



DAVIDSONS HOMES

SOUTH DERBYSHIRE DISTRICT COUNCIL
PART 2 LOCAL PLAN REVIEW

ISSUES AND OPTIONS CONSULTATION
REPRESENTATIONS

January 2026

Section 1 | Introduction

This representation has been prepared by Davidsons Developments Limited (Davidsons Homes) in response to the South Derbyshire District Council [“the Council” or “LPA”] Part 2 Local Plan Review which outlines the non-strategic policies and site allocations used to guide future planning decisions.

It is important to understand the context of the review of the Part 1 Local Plan, when discussing the Part 2 Local Plan review. Part 1 of the Local Plan is ongoing and underwent its Regulation 19 consultation in March/April 2025. As explained by paragraph 1.42 of the Regulation 19 draft of the Part 1 Local Plan Review:

“The South Derbyshire District Council Part 1 Review is a **focussed update** to the adopted plan with the purpose of ensuring the district’s plan reflects national planning policy **and allocates key strategic sites which will assist with meeting Derby’s unmet housing need.**” [Emphasis Added]

Accordingly, the Part 1 review focuses on options for strategic sites on the edge of Derby, on the assumption that this, and this alone, is the most sustainable way to meet housing needs in the District to 2041.

The Part 1 Plan Review is progressing under the transitional provisions set out within paragraph 234 of the National Planning Policy Framework (“NPPF”), December 2024. Therefore, it will be examined against the provisions of the NPPF, December 2023. However, the potential review of the Part 2 Plan, to which this current consultation relates, will be undertaken against the NPPF 2024. All references to the NPPF below, therefore are references to the 2024 edition of the NPPF unless indicated otherwise.

- The NPPF sets out tests of soundness at paragraph 36. These are:
- Positively prepared – based on a strategy that seeks to meet objectively assessed needs, including unmet needs from neighbouring authorities where it is reasonable to do so;
- Justified – founded on an appropriate strategy that is reasonable, realistic and based on proportionate evidence;
- Effective – deliverable over the plan period and based on effective joint working on cross-boundary strategic matters; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the NPPF.

This representation provides a response to Part 2 of the Local Plan Review and the consultation questions, based on the evidence base available at this time.

Within this context, and for the reasons set out within this representation, Davidsons consider that Repton is a sustainable and suitable location for future housing development and land south of Milton Road, Repton (SHLAA reference 040) should be allocated for housing and associated infrastructure to support an appropriate growth strategy for the borough.

Section 2 | Response to Consultation

- 2.1.1 This Section considers and responds to questions posed by South Derbyshire District Council their Local Plan Review Part 2.
- 2.1.2 The questions we consider most relevant to this representation are listed below with our responses beneath each question.

“Question 1: Should the Council produce a Local Plan Part 2 Review under the existing planning system, or should a single full Local Plan Review be undertaken under the new system?”

Produce a Local Plan 2 Review under the existing system

Produce a single Full Local Plan under the new system

Other”

- 2.1.3 Produce a single Full Local Plan under the new system.
- 2.1.4 The remit of the Local Plan Review Part 1 (which is ongoing) was to focus development on meeting Derby’s unmet need for housing on the edge of Derby and no district-wide spatial strategy for housing was explored. The Local Plan Review Part 1 Regulation 19 consultation occurred in March and April 2025. Paragraph 1.42 of the Regulation 19 draft explains that:
- “The South Derbyshire District Council Part 1 Review is a focused update to the adopted plan, designed to ensure that the District’s plan aligns with national planning policy and allocates key strategic sites to assist in meeting Derby’s unmet housing need.”
- 2.1.5 Accordingly, the Part 1 Plan Review concentrates on options for strategic sites on the edge of Derby, on the assumption that this is the most sustainable way to meet Derby’s unmet housing needs to 2041. It therefore proposes several strategic site allocations on the edge of Derby City and does not adopt a strategic spatial approach to housing distribution
- 2.1.6 The Part 1 Plan Review also incorporates Policy REV1: Review of the Local Development Plan, which **confirms that plan-making for a comprehensive South Derbyshire District Local Plan will begin immediately upon adoption of the Part 1 Review.**
- 2.1.7 Paragraph 1.44 of the Regulation 19 version reiterates this commitment, stating that, on adoption of the Part 1 Review, the process of a comprehensive plan review will commence, bringing together the current Part 1 and Part 2 plans and considering **issues such as retail provision, the future development of Swadlincote, and the planning of service villages and rural areas across the District.**
- 2.1.8 The approach of undertaking a review to the Part 2 plan rather than a comprehensive plan marks a substantial departure from the approach set out by the Council in the Part 1 Plan Review.

- 2.1.9 The Part 1 Plan Review is intended as a partial review to address unmet need from the Derby urban area. Policy REV1 of the Part 1 review was intended to “bridge the gap” between a plan that effectively only addresses only a single strategic issue – unmet need from Derby – and a comprehensive plan, which addresses housing need across the District of South Derbyshire.
- 2.1.10 Given the narrowly defined scope of the Part 1 Plan Review, it did not seek to address housing needs in other parts of the District, nor did it consider any sites or strategies for growth outside the Derby fringe. This was an inevitable consequence of its limited purpose: to address unmet housing need arising solely from Derby. As a result, the Plan contains no strategic housing policies for the remainder of South Derbyshire, neither in terms of overall numbers nor spatial distribution.
- 2.1.11 It is therefore concerning to us that these fundamental strategic issues, matters which should have been examined transparently and rigorously through the Part 1 Review, might be dealt with instead through the Part 2 Plan, which is non-strategic. This approach fragments the logical sequence of plan-making and creates a situation in which the relationship between the Part 1 and Part 2 reviews is incoherent.

Strategic and Non-Strategic Policies

- 2.1.12 There is nothing within the Part 1 Plan Review that provides any strategic direction for the rest of the District beyond the Derby fringe. It contains no spatial apportionment to the District's settlements, no district-wide distribution strategy, as it retains the existing allocations, and no indication that such matters would be deferred to a separate Part 2 plan. In the absence of any strategic framework for the wider District being set through the Part 1 Plan Review, it is deeply concerning that the Council could now seek to address these strategic issues through a non-strategic plan. Further outstanding housing delivery is expected to be delivered through windfall sites.
- 2.1.13 Paragraph 20 of the National Planning Policy Framework states that:
- “Strategic policies should set out an overall strategy for the pattern, scale and design quality of places...and make sufficient provision for: housing (including affordable housing), employment, retail, leisure and other commercial development.”
- 2.1.14 By design, the Part 1 Plan does not set out an “overall strategy” for the District as a whole, but only for the Derby urban fringe in order to address the city's unmet need. Non-strategic policies cannot then be used to “fill in the gaps” to deliver that wider strategy. The National Planning Policy Framework distinguishes clearly between strategic and non-strategic policies and requires that strategic matters be dealt with through the strategic plan. In this case, the strategic plan is the Part 1 Plan Review.
- 2.1.15 However, because the Part 1 Review contains no strategy for housing growth beyond the proposed allocations on the Derby fringe and existing allocations, the non-strategic Part 2 Plan Review cannot legitimately introduce that missing strategy. To do so would invert the plan-making hierarchy set out in the NPPF, and would, in effect, use a non-strategic plan to retroactively establish strategic spatial policy.

NPPF Transitional Provisions

- 2.1.16 A further concern arises from the fact that the Council itself acknowledges that the Part 2 Review will be examined under the 2024 NPPF, whereas the Part 1 Review is being examined under the transitional arrangements and therefore against the 2023 NPPF.
- 2.1.17 This creates a situation in which two halves of what should be, in practice, a single Local Plan strategy will be tested against two different national policy frameworks. On its own, that divergence would already warrant caution. However, when read alongside the Issues and Options document, it appears that the Council is now considering using the non-strategic Part 2 Review to introduce or pre-empt matters that properly belong within the scope of the strategic Part 1 Review.
- 2.1.18 The approach of reviewing the Part 2 local plan to address gaps in the Part 1 Plan Review would also avoid addressing higher levels of housing need that would arise under the 2024 NPPF/standard method. By introducing strategic policies that do not deliver or respond to the level of objectively assessed housing need indicated by the 2024 standard method, the Part 2 Plan would not be positively prepared.

Local Government reorganisation

- 2.1.19 The document discusses the risk of Local Government Reorganisation (LGR) and the timescales for plan making. Whilst it is acknowledged that this risk will be a consideration of the Council, this is not a factor when assessing if a Plan meets the tests of soundness. The potential impact of LGR should not be to the detriment of good plan making. Whilst the government has identified timescales for Local Government Reorganisation these are ambitious targets and there is the potential that these timescales could slip.
- 2.1.20 In this context it is important for the Council to develop a Local Plan which can consider all of the issues both strategic and non strategic for the district which have arising since adoption following updates to the housing figures and the strategic matters which have and will later this year happen through NPPF updates and legislative changes. It is also important that the Council align with their commitments of the Local Plan Part 1 (LPP1) Review which commits to a comprehensive Local Plan review following adoption of the LPP1 Review.

Conclusion

- 2.1.21 Overall, we consider that any using of a Part 2 Review to introduce, supplement or compensate for strategic policy would fail the soundness tests because:
- It avoids meeting housing needs (not positively prepared).
 - It has not been tested through reasonable alternatives (not justified).
 - It creates an internally incoherent strategy split across two Plans (not effective).
 - It inverts the statutory hierarchy by introducing strategic matters in a non-strategic plan (not consistent with national policy).

“Question 2: Where should housing needs be met? Please provide site details including projected delivery timescales and the specific need being met.”

- 2.1.22 Given the response above it is not considered that the Local Plan Part 2 review is able to determine where housing needs should be met as these are strategic matters which should be determined through the Part 1 review. If the Part 2 review were to do this it would not meet the tests of soundness of paragraph 36 of the NPPF.
- 2.1.23 Notwithstanding this the following points are made in regard to where the housing needs should be met:

Balanced Growth / Distribution

- 2.1.24 Part 1 Review did not consider the full spatial pattern of need across South Derbyshire. The Sustainability Appraisal work only evaluated scenarios focused on Derby's unmet need and did not test genuine alternatives involving the District's towns, key service villages, or rural settlements. The Sustainability Appraisal underpinning the Part 1 review confirms that options were “narrowly framed” around Derby's fringes and that no reasonable alternatives were developed for growth beyond the fringe.
- 2.1.25 The Part 1 Plan review has therefore failed to consider locally specific settlement based needs, including the roles and functions of rural communities and market accessible villages across the District. Evidence from the Council's Local Housing Needs Assessment clearly identifies housing pressures outside of Derby, including acute affordable housing needs, yet these have not been spatially planned for.
- 2.1.26 The Derby-centric focus of the Part 1 Plan Review has failed to meet housing need within the rest of the District which has not been properly understood or planned for. This clearly indicates that further housing should be directed to the District's towns and villages.

Flexibility & Contingency

- 2.1.27 The Part 1 Plan Review relies heavily on two very large Sustainable Urban Extensions on the edge of Derby. These emerging allocations have inherently long lead-in times, and we strongly disagree with the statement on page 10 of the issues and options consultation document that the delivery profiles for these sites have been informed by “realistic assessments.”
- 2.1.28 No such evidence was provided at any stage of the Part 1 Plan Review process and are not provided now. In any event, even minor delays to the delivery of these SUEs would push a substantial proportion of their anticipated completions beyond 2041, with the result that the Plan's minimum housing requirement could not be delivered within the plan period.
- 2.1.29 As set out in our representations to the Part 1 Plan Review, the components of supply identified within the Part 1 Plan Review equate to exactly the minimum housing requirement and no allowance for flexibility or contingency has been made to account for delayed

delivery. It has now emerged, as set out in page 8 of the Issues and Options consultation document, that there is in fact a shortfall of 57 dwellings against the **minimum housing requirement** within the Part 1 Plan Review.

- 2.1.30 Whilst we agree with the statement on page 8 of the consultation document that the plan review should allocate enough sites to ensure flexibility in the supply, that opportunity has been lost because the strategic policies of the Part 1 Plan Review focus on meeting Derby's unmet need on the edge of Derby and do not consider the amount or distribution of housing need elsewhere within the District or the need to provide a supply buffer for flexibility and contingency. A non-strategic Part 2 plan cannot now rectify that deficiency for the reasons explained in our response to Question 1.
- 2.1.31 There is no clarity within the Issues and Options consultation document as to what is meant by "housing needs" in this context, nor whether it refers to the shortfall of 57 dwellings identified on page 8 or to some other figure.
- 2.1.32 In any case, the 57-dwelling figure simply represents the additional supply required to achieve parity with the minimum housing requirement; it does not reflect the true extent of the shortfall if the Council's desire is to provide contingency and flexibility to ensure an effective strategy for the Plan period. As set out in our representations to the Part 1 Review, the overall supply more or less sits at the minimum requirement, meaning that substantial additional allocations are required to provide the necessary flexibility. We recommended a 20% buffer to ensure a resilient and deliverable supply.
- 2.1.33 Smaller and medium-sized sites at the fringes of the District's rural settlements and towns are particularly well-placed to provide this contingency. Consistent with paragraph 73 of the NPPF, such sites typically have shorter lead-in times and are built out more quickly, making them critical to maintaining delivery across the plan period. However, any apportionment of growth must still form part of a coherent district-wide spatial strategy, tested through a legally compliant Sustainability Appraisal that considers all reasonable alternatives. This can only be undertaken through a coherent review of the District's strategic policies, not through making non-strategic allocations in isolation.

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Land north and south of Milton Road, Repton

- 2.1.41 Notwithstanding the comments on the approach and soundness concerns, should the Council determine that additional site allocations should be made through the Part 2 review it is advised that the land south of Milton Road, Repton (SHLAA site reference 040) would be a suitable residential allocation for both Repton and the borough.
- 2.1.42 This site is on the eastern edge of Repton and is 2.77 ha. There is further land ownership beyond the site identified in SHLAA ref 040 which could be used towards biodiversity net gain and landscaping. The land is currently in agricultural use with a field access point from Milton Road. The site is within Flood Zone 1, has no identified surface water flood risk, no designated heritage assets on site, no known ecology designations. The SHLAA confirms this with a number of green ratings for ecology, education, air quality, flood risk, heritage and landscape/townscape.

- 2.1.43 The SHLAA identifies that there is no known developer interest, Davidsons Homes have an interest in this site, which is an update to the SHLAA findings. There are no issues with ownership and therefore the site is available.
- 2.1.44 The SHLAA scored a red rating for distance to retail provision and Health Facilities. This assessment is based upon distance, however these facilities are all within 12-minute walk which is an acceptable walking distance to access these facilities. Additionally, the SHLAA scored a red rating for open space/play provision in terms of the distance of the site to these facilities, however the walking distance to the playing field of Mitre Drive is approximately 17 minutes which is still considered an acceptable walking distance to this facility. The proposed development would include open space provision and further work can be undertaken with detail provided regarding the provision for a play area for children on site. The SHLAA also identifies that the site is more than 800m from the nearest bus stop, however the main bus stop is within the centre of the village, The Cross, and is a 13-minute walk from the site. Given the flooding constraints to the north of the village it must be accepted that residential development on a scale of more than 10 dwellings would be a greenfield site and would therefore be situated further away than the centre of the village.
- 2.1.45 There are a number of amber ratings for the site which relate to topography, contamination, utilities, trees and hedgerows and pedestrian connectivity. None of these are issues that cannot be resolved through mitigation and further studies can be undertaken to demonstrate these matters can be managed on the site and a suitable scheme delivered.
- 2.1.46 Given the information above the site is suitable for development in a sustainable location and is therefore achievable. This finding is also concluded in the SHLAA.
- 2.1.47 The initial work undertaken for the site supports that 58 dwellings can be achieved suitably on site and therefore the SHLAA conclusions on dwelling numbers is supported. Given the developer interest and no significant constraints on site this site can be delivered in the short term (0-5 years) which differs to the SHLAA conclusions of 6-10 years and should be recategorised to 'deliverable'.
- 2.1.48 Repton is identified as a Key Service Village which is a sustainable settlement where development can be accommodated. Additional development in Repton will also support its the existing services to sustain its Key Service Village status. This site would provide a sustainable addition to Repton with no constraints on site and suitable walking distances to the centre of the village. This is therefore a suitable site for allocation of residential development which could deliver housing in the short term.

Question 3: Are there other mechanisms that the plan should consider to securing housing delivery in addition to allocating specific sites (e.g. identifying indicative broad locations/areas for future growth adjacent to existing settlements, extending settlement boundaries, supporting certain Changes of Use)? Yes/No Please provide a reason for your answer

- 2.1.49 The Part 2 Plan cannot properly consider mechanisms for securing housing delivery such as identifying broad locations, extending settlement boundaries, or supporting other forms of growth because all of these mechanisms are strategic in nature. As set out in our earlier

responses, the Council has not established a district-wide spatial strategy through the Part 1 Review, which only addressed Derby's unmet need and did not determine how housing growth should be distributed across South Derbyshire. Strategic decisions about the pattern, scale and distribution of development must be set in the strategic plan and tested through Sustainability Appraisal against reasonable alternatives, not introduced through a non-strategic Part 2 document.

- 2.1.50 Without a district-wide strategy, any additional mechanisms to secure delivery would be devoid of strategic context and the appropriate sustainability appraisal testing, risk predetermining spatial outcomes in isolation, and would therefore be unsound. This includes identifying broad growth areas, altering settlement boundaries, or facilitating changes of use that imply a settlement-level or District-wide distribution of housing. These choices can only be made through a coherent review of strategic policies.

Question 4: “Are there any other issues that the Council should consider when ensuring the timely delivery of the right homes in the right places (e.g. policy criteria for looked after children, re-allocating implemented employment allocations)? Yes/No Please provide reasons for your answer.”

- 2.1.51 In responding to this question, it is important to recognise that while the Part 2 Local Plan cannot set new strategic policies or determine the distribution of housing where there is no corresponding strategic policy, there are nevertheless certain non-strategic mechanisms that could legitimately support the timely delivery of appropriate homes.
- 2.1.52 One such mechanism would be the inclusion of a policy similar to that used in the Settlements and Countryside Local Plan (Part 2) for Daventry District (Policies RA1 and RA2), which allow development outside settlement confines where it is clearly demonstrated that the proposal meets an identified local need that cannot reasonably be met within the defined settlement boundary.
- 2.1.53 In the former Daventry District, this is supported through evidence in the form of a Housing Needs Survey or a Housing Needs Assessment, ensuring that the exception operates only where there is a robust and up-to-date demonstration of need. A comparable approach in South Derbyshire would enable the most sustainable rural settlements to address genuine, evidenced local housing requirements in a proportionate manner, while maintaining overall control over the scale and form of development.
- 2.1.54 Although the Part 2 Local Plan will ultimately be examined under the 2024 NPPF, it is also relevant that the draft 2025 NPPF, currently subject to consultation, signals an emerging direction of travel that supports development outside settlements where it would address an evidenced unmet need.
- 2.1.55 Policy S5 of the draft NPPF 2025 proposes that certain forms of development should be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, including proposals that help meet unmet housing need. While the emerging Framework is not yet in force, this direction of travel reinforces the value of a local needs-based policy that allows sustainable rural settlements to grow in response to

evidenced circumstances rather than being constrained solely by settlement boundaries which may not adequately reflect the scale or nature of housing need.

- 2.1.56 The Council should in any event review their SHLAA sites and identify the most suitable sites for development to ensure a 'pipeline' of sites are available moving forward to react to changes in policy, housing figures and local government reorganisation. A number of Council's have undertaken this approach and worked with developers to bring forward sustainable development in a time where the Local Plan is being updated or reviewed but timescales for this are not in the short term. This exercise should be taken in conjunction with elected members and landowners/developers to ensure the detail required is given for these decisions to be made.

Question 7: Should the Council allocate land South of Mackworth for development within the plan period? Yes / No Please provide a reason for your answer

- 2.1.57 In response to this question, it is important to state at the outset that the premise is fundamentally flawed. The Council cannot "speed up" the delivery of strategic allocations in any meaningful sense. Delivery timetables for large, complex strategic sites are driven by factors outside the Council's control, including land assembly, major infrastructure requirements, market absorption rates, resourcing and the willingness and capacity of developers to bring schemes forward.
- 2.1.58 What the Council *can* do is ensure that its strategic plan makes available a sufficient range and choice of sites, in the right places and at the right time, to provide the flexibility necessary to maintain delivery across the plan period to meet objectively assessed needs. This requires a proper contingency allowance and a robust understanding of deliverability, neither of which is adequately reflected in the Part 1 Plan Review.
- 2.1.59 As we explained in our earlier responses, the Part 1 Plan Review relies heavily on a small number of large, complex Sustainable Urban Extensions on the edge of Derby. These sites have inherently long lead-in times, significant infrastructure requirements and, as we set out in our representations to the Part 1 Review, considerable uncertainties regarding their delivery trajectories. Those concerns have never been satisfactorily addressed. Indeed, the Issues and Options document for the Part 2 Review now reveals that the Part 1 Review contains a shortfall even against the minimum housing requirement, confirming that the absence of any contingency allowance was a serious and consequential omission and one that cannot now be rectified through the Part 2 Plan.
- 2.1.60 If South Derbyshire wishes to improve the timeliness and certainty of delivery on its strategic allocations, it must ensure that the strategic plan sets out a clear spatial strategy supported by a sufficient range of deliverable and developable sites to maintain momentum across the plan period. That includes providing an appropriate level of contingency and responding to the full objectively assessed housing need through a distribution strategy that is justified and deliverable. The Part 1 Review does not do this, and the Part 2 Review cannot remedy it.
- 2.1.61 In response to the question of whether Land South of Mackworth should be allocated for development within the plan period, we do not consider that the Council has provided sufficient evidence to justify such an allocation at this stage. The Part 1 Local Plan Review

identified this land only as a potential area for up to 250 homes **beyond** the plan period to 2041. The Issues and Options document for the Part 2 Review now implies, without any accompanying explanation or evidence, that these homes could instead come forward within the plan period. No information or context is provided about what has changed, why the delivery assumptions have been brought forward, or whether any of the previously identified constraints have been resolved.

- 2.1.62 The site at land South of Mackworth would be delivered in conjunction with land off Brun Lane that Amber Valley Borough Council has identified for future residential development in their Local Plan. In viewing the site as such, it should be noted that the Brun Lane site was initially proposed within Amber Valley's draft Local Plan as a strategic allocation of 2,000 homes. However, through the course of the Plan's examination it was made clear that the landowner is presently unwilling to release all of the land for development. This meant that the site could not be relied upon and was removed as an allocation and instead identified as an "Area for Future Housing Growth".
- 2.1.63 Given that the site forms part of a wider strategic development within Amber Valley, there is a real possibility that infrastructure dependencies, cross-boundary coordination, phasing requirements and long lead-in times will restrict its timely delivery. These are precisely the kinds of constraints that prevented the site being considered deliverable within the plan period during the Part 1 Review. Nothing in the Part 2 consultation demonstrates that these constraints have been reassessed, addressed or evidenced, and we therefore have no confidence that the site could contribute reliably to housing supply within the timescales suggested.
- 2.1.64 In addition, the allocation of this Site has not been subject to any robust Sustainability Appraisal testing against reasonable alternatives, either around Derby or across the wider district. The Part 1 SA (the Council's own admission) only assessed narrowly framed Derby-fringe options and did not consider reasonable alternatives in towns, service villages or rural settlements. The Part 2 Review provides no updated SA, no comparative assessment and no districtwide evaluation of options. Allocating Land South of Mackworth without this assessment would be unsound. Even if the site were deliverable within the plan period, the supply of 250 dwellings would be wholly inadequate to meet the flexibility and contingency required for an effective housing strategy. While it would address the recently identified shortfall of 57 dwellings and provide a small buffer, it would still fall significantly short of providing the headroom necessary to maintain delivery and respond to delay, particularly given the heavy reliance on large and complex strategic allocations in the Part 1 Review. A 250-unit site does not provide the level of contingency required when the strategic plan itself contains no districtwide spatial strategy and no broader distribution of supply across different settlements.