLG's representations to the Publication Version Part 1 Local Plan Review



a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term, plus make provision for, and provide a mechanism for the release of, sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the Framework.

6.23 Further sites must therefore be allocated to not only meet need, but also provide sufficient flexibility in the event that some allocated sites do not come forward or deliver less than planned for.



7. PM28 – Policy H21: Affordable Housing

7.1 The plan proposes an amendment in the affordable housing requirement from 40% to 30%. However, this remains support by an interim viability assessment only (a 6 page summary), as opposed to a whole plan viability assessment, which is still being prepared.

7.2 Paragraphs 3.5 and 3.6 of the South Derbyshire Interim Affordable Housing Statement state:

“3.5 Having regard to values and costs, alongside policy positions in neighbouring authorities, it is considered that an affordable housing requirement in the order of 30% would represent a more realistic and deliverable upper bound at the present time subject to the outcome of the Plan Viability study being currently undertaken. Whilst this remains an ambitious target, it is more closely aligned with current viability conditions and would be more likely to support consistent delivery.

3.6 This statement is based on a high-level review of available evidence and should be treated as indicative. The appropriate level of affordable housing provision will be tested and refined through the forthcoming full Local Plan Viability Assessment, which will consider a wider range of development scenarios, site typologies and sensitivity testing in detail.”

7.3 The 30% affordable housing requirement is based only on a high-level review. There remains significant uncertainty as to whether the requirements set out in Policy H21 can be achieved. This goes not just to the heart of Policy H21, but also the plan itself, as it is not possible to ascertain whether the plan and the sites are deliverable and, even if the plan is deliverable, how much affordable housing the proposed strategy will deliver.

7.4 Furthermore, these issues were raised in respect of the Regulation 19 consultation which took place over year ago, yet full evidence to justify the policy remains unavailable and has not informed the selection of the most appropriate strategy.

7.5 Notwithstanding the above, SLG makes the following observations on the very limited evidence provided thus far in the Interim Viability Assessment by Aspinall Verdi:

- Comparing the inputs to the Derby HMA assessment, which is 13 years old, does not provide a robust basis for assessment. The financial environment for the development industry has changed markedly since then, in large part due to build cost inflation. Zoopla report that residential development isn't viable in 48% of England currently, even with no developer profit and nil land values (<https://www.zoopla.co.uk/press/releases/building-new-homes-not-financially-viable-across-half-of-england/>).



- The assessment seemingly makes no allowance for forthcoming regulatory changes - such as the Building Safety Levy and Future Homes Standard - which the Housing Forum estimate will be c. £9,700 per dwelling (<https://housingforum.org.uk/wp-content/uploads/2024/09/The-Cost-of-Building-a-House-Housing-Forum-Sept-2024.pdf>).
- Trading updates from developers indicate that build cost inflation is expected to run in the mid- to high-single digits in the next 12 months, with no increase in sales price to off-set that. That will have a material impact on viability, but it is seemingly not considered in the assessment.
- Marketing and Sales costs appear to be set at just 2% of GDV, despite homebuilders reporting that market conditions are seeing them increase their marketing spend.

7.6 Therefore, from the very limited information available, the viability assessment does not appear to provide a robust basis for underpinning the affordable housing requirement, and we therefore retain significant concerns as to whether the requirement (as amended) is viable. We reserve the right to comment further once the Council publishes and consults on the final assessment.

7.7 As we have set out above, the affordable housing requirement directly impacts affordable housing delivery, and it is therefore highly material to the housing requirement and the overall spatial strategy. If the current strategy is not delivering as much affordable housing as first expected, then the next step should have been to establish whether an alternative strategy could do so.



8. Proposed allocation: Land south of Moira Road, Overseal

- 8.1 For the reasons discussed above, we consider there is a need to allocate deliverable sites within South Derbyshire, particularly in sustainable settlements such as Overseal which is a Key Service Centre.
- 8.2 SLG is promoting the land South of Moira Road, Overseal which can assist in meeting housing needs in a sustainable way. A site location plan is provided at Appendix **EP1**. We promoted the site to the previous Issues and Options consultation in 2022, the Draft Local Plan consultation in 2024, and in response to the Publication Version Local Plan Part 1 consultation in April 2025.
- 8.3 The site is promoted as an allocation for residential development. A significant new area of open space (circa 13 acres) would be provided to the south of the proposed new housing. This can be secured through the allocation, and would benefit both new and existing residents.
- 8.4 A Development Prospectus is provided at Appendix **EP2**. The Development Prospectus provides:
- An analysis of the site and its surroundings;
 - A vision that articulates and illustrates the opportunities presented by the site;
 - A demonstration that the site is deliverable, available and achievable; and
 - A summary of the key benefits of the site.
- 8.5 Details of the site and the proposed allocation are provided below.

Site location and description

- 8.6 The site is located to the south of Moira Road in Overseal, a Key Service Centre in the adopted Local Plan. It totals approximately 12.2 hectares, is generally flat and currently used for agricultural purposes.
- 8.7 Existing hedgerows mark the site's boundaries to the north, east and west. The southern boundary is undefined although the land beyond the boundary is in the same ownership. A number of public rights of way also cross the site.
- 8.8 To the north and west are new housing developments as well as existing residential areas. A solar farm is located approximately 200m beyond the southern boundary, while the eastern boundary is marked by another road, Shortheath.



8.9 The site lies in a highly sustainable location. It is within 1,000m of a primary school (Overseal Primary School), 800m of a convenience store and is in close proximity to existing football pitches at Woodville Road & Overseal Recreation Ground (less than 400m). There is also public transport provision available via a bus service. Pre-application discussions with Derbyshire County Council’s highways officers have indicated that development of the site is acceptable in principle in relation to highways and access.

Proposed allocation

8.10 The site is proposed as an allocation for residential development. It can accommodate approximately 175 dwellings, including a policy compliant level of affordable housing.

8.11 The site can also deliver an extensive area of new parkland (approximately 13 acres), which could serve both new and existing residents. This can be secured through the allocation in the policy wording.

8.12 Further details are provided in the Development Statement at Appendix **EP2**. An illustrative masterplan is also included in the Development Statement, which shows how 175 dwellings can be accommodated, set within an extensive network of new open space, and the retention of key features such as trees and hedgerows. The Development Statement also demonstrates that:

- There are no technical impediments to the site being developed.
- Existing services and facilities are easily accessible from the site and it relates well to the existing settlement form.
- Safe and suitable access can be achieved.
- The site and surrounding landscape is deemed to be capable of accommodating the proposed development.
- The site is not currently of any particular ecological value with development offering the opportunity to deliver a net gain in biodiversity.

8.13 Technical matters are considered further below.

Technical considerations

8.14 The Interactive Site Assessments proforma states that the site was assessed under the 2020 SHELAA methodology, however the assessment reflects the more recent February 2024 SHELAA methodology. The following conclusion are drawn:

“The site is considered available and achievable. However, a number of suitability criteria would need to be overcome/require mitigation. The site is located within the River Mease Special Area of Conservation (SAC).



Impact on/appropriate mitigation on the River Mease Special Area of Conservation would need to be investigated further. Sites within the Mease catchment would only be acceptable where it can be demonstrated that measures can be delivered to mitigate impact on the SAC. Could be suitable subject to impact on River Mease SAC /appropriate mitigation.”

- 8.15 We have addressed the River Mease SAC constraint in section 2 of this statement (see response to question 2 under ‘distribution of development’). In summary, development can be made nutrient neutral, notwithstanding that this is a temporary issue which various public bodies are working to resolve. There are therefore no reasons why housing growth should be restricted in Overseal over the plan period. Mitigation schemes are forthcoming and will be delivered during the plan period.
- 8.16 It is therefore considered that the proposed site at Moira Road, Overseal is suitable for residential development, and the SAC should not restrict its allocation.
- 8.17 SLG has also undertaken a range of technical assessments which demonstrate that the other suitability criteria can be overcome, or mitigation can be provided. These are discussed below and in the enclosed Development Prospectus (Appendix EP2).

Highways and accessibility

- 8.18 It is proposed for both the vehicular and pedestrian access to be taken from Moira Road within the site boundary or the current limits of the adopted highway. In addition, the existing Public Right of Way will be incorporated into the proposed layout and connected to the adjacent path within the Cameron Homes development which adjoins the site. In terms of accessibility, the Development Prospectus demonstrates that the site is in a location which is accessible by non-car modes of transport. Pre-application discussions with Derbyshire Highways have also indicated that development of the site is acceptable in principle in relation to highways and access. There is therefore no reason in highways terms why the site could not be developed.

Ecology

- 8.19 The land is species poor with majority of the ecological value being within the boundary hedgerow and trees. These would be retained and reinforced as part of any future scheme and only small sections would be removed where absolutely necessary to allow access to the site. Future proposals will also help to deliver biodiversity net gain on the site.
- 8.20 The River Mease, which is both a Site of Special Scientific Interest and a Special Area of Conservation, is approximately 2.6km south of the site. As addressed above, nutrient neutrality has been identified as an



issue within this area and suitable mitigation measures will therefore need to be put in place as part of future development.

Ground conditions

- 8.21 A Phase 1 Geo-environmental Report carried out by Earth Environmental has confirmed that the site has never been developed so the likelihood of contamination is very low.
- 8.22 Coal Authority mapping also confirms that this site falls outside of the Development High Risk Zone for coal mining and historic coal mining is not, therefore, likely to be a concern.

Landscape and visual impact

- 8.23 The site is located on the edge of the urban area. It has an edge of settlement character and is contained by roads and existing development on three boundaries.
- 8.24 The development would not be incongruous in the location and setting at the edge of the settlement, and would fit in with the existing urban fringe character whilst maintaining and enhancing the key existing characteristics such as the hedgerow and trees.

Flood risk and drainage

- 8.25 The site is within Flood Zone 1. Any proposed development will incorporate a Sustainable Drainage System (SuDS) to limit surface water flows to the greenfield run-off rate plus an allowance for climate change.
- 8.26 As development would increase the impermeable area of the site, three attenuation ponds could be accommodated to the north and south of the site, allowing drainage into them by gravity. The ponds would be of sufficient scale to attenuate surface water flows from the entire development but would be supported by other sustainable drainage (SuDS) features such as swales, rainwater harvesting and permeable paving.
- 8.27 It is clear that the site can be satisfactorily drained and no flood risk or drainage reasons exist as to why the site could not be developed.

Noise and air quality

- 8.28 No part of the site is a noise hotspot, as identified by DEFRA, and it is not considered that noise is an issue which would prevent development.
- 8.29 The nearest Air Quality Management Areas is over 8km away from the site, in Burton Upon Trent.



Heritage

- 8.30 There are several Listed Buildings located within the village. However, none have a visual relationship with the site, and the development of the site would not result in harm to any designated heritage asset. Thus, there are no heritage considerations which would prevent the site being developed.

Services

- 8.31 Following relevant searches being carried out, all main services are available in this locality and connections can be made.

Deliverability

- 8.32 The Framework states that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. We hereby address those criteria.

Suitability

- 8.33 The suitability of the site is addressed above. The site is located in a sustainable location and comprises a logical extension of Overseal, a Key Service Centre. As the Council cannot currently demonstrate a 5-year housing land supply, there is also an opportunity for the site to come forward via an early application.

Availability

- 8.34 The site is under the sole control of SLG, a land promoter with extensive experience of bringing sites forward for development. There are no legal or ownership impediments to development. The site is available now.

Achievability

- 8.35 There are no significant constraints that would prevent the site from coming forward. The site can be delivered viably, having regard to the need to provide affordable housing and other anticipated infrastructure requirements, including the proposed 13 acres of new open space.
- 8.36 The site is deliverable and can make a significant contribution to meeting development needs over the plan period. Subject to achieving an allocation and/or planning permission, it is anticipated development will commence within the first 5 years of the plan period.



Proposed allocation: summary and conclusions

8.37 The site is in a sustainable location and would help to deliver a mix of housing as part of the emerging Local Plan. It could assist in addressing the issues of soundness that we have identified elsewhere within our representations, by contributing to meeting housing needs in South Derbyshire and the wider Derby HMA, and by providing sustainable development within Overseal, an identified Key Service Centre.

8.38 There are no constraints which would prevent the site from coming forward, and the development could deliver the following benefits:

- A range of types, sizes and tenures of new homes in an accessible location.
- Policy compliant affordable housing provision to meet a significant local need.
- The retention of existing trees and hedgerows, and a 10% net gain in biodiversity value.
- Significant provision of new open space to serve new and existing residents, including an extensive area of new parkland located to the south of the site (approximately 13 acres), which would be accessible to new and existing residents.
- A landscape led development which integrates well with the existing settlement form.
- A design that would encourage active travel through the use of modal filters and low traffic neighbourhoods.
- Electric vehicle charging points.

We therefore propose that the site is allocated in the emerging Local Plan. SLG would be happy to provide any further information necessary to support the allocation and the Council's evidence base if an allocation were to be considered as part of modifications to the plan.



EP1



EP2



Land at Moira Road, Overseal

A sustainable choice for new
homes in South Derbyshire

April 2024

Strategic
Land Group



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Introduction


This section explains the purpose of the document, and the site to which it relates.

The land adjoining Moira Road in Overseal is being promoted for housing development by The Strategic Land Group, a company with a track record of promoting strategic sites through the planning system before selling to a developer.

The site is capable of providing a range of attractive family homes benefiting from the highest standards of design and layout. It could deliver circa 175 new homes and an extensive network of public open space.

This Development Statement presents a thorough analysis of the site context and the technical considerations for developing it. Constraints and opportunities have been identified from a range of technical assessments, informing an initial development concept plan.

The objective is that any eventual development compliments the characteristics and valued aspects of both the site and the surrounding area.



**View south-west
across the site**



**Approximate
site boundary**

Site and Surroundings

Site

The site is located to the south of Moira Road in Overseal, a Key Service Centre in the adopted Local Plan. It totals approximately 12.2 hectares and is shown edged in red on the plan on the previous page.

The land is generally flat and is currently used for agricultural purposes.

Existing hedgerows mark the site's boundaries to the north, east and west. The southern boundary is undefined although the land beyond the boundary is in the same ownership.

A number of public rights of way cross the site.

Surroundings

Beyond the northern and western boundaries are a combination of existing homes, and two new developments delivered by Cameron Homes and Cartwright Homes respectively.

Any development on this site could be integrated with those schemes and their footpath networks, helping create a walkable neighbourhood.

A solar farm is located c. 200m beyond the southern boundary, while the eastern boundary is marked by another road, Shortheath.



A new development by Cameron Homes adjoining the site's western boundary



A new development by Cartwright Homes to the north of the site



Technical Considerations

This section considers the suitability of the site for residential development.

Highways and accessibility

Transport consultants Ashley Helme have considered the site's suitability for development with respect to highways and accessibility.

Vehicular Access

Vehicular access will be taken via a priority-controlled junction on Moira Road, adjacent to the balancing pond serving the Cartwright Homes development at Poplar Close. This provides adequate spacing between road junctions - being 80m from the Shortheath junction - and will allow a visibility splay of at least 2.4m by 43m to be accommodated. This is in line with the 30mph speed limit and the requirements set out in Manual for Streets 2.

All of the land needed to form the access falls within either the site boundary or the current limits of the adopted highway with no third party land being required.

There are no particular capacity constraints on the local highway network although this would need to be demonstrated in detail within a Transport Assessment to accompany any planning application, with

mitigation measures proposed where needed.

Walking and Cycling

The site is also in a location that is accessible by non-car modes of transport. As expected for a Key Service Centre, the settlement provides an excellent range of services and facilities.

Overseal Primary School is approximately 950m away and Tiny Blessings Nursery just 650m. The nearest secondary school, Pingle Academy - which also includes a 6th Form college - is located in nearby Swadlincote.

There are a wide range of services and facilities located within walking distance of the site. These include various public open spaces as well as essential services including the post office and Co-operative Food store. Community facilities such as the village hall and bowling club are also very close by.

A footway along the northern side of Moira Road, adjacent to the site boundary, provides a suitable pedestrian access into the village. In addition, the four existing public

rights of way crossing the site will be incorporated into the layout. This includes connecting into the sealed surface footway connection crossing the adjoining Cameron Homes scheme, which has already been constructed beyond the boundary of their site into the subject site and provides access to A444 Acresford Road via Tithebarn Drive.

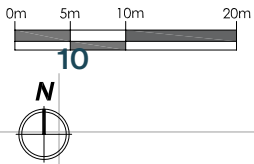
Cycle journeys have the ability to replace car trips for journeys of up to 8km, which can be comfortably cycled by most reasonably fit people in half an hour.

The majority of facilities are accessible from the site by bicycle, with Hall Croft Avenue providing a quieter yet convenient alternative to the A444.

The National Cycle Route (NCN63) is routed through Moira, to the east of the Site. Once accessed, this provides residents with uninterrupted routes to Donisthorpe and Church Gresley.

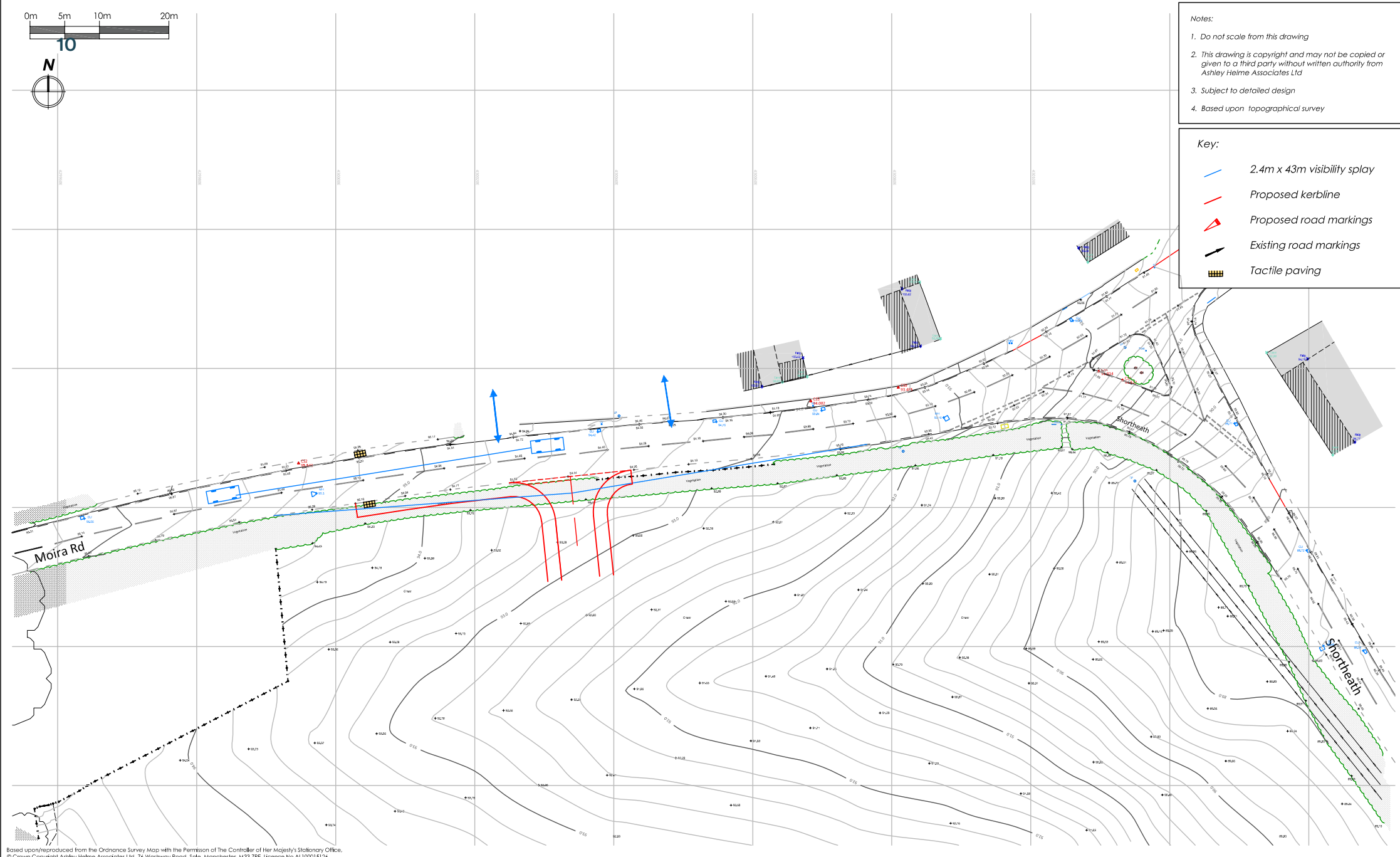
Public Transport

The nearest bus stop is c. 400 m away and is served by the 19 and 21E services which, between them, provide an hourly service



- Notes:
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 3. Subject to detailed design
 4. Based upon topographical survey

- Key:
- 2.4m x 43m visibility splay
 - Proposed kerblines
 - Proposed road markings
 - Existing road markings
 - Tactile paving



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Project	MOIRA ROAD, OVERSEAL
Client	STRATEGIC LAND GROUP, CHRISTOPHER STEELE, JENNY HALLIWELL & TIMOTHY STEELE

Title	PROPOSED SITE ACCESS ARRANGEMENTS
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Drawing No	1881/01
Date	OCT 2023

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Scale	1:500 A3

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Email	aha@ashleyhelme.co.uk
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Address	76 Washway Road, Sale, Manchester, M33 7RE

allowing access to Burton and Swadlincote as well as Pingle Academy. Another bus stop just 270m away, on Shortheath Road, isn't currently in use although development of the site could help that route become viable.

Burton Train Station, the closest rail link, is around 11km away via the A444. This is a well-served station with several trains an hour. Direct journeys include Nottingham (45 minutes) and Birmingham (34 minutes).

Swadlincote Community Transport, a local charity, provides several low cost alternative means of transport. These include the Dial-a-Bus and Group Transport services.

Summary

There is therefore no reason in highways terms why the site could not be developed.

Flood Risk and Drainage

Ironside Farrar, an engineering consultancy, have considered the most suitable drainage strategy for the site. Their sketch summarising the potential approach to drainage is shown on the next page.

As development would increase the impermeable area of the site, surface water run-off will need to be limited to the current greenfield run-off rate plus an allowance for climate change, so as not to increase the risk of flooding elsewhere. Three attenuation ponds are therefore proposed to the north and south of the site, allowing drainage into those ponds by gravity.

The ponds are of sufficient scale to attenuate surface water flows from the entire development but would be supported by other sustainable drainage (SuDS) features such as swales, rainwater harvesting and permeable paving. These ponds would also be designed in a manner that maximised its ecological value.

From the storage pond, surface water would be discharged in accordance with the following SuDS hierarchy:

1. Into the ground (via infiltration).
2. Into a watercourse.
3. Into a surface water sewer.
4. Into a combined sewer.

Infiltration may be a technically acceptable solution subject to further investigations of

ground conditions.

Should ground conditions preclude the use of infiltration, surface water can be discharged into the existing drainage ditches around the site's boundaries.

Foul drainage can be discharged into the existing foul sewer on Moira Road. The site's levels mean a pumping station will be required, which is to be located within the site boundary adjacent to the new area of open space.

Environment Agency mapping shows that the entirety of the site falls within Flood Zone 1 and is therefore not at risk of flooding and can be considered suitable for residential development.

There are therefore no flood risk or drainage reasons why the site could not be developed.

Ecology

An Ecological Appraisal of the site has been carried out by Rachel Hacking Ecology. The majority of the site comprises fields which are used for arable purposes and are therefore species poor. As a result, the bulk



Drainage Strategy

of the site's ecological value is represented by the boundary hedgerows and which contain several mature trees. The hedgerow would be retained and reinforced as part of any development with only small sections requiring removal in order to accommodate the road network.

Extensive tree and landscape planting within the proposed development will help deliver a net gain in biodiversity as well as contributing to the wider area's green space network.

No statutorily protected or non-statutorily protected sites exist on the site or immediately adjacent to it.

The River Mease, which is both a Site of Special Scientific Interest and a Special Area of Conservation, is approximately 2.6km south of the site.

The catchment of the River Mease has been identified as a nutrient protection zone by Natural England. This means that levels of nutrient pollution in the river are above permitted levels and there is a risk of eutrophication as a result. Therefore, for the time being, development is not allowed

to take place within the catchment unless it can be demonstrated to be nutrient neutral. Suitable mitigation measures will therefore need to be put in place. This same issue is common to large parts of South Derbyshire and adjoining local authority areas. There are no other protected sites within a 5km radius of the site.

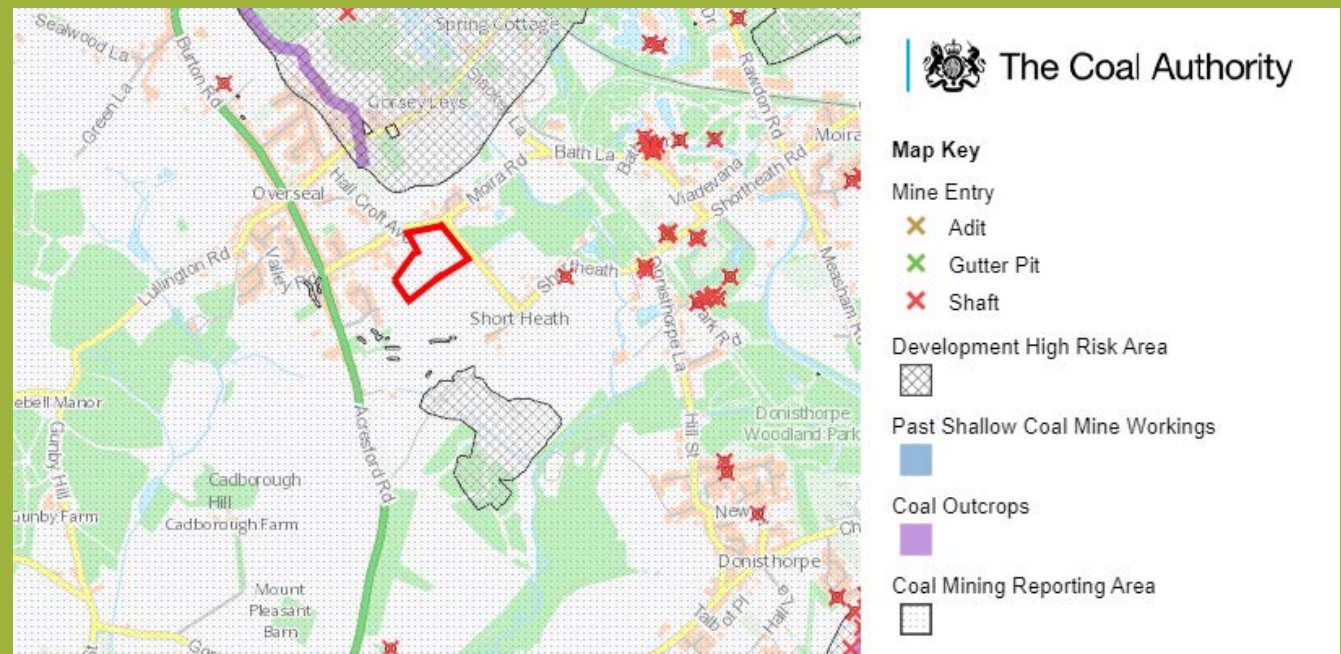
There is therefore no reason in ecological terms why the site could not be developed.

Ground Conditions

A Phase 1 Geo-Environmental Report has been carried out by Earth Environmental.

The site is greenfield with historical mapping confirming that it has never been developed. There is not expected to be any contamination.

Although parts of Overseal fall within a Development High Risk Zone for coal mining, Coal Authority mapping confirms that this



14 -Technical Considerations

site falls outside that zone. Historic coal mining is not, therefore, a concern.

Consequently, the site is considered to be suitable for residential development.

Landscape and Visual Impact

The site is an agricultural field located on the current edge of the urban area. It has an edge of settlement character and is contained by roads and existing development on three boundaries.

The development of any greenfield site will inevitably result in a change to the landscape character. It is the impact of that change which needs to be considered. In this case, the development would not be incongruous in the location and setting at the edge of the settlement, and would fit in with the existing urban fringe character.

The site would retain its key character elements of hedgerows and hedgerow trees, maintaining much of the visual screening already afforded. This could be reinforced by additional planting along the site boundaries.

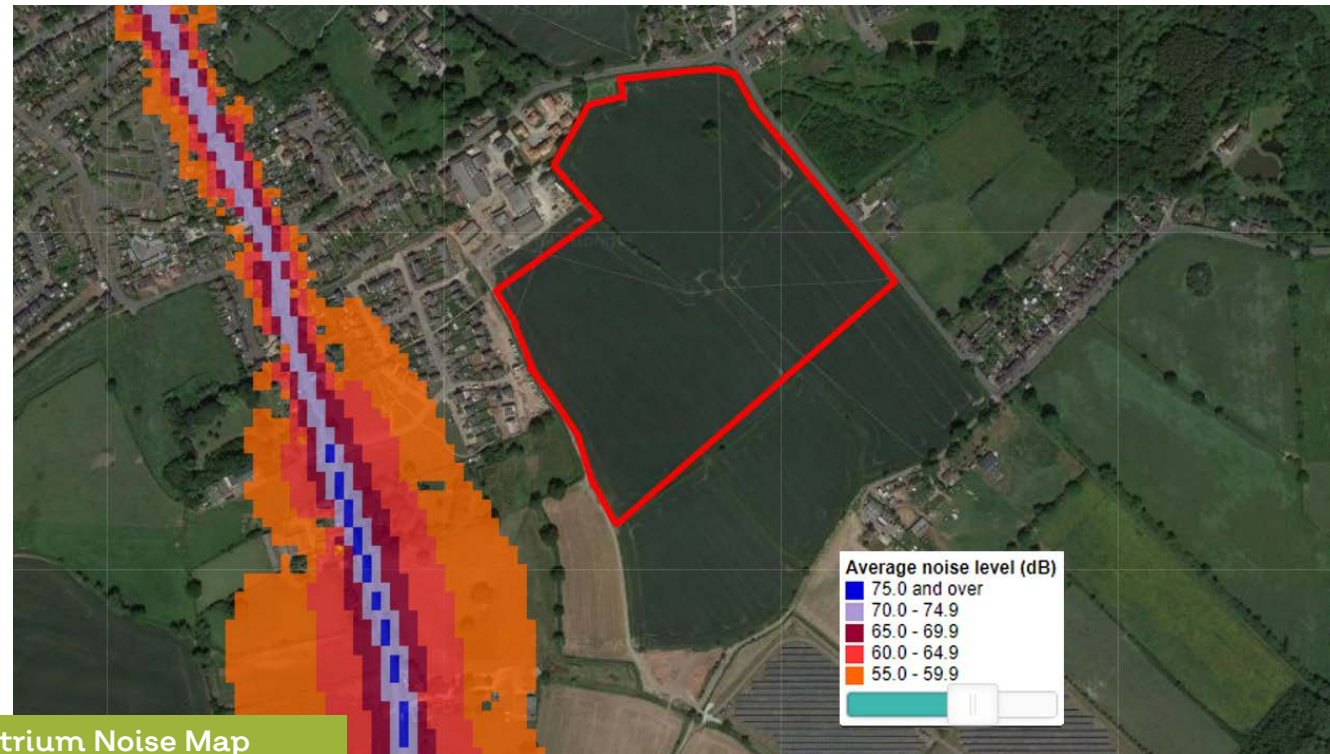
Noise and Air Quality

Extrium's Noise and Air Quality Viewer confirms that no part of the site is a noise hotspot, as identified by DEFRA.

Although a noise assessment will be required as part of any planning application, it is not considered that this is an issue which would prevent development.

The nearest Air Quality Management Areas is over 8km away from the site, in Burton Upon Trent.

Therefore, Noise and Air Quality issues will not prevent the site's development.



Extrium Noise Map extract

Heritage

Although six Listed Buildings are located within 500m of the site, none would be affected by the development. The closest, Grade II listed 45 Moira Rd, is already set within a residential area from which this site is not visible.

There are no scheduled monuments, World Heritage Sites or registered battlefields within 500m of the site.

Thus, there are no heritage considerations which would prevent the site being developed.

Services

Searches of the main utility providers have been carried out. These have confirmed that all main services are available in this locality, and that connections can be made.

An underground electric cable skirts the northern and western boundaries of the site, but doesn't impact the site's development potential.



A new footpath in the Cameron Homes scheme extends into the site allowing connection



Moira Road in the approximate location of the site entrance



Design Proposals

This section explains how an illustrative development framework for the site developed.

The first stage in preparing the development framework was to establish a set of design principles.

A series of initial sketches were produced that reflected the various technical constraints and sought to maximise the site's development potential.

Accommodating and enhancing the extensive network of public footpaths which cross the site was a key focus of that work. The site's location on the edge of the settlement means managing the transition to the countryside is also of critical importance.

The resultant development framework, which is shown on the next page, demonstrates that the site can accommodate around 175 new homes and an extensive network of open space.

It also takes into account the national design guidance, borough-wide design policies and urban design best practice.

The design will continue to evolve over time as we learn more about the site and receive feedback from the local authority.



Initial sketch concept designs

KEY

-  SITE BOUNDARY
-  DEVELOPMENT PARCEL WITH INDICATIVE FRONTAGES
-  PRIMARY ROAD WITH FOOTPATHS AND GREEN INFRASTRUCTURE
-  SECONDARY ROAD WITH FOOTPATHS
-  TERTIARY/ SHARED ROAD
-  SHARED SURFACE TABLES
-  PUBLIC RIGHT OF WAY
-  PROPOSED FOOTPATHS / CYCLEWAY CONNECTIONS
-  PEDESTRIAN SITE ACCESS POINTS
-  INDICATIVE MAIN SITE ACCESS POINT
-  OPEN SPACE & BIODIVERSITY ENHANCEMENT AREA
-  STREET TREES
-  EXISTING HEDGE
-  INDICATIVE SUDS / ATTENUATION WITH AQUATIC VEGETATION
-  POTENTIAL PLAY SPACE



Access and Movement

The vehicular access point will be located approximately mid-way along the frontage with Moira Road. This position provides appropriate visibility and is a suitable distance from other road junctions.

A primary, tree-lined road loops through the centre of the site providing access to a number of development parcels. This main spine road will also incorporate a segregated cycle way, footpath and swales in a similar way to the sketch below.

A series of secondary roads will provide

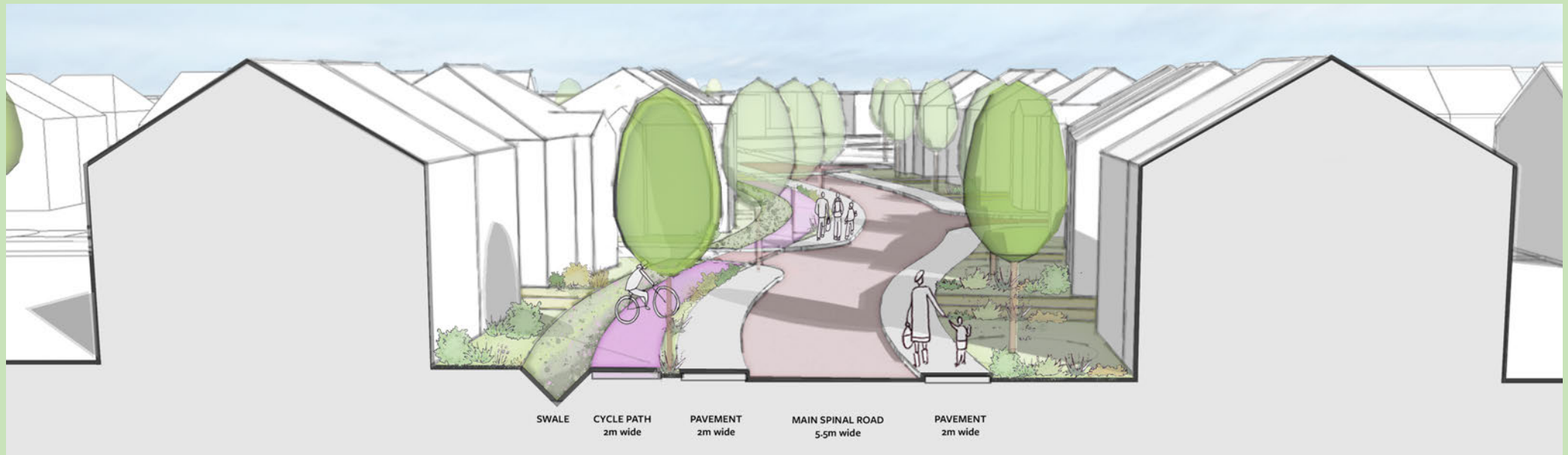
access to the individual development zones, which will be designed as low traffic neighbourhoods. While these roads will be culs-de-sac for vehicles, they will be connected by well-overlooked active travel routes to provide access by foot or bicycle. This will ensure the development is highly permeable while keeping vehicle speeds to a minimum and avoiding the car dominating.

The scheme also incorporates an extensive network of footpaths, reflecting both existing and potential new routes. These are designed around a series of wide, green corridors which connect into the existing footpath routes beyond the site boundary.

Links to the west will provide access to the Cameron Homes site and Acresford Road beyond. To the north, footpath connections provide access to the existing footpath network alongside Moira Road. While to the east and south the footpaths provide access to the countryside.

A series of new footpaths, particularly in the south of the site, will open up an extensive new area of open space for public use.

Parking will be provided in a variety of ways to avoid the street scene becoming overly dominated by cars. Parking areas will also include electric vehicle charging points.



20 - Design Proposals

Residential Layout

The framework shows three main development parcels separated by green corridors, allowing for distinct character areas. With a net developable area of approximately 5 hectares, this framework would allow 175 homes to be delivered at 35 dwellings per hectare, or 200 homes at 40 dph.

It would also be possible to extend the built form of the site further south, beyond the hedgerow which comprises the current development edge, to increase the number of homes on the development.

A variety of types and sizes of homes - including affordable homes and properties suitable for older people - will be provided as part of the development. The housing layout will be at its densest close to the existing built form with a lower density on the southern and eastern fringes to mark the transition to the countryside.

Homes will be positioned to front onto streets providing active frontages. They will also overlook the proposed new areas of open space providing natural surveillance.

Green and Blue Infrastructure

The urban fringe location of the site means landscaping has been put at the heart of the design, with particularly careful consideration of the site's boundary to the south and east.

Homes are set back from the Moira Road frontage which, combined with additional tree planting, would reinforce the existing urban fringe character and signal the green, leafy feel of the development itself.

Existing trees and hedgerows have been retained as far as possible, with the number of punctuations required for the road network kept to a minimum.

The main area of open space will be a new destination green space located to the south of the site, beyond an existing hedgerow and adjacent to the countryside, which is considered in more detail on the next page.

The site's location at the intersection of a number of existing footpaths will ensure it is easily accessible by everyone - including existing residents of the area.

The second area of open space is located at the site's frontage with Moira Road, and contains a second attenuation pond. This will provide an attractive gateway to the development, as well as softening the impact of the scheme on the approach into Overseal.

These areas of open space will be connected by a series of pocket parks and green corridors - such as the one curving towards the play area from Shortheath, and the triangular corridor containing an existing footpath route. These provide permeability through the site for pedestrians and cyclists and allow easy access to the open space and play area.

The development will also accommodate other wildlife features such as bat boxes, bird boxes and "hedgehog highways."

A Destination Green Space

The southern part of the site is the location for a generous new green space, totalling around 13 acres and intended to become a destination open space for both new and existing residents. Homes along the northern edge of the open space will be orientated so as to provide natural surveillance, helping ensure it is a safe place to be.

The open space will comprise a variety of different elements and character areas, summarised below, making it attractive to a wide range of users. The aim is to create a high quality space that provides a different offer to other open spaces nearby.

Natural Play Area

A children's play area will be sited on the northern edge of the green space, close to the new homes and the intersection of several existing public rights of way. In keeping with the feel of the open space more generally, this will have a natural play theme - with boulders and logs for children to climb

on, and play equipment made from natural materials - which is also distinct from other play spaces nearby.

Informal Grassland

Open areas of grass will provide more informal open space to be used for activities like ball games, picnicking and dog walking.

Wildlife Planting

A range of new wildlife habitats, including wildflower meadow and scrubland, will also be delivered in appropriate locations within the open space, alongside new hedgerow planting and clusters of new trees. The attenuation ponds, in the northern corner of the open space, will be designed to maximise their ecological value, as well as being visually appealing.

Information boards will explain the types of plants and animals that visitors might be able to see.

These areas will combine to ensure the development exceeds the minimum 10% net gain in biodiversity required by national policy.

Footpath and Cycle Connections

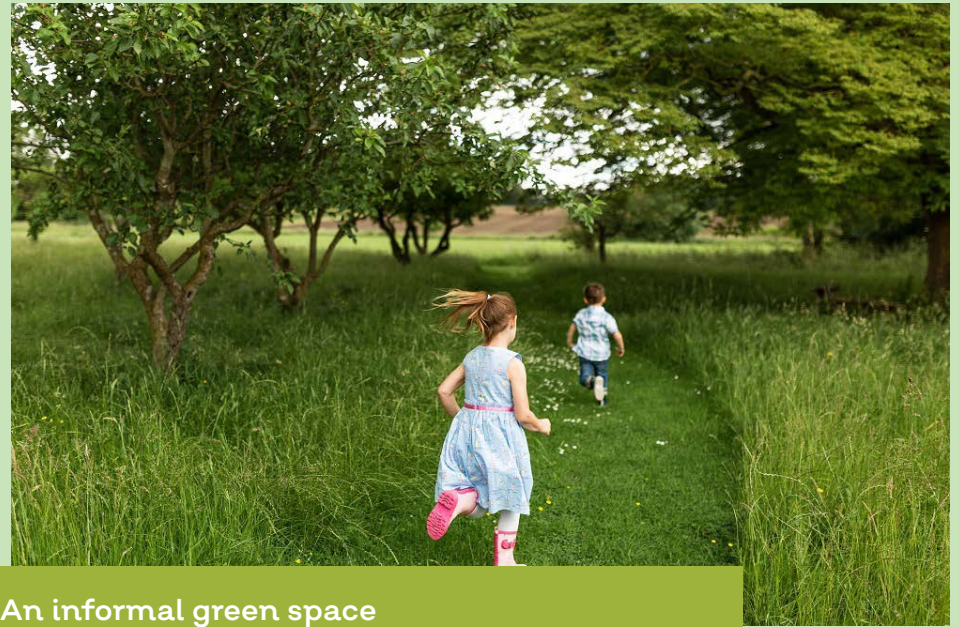
An extensive network of public rights of way already crosses this part of the site. These routes will be accommodated in the new open space, and supplemented by additional paths, enabling circular walks around the open space.

Information boards along the route will provide ideas for nature scavenger hunts for children to encourage them to explore the open space. Benches will provide places for resting or for quiet contemplation.

Linking to the existing public rights of way will also ensure this new green space is connected to the wider network of green spaces in the local area.



A natural play area



An informal green space



An attenuation pond designed to be attractive and benefit wildlife



A footpath crossing a wildflower meadow

Development

Benefits

- A range of types, sizes and tenures of new homes.
- Policy compliant affordable housing provision.
- Retention of existing trees and hedgerows.
- Electric vehicle charging points.
- Provision of a substantial, destination open space.
- No unacceptable impact on the highway network.
- Well integrated with existing settlement form.
- A net gain in biodiversity in excess of the minimum 10%.
- Designed to encourage active travel through the use of modal filters and low traffic neighbourhoods.
- Close to existing services and facilities.
- Drainage network designed around SuDS principles.



Conclusion

This section summarises the contents of this document and considers the suitability of the site for residential development.

The land adjacent to Moira Road provides an opportunity to address the need for housing in both South Derbyshire generally and Overseal specifically.

South Derbyshire Council is working to prepare a new Local Plan and it is apparent that the housing needs of the borough cannot be met from previously developed land alone - some greenfield sites in sustainable locations will be needed to ensure housing needs are met.

An investigation of the technical considerations affecting the site confirms that it is suitable for development, and that a development would be achievable. There are no technical impediments to the site being developed.

Existing services and facilities are easily accessible from the site and it is well integrated with the existing settlement form. Its development would not have a detrimental impact on the existing highway network and could enhance active travel opportunities. There is no risk of flooding and the site can be adequately drained, whilst it will also be possible to make appropriate service connections.

Although any development of a greenfield site will result in a change in character, this proposed development would not have an unacceptable impact on the landscape. The site is not currently of any particular ecological value with development offering the opportunity for a net gain in biodiversity.

The site is being promoted by The Strategic Land Group who have an established track record of delivering sites of this nature. It is therefore available for development.

The development framework demonstrates that the site can accommodate around 175 new homes, including affordable housing and homes for older residents. It provides for substantial areas of public open space, and the retention of key features such as trees and hedgerows. The use of modal filters to create a low traffic neighbourhood will encourage the use of active travel.

The provision of high quality homes would boost housing supply, improve housing affordability and choice, generate jobs at the construction stage and increase spending in the local economy across the lifetime of the development.

Overall, the site is a sustainable location for the development of around 175 high-quality homes. It would provide an attractive, sustainable living environment, integrate well with the existing settlement and contribute to meeting the borough's identified housing needs.

The site is suitable for development, the development would be achievable and the site is available for development.

It represents a logical, sustainable choice for delivering a high-quality development that can make a meaningful contribution to housing need in Overseal.

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strategiclandgroup.co.uk
Follow: @WeAreSLG

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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.

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Privacy Notice

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Who has access to your information?

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Respondent details	Agent details (where applicable)
Name*: The Strategic Land Group Ltd	Name*: Mr John Coxon
Organisation: As above	Organisation: Emery Planning
Address*: C/O Agent	[REDACTED]
[REDACTED]	[REDACTED]

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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?

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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): Omission site – Moira Road, Overseal	
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)		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.

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Please refer to accompanying representations titled ""22-582 – Reps to Part 1 Reg 19 Addendum with Appendices – SLG".

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

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Please check the relevant box

No, I do not wish to participate in hearing sessions

Yes, I wish to participate in hearing sessions

X

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Forms must be received by **5pm on Tuesday 16th June 2026.**

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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

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Address*: C/O Agent	[REDACTED]
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PM2		PM24	
PM3	X – Policy S1	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)		X
a) Positively prepared		X
b) Justified		X
c) Effective		X

d) Consistent with national policy		X
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PM7		PM29	
PM8		PM30	
PM9		PM31	
PM10		PM32	
PM11		PM33	
PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
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PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21		Other (Please specify):	
PM22			

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	Yes	No
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PM8		PM30	
PM9		PM31	
PM10		PM32	
PM11		PM33	
PM12		PM34	
PM13		PM35	
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PM20		PM42	
PM21		Other (Please specify):	
PM22			

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2) Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet)		X
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PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	X – Housing trajectory
PM21		Other (Please specify):	
PM22			

4. Do you consider the Local Plan is:		
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PM8		PM30	
PM9		PM31	
PM10		PM32	
PM11		PM33	
PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
PM17		PM39	
PM18		PM40	
PM19		PM41	
PM20		PM42	
PM21		Other (Please specify): Sustainability Appraisal	
PM22			

4. Do you consider the Local Plan is:		
	Please tick the relevant box	
	Yes	No
1) Legally compliant		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.

Please refer to accompanying representations titled ""22-582 – Reps to Part 1 Reg 19 Addendum with Appendices – SLG".

(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.

Please refer to accompanying representations titled ""22-582 – Reps to Part 1 Reg 19 Addendum with Appendices – SLG".

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

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

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

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

Please check the relevant box

No, I do not wish to participate in hearing sessions

Yes, I wish to participate in hearing sessions

X

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

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

We wish to attend the hearings to make oral submissions, respond to the Inspector's questions and to the Council's case. The issues are complex and there is a need for detailed examination of the evidence.

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.**

**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*: The Strategic Land Group Ltd	Name*: Mr John Coxon
Organisation: As above	Organisation: Emery Planning
Address*: C/O Agent	[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): Transitional Arrangements	
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)		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.

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Please check the relevant box

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Yes, I wish to participate in hearing sessions

X

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