South Derbyshire New Local Plan

South Derbyshire New Local Plan Part II

Regulation 18 – Issues & Options (Jan - 2026)

Consultation response

by

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1 INTRODUCTION

1.1 Context

1.1.1 Dean Lewis Estates (from here on referred to as DLE) is a professional strategic land promotion company specialising in the delivery of sustainable residential development and community infrastructure.

1.1.2 This submission provides DLE's response to the South Derbyshire Draft Local Plan Part II Regulation 18 – Issues and Options January 2026.

1.1.3 This submission responds focuses on the 'Questions' raised within the consultation:

- **Scope of the emerging Local Plan**
- **Housing Need and Strategy**
- **Providing the right homes for everyone**

1.1.4 DLE are committed to working collaboratively with South Derbyshire District Council and key stake holders and local communities, to bring forward a high-quality sustainable residential development in South Derbyshire.

1.1.5 These representations should be read in conjunction with the representations submitted by DLE in respect of the South Derbyshire New Local Plan – Submission Version (March – April 2025) (Reg 19) Consultation.

2 KEY QUESTIONS

2.1 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?

2.1.1 The recent planning appeal decision (Appeal Ref: APP/F1040/W/25/3368728 - Land South of Kings Newton Lane, Melbourne) highlights that the council cannot demonstrate a five-year housing land supply. The implications arising from this decision mean that the Council's evidence base in respect of housing land supply and the results of the consultation undertaken in respect of the Part 1 Local Plan in 2025 are now out of date. This means that the evidence that the council has relied on in respect of the STRA sites will need to be reviewed. The review will need to determine the amount of deliverable housing development that can be relied upon when calculating the five-year land supply from the adoption date of the Part 1 review Local Plan.

2.1.2 As the Part 1 Local Plan only deals with the STRA sites, this means that the Part 2 Local Plan will then need to determine the amount of additional housing development sites are required to ensure the provision of a minimum five-year land supply and contribute meeting the overall Objective Assessed Housing Need over the Local Plan period.

2.1.3 Given the new Planning system advocates the use of single development plan documents and having regard to the advent of reorganisation of local government in Derbyshire, DLE consider that the recommencement of the Part 1 Consultation and subsequent further consultation into the Part 2 Local would be unjustified in terms of public expenditure.

2.1.4 **DLE consider that a new consolidated Local plan should be produced under the new system as expeditiously as possible.**

2.1.1 The partial review deals specifically with the update of Part 1 of the South Derbyshire Local Plan to address with the critical issue of meeting unmet housing need arising from the Derby Urban Area. However, the Partial review also seeks to roll forward the planned development allocations that are due to expire in 2028 until 2040. **This approach is unsound for the reason given below.**

2.1.2 Whilst it is acknowledged that the matter of unmet housing needs of Derby City gives rise to the need to review this discreet part of the Local Plan, it is fundamental that the existing Local Plan together with its allocations is reviewed on a comprehensive basis as soon as possible.

2.1.3 It is evident that a significant proportion of the extant housing allocations have, so far, failed to deliver at the planned number of homes on the allocated sites. Whilst planning permission on these allocations have now largely been granted, it is evident that housing delivery within South Derbyshire District has relied heavily on windfall development meaning the allocation will deliver late on or beyond the plan period up to 2028.

2.1.4 This partial review acknowledges that because it is a partial update only to the Local Plan Part 1, a full review of the plan will be required to begin on adoption of this Part 1 plan update.

2.1.5 For this reason, is not appropriate to carry forward the extant housing allocations beyond 2028 to 2040. To do so would mean that additional household formation at the sustainable locations identified within the settlement hierarchy would be stymied.

2.1.6 Also, the consequences of approaching the Local Review in this way means that sustainable settlements such as Hatton and Linton, amongst other locations would receive no growth until post 2042. **This approach is unsustainable and unsound.**

2.2 Question 2: Where should the housing needs be met?

2.2.1 **SHELAA Site Ref: 094- Land at Scropton Lane, Hatton – Site Area 8.24ha has the ability to deliver Circa 180 – 200 dwellings at circa 35dph.**

2.2.2 The site adjoins Heathfields Primary School. The school is predicted to see pupil yields rise in the next 3-5 years and will be under pressure in terms of space to accommodate the additional classroom space without comprising the existing outdoor play recreation and education space that is required to serve the needs of the pupils.

2.2.3 Our proposals have the ability to provide land to enable such an expansion of the school to be delivered, provide additional car parking space that is already at capacity and to enable new building to be delivered without compromising the existing outdoor provision.

2.2.4 An extract of the illustrative masterplan is shown below.

2.2.5 The SHELAA states that, ***"The site is considered available, achievable, and suitable. However, a number of suitability criteria would need to be overcome/require mitigation".***

2.2.6 It is also noted within the SHELAA that the site could be developed with years 6 - 10 of the plan period. However, we can confirm that the site would be developed within the first five years of the proposed plan period and would be substantially complete within the five year period based on a projected completion rate of 35 - 40 dwellings per annum.

2.2.7 **SHELAA Site Ref: 185 - Land at Colliery Lane, Linton Site Area 4.24 ha has the ability to deliver Circa 105 dwellings at circa 37dph.**

The Indicative Development Framework Plan has been informed by the known constraints and opportunities present on site. The Indicative Development Framework Plan establishes a realistic and robust estimate of the quantum of housing development that the site can legitimately accommodate.

2.2.8 An extract of the illustrative masterplan is shown below

2.2.9 Based on the existing understanding of constraints on the site it is likely that around 105 dwellings at circa 37 dph net of roads, open space and Biodiversity Net Gain, will be capable of being delivered on site.

2.2.10 The site is deliverable and is able to contribute to the Council's housing land supply within the first 5 years of the plan period.

2.2.11 The Council's SHELAA states that, ***"The site is considered available and achievable. A number of suitability criteria would need to be***

overcome/require mitigation. The site is located within the River Mease Special Area of Conservation (SAC). Impact on/appropriate mitigation on the River Mease Special Area of Conservation would need to be investigated further. Sites within the Mease catchment would only be acceptable where it can be demonstrated that measures can be delivered to mitigate impact on the SAC. Could be suitable subject to impact on River Mease SAC /appropriate mitigation".

2.3 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)?

2.3.1 The council has made allowance for 1,273windfall allowance based on historic delivery rates. The historic delivery is misleading. Much of the development that has come forward by way of windfall was located on proposed allocations sites prior to the adoption of the current local plan. The windfall policy within the local plan is particularly difficult to comply with and very few developments have come forward under the auspices of this policy. The council should make provision for the allocation of the full objectively assessed housing need on sites in sustainable locations such as those shown here at Hatton and Linton. In accordance with the NPPF and NPPG the council can make a 10% allowance for windfall over an above the OAN to enable small development to come forward in appropriate locations during the plan period.

2.4 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 unimplemented employment allocations)?

2.4.1 As noted above Heathfields Primary School at Hatton is predicted to see pupil yields rise in the next 3-5 years and will be under pressure in terms of space to accommodate the additional classroom space without compromising the existing outdoor play recreation and education space that is required to serve the needs of the pupils. Our proposals have the ability to provide land to enable such an expansion of the school to be delivered, provide additional car parking space and new outdoor play space provision.

2.4.2 In terms of Linton, pupil yields are under capacity at present and are predicted to continue to fall as no housing growth is planned until post 2042. This highlights

the need for the allocation of more land at Linton to enable the community to sustain the existing school and other community infrastructure.