

**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](http://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*: Charlotte Thomas	Name*: Laura Gaffney
Organisation: Miller Homes	Organisation: Lichfields
Address*: [REDACTED]	Address*: [REDACTED]
Email: [REDACTED]	Email: [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](mailto: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.

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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		
b) Justified		
c) Effective		

d) Consistent with national policy		<b>x</b>
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**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

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PM21		Other (Please specify)	
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4. Do you consider the Local Plan is:		
	Please tick the relevant box	
	Yes	No
1) Legally compliant		
2) Sound	x	
(If you check 'No', please also confirm below which of the 'tests' it fails to meet)		
a) Positively prepared		
b) Justified		
c) Effective		

d) Consistent with national policy		
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Please refer to enclosed representations.

(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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PM5		PM27	
PM6		PM28	
PM7		PM29	x
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			

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PM10		PM32	
PM11		PM33	
PM12		PM34	
PM13		PM35	
PM14		PM36	
PM15		PM37	
PM16		PM38	
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PM18		PM40	x
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b) Justified		<b>x</b>
c) Effective		
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No, I do not wish to participate in hearing sessions

Yes, I wish to participate in hearing sessions	x
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**South Derbyshire Proposed  
Modifications to the Local Plan  
Part 1 Review Publication  
Version (2022 – 2041)**

**Representations on behalf of  
Miller Homes Limited**

**Land north of Egginton Road, Hilton**

Miller Homes

16 June 2026

**LICHFIELDS**

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## 1.0 Introduction

1.1 These representations to South Derbyshire District Council’s (“the Council”) Proposed Modifications to the Local Plan Part 1 Review Publication Version (2022 – 2041) (“Proposed Modification”) have been prepared by Lichfields on behalf of Miller Homes (“Miller”).

1.2 Following Miller’s representations to the Local Plan Part 1 Review 2022-2041 (Publication Version), the Council is now undertaking a focused addendum consultation on proposed modifications to the Part 1 Plan Review, split into proposed Main Modifications, which change the policies of the plan, and Additional Modifications, which correct typographical changes or add more clarification to the policies supporting text.

1.3 As such, these Representations focus on the soundness of the proposed Main Modifications that are contained within the Proposed Modification consultation document and relate specifically to Miller’s land interests at Land north of Egginton Road, Hilton (“the Site”). Therefore, Miller has not sought to reiterate all of the concerns raised in the previous Regulation 19 consultation; however, where Miller’s concerns have not been addressed by the proposed Main Modifications, it is important to note that Miller’s views on the soundness of the Part 1 Plan Review remain and should be addressed by the Council. Therefore, our comments from the previous Regulation 19 consultation still stand.

1.4 As the Council will be aware, Miller is seeking to promote the Site to be allocated for residential-led development through the Local Plan Review. Importantly, Miller seeks to work constructively with the Council as it progresses towards the submission and adoption of the Part 1 and Part 2 Plan Reviews and trusts that the comments contained within this document will assist officers in this regard.

### 1.5 **Structure**

1.6 These representations are structured around the Main Modifications set out in the Proposed Modification document and relate specifically to Miller’s Site. In particular, Miller has responded to the below Modifications:

- PM1 – Policy REV1: Review of Local Development Plan;
- PM2-PM3 – Policy S1: Sustainable Growth Strategy;
- PM4 – Policy S4: Housing Strategy;
- PM25-PM27 – Policy H20: Housing Balance & Custom/Self-build;
- PM28 – Policy H21: Affordable Housing;
- PM29 – Policy H22: Gypsies and Travellers and for Travelling Showpeople;
- PM40 – Policy INF2: Sustainable Transport; and
- PM42 – Housing Trajectory.

## 2.0 Miller's Response

### PM1 – Policy REV1: Review of Local Development Plan

2.1 In light of the changes set out in the Levelling-up and Regeneration Act 2023 [LURA] and the requirements set out in the National Planning Policy Framework (2024) [NPPF], Miller broadly supports the Council's proposed Main Modification PM1, as the New Local Plan system would render the previously proposed 'triggers' redundant. However, the NPPF is clear that Local Plans should be reviewed every five years (Para 34).

2.2 In light of this clear requirement, Miller considers that the wording of draft Policy REV1 should be amended to include a clear time limit for the undertaking of a future Local Plan Review to ensure that the plan is consistent with national policy (Para 36d).

### Soundness Test and Recommend Changes

2.3 The NPPF is clear that plans should be reviewed every five years (Para 34). To ensure that the plan is sound, draft Policy REV1 should be amended to reflect the requirements of paragraph 34 of the NPPF. Miller's suggested wording is set out below:

*"The Council will prepare and submit a new Local Plan in line with the provisions for planmaking set out in the Levelling Up and Regeneration Act 2023 no later than five years following the adoption of the Part 1 Plan Review. The new plan will secure levels of growth that accord with government policy and will seek to address any unmet housing need within the Derby Housing Market Area. The Plan will also serve to build stronger working relationships with adjoining and nearby authorities and may result in the preparation of a joint strategic plan based on a wider geography."*

### PM2-PM3 – Policy S1: Sustainable Growth Strategy

2.4 Miller notes that following their representations to the previous Regulation 19 consultation, the Council is proposing to extend the plan period to 2042 in Main Modification PM2/PM3, to ensure that the Part 1 Plan Review covers a period of 15 years from the likely adoption of the plan in due course. In principle, Miller strongly welcomes the Council's pragmatism, and for reflecting on Miller's previous concerns, and in theory, such an approach would accord with the clear requirements of the NPPF (Para 22). Even with some slippage in the Examination in Public [EiP] programme, it is highly likely that a 15-year time horizon for the plan would be maintained on this basis. Miller also welcomes the Council's proposed increase in housing requirements to accommodate an additional year of housing need to ensure alignment with the requirements of paragraphs 22 and 61 of the NPPF.

2.5 However, Miller remains of the view that, given the Council's reliance within the spatial strategy on two strategic urban extensions [SUEs] on the edge of Derby that would deliver well beyond the plan period, regard should be had to the latter requirements of paragraph 22 of the NPPF; namely, a 30-year plan period where significant growth at New Settlements or SUEs is proposed. Indeed, the need for considering a longer plan period is further highlighted by the fact that the Council's Housing Trajectory in PM42 envisages that both sites would not deliver in full within the plan period, with c.1,000 dwellings expected to be delivered beyond 2042 – on the assumption that the Council's proposed housing trajectory (PM42) is realistic.

## Soundness Test

- 2.6 On the face of it, PM2/PM3 would ensure that draft Policy S1 can deliver a 15-year plan period from the point of adoption. That being said, if the Council wishes to deliver strategic growth beyond the plan period, the Council should also consider extending the plan period to cover a 30-year plan period, per the requirements of paragraph 22 of the NPPF.

## PM4 – Policy S4: Housing Strategy

- 2.7 Whilst Miller notes that the intention of the Proposed Modifications consultation is to focus on the proposed Main Modifications and not revisit previous comments, Miller remains significantly concerned in relation to the Council’s proposed Spatial Strategy. It remains the case that key pieces of evidence required to support the proposed spatial strategy have not been completed, and yet, the Council has devised a spatial strategy in the absence of this evidence. In particular, despite significant infrastructure requirements identified for each site in the Council’s Infrastructure Delivery Plan [IDP], a Viability Assessment [VA] underpinning STRA1 and STRA2a/2b has not been published or prepared to Miller’s knowledge, to demonstrate that the sites are viable and deliverable. It therefore remains fundamentally unclear as to how the Council considers that the proposed spatial strategy is the most sustainable, in Sustainability Appraisal [SA] terms, in the context of the clear requirements of the NPPF and Planning Practice Guidance [PPG].
- 2.8 In addition, by virtue of the inclusion of Land South of Mackworth (Draft Policy FLG1), the Council would now be overproviding housing to meet Derby’s needs by c.321 dwellings, when compared to Derby City Council’s emerging unmet need of 5,749 dwellings up to 2043. Fundamentally, this also questions the ‘need’ to identify an additional allocation for 250 dwellings at Land South of Mackworth (i.e. Draft Policy FLG1) within the plan, as it would exceed the Council’s requested contribution towards Derby’s unmet needs.
- 2.9 This is obviously notwithstanding the fact that Miller maintains that the Council’s SA process has not sufficiently assessed alternative options (i.e. reasonable alternatives) – indeed, the Council’s ‘Regulation 19 Addendum: Proposed Modifications - Sustainability Appraisal Report (May 2026)’ does not assess any alternatives. It therefore remains the case that it cannot reasonably be concluded that Land South of Mackworth is the most sustainable option for longer-term growth if no other reasonable alternative options were also considered.
- 2.10 In addition, and importantly, it remains the case that the Council’s proposed Spatial Strategy would not meet the Council’s identified needs. The Council’s Proposed Modification PM42 (Housing Trajectory) purports a shortfall of 201 dwellings itself. However, this is on the basis of an overly optimistic housing trajectory in relation to STRA1 and STRA2a. Whilst Miller welcomes the Council revisiting the housing trajectory, as set out in more detail in Miller’s response to Proposed Modification PM42 (Housing Trajectory), Miller considers that the Council’s housing trajectory is inherently optimistic in aggregate delivery in relation to the STRA1 and STRA2a/2b allocations. A realistic trajectory would also worsen the Council’s purported shortfall from 201 dwellings over the plan period, to c.1,400 dwellings up to 2042.
- 2.11 This shortfall arises before any allowance is made for a buffer or ‘headroom’ within the housing supply. As set out in Miller’s previous Regulation 19 consultation, Miller strongly

reiterates that Local Plans are expected to be sufficiently flexible to respond to changing circumstances over the plan period, in order to be found sound.

- 2.12 In practice, this requires the housing trajectory to include a surplus of deliverable land so that it can accommodate variability in delivery rates, densities and unforeseen delays. To achieve this, the Part 1 Plan Review must release sufficient land to provide an appropriate degree of headroom above the identified requirement. Accordingly, Miller recommends that a minimum buffer of circa 20% is applied to both the Council’s own housing need and its contribution towards Derby’s unmet needs, ensuring that these requirements can be met in full even if elements of supply are delayed or fail to come forward. This will necessitate the identification of additional deliverable sites beyond the minimum requirement, with Land north of Egginton Road, Hilton, representing a logical and suitable opportunity to contribute towards this additional headroom.

### **Soundness and Recommendations**

- 2.13 Despite the Proposed Modification PM2, Miller remains of the view that draft Policy S4 is unsound. The policy is reliant on SUEs, which lack sufficient evidence to support their deliverability (Para 36(b)), will not deliver the plan's needs in full (Para 36(a)), and makes no provision for ‘headroom’ within the Council’s supply (Para 36(d)). Moreover, the assessment of reasonable alternatives has unreasonably been constrained (Para 36(b)). In light of the above, Miller recommends the following changes to draft Policy S4:
- 1 The Council should consider introducing a buffer of at least 20% to ensure that the plan is flexible enough to adapt to changing economic circumstances; and
  - 2 Further housing sites should be allocated throughout the district in order to meet South Derbyshire’s identified needs, and to ensure flexibility in the supply.

### **PM25-PM27 – Policy H20: Housing Balance & Custom/Self-build**

- 2.14 A key ‘soundness’ concern identified during Miller’s previous Regulation 19 consultation was the absence of up-to-date and proportionate evidence to underpin the proposed policy approach, contrary to the requirements of paragraph 36(b) of the NPPF. Miller has no objections to the proposed Modifications PM25-27, and considers them to align with the requirements of paragraphs 16d and 86e of the NPPF.
- 2.15 However, whilst Miller recognises that the purpose of the Proposed Modification consultation is to seek views on the Council’s modifications, Miller considers that the Council’s proposed PM25-27 Main Modifications do not address Miller’s previous fundamental concerns in relation to the lack of a plan-wide VA to support the Part 1 Plan Review.
- 2.16 As set out in Miller Homes’ previous Regulation 19 representations, national policy and guidance – specifically the NPPF and PPG – are clear that policy requirements, including older persons housing, M4(3)(a) and M4(3)(b) homes, and custom and self-build housing contributions, must be informed by robust viability evidence to ensure they do not threaten the deliverability of sites or the development plan as a whole (Paras 35 and 72). This has still not been published by the Council to-date. In the absence of this, it is difficult to

conclude as to whether draft Policy H20 is sound, as it has not been sufficiently justified (Para 36b).

### Soundness Test and Recommendations

- 2.17 The NPPF is clear that planning policies should have regard to the economic viability of sites (Para 72) and should not undermine the deliverability of the Local Plan (Para 35). As the Council is yet to publish a plan-wide VA, it is unclear whether the approach set out within draft Policy H20 is viable. The plan is therefore *unsound* as it is not in compliance with national policy (Para 36d) and is not sufficiently justified (Para 36b). Accordingly, Miller considers that a plan-wide VA be prepared and published.

### PM28 – Policy H21: Affordable Housing

- 2.18 As noted above, the Council did not support the previous Regulation 19 consultation with sufficient and up-to-date evidence to support the proposed approach. This deficiency was particularly evident in relation to the level of affordable housing contributions expected from development. The previous Regulation 19 version of the plan explicitly acknowledged that the proposed 40% affordable housing requirement remained “*subject to detailed viability testing*” (para. 6.54), thereby highlighting the lack of evidence.
- 2.19 In this context and having regard to the findings of the Council’s ‘South Derbyshire Interim Affordable Housing Statement (April 2026)’ (“IAHS”), Miller strongly supports the Council’s pragmatic and evidence-led reassessment of its approach to affordable housing delivery. In particular, Miller expressly welcomes Main Modification PM28, which proposes to reduce the headline affordable housing requirement from 40% to 30%. This modification represents a necessary and proportionate response to the viability evidence now available.
- 2.20 As noted above, policy requirements, including affordable housing contributions, must be informed by a VA (NPPF Paras 35 and 72). The IAHS provides clear and compelling evidence that affordable housing provision in excess of 30% is not viable across the District. On this basis, Miller is satisfied that the revised approach to Policy H21 is now supported by up-to-date and proportionate evidence, thereby addressing the requirements of paragraph 36(b) of the NPPF.

### Soundness Test

- 2.21 The NPPF and PPG require that policy requirements are tested through the VA process to ensure that development remains deliverable over the plan period. The IAHS demonstrates that a 30% affordable housing requirement represents an appropriate and viable balance between delivering much-needed affordable housing and maintaining scheme viability. Accordingly, the revised Policy H21 would not undermine the deliverability of the Plan. Miller, therefore, concludes that the policy is both justified (Para 36(b)) and consistent with national policy (Para 36(d)) and is therefore *sound*.

### PM29 – Policy H22: Gypsies and Travellers and for Travelling Showpeople

- 2.22 Whilst Miller recognises that the purpose of the Proposed Modification consultation is to seek views on the Council’s modifications, Miller considers that the Council’s proposed

PM29 Main Modification does not address Miller’s previous concerns in relation to the disconnect between the Part 1 Plan Review’s definition of strategic sites (i.e. 1,000 dwellings) and the adopted Part 2 Plan’s definition (i.e. 99+ dwellings). In essence, the Council is creating a policy-led inconsistency in the Development Plan. The consequence of this being that it is that the Development Plan would not “*contain policies that are clearly written and unambiguous*” and it would not be “*evident how a decision maker should react to development proposals*” (Para 16d).

- 2.23 Moreover, the Council has not produced any evidence to substantiate why the ‘strategic site’ threshold has been changed. The risk is that, in the absence of a clear and robust evidential basis, the Council could be perceived as having retrospectively adjusted this threshold to align with, and effectively rationalise, its preferred spatial strategy (i.e. directing growth towards the edge of Derby through SUEs), rather than giving appropriate consideration to a broader range of smaller, potentially sustainable sites distributed across the District. Consequently, Miller considers that draft Policy H22 is unsound as it has not been sufficiently justified (Para 36b).

### **Soundness Test and Recommendations**

- 2.24 The Council has not provided any evidence which justifies the change to the definition of strategic sites, and this change has resulted in reasonable, smaller sites being excluded from consideration through the SA process. Consequently, it is considered that the policy is unsound as it has not been sufficiently justified (Para 36b) and would result in policies within the Development Plan not being clearly written or unambiguous (Para 16d). Accordingly, Miller considers that a ‘justification’ should be prepared and published.

## **PM40 – Policy INF2: Sustainable Transport**

- 2.25 Whilst Miller recognises that the purpose of the Proposed Modification consultation is to seek views on the Council’s modifications, as noted above in Miller’s response to PM4, Miller has significant concerns regarding the fact that a plan-wide VA has not been published. In this regard, as set out in Miller’s previous Regulation 19 representations, whilst Miller broadly supports draft Policy INF2 in principle, the policy needs to be tested through the VA process – as required by paragraphs 35 and 72 of the NPPF. In the absence of this, the draft policy cannot be considered sound.

### **Soundness Test and Recommendations**

- 2.26 The NPPF is clear that planning policies should have regard to the economic viability of sites (Para 72) and should not undermine the deliverability of the Local Plan (Para 35). As the Council is yet to publish a VA, it is unclear whether the approach set out within draft Policy INF2 is viable. The plan is therefore *unsound* as it is not in compliance with national policy (Para 36d) and is not sufficiently justified (Para 36b). Accordingly, Miller considers that a plan-wide VA should be prepared and published.

## **PM42 – Housing Trajectory**

- 2.27 In general, Miller welcomes the Council’s proposed PM42 Main Modification. Miller considers that the Council’s revised housing trajectory represents a materially more credible position when compared with the earlier Regulation 19 iteration. It is evident that

the Council has moderated earlier assumptions, in light of Miller’s previous concerns raised in relation to the delivery of draft allocations STRA1 and STRA2, and responded constructively and applied somewhat more cautious assumptions. Importantly, these changes are welcomed and represent a clear improvement in the robustness of the Part 1 Plan Review’s housing trajectory.

2.28 In this context, the PPG provides further clarity for new settlements, stating that LPAs should demonstrate that there is a reasonable prospect that large-scale developments can come forward. In particular, this should include a realistic assessment of the prospect of sites being developed and should engage with infrastructure providers to ensure that the infrastructure requirements are not beyond what could reasonably be considered to be achievable within the planned timescales.<sup>1</sup>

2.29 However, notwithstanding the Council’s positive steps, in Miller’s view, the housing trajectory continues to appear overly optimistic when having regard to wider national benchmarks and local delivery experience. In particular, Miller considers that there remains a significant disconnect between the Council’s assumptions and established benchmarks relating to:

- Strategic site lead-in times;
- Infrastructure dependencies and associated risks;
- Market absorption rates; and
- Sustained long-term build-out performance.

2.30 In this context, Miller notes that Lichfields’ *Start to Finish* (2024) research (Third Edition) (“StF3) provides an established and authoritative evidence base on the delivery of large-scale residential developments (500+ dwellings). This research has been widely relied upon in Local Plan examinations, appeals and housing land supply positions and is specifically designed to provide real-world benchmarks for assessing housing trajectories. Importantly, the StF3 evidence consistently demonstrates that large-scale developments are characterised by:

- Lengthy and often uncertain lead-in periods;
- Gradual ramp-up as outlets are established;
- Infrastructure and viability constraints affecting delivery; and
- Limits to sustained annual build-out rates, even on well-performing sites.

2.31 StF3 also highlights that current market conditions – particularly reduced sales rates, viability pressures and the removal of delivery support mechanisms such as Help to Buy – are likely to constrain delivery further.

2.32 When the proposed PM42 housing trajectory is considered against StF3, it is clear that the Council’s trajectory continues to rely on a combination of relatively rapid site mobilisation, sustained upper-quartile delivery rates and limited slippage across multiple strategic sites simultaneously. Whilst such assumptions may be achievable in isolation, the StF3 research indicates that they are rarely realised concurrently.

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<sup>1</sup> PPG ID: 61-060

- 2.33 This concern is strongly reinforced by local evidence. The planning application (Ref: DMPA/2019/1097) at Wragley Way (South of Derby), for approximately 1,950 dwellings, was submitted in 2019 and remains undetermined nearly six years later. The most recent National Highways response (October 2024) maintains a holding objection, reflecting unresolved infrastructure issues. For Miller, this example is highly instructive as it demonstrates that even allocated strategic sites with submitted applications can experience prolonged delays, particularly where there are infrastructure dependencies that can significantly extend delivery timelines. Moreover, and crucially for the purposes of Local Plan housing trajectories, assumptions regarding early delivery must be treated with caution in the absence of compelling supporting evidence.
- 2.34 Notably, the proposed strategic allocations within the trajectory – namely, STRA1 and STRA2a/2b – do not currently benefit from submitted applications or extant permissions. Applying both the StF3 benchmarks and the Wragley Way experience, it is difficult to conclude that these sites will begin delivering within the early phases of the plan period as currently assumed (i.e. pre-2030). Even under optimistic scenarios, meaningful delivery is unlikely to occur before c.2031/32. As such, Miller’s principal concern is therefore not whether sites will ultimately deliver, but whether they will deliver at the scale, pace and consistency assumed by the Council. The trajectory effectively assumes a favourable delivery scenario across multiple complex strategic sites simultaneously, which is not supported by either empirical evidence published in support of the Part 1 Plan Review or local precedent.
- 2.35 On this basis, Miller considers that it is reasonable to conclude that the trajectory remains optimistic in aggregate, with cumulative delivery likely overstated by approximately 1,200 dwellings to 2042. Further analysis of some of the Council’s unrealistic assumptions is set out below:

### **1. Infinity Garden Village (STRA1)**

- 2.36 The Council’s proposed trajectory for Infinity Garden Village assumes sustained delivery at approximately 150 dwellings per annum [dpa] over a prolonged period, but has reduced the supply within the plan period by 135 dwellings compared to the previous trajectory, by pushing more delivery beyond 2042. Moreover, the Council still envisages that the site will begin delivery within 5 years of today, or 4 years from the assumed adoption date. Whilst this reflects an aspiration for strong performance, it represents an ambitious assumption when having regard to the scale of the proposal, its garden village characteristics, and the extent of supporting infrastructure required to enable delivery.
- 2.37 One of Miller’s key concerns relates to the assumed lead-in period embedded within the Council’s trajectory. The trajectory appears to assume that the site will begin delivering within approximately four-to-five years, which implicitly requires the submission, determination and approval of a planning application within a relatively compressed timeframe. However, no planning application has yet been submitted for Infinity Garden Village. In the absence of an extant application, this assumed lead-in period is highly optimistic and not supported by either national evidence or local experience. Indeed, as noted above, evidence from the neighbouring Wragley Way allocation (Policy H15) remains undetermined nearly seven years after submission. The prolonged progression of Wragley Way clearly demonstrates the challenges associated with delivering large-scale

development in this location, particularly where strategic transport infrastructure is required. Lichfields' StF3 would suggest it would likely take c.7 years from submission of application to first dwelling completions – not too dissimilar to Wragley Way – therefore pushing more of the supply beyond the plan period.

2.38 Moreover, Lichfields' StF3 evidence indicates that developments of this nature are rarely delivered at consistent upper-quartile rates from the outset. Instead, large-scale strategic sites – particularly Garden Villages – are typically characterised by prolonged lead-in periods, followed by a gradual ramp-up in delivery as infrastructure is established and market demand is built. Early phases are often constrained by the need to deliver critical enabling infrastructure, establish a market presence, and secure multiple housebuilder outlets. In this context, the assumption of relatively high and sustained annual delivery rates from an early stage appears optimistic.

2.39 There are also clear interdependencies with adjoining proposals at Wragley Way (Application Ref: DMPA/2019/1097 and DMPA/2019/1091), which further illustrate that this is a complex and infrastructure-led growth location. The need to coordinate across multiple sites, land interests and infrastructure interventions adds further uncertainty to delivery assumptions.

2.40 Whilst it is acknowledged that some progress has been made in enabling infrastructure (i.e. the grant of consent in 2021 for a new access link road from the A50 and a start on site anticipated in early 2026), this does not materially reduce the risks associated with housing delivery. The provision of strategic infrastructure is only one element of the delivery process, and the Wragley Way experience clearly demonstrates that such schemes can still be subject to significant delay even where progress is being made.

2.41 Although there are emerging delivery mechanisms and signs of strategic support, there remains limited substantive evidence to demonstrate that Infinity Garden Village could achieve or sustain delivery rates at or near 150 dpa from the early phases of development. In particular, there is insufficient evidence regarding:

- The timing and funding of comprehensive infrastructure delivery;
- The phasing and coordination of development parcels;
- The number and timing of active outlet permissions; and
- Realistic absorption rates within the local housing market.

2.42 In the absence of this evidence, the trajectory appears to assume a favourable delivery scenario – both in terms of timing and build-out rates – which is not supported by either the Lichfields StF3 evidence or local delivery precedent.

2.43 A more realistic trajectory, aligned with national benchmarks, would assume a longer lead-in period (particularly in the absence of a submitted application), followed by initial delivery in the order of 75–100 dwellings per annum, with subsequent acceleration only once infrastructure is fully in place, and multiple outlets are established. On this basis, the current trajectory is considered to overstate delivery from Infinity Garden Village, particularly in the early and mid-phases of the plan period. A more cautious and evidence-based adjustment would result in an indicative reduction of approximately 490 dwellings by 2042.

## 2. STRA2a – Land South of Mickleover

- 2.44 Similar to STRA1, the Council’s proposed trajectory for STRA2a/2b assumes sustained delivery at approximately 150 dpa over a prolonged period at STRA2a, but has included STRA2b for an additional 142 dwellings, increasing the total supply within the plan period by 188 dwellings compared to the previous trajectory.
- 2.45 Again, similar to the Council’s assumptions for STRA1, the Council’s proposed trajectory assumes relatively early delivery and sustained build-out from STRA2a, notwithstanding that the site remains at an early stage in the planning process. In Miller’s view, this represents one of the weakest and most uncertain assumptions within the overall trajectory.
- 2.46 Delivery of STRA2a/2b is dependent on significant strategic infrastructure, most notably transport mitigation works, including a new link road between the A38 and A516 forming part of the South Derbyshire Integrated Transport Link. However, key elements of delivery remain unresolved. Infrastructure funding arrangements are not yet finalised, outline planning permission has not been submitted, and Section 106 negotiations – which are likely to be complex given the scale of development – are many years away. The Council’s own suggestion that delivery may need to be phased across smaller parcels to enable early delivery further underlines this uncertainty.
- 2.47 As set out in the assessment of Infinity Garden Village above, recent local experience—particularly in relation to the progression of the Wragley Way allocation—clearly demonstrates the potential for significant delays on strategic, infrastructure-led sites within the authority area. That example provides a directly relevant benchmark for understanding likely lead-in times and delivery risks, and it reinforces the need for caution in assuming early commencement at STRA2 in the absence of compelling supporting evidence.
- 2.48 The Council’s own evidence further highlights these delivery risks. Annex B of the Housing Position Paper (April 2026) acknowledges the need to carefully phase development to secure infrastructure funding, identifies the potential for delays associated with National Highways, and indicates that key aspects of delivery – including funding mechanisms – remain under active consideration. This confirms that the delivery strategy is still evolving and that a number of dependencies remain unresolved.
- 2.49 The planning status of the site underlines this position. There are currently no live planning applications, with progress limited to a scoping opinion request (Application Ref: DMOT/2025/1599) submitted in November 2025. This indicates that the site remains at a formative stage. The trajectory, therefore, implicitly assumes a compressed lead-in period for the preparation, submission, determination and implementation of a planning application that is not supported by the available evidence.
- 2.50 Whilst the Council is exploring opportunities to bring forward early phases – particularly along the A516 and to the east of the A38 – these remain dependent on the delivery of strategic infrastructure and effective coordination across the wider site. As such, Miller considers that they do not materially reduce the overall delivery risk. In Miller’s view, and consistent with the Lichfields StF3 evidence, a more realistic trajectory would:
- Delay the onset of first completions to reflect the absence of a submitted application and the scale of infrastructure requirements;
  - Incorporate a longer and more gradual ramp-up period; and

- Assume more modest initial annual outputs in the order of 100–120 dwellings per annum.

2.51 On this basis, the current trajectory is considered to significantly overstate delivery from STRA2a, particularly within the early and middle phases of the plan period. A more cautious and evidence-based adjustment would result in an indicative reduction of approximately 726 dwellings to 2042.

### **Soundness and Recommendations**

2.52 The revised trajectory set out in Main Modification PM42 represents an improvement. However, when tested against the Lichfields StF3 evidence and reinforced by the local experience at Wragley Way, in Miller’s view, the housing trajectory remains overly optimistic in both timing and overall quantum. In particular, the trajectory continues to rely on:

- Optimistic assumptions regarding infrastructure coordination and funding;
- Limited programme slippage across complex strategic sites;
- Sustained upper-quartile build-out rates over extended periods; and
- Strong and consistent market absorption across multiple sites simultaneously.

2.53 Taken together, these assumptions result in a trajectory that appears plausible on the face of it but is inherently optimistic in aggregate delivery in relation to the STRA1 and STRA2a/2b allocations. A realistic trajectory would also worsen the Council’s purported shortfall from 201 dwellings over the plan period, to c.1,400 dwellings up to 2042.

2.54 For the reasons above, whilst the Council’s revised trajectory represents an improvement, it does not yet provide a sufficiently robust, justified or deliverable basis to demonstrate that the housing requirement will be met. A more cautious, evidence-based approach – reflecting both Lichfields’ StF3 benchmarks and local delivery experience at Wragley Way – is required to ensure the Plan is sound. At present, the proposed housing trajectory set out in the proposed Main Modification PM42, which supports draft Policy S4, is not underpinned by up-to-date and proportionate evidence (Para 36(b)), would not meet the plan’s needs in full (Para 36(a)) and is not positively prepared (Para 36(a)).

2.55 On this basis, Miller recommends that the housing trajectory be further revised in respect of STRA1 and STRA2a to reflect the below suggested lead-in times and build-out rates. The consequence of this is that the Council will need to allocate further housing sites throughout the district in order to meet South Derbyshire’s identified needs, and to ensure flexibility in the supply.

Table 1 Suggested realistic lead-in times and build-out rates for STRA1 and STRA2a

Year	STRA1		STRA2a	
	Council Trajectory (dpa)	Miller's Revised Trajectory (dpa)	Council Trajectory (dpa)	Miller's Revised Trajectory (dpa)
2028/29	0	0	0	0
2029/30	0	0	0	0
2030/31	15	0	46	0
2031/32	150	0	150	0
2032/33	150	25	150	25
2033/34	150	50	150	50
2034/35	150	75	150	75
2035/36	150	125	150	100
2036/37	150	150	150	120
2037/38	150	150	150	120
2038/39	150	150	150	120
2039/40	150	150	150	120
2040/41	150	150	150	120
2041/42	150	150	150	120
<b>Total to 2042</b>	<b>1,665</b>	<b>1,175</b>	<b>1,696</b>	<b>970</b>
<b>2042+</b>	<b>335</b>	<b>825</b>	<b>662</b>	<b>1,388</b>

Source: Lichfields Analysis

## Conclusion

- 2.56 Miller strongly welcomes the Council's publication of the Proposed Modification consultation. It is entirely appropriate for the Council to take a pragmatic approach to plan-making and seeking to address concerns raised through the previous Regulation 19 consultation before the submission of the Part 1 Plan Review for EiP.
- 2.57 In part, Miller supports the Council's proposed approach to extending the plan period and affordable housing. However, whilst Miller has not sought to reiterate all of the concerns raised in the previous Regulation 19 consultation, several critical matters of soundness have not been addressed by the Proposed Modifications. In particular, Miller remains of the view that the plan period should reflect a 30-year period, given the reliance on SUEs. No plan-wide viability assessment has been published in support of the Part 1 Plan Review policies or the SUEs underpinning the spatial strategy.
- 2.58 When coupled with the fact that the Council's assumptions on delivery for the two SUEs are overly optimistic, and no buffer is included within the supply, Miller remains concerned that the Council's proposed spatial strategy is unsound and does not meet the housing needs in full. Accordingly, in Miller's view, further modifications to the Part 1 Plan Review, alongside additional housing allocations, are required to ensure the plan can be found sound at EiP.



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