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CAUTION! This Email was sent from outside SDDC. Only open links and attachments you're expecting. Report

Good morning,

Please find attached to this email representations in respect of the SDDC LP Part 2 Review: Issues & Options on behalf of our client, David Wilson Homes, in respect of their land interests at Hilton and Findern.

I trust the contents are clear, but should you have any questions please do let us know.

Please can you confirm receipt of this email and its attachment?

Kind regards,

[redacted]

[redacted]

fisher german

South Derbyshire District Council Part 2 Local Plan Review

Regulation 18 Issues and Options consultation

Prepared by Fisher German on behalf of David Wilson Homes East Midlands

fisher german

Professional memberships and accreditations

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1. Introduction

1.1. These representations are prepared by fisher German on behalf of our client, David Wilson Homes, in respect of South Derbyshire District Council's Part 2 Local Plan Review Regulation 18 (Issues and Options) consultation and their land interests amounting to two sites at Hilton and Findern.

1.2. Most recently, the sites were the subject of representations submitted to the Council in response to its Local Plan Part 1 Review Regulation 19 consultation carried out between March and April 2025.

1.3. David Wilson Homes are a respected national housebuilder, part of the Barratt Redrow group, one of the nation's most important housebuilders, who deliver high quality new residential development and who have a strong track record of delivery in the local area. David Wilson Homes are proud to have been awarded the Home Builders Federation (HBF) 5 Star Home Builder status for 16 consecutive years. This accolade demonstrates the quality of both our client's product and service; awarded only to housebuilders who receive a higher than 90% recommendation by their customers. David Wilson Homes remain the only major housebuilder to achieve this accolade over such an extended period of time, achieving 95% in the 2025 survey.

1.4. The two sites being promoted by David Wilson Homs are considered suitable for consideration for development and are available now, or as options to accommodate housing growth of a future Local Plan Review under the new plan making system, depending on the route chosen by the Council which is a subject for consideration within this consultation.

2. Representations

Introduction to sites

2.1. The following two sites are considered suitable for consideration for development and are available now, or as options to accommodate housing growth of a future Local Plan Review under the new plan making system. A brief summary of site credentials and red line boundaries are provided below.

Hilton site

Figure 1: Hilton site location plan

2.2. Hilton is the second largest settlement in South Derbyshire and is well connected to Derby city centre, 11km to the northeast and Burton 7km to the south. It is identified as a 'Key Service Village' in the Council's settlement hierarchy confirming that it is one of the most sustainable locations for development in South Derbyshire outside of the urban area of Swadlincote. It provides for a wide range of services and facilities including primary schools, convenience stores, a health centre, a range of employment opportunities and sport facilities.

2.3. The site at Hilton could deliver a high-quality development of up to 170 dwellings and is unconstrained, being located within Flood Zone 1 and is not considered to impact any heritage assets. Highways consultants have confirmed a suitable access can be delivered to serve the entire site and no technical constraints have been identified which would prevent appropriate highways enhancements being made. The site forms part of an area which was identified as suitable for strategic growth within the Derby Housing Market Area Growth Options Study (2021), is logically located and well contained as it forms an infill between existing residential development to the south and an employment site to the north. The site benefits from existing mature vegetation on the site's frontage to Sutton Lane, which will largely screen the development from the road and longer distance views from the west. Land immediately to the east is the subject of planning permission for a food store and commercial development and will further envelope the site, as well as providing jobs and retail adjacent. There is further vegetation screening the site from longer distance views from the northeast, thus neatly framing and containing the site from wider countryside views.

2.4. The site was assessed by the Council within its SHELAA in 2024 (site 227, Land at Sutton Lane, Hilton) and in a letter dated 29 April 2024 we highlighted a number of concerns as to the way in which the site was assessed which though we will not repeat here, the Council should remain cognisant of.

Findern site

Figure 2: Findern site location plan

2.5. Findern is sustainably located and well connected to Derby city centre 6km to the northeast and Burton 7km to the south. Findern is particularly well located nearby to major strategic transport networks (A38 Burton Road and Derby Southern Bypass). It is identified as a 'Local Service Village' in the Council's settlement hierarchy confirming that it can accommodate a non-strategic level of growth. Findern has a range of services and facilities including a primary school, convenience store, post office, outdoor playing fields, village hall and is located near to strategic employment sites. It also benefits from enhanced sustainability due to its proximity to the suburbs of Derby City and the services and facilities here which can be easily reached by public transport or 5-minute car journey.

2.6. The site at Findern could accommodate up to 200 dwellings however there is the option to reduce the site into a smaller development parcel if this were deemed a more suitable scale of growth for Findern. The site is unconstrained, being located within Flood Zone 1, and County Highways have confirmed that suitable and safe access can be delivered to serve the entire site and no technical constraints have been identified which would prevent the appropriate highways enhancements being made. Development would be designed to mitigate any potential negative impacts on the Grade II listed Tower House, located 75m west of the site, as it is has only partial views of development to the northwest due to screening from existing buildings and vegetation. The site is logically located adjoining the northwest and the eastern extension of the village. It would form an infill between the village and existing residential development to the north, along Doles Lane. It is well contained with residential development to the north, south and east directions and mature vegetation and trees forming a defensible barrier to the west, screening the site from longer distance countryside views.

2.7. The site was assessed by the Council within its SHELAA in 2024 (site 209, Land off Doles Lane, Findern) and, in a letter dated 29 April 2024, we highlighted some concerns as to the way in which the site was assessed which though we will not repeat here, the Council should remain cognisant of.

Summary

2.8. Both the Hilton and Findern sites were the subject of representations submitted to the Local Plan Part 1 Review Regulation 19 consultation in April 2025. These representations confirm that our client's land interests as outlined above continue to be available and occupy sustainable locations, being very well related to adjacent and nearby settlements as discussed. They represent logical extensions to the villages to which they relate and appropriate options to contribute to housing land supply within the district, providing for needs in a range of locations. The sections below provide further consideration around various relevant sections of the consultation document.

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?

2.9. The new plan making system covers plans that will be prepared and amended under the Planning and compulsory Purchase Act 2004, as modified by the Levelling-Up and Regeneration Act 2023. Arrangements are in place to manage the transition into the new system (as set out by the updated NPPG, 27 November 2025). Specifically, Local Planning Authorities are able to produce new plans under the existing (legacy) system provided plans are submitted for examination by 31 December 2026. Effectively two systems will run concurrently through 2026 to allow this. Plans must be produced entirely under one or the other system. Given the status of this consultation in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012, and its relationship with the Local Plan Part 1 Review which is advanced, it is clear the Council remain focussed on producing a new plan under the legacy system unless a change of course is adopted. We are of the view that the Council should change course and commit to producing a single full Local Plan Review under the new system for a number of reasons as set out in more detail below.

2.10. Notably, even if the Council were to adopt the Local Plan Part 1 review, the immediate wholesale review of the Local Plan under the new plan making system – rather than an additional separate Review of Part 2 under the legacy system in the interim - would only reflect the approach advocated by *Policy REV1: Review of the Local Development Plan* of that document which requires that "***Plan making for a comprehensive South Derbyshire District Local Plan will commence immediately upon adoption of the Part 1 Review Plan***". Clarifying text at paragraph 1.44 of the same document provides further context as follows "***On adoption of the Part 1 plan review, the process of undertaking a comprehensive plan review will begin. This will bring together the current Part 1 and 2 plans and consider issues such as retail provision and the future development of Swadlincote, service villages and other rural areas in the district***". Paragraph 1.45 goes on to state "***the comprehensive review will be undertaken in accordance with the new planning system set out in the 2023 Levelling-up and Regeneration Act***". Notwithstanding that we maintain reservations over the validity of Policy REV1 as per our response to the Part 1 review, the Council considered this approach to be a sound one at the time and it is unclear what has changed since to warrant the need to review Part 2 of the Local Plan separately under the old plan making system, which would be contrary to the approach prescribed here.

2.11. Guidance[1] is clear that the Regulation 19 version of any plan consulted on must be the version the Council intend to submit for Examination. The Council must be satisfied that there are no Main Modifications required in order to make the plan sound at the point of submission. By maintaining a course which sees this Part 2 plan reviewed separately under the old plan making system, rather than undertaking a wholesale review upon adoption of Part 1 under the new plan making system, the Council are subverting provisions of their own Part 1 review (Policy REV1 specifically) which suggests they do not consider it to be of sound basis and should therefore make appropriate adjustments and return to Regulation 19. This would significantly delay the process and provide further impetus in favour of carrying out a full Local Plan Review under the new plan making system.

2.12. Notwithstanding the above, the purpose of the plan making transitional arrangements[2] is to enable plans at an *advanced* stage under the existing system to progress to adoption as soon as possible, to increase up to date plan coverage. Part 2 is being developed as a separate document, subject to its own separate plan making process. Whilst Part 1 can be said to be advanced, the same cannot be stated for Part 2 which is the subject of this Regulation 18 consultation. We do not consider therefore that the transitional

[1] https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations

[2] https://www.gov.uk/government/publications/rollout-of-the-new-local-plan-making-system/rollout-of-the-new-local-plan-making-system

arrangements put in place necessarily apply to the Part 2 plan as would be required should the existing course of action be maintained given the limited stage of progress it has reached.

2.13. Part 1 is still not submitted for Examination and a significant period of time has passed since completion of the associated Regulation 19 consultation. To progress Part 2 without an adopted Part 1 (or at least a version which is well advanced through the Examination process with related scrutiny) in the name of outpacing Local Government reorganisation is a flawed approach, particularly when considering Part 1 should act to substantively inform Part 2. It is also a considerable risk to commit resources to advancing a Part 2 without sufficient progress achieved on a Part 1, particularly in this case where unresolved strategic issues remain across the HMA; namely remaining unmet housing need.

2.14. We raised objections separately on behalf of our client in response to the Part 1 Regulation 19 consultation in 2025, including the failure to fully address the remaining HMA unmet need of 2,461 dwellings. In the context of a now well-advanced Amber Valley Examination (marked by the completion of the Main Modifications consultation carried out between July and October 2025), this calls into question the legitimacy of the Part 1 consulted on earlier in 2025 which – although making a significant contribution to resolving the HMA unmet need – does not resolve the issue. There is nothing to indicate at this stage that Part 1 will be able to navigate this issue through Examination successfully and demonstrate that it has satisfied Paragraph 11b of the NPPF 2023 and been positively prepared (to ensure unmet need from neighbouring areas is met – NPPF 2023 Paragraph 35a). If Part 1 ultimately fails or is significantly delayed as a result, this has direct implications for progression of Part 2 and would lead to significant further delays.

2.15. Even if Part 2 was to be submitted successfully under the plan making system arrangements for transition and then successfully navigate Examination and reach adoption (also supported by an adopted Part 1, subject to its own challenges as above), it is highly likely that the Council will be required to immediately review Part 1 given that it is being progressed under NPPF transitional arrangements (as per paragraph 234(a) of the NPPF 2024). As such, the plan to which much resource is being focussed to produce will have been delivered to accord with NPPF 2023. Taking into account the likely time required for an Examination to complete and the fact that thus far it has not been submitted for examination, at the point of adoption Part 1 will likely be significantly misaligned with the national policy position as well as Local Housing Need position. Publication of the draft new NPPF in December 2025 for consultation (with expected publication in 2026) further enforces this concern.

2.16. In their post hearing advice letter of January 2025, the Inspectors examining the Amber Valley Local Plan were clear that the Council will be required to start preparation of a new plan once the plan is adopted. A specific policy requiring review was deemed required to ensure the plan recognises the extent of the HMA unmet need. Main modifications MM98 and MM99 ensued through the Main Modifications consultation carried out between July and October 2025 and included a proposed amended Policy MR1: Monitoring and Review to require this. There is also a need in Amber Valley to reflect updated, materially different Local Housing Need, introduced with the changes to the PPG in December 2024 and equally applicable to South Derbyshire. An approach to enforce immediate review is not, therefore, without local precedent, particularly in circumstances entirely similar to South Derbyshire, and to continue with the current approach therefore would appear to be wasteful at best. The Council should instead pursue a course of wholesale Local Plan Review alongside an updated Statement of Common Ground with the Derby HMA in order to properly address its unmet need. It would also act as the most efficient and effective route to deal with South Derbyshire's housing land supply position which is marginal at best and otherwise deficient as highlighted by the recent appeal decision for land south of Kings Newton Lane, Melbourne[3].

2.17. NPPF transitional arrangements do not apply to Part 2. As such and as correctly stated within the consultation document, it must be developed in accordance with NPPF 2024. Whilst technically possible, we consider this to be far less than ideal with potential for mis-correlation between the two components

[3] https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3368728&CoID=0

given that they are to be formed on the basis of different national policy. We also consider that it highlights even further the need to have significantly progressed and, ideally, adopted a Part 1 before embarking on a Part 2 to ensure potential divergence between Part 1 and 2 in national policy terms can be addressed wholistically.

2.18. Given the above, we consider that spending time and resources on carrying out a Local Plan Part 2 Review under the legacy plan making system is ineffective and wasteful and instead resources should be focussed on expediting a single full Local Plan Review under the new plan making system. This would allow South Derbyshire District Council to pursue a single process and in doing so better align its timescales with those emerging for Amber Valley and fully address outstanding strategic issues – including HMA unmet need – through an updated Statement of Common Ground - whilst ensuring compliance with a significantly updated national policy position.

2.19. Much of the work undertaken to date would remain relevant and, in any case, the new plan making system is designed with expediency and efficiency at its core to ensure speedy progress. We do not consider that a decision around the most appropriate form of plan making should be unduly influenced by the expected timetable for Local Government reorganisation. However, such influence would, we consider, point to the production of a single Local Plan under the new plan making system as the most efficient and likely to succeed within the timeframe in any case given the issues considered above.

Question 2: Where should the housing needs be met?

2.20. The NPPF is and always has been clear that Local Planning Authorities should develop plans which *"promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth infrastructure; improve the environment; mitigate climate change (including making effective use of land in urban areas)…"* (Paragraph 11a). The overarching requirement is for plans to *"be prepared with the objective of contributing to the achievement of sustainable development"* (Paragraph 16).

2.21. In our Regulation 19 response we raised a number of concerns around assumptions made with regards to delivery of STRA1 and STRA2 allocations proposed within Part 1, in particular that the Council have assumed overly optimistic levels of annual delivery. Whilst we do not object to the allocations in principle, we take issue with the level of reliance placed upon them. Instead, the Council should adopt a more balanced approach to delivery which sees a proportionate distribution of housing sites across the district at various sites that will help to meet the needs of varied populations, sustain the viability and vitality of different settlements and provide flexibility in housing supply to help ensure consistent and timely delivery. Critically, by distributing housing sites across a wide range of locations within the district, market absorption challenges that would otherwise arise are mitigated. The ability of the market to absorb new housing is also directly linked to the speed at which new housing can be delivered.

2.22. In view of the above, the Council should focus on pursuing a strategy which is informed by local housing needs evidence but primarily seeks to meet housing needs utilising the whole spatial hierarchy, prioritising in order of sustainability the 'Urban Area' (Swadlincote including Woodville), 'Key Service Villages', then 'Local Service Villages' and so on. Such an approach should distribute on a proportionate basis, commensurate with the level of sustainability of each settlement and the scope of services and facilities it provides. Our client's sites at Hilton and Findern as detailed above are available and present sustainable opportunities that could contribute to a diversification of the supply and a balanced distribution strategy as part of a full Local Plan Review.

Question 6: What could the Council do to speed up delivery on strategic allocations?

2.23. The Council is limited in what it can do directly to speed up delivery on strategic allocations however it is able to significantly influence the speed of delivery across the district in general, by promoting an increased range of sites both in terms of typology and scale and across a range of locations within the district in order to mitigate market absorption challenges.

2.24. It is clear at Paragraph 72 of NPPF 2024 (paragraph 68 of NPPF 2023) that "***planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability***". The provision of site allocations of a range of typologies and scales will help to boost housing delivery by limiting the reliance on large strategic sites which in turn will support flexible and phased delivery from a range of providers. Critically, and related to our answer to Question 2 above, the provision of a range of site allocation sizes across multiple locations is a major factor in sustaining a robust and deliverable housing pipeline and five-year housing land supply. It is a fact that delivery of larger-scale strategic sites requires extended lead in times to deliver with more complex assembly and build out also an impediment to short term delivery. Allocating an increased number of sites comprising a wider range of scales and typologies can address this and provide much needed flexibility. Critically also, the provision of site options across a wide range of locations within the district – providing a balanced distribution strategy -will act to counter some of the usual market absorption challenges which otherwise tend to arise.

2.25. It is also clear that a lack of certainty and simplicity in plan making acts as a barrier to delivery. We argue that the current course of action being pursued is disjointed and, for the reasons outlined in answer to question 1 above, significantly flawed. This, alongside a delayed progression of Part 1 since Regulation 19 consultation (and unusual simultaneous pursuit of Part 2 despite this) presents a confusing and potentially volatile picture to the development sector and it fails to provide an environment conducive with strong delivery progress.

2.26. We consider that pursuit of a single and wholesale Local Plan Review under the new plan making system would be the form of plan making most likely to expedite delivery across the district. It will act to provide a clear and consistent basis for the identification of additional and varied sites as well as associated infrastructure requirements across a range of locations, against an up-to-date national policy context and Local (and HMA wide) Housing Need. With this in mind, our client's sites at Hilton and Findern as detailed above are available and present sustainable opportunities that could contribute to a diversification of the supply and a balanced distribution strategy as part of a full Local Plan Review.

Question 7: Should the Council allocate land South of Mackworth for development within the plan period?

2.27. The Council should not allocate the land South of Mackworth for development within the emerging plan period. In circumstances where plan development continues under the legacy system (despite the range of issues with this approach highlighted above), the Council should retain the approach promoted through the Regulation 19 Part 1, which identifies it as a 'long term strategic housing growth area' under Policy FLG1. The same or equivalent approach should apply where a plan is developed under the new plan making system, too.

2.28. To bring forward development of the site would undermine long term and wider ambitions to deliver a comprehensive development in the area – including the portion within Amber Valley (Brun Lane) - and all the associated benefits this brings including comprehensive infrastructure delivery. Policy FLG1 is clear on the requirements for the site to come forward through a comprehensive masterplan approach for good reason and such an approach should be sustained.

2.29. Given the range of alternative site options available to the Council for consideration – including those which are the subject of these representations – to re-frame the site for delivery within the emerging plan period would seem an unnecessarily risky approach given it is intrinsically linked with a site recently found unsound by the Inspector examining the Amber Valley Local Plan. Main Modifications set out that land at Brun Lane is to be identified as a sustainable location for future growth beyond the emerging plan period; South Derbyshire should continue with its own approach which now correlates with that enforced onto Amber Valley, also as per proposals of Part 1. In the long term. there is also the opportunity for this site to come forward under a single Local Plan as a result of Local Government reorganisation. To deliver land South of Mackworth unilaterally and bring forward delivery to within the emerging plan period would undermine any potential for this.

2.30. Notwithstanding the above, to diverge from the approach contained within Part 1 would require a return to Regulation 19 to consult on proposed changes, given that the version consulted on at Regulation 19 should be consistent with the version the Council intend to submit for Examination. Such an approach would appear to support a strategy of wholesale Local Plan Review under the new plan making system, given the time delays this would cause in any case.

Question 8: Are there other steps the Council could take to accelerate housing delivery on other sites?

2.31. As per response to Question 6 above, the Council is limited in what it can do directly to speed up delivery on individual sites however it is able to significantly influence the speed of delivery across the district in general, by promoting an increased range of sites both in terms of typology and scale and across a range of locations in order to mitigate market absorption challenges. Our response to Question 6 provides a more detailed overview of this.

Questions 9-11: Settlement boundaries

2.32. We agree with the principle that settlement boundaries should be drawn around existing settlement extents, following defined physical features, and that the settlement boundaries should be drawn to include any existing, proposed and new allocations which come forward as part of the Local Plan Review, as well as existing commitments.

2.33. Whilst we do not have significant comments to make on the settlement boundary assessment principles set out at Appendix 1 of the consultation document, having regard to its content we do consider that there is clear justification to include within the Hilton settlement boundary the area associated with outline planning permission granted[4] for a food store and commercial development immediately to the east of the site. This commitment is ostensibly part of Hilton and its inclusion within the settlement boundary would accord with Principle 3(b) of the assessment principles set out at Appendix 1. Specifically, this amounts to an existing commitment which is physically and functionally related to the settlement. Figure 3 below highlights the area for reference.

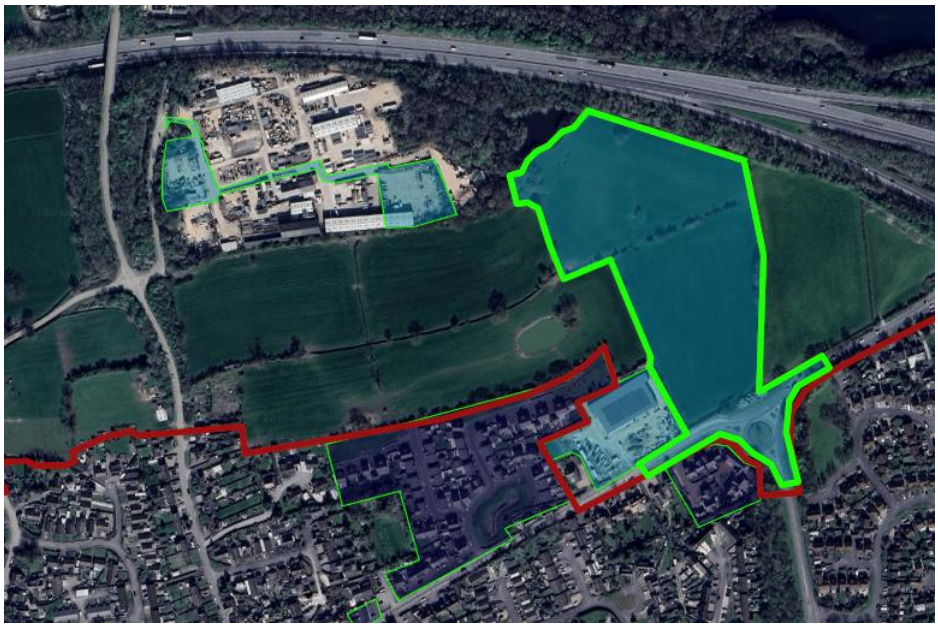

Figure 3: Area relating to existing commitment at Hilton, east of the site (thick green outline)

[4] Planning ref: DMPA/2024/0198

Conclusion

2.34. For reasons outlined above, we consider that spending time and resources on carrying out a Local Plan Part 2 Review under the legacy plan making system is ineffective and wasteful and instead resources should be focussed on expediting a single full Local Plan Review under the new plan making system. This would allow South Derbyshire District Council to pursue a single process and in doing so better align its timescales with those emerging for Amber Valley and fully address outstanding strategic issues – including HMA unmet housing need – through an updated Statement of Common Ground - whilst ensuring compliance with a significantly updated national policy position. We also consider that such an approach would be the form of plan making most likely to expedite delivery across the district, alongside the identification of a broad type and scale of sites in a range of locations.

2.35. With the above in mind, a Local Plan should pursue a broad housing distribution strategy which utilises the whole spatial hierarchy, prioritising in order of sustainability the 'Urban Area' (Swadlincote including Woodville), 'Key Service Villages', then 'Local Service Villages' and so on. Such an approach should distribute on a proportionate basis, commensurate with the level of sustainability of each settlement and the scope of services and facilities it provides. Such an approach should avoid allocating land at Mackworth for delivery within the plan period given the risks around this considered in more detail above.

2.36. Our client's sites at Hilton and Findern as detailed above are available and present sustainable opportunities that could contribute to a diversification of the supply and a balanced distribution strategy as part of a full Local Plan Review.