



Examination of the South Derbyshire Local Plan Part 1 Review 2022-2042

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Examination Website:

[Local Plan Part 1 Review Examination | South Derbyshire District Council](#)

5 October 2026

IN1: Inspectors' Preliminary Questions to the Council

Introduction

We have been appointed by the Secretary of State to conduct the Examination of the submitted Plan.

Melissa White has been appointed as the Examination Programme Officer. She will deal with all administrative arrangements for the Examination, at the Inspector Panel's direction. Her contact details are above. She will be the first point of contact for the Council, representors and participants in the Examination.

In order to provide clarity and potentially narrow down the focus of the examination, the Council is asked to provide **brief** responses to the following Preliminary Questions about general and procedural matters, and the content of the Plan. Where necessary, reference should be made to the main relevant evidence available in the examination library.

If consideration of any of our Preliminary Questions leads the Council to conclude that a main modification is needed to make the Plan sound or legally compliant, please set out suggested revised wording using ~~striketrough~~ and underlined text.

A response from the Council to our Preliminary Questions is requested by **midday** on **19 October 2026**.

Representors are not being invited to respond to any of the Preliminary Questions at this stage. In due course, when we have considered the Council responses to our Preliminary Questions, we will publish the Matters, Issues and Questions that will be the focus of the examination. Representors will then be able to submit written

responses to the Matters, Issues and Questions that are relevant to their regulation 20 representations.

The submitted Plan

Section 20 of the 2004 Act requires that an authority not submit a development plan document for examination unless they think the document is ready for independent examination. Our understanding is that the Plan which the Council has submitted for examination is the Publication Version¹ as modified by the Proposed Modifications². This means the Tracked Changes Version of the Plan³, but with those changes accepted ('the consolidated version of the Plan'). The distinction made by the Council in the Proposed Modifications document⁴ between Main Modifications and Additional Modifications is not therefore necessary, nor does it appear to be relevant, as that document represents a proposed change to the Plan as a whole, which has been submitted for examination.

The Procedure Guide for Local Plan Examinations allows for an authority to make changes to a plan following the Regulation 19 consultation and before submission, so long as those changes are published for consultation on the same basis as the Regulation 19 consultation. It appears to us that the Council has done this⁵ and thus our examination should consider the amended, consolidated version of the Plan. Accordingly, any subsequent recommendations around the Plan's soundness or main modifications necessary to make it so, as requested under section 20(7c)⁶, would relate to that version of the Plan.

Q1. Does the Council agree with this approach to the Plan being submitted for examination?

Q2. If so, please therefore provide us with an updated, consolidated version of the Plan being submitted for examination.

It is our understanding then that the Plan being submitted for examination proposes to deliver 15263 homes, 763 per year, and 178-183ha of employment land between 2022 and 2042.

Q3. Please can the Council then confirm whether this is the correct starting point?

Paragraph 1.6 of the Plan states that it updates Part 1 of the South Derbyshire Local Plan to deal with, among other things, the critical issue of meeting unmet housing needs from the Derby Urban Area. Consistent with Regulation 8 (5). Appendix 3 sets out that the submitted Plan will supersede the adopted Part 1 Plan upon its adoption.

¹ CD01

² CD02

³ CD03

⁴ CD02

⁵ CD10

⁶ Submission cover letter, August 2026 EC01

We are required to examine the whole submitted Plan, irrespective of how the policies in it compare to those that they supersede. Our examination of the Plan's policies will be in the context of national policy relevant now, and the evidence and representations before us (as opposed to what was available and relevant when the 2016 plan was examined).

The Plan and supporting evidence⁷ sets out that the Part 1 Plan is the strategic part of the development plan, and that the Part 2 Plan covers non-strategic housing allocations, detailed retail policies, rural area policies and development management policies. The Part 2 Plan, adopted in 2017 is being saved and not amended at this time. The Plan goes on to set out that all policies will be considered together during decision making, along with national policy.

Q4. Please can the Council explain in more detail the relationship between the Part 1 and Part 2 plans? In particular, could the Council clarify to what extent delivering the Vision and Strategic Objectives of this Plan relies on the Part 2 plan?

National policy

The National Planning Policy Framework (NPPF) published in August 2026 sets out at Annex A how it is to be implemented for the purposes of plan-making. Paragraph 8 indicates that plans not being prepared under the Levelling-up and Regeneration Act 2023 and the Local Planning (England) Regulations 2026 should be produced in accordance with the version of this NPPF published in December 2024, unless any of the transitional arrangements in Annex 1 to that Framework apply (in which case those transitional arrangements continue to apply).

The NPPF published in December 2024 and revised in February 2025 includes a transitional arrangement⁸ that indicates that we should examine the Plan in the context of NPPF published in December 2023. This is because the Plan had been published under regulation 19 before 12 March 2025⁹, and its draft housing requirement (763 homes per year) meets at least 80% of local housing need calculated using the standard method in national planning practice guidance published on 12 December 2024 (507 homes per year).

Q5. Does the Council agree that we should examine the Plan under the version of the NPPF published in December 2023 and the Planning Policy Guidance extant at that time, for the reason set out above?

The Publication Version¹⁰ of the Plan was published under regulation 19 from 10 March 2025 to 25 April 2025. As a result of representations made during that consultation and further evidence, the Council consulted on Proposed

⁷ CD10

⁸ NPPF February 234(a) and footnote 83.

⁹ The Plan was published under regulation 19 on 10 March 2025.

¹⁰ CD01

Modifications¹¹ to the Publication Version from 5 May 2026 to 16 June 2026. The PPG¹² states that a plan is normally taken as having reached the Regulation 19 stage at the date on which the first round of Regulation 19 consultation commenced. It does however set out limited circumstances, including where the content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage, where a Plan is to be taken as having reached Regulation 19 on the date of subsequent rounds of consultation.

Q6. Does the Council therefore consider that the changes between the Publication Version of the Plan and the Proposed Modifications have not significantly changed the content of the emerging Plan?

Plan period

NPPF 22 states that strategic policies should look ahead over a minimum 15-year period from adoption. The Plan is likely to be adopted between 1 April 2027 and 31 March 2028 meaning that, to be consistent with national policy, strategic policies should look ahead to at least 31 March 2043.

Q7. Does the Council agree that 15 years from adoption would be 31 March 2043?

Q8. What would be the implications for this Plan if it were to run until 2043?

Q9. Are strategic policies that look ahead from 2022 consistent with national policy that expects plans to be up to date?

Future review and update to the Plan

Regulations now require the preparation and submission of a new plan following the adoption of any 'legacy' plan within tightly defined timescales. National policy refers to plans being reviewed to assess whether they need updating at least once every five years¹³.

Policy REV1 refers to the Council preparing and submitting a new Local Plan in line with the provisions for plan making set out in legislation.

Q10. What is the purpose of policy REV1, given the content of the regulations and national policy?

The Local Development Scheme refers to a new Gypsy and Traveller Site Allocations DPD to allocate sites to demonstrate a five-year supply of pitches.

¹¹ CD02

¹² Paragraph 86 Reference ID:61-086-20250616

¹³ NPPF33

Q11. Do any policies in the Plan, including on Gypsy and Traveller accommodation envisage additional Development Plan Documents as part of their approach?

Local development scheme

The Council's local development scheme was updated in June 2026¹⁴.

Q12. Was the Plan prepared in accordance with the Council's local development scheme as required by section 19(1) of the 2004 Act?

Public consultation

Section 19(3) of the 2004 Act requires the Council to prepare the local plan in accordance with its statement of community involvement. The Council's statement of community involvement was published in September 2018¹⁵.

Q13. Were any concerns raised in representations made under regulation 20 that the consultation carried out during the preparation of the Plan failed to comply with the statement of community involvement or any relevant legal requirements?

Maintaining effective cooperation

The duty to cooperate under section 33A of the 2004 Act applied during the preparation of the Plan. Although that statutory duty was abolished in March 2026, Inspectors are still expected to examine plans in line with NPPF policies on maintaining effective cooperation. We therefore consider that as part of our assessment of soundness, as necessary under the relevant main issues. The Cooperation Statement¹⁶ provides information about engagement with local planning authorities and prescribed bodies on strategic matters¹⁷.

The Council's submission letter¹⁸ notes that there are "no outstanding issues of principle" with any statutory consultee.

Q14. Please can the Council confirm that this position remains the same, and clarify whether or not any local planning authorities or other prescribed bodies have made representations under regulation 20, or subsequently that claim such cooperation has not happened?

¹⁴ CD14

¹⁵ CD15

¹⁶ CD13

¹⁷ A "strategic matter" is (a) sustainable development or use of land that has or would have a significant impact in at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic [section 33A(4) of the 2004 Act].

¹⁸ EC01

Q15. Please can the Council confirm if there are any outstanding issues of detail in relation to maintaining effective cooperation?

Representations to the regulation 19 addendum consultation referred to potential need to update Statements of Common Ground¹⁹.

Q16. Is it necessary to and does the Council anticipate submitting an updated Statement of Common Ground between the Derby HMA authorities, particularly in relation to the housing requirement and any allocations with cross-boundary implications?

Climate change

Section 19(1A) of the 2004 Act requires development plan documents (taken as a whole) to include policies designed to secure that the development and use of land in the planning authority's area contributes to the mitigation of, and adaptation to, climate change.

Q17. Which policies in the Plan are designed to secure that the development and use of land contributes to the mitigation of, and/or adaptation to, climate change?

Strategic priorities

Q18. Which parts of the Plan identify the Council's strategic priorities for the development and use of land in the Borough as required by section 19(1B) of the 2004 Act?

Equalities

Public authorities are required under section 149 of the Equality Act 2010 to have due regard to the following aims when exercising their functions:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic²⁰ and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

An Equality Impact Assessment was carried out during the preparation of the Plan²¹. This found that all policies in the Plan are likely to have either a positive or neutral impact on the protected characteristics, and no adverse impacts. It states that due regard has been given to the three aims in paragraph 149 of the Equalities Act, and that the Plan will work to eliminate discrimination by including policies that are

¹⁹ 65574689 Derby City Council

²⁰ Age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

²¹ CD7 and CD8

inclusive, provide equal opportunity for all and foster good relations between persons where possible within the remits of local planning.

Q19. Were any concerns raised in representations made under regulation 20 that the Plan is likely to adversely affect persons who share relevant protected characteristics as defined in s149 of the Equality Act 2010, or that the Council failed to have due regard to the Public Sector Equality Duty?

Sustainability appraisal

Local plans should be informed throughout their preparation by a sustainability appraisal which demonstrates how the plan has addressed relevant economic, social and environmental objectives. Significant adverse impacts on these objectives should be avoided and, where possible alternative options which reduce or eliminate such impacts should be pursued²².

Local planning authorities are required to consider “reasonable alternatives” during the preparation of local plans, to comply with relevant legislation relating to strategic environmental assessment and to meet one of the tests of soundness²³. The reasonable alternatives should take account of the objectives and geographical scope of the plan²⁴.

A sustainability appraisal was carried out during the preparation of the Plan with a report published in March 2025²⁵, updated in May 2026²⁶ to reflect the Proposed Modifications.

Q20. Do any representations made under regulation 20 claim that the sustainability appraisals failed to identify reasonable alternatives to the Plan or comply with the relevant legislation for other reasons?

Habitat Regulations Assessment

Habitat Regulations Assessment should be undertaken as part of the preparation of a local development plan. A Habitat Regulations Assessment was undertaken during preparation of the Plan and a report²⁷ published in May 2026.

Q21. Would the Plan lead to any significant adverse effect on sites of ecological importance as defined in the Conservation of Habitats and Special regulations 2017, which cannot be adequately mitigated? Has any concern been raised by Natural England been raised in relation to the Habitat Regulations Assessment?

²² NPPF 32

²³ NPPF 35b and The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations)

²⁴ SEA Regulation 12(2)

²⁵ CD05

²⁶ CD06

²⁷ CD03

Flood Risk Assessment

Local Plans should take a sequential, risk-based approach to the location of development in relation to flood risk.

Q22. Has a sequential, risk-based approach been taken to the location of development in the Plan in relation to flood risk? If so, what evidence is there to show that such an approach has been used in the allocation of sites in the Plan?

Policies referring to supplementary planning documents and other documents

Various policies in the Plan refer to supplementary planning documents and other documents. While it may be justified to expect applicants to “have regard to” such documents as they are not development plan documents, it is not justified to require proposals to “comply” with or be “in accordance” with them, or similar.

Q23. Could the Council list all policies in the Plan that refer to a supplementary planning document or other document, and if necessary prepare main modifications to ensure that the requirement relating to each is justified?

Q24. Could the Council consider whether any modifications are required to the Plan having regard to the inability to adopt new Supplementary Planning Documents after 30 June 2026, in line with regulations in the Levelling-up and Regeneration Act 2023?

Provisional examination programme

September/October 2026	Inspectors’ initial assessment of the Plan, evidence and representations
	Inspectors’ Preliminary Questions to the Council
December 2026	Matters, Issues and Questions (MIQs) published
	Representors to confirm participation in Hearings, should they wish
January 2027	Deadlines for written statements from the Council and Representors in response to MIQs
February/March 2027	Hearing sessions

This provisional programme is indicative only at this stage and could change.

W Cooper and S Dean

INSPECTORS
