[redacted]

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Dear [redacted]

Thank you for providing an extension of time for our representations on the Part 2 Issues and Options consultation, it is greatly appreciated.

Response to Consultation on South Derbyshire Issues and Options Part 2 Local Plan Review (Regulation 18) – January 2026

Proposed Data Centre Site Allocation – Land at Findern Farm, South Derbyshire, DE65 6BG

We write on behalf of our Client, **Innova Renewables NG Holdings Limited,** to submit formal representations in response to the South Derbyshire Local Plan Part 2 Review (Regulation 18) consultation.

We hereby seek to promote a new Data Centre allocation at Land at Findern Farm, South Derbyshire, DE65 6BG for inclusion in South Derbyshire's emerging Local Plan.

The representations attached include a planning support statement, site redline plan (Appendix 1), socio-economic benefits summary (page 8), preliminary ecological appraisal findings (page 10), previous representations submitted for the South Derbyshire Local Plan Part 1 Regulation 19 consultation (Appendix 2), and a landscape technical note prepared by MHP (Appendix 3). These documents present a compelling case for site allocation to help meet the needs of the Borough and the requirements of the National Planning Policy Framework (2024) during the forthcoming Local Plan period.

We trust that these representations will be given due consideration as part of the emerging Local Plan process. Should you require any clarification or wish to discuss these matters further, please do not hesitate to contact us using the contact details provided on Page 11 of the Planning supporting statement.

We would be grateful to receive the Council's confirmation of receipt, by return.

Kind Regards,

[redacted]

[redacted]

Caution: Message from external sender

Morning [redacted]

Following our conversation this morning I can confirm that we would be happy to accept a late submission from you for the Part 2 Issues and Options consultation. Please provide this by 5pm on Friday (6th Feb), as discussed, any later than this we will struggle due to time pressures of internal reporting.

[redacted]

South Derbyshire District Council — Shape our Environment | Drive our Economy | Support our Comm

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JLL SEE A BRIGHTER WAY

6th February 2026

Planning Policy,
Planning Services,
South Derbyshire D
Civic Offices, Civic
Swadlincote,
Derbyshire,
DE11 0AH

Sent via email local.plan@southderbyshire.gov.uk

Dear Sir / Madam

Consultation on S
and the Local Pla

Proposed Data Ce
DE65 6BG

We write on behalf
in response to cons
January 2026, here

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(NPPF) (2024). Th
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Findern Farm offer
meet the growing
A38/A50 corridor,
Emerging Strategic
foundation for incre

Allocating the site through Local Plan Part 2 would address a clear policy gap, support the Government's modern economy agenda, and ensure the plan remains sound, and aligned with national economic and critical infrastructure priorities.

NPPF **Paragraph 11 a)** states that plans and decisions should apply the presumption in favour of sustainable development, which for plan-making this means planning for growth and ensuring that this is aligned with the necessary infrastructure – and infrastructure includes data centres. Specifically, **Paragraph 11 a**) states *"all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects"* (our emphasis)

Paragraph 11 b) requires that *"strategic policies should, as a minimum, provide for objectively assessed needs for…other uses"*. **Paragraph 16 b)** goes onto confirm that *"plans should be prepared positively, in a way that is aspirational but deliverable".*

Innova wish to promote Land at Findern Farm for a data centre allocation, as it responds directly to NPPF Paragraphs 11 and 16 by promoting sustainable growth aligned with infrastructure need. The site supports a sustainable pattern of development by meeting identified needs, enabling economic growth, and has the potential to integrate climate mitigation and environmental enhancements. It also reflects the NPPF's requirement for plans to be aspirational yet deliverable, with the site being available, viable, and capable of early delivery as part of South Derbyshire's modern economic strategy.

The Site and Surrounding Area

The Site comprises a land area of 115 acres / 46.5 ha. The site is located approximately 1.5km north of Willington, 8 km southwest of Derby city centre, 9 km northwest of Burton upon Trent, and 17 km west of Junction 26 of the M1.

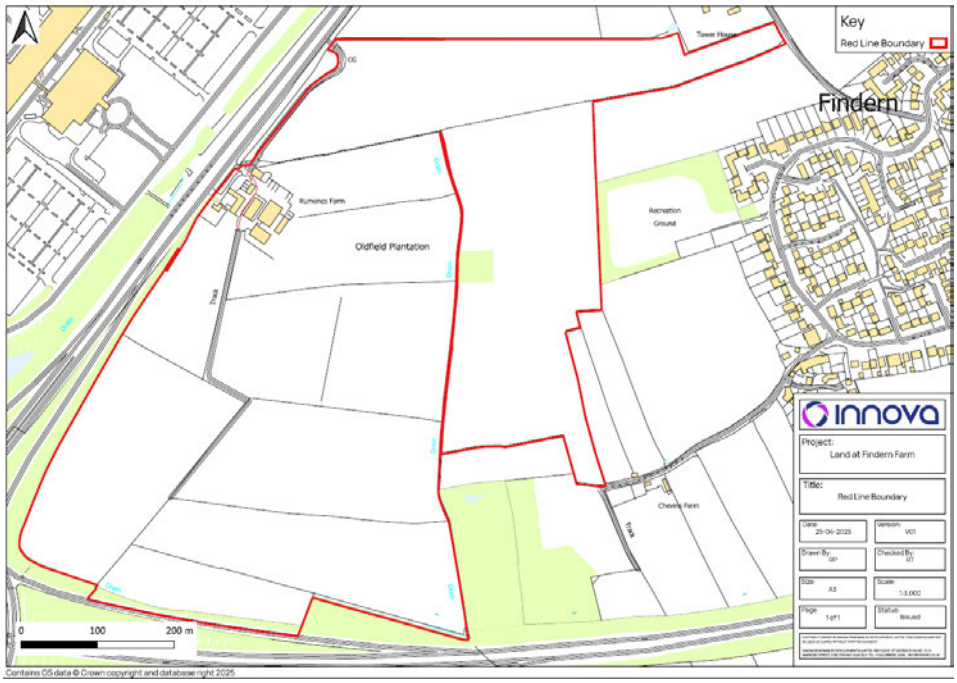

Figure 1 – Above: Site Redline Boundary Plan (Innova, Appendix 1)

It comprises several fields, hedgerows, and trees. Findern Farm, accessed directly from the A38 dual carriageway (Burton Road), is situated along the western boundary and includes a farmstead with several outbuildings associated with the farm's operations.

The site is not covered by any statutory designations and is not allocated in the adopted or Emerging Local Plan Parts 1 or 2.

The site is, in part, within both the Emerging Willington Neighbourhood Plan Area and Findern Neighbourhood Plan Area.

The Site benefits from strong opportunities to provide improved Green Infrastructure enhancements and interconnectivity with adjacent uses and communities.

The landform is relatively flat, gently sloping to the south from a high point to the north east of the site and situated outside of the Green Belt. DEFRA records indicate that the Agricultural Land Classification (ALC) is Grade 3.

There are no designated heritage assets within the site boundary; however, Tower House - a Grade II listed building - is located immediately adjacent to the site to the northeast.

A drainage route runs through the centre of the site and along its southern boundary.

The Site is located within a Mineral Safeguarding Area, sand and gravel, and is identified as being in an area with potential for contaminated land.

Two Public Rights of Way (PROWs) cross the Site: route SD50/10/1 is situated in the southwest corner, and route SD20/5/1 runs east–west, connecting Findern village to Findern Farm. An additional PROW runs parallel to the Site's eastern boundary along Porter's Lane, crossing between Tower House and Mill Farm House in a north-westerly direction before reaching the A38. Both of these PROW are truncated and provide no continuity following construction of the A38. Opportunities to enhance this will be integrated into the site design.

To the east, Findern - located approximately 1 km from the centre of the site - is a designated Local Service Village comprising predominantly two storey residential dwellings, complemented by local amenities including a post office, schools, a village hall, and convenience shops along Main Street and Doles Lane. The village is surrounded by open agricultural fields to the north, east, south, and west, with the wider areas to the south and west bounded by the A50 and A38 respectively. The landscape setting of Findern village is dominated by the cooling towers of Willington Power Station to the south.

To the south, beyond the A50, lies Willington - a Key Service Village approximately 1.8 km from the centre of the site - a larger settlement than Findern that benefits from Cross Country railway services. The area to the south is visually screened by tree belts flanking both sides of the A50. Willington's character is more varied, influenced by the former Willington Power Station, whose iconic derelict cooling towers remain a

distinctive feature of the local landscape. Partial views of these structures are visible when travelling eastbound along the A50. Immediately south of the A50 is a service and petrol station, while Mercia Marina lies further east of this facility. The marina operates as a leisure and holiday lodge destination, contributing to the mixed character of the surrounding area.

More broadly, Willington can be described as having a hybrid character - a residential core surrounded by agricultural land, leisure and service uses, and the historic influence of the former power station, which defines the locality's eastern extent. To the south, the village is further characterised by the River Trent and a series of lakes and brooks extending south-westwards.

To the west of the A38, the surrounding context becomes increasingly industrial in character. The Toyota Motor Manufacturing facility, located approximately 650 m west of the site, represents a substantial built form of around three storeys in height. The facility includes extensive hardstanding areas for vehicle storage, a testing track along its southern boundary, and a solar farm occupying its western parcel. Beyond this large scale manufacturing campus, the landscape transitions back to open agricultural fields interspersed with individual dwellings and farmsteads between Etwall and Burnaston villages. The Toyota site is well screened by trees and shrubs along all boundaries. Further north, on the western side of the A38, there are additional residential properties and farmsteads, as well as a logistics facility comprising a two storey industrial unit with adjacent hardstanding areas for container storage and HGV parking.

Approximately 2km southeast of the Site, lies the strategically allocated East Midlands Intermodal Park (EMIP[1]), which is envisioned to offer 173 ha of manufacturing and distribution space. The development may also have the potential to support hydrogen production, storage and use of sustainable energy. The EMIP seeks to become a sustainable rail-connected business park with access to key manufacturing and logistics hubs designed to attract high-value industries like automotive, aerospace, and advanced manufacturing.

The Site is located in Flood Zone 1, with areas identified as Flood Zone 2 and 3 situated outside of the redline boundary to the north and east, along the water course Doles Brook.

The Site has a low annual probability of flooding (less than 1 in 1000 annual probability of river or sea flooding). A review of projected flood risk due to climate change for the period 2070 to 2125 indicates that the extent of flooding from Flood Zone 2 and 3 is not expected to affect the site over this timeframe.

Surface water flood risk across the Site is low. The areas most affected by surface water flooding is along the existing drainage route within the site (adjacent to the Oldfield Plantation), as well as a clusters to the southwest of the Site. In addition, parts of land

[1] https://www.emfreeport.com/site/east-midlands-intermodal-park/

to the east, outside the Site boundary, bordering the A50 also experience surface water flooding.

The nearest listed building is the Grade II listed Tower House, Porters Lane (listed entry ref. 1372036), approximately 50m to the north of the Site's northeastern boundary. To the east, in Findern village, several listed buildings are located in the south and east of the village, these include:

- Willow Farmhouse and attached buildings (Grade II)
- Corner House (Grade II)
- Church of All Saints (Grade II)
- Walls and Gateway to All Saints Churchyard (Grade II)
- Somerville House and Attached Outbuilding (Grade II)
- Number 19 and Attached Outbuilding (Grade II)
- Cowhouse to South East of Number 19 (Grade II)

There are no Conservation Areas within the immediate vicinity of the Site boundaries. The nearest Conservation Area is the Trent and Mersey Canel, which is located to the south of the A50, in Willington.

The Site benefits from strong regional connectivity, it is situated north of junction 4 of the A50 where it meets the A38, known as Toyota Island. The A38 and A50 are both part of the strategic highway network maintained by Highways England. Both roads are provided by way of dual carriageways, the majority of which are subject to the national speed limit. The A38 broadly travels north-south between Mansfield and the outskirts of Birmingham, travelling through western parts of Derby on route. The A50 travels between M1 Junction 24 and Stoke-on-Trent.

The Site has good public transport accessibility, with the nearest bus stop a sheltered stop situated on along Doles Lane / The Green, which is served by the 218 and V3 bus routes. The V3 bus route offers one service per hour, with onward connections to destinations such as central Derby, Littleover, Willington, Repton, Newton Winshill and Burton upon Trent. Willington Railway Station is approximately 2km south of the site and can be accessible via multi-modal travel by means of the V3 bus service.

Site Allocation for Data Centre

The purpose of these representations is to promote Land at Findern Farm, South Derbyshire, for allocation within Local Plan Part 2 as a strategic site for data centre development.

At present, there are no draft policies within either Local Plan Part 1 or Part 2 that respond to the December 2024 revisions to the NPPF, particularly those addressing the Government's economic and digitalisation priorities set out in the Industrial Strategy (June 2025) and the AI Opportunities Action Plan (January 2025). These national policy documents emphasise the need to plan positively for digital infrastructure and modern economy uses, positioning the UK as a global leader in AI and data innovation.

The Findern Farm site represents an exceptional and deliverable opportunity to help address the unmet demand for data centre development in the South Derbyshire area. The site's scale, accessibility, and adjacency to major infrastructure make it ideally suited to accommodate a meaningful data centre campus. Its location, immediately adjoining the Toyota Motor Manufacturing facility, a key regional employer, provides tangible synergies with existing strategic economic assets.

In addition, the site sits within the A38 and A50 corridor, an area of established employment growth and emerging strategic infrastructure, notably the East Midlands Intermodal Park (EMIP) - a major sustainable rail-connected manufacturing, logistics and energy-cluster led initiative with potential to support hydrogen production, storage, and use for sustainable power. Data centre development at Findern Farm would align closely with these investments, supporting the clean growth and digital economy objectives of national and regional policy.

A site allocation at Findern Farm would provide a logical and proactive policy response to the evolving national framework, supporting South Derbyshire's role in the modern digital economy. It would also allow the Council to align the Local Plan Part 2 with the NPPF (2024) through a dedicated section on Strategic Allocations and Modern Economy Policies, ensuring sustainable growth, investment attraction, and long-term economic resilience for the district. The Site is strategically positioned and deliverable, benefitting from secured access to power.

Initial feasibility and master plan testing are in progress, but at this early stage it is anticipated that the Site would accommodate data centre development with a power capacity of up to 400 MW. This is in addition to the requisite supporting infrastructure, including substation, energy centre, generators, ancillary office, service yards, car and service vehicle parking, landscaping and biodiversity enhancements.

There is scope to deliver significant public benefits alongside a data centre development at the Site, additional to the economic benefits linked directly to data centre itself. An initial headline socio-economic review has been undertaken at this early stage, to set out the potential positive impact a development in this location would have. These include the following estimated benefits to South Derbyshire:

- £160m/year direct GVA
- 1000+ FTE (construction and operations)
- Circa £20 million / year business rates
- £60k per FTE per year average salary for duration of the project
- Increased number of highly skilled, high-value jobs across construction and operations.
- Anchor asset for innovation clusters and additional investment locally

Planning Justification for Data Centre

Harnessing the artificial intelligence ("AI") revolution is a political and economic priority for the Government. Data Centres go to the heart of the UK's economic and digitalisation strategy, as outlined in the **UK's Modern Industrial Strategy (June 2025)**. The strategy expresses an urgency for decision-making across high-priority developments, including data centres.

The **AI Opportunities Action Plan**, as published in January 2025, goes further. The plan sets out the critical role of data centres, underpinning the adoption and progress of AI, being the "engines of the AI age". The plan sets out measures to promote the build out of data centres, whilst making it clear the investment in the foundations of AI is critical to secure world-class computing and data infrastructure.

The Government classed data centres as Critical National Infrastructure, as announced by the Technology Secretary, Peter Kyle, in September 2024. Critical National Infrastructure is a term used to identify national assets that are essential to the functioning of society, such as those associated with energy, water, transportation, health and telecommunications. This clearly demonstrates the fundamental importance of data centres to the Government.

This Critical National Infrastructure designation is intended to boost business confidence in investing in data centres in the UK, help generate economic growth for all, and boost the resilience of the sector to help the UK top the global leagues for data security. The UK's data centre industry is generating an estimated £4.6 billion in revenues a year.

Through the 2024 updates to the National Planning Policy Framework ('NPPF'), data centres now benefit from policy support at the national level. This reflects recognition of their significant, positive economic and technological impacts, in the context of an updated NPPF which emphasises a pro-growth economic agenda and requires local authorities to produce policies which pay particular regard to the modern economy.

Specifically, NPPF **paragraph 86(c)** sets out that *"Planning policies should pay particular regard to facilitating development to **meet the needs of a modern economy**, including by identifying suitable locations for uses such as…**data centres**".*

Further, NPPF **paragraph 87(a)** states that *'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (**including data centres** and grid connections)'.*

Together, these NPPF updates require local policies to plan for data centre development, recognising their specific locational requirements.

Noting that availability zones have traditionally been considered as a prime location for data centre provision, this is tailored to cloud operators and it is important to recognise the variety of locational needs from AI. AI data centres (both training and inference) have different location requirements to hyperscale cloud data centres. The proposed location is considered to be particularly suitable for AI training and inference data centres, given the locational proximity of end users. This, however, does not preclude cloud hyperscale data centres from locating at the site.

It is considered that a Site allocation for data centre(s) at the site would contribute significantly to meeting a demonstrable unmet need, whilst supporting the Government's priorities for the delivery of this type of critical national infrastructure and driving sustainable economic growth through modern economy uses.

A data centre allocation at this location would support the following key national and local benefits.

National benefits

- The UK is a leading market for data centres in Europe and is critical to the global network of data centre coverage. The storage and manipulation of data is growing exponentially and underpins the vast majority of the world economy. The Government has recognised this, identifying data centres as critical national infrastructure. As a world leader in data centre provision, maximising and leveraging the benefits is a clear national political objective.

- Existing and under-construction data centres developments do not have capacity to meet need, given the surge in demand. Consequently, it is in the UK national interest to quickly deliver new data centre permissions.

- £44b additional GVA to the UK economy between 2025-2035.

- 40,200 additional jobs in operational roles & 18,200 additional jobs in construction roles.

- The potential contributions for UK data centres (2025-2035) is expected to generate £9.7 billion additional tax revenue.

Local benefits

- Improved local connectivity and fibre infrastructure – long term ICT resilience to wider area.

- Local procurement/SME engagement – local supply chain boost.

- Demand for local professional and support services – economic benefits to both project and local area by utilising local services.

- Biodiversity net gain requirements – Target of 10% net gain because with scope for this to be materially higher, including Green Infrastructure interconnectivity and facilitating improve access to open green space.

- Reputation as a digital economy hub – enhance the Council's profile nationally.

- Local infrastructure and transport upgrades – opportunity to upgrade transport link providing improved access for the wider area.

- Skills transfer/apprenticeships/upskilling existing workforce – improving/retraining the underlying workforce pool within the local area.

- Community benefit funds – potential for funding to be specifically targeted locally where it is most needed/beneficial.

- Network investment – local electricity network upgrades can facilitate additional renewable energy projects/strengthen regional capacity.

- Potential for waste-heat recovery – opportunity to recycle excess heat to residential/industrial off-takers.

Further significant public benefits include the potential creation of new social infrastructure for the community such as improvements to sporting facilities, publicly accessible green infrastructure and the potential delivery of complementary development, including a decentralised urban heating network, public transport improvements, or cycle infrastructure, to support the nearby local and key service villages of Willington and Findern. The proposed social infrastructure and complementary development would be discussed not only with the Council during initial engagement, but importantly with local communities, residents and businesses. This would help to ensure that public benefits successfully meet current need and inadequacies.

There is an overwhelming national need for data centre development, and significant benefits can be realised by allocating the Site within the draft Local Plan Part 2 under a section addressing Strategic Allocations, in line with the NPPF (2024). South Derbyshire District is particularly well placed to support such development, with large-scale and established grid infrastructure at both Drakelow and Willington. The District therefore has a key opportunity to positively plan for core components of the modern economy - including data centres and digital infrastructure - for which the current Plan remains silent.

While Emerging Policy Local Plan Policy S5 makes provision for industrial and business development, it fails to reflect the updated requirements of the December 2024 NPPF, which now calls for policies to identify suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight, and logistics. As such, the policy cannot be considered sound in its current form.

The emerging Local Plan should recognise that data centres can be appropriately located beyond traditional areas, particularly where planning, power and environmental constraints are less restrictive.

Environment and landscape:

The Land at Findern Farm represents a highly suitable and well-considered opportunity for landscape-led development. The site's existing characteristics - including mature hedgerows, scattered trees, and the central riparian corridor - provide an excellent foundation for a design approach that responds positively to its rural setting and contributes to wider green infrastructure enhancement. It goes therefore, that less environmentally sensitive (including in landscape and Green Belt terms) sites should be fully explored if deliverable in the future for data centres.

The recommendations and mitigation measures set out in the landscape assessment demonstrate how new development can be sensitively integrated within this location. Strategic woodland and tree belt planting around the site's southern, eastern, western, and northern boundaries would offer natural containment, similar to the successful landscape framework at the nearby Toyota Manufacturing facility. This approach would mitigate visual effects, enhance biodiversity, and maintain the area's rural character while providing a coherent visual transition between the settlement of Findern, the employment corridor, and the wider countryside.

The strategy closely aligns with the Emerging Local Plan Policy objectives that seek sustainable growth, design quality, and the protection of visual and environmental

amenity. Through its considered landscape and mitigation framework, development at Findern Farm can:

- Respect and reinforce the area's landscape character and visual identity.
- Deliver new woodland and green infrastructure that enhances biodiversity and recreational value.
- Integrate appropriately scaled development, informed by its surrounding spatial context.
- Contribute to the creation of a visually balanced and sustainable employment environment.

Please refer to the Landscape Technical Note (Appendix 3) prepared by MHP for a comprehensive review of the Site and the landscape-led approach which would be deployed at the Site.

Ecology

A Preliminary Ecological Appraisal (PEA) has been carried out across the site by Ecologists at Tyler Grange. The site is dominated by arable land delineated by hedgerow. Small parcels of grassland (modified and other neutral), woodland and scrub are also present, with mature trees and potential veteran trees identified within site hedgerows and boundaries.

The site has potential to support breeding birds including barn owl, wintering birds, roosting bats, invertebrates, reptiles, badger, brown hare and hedgehog. Further protected species surveys and assessments are being undertaken to assess the development.

A total of ten Local Wildlife Sites (LWS) and nine potential LWS (pLWS) are present within 2km of the site boundaries, including the Toyota Balancing Ponds LWS situated on the other side of the A38 and numerous sites situated the other site of the A50. These major roads are considered significant barriers to impacts from future development.

Candales Wildflower Meadow pLWS and Thurston Farm Meadows pLWS are the only designated sites situated east of the site and not segregated by busy main roads. However given the distance between future development and the nature of habitats at these sites, which appear common and of local importance, adverse impacts are considered highly unlikely.

The PEA concludes that with appropriate design, there is scope to deliver the anticipated requirements in ecological enhancement and mitigation on site. As such, there is no overriding ecological reason why the site should not be developed in future.

Other locational requirements

The Site also meets all of the other key site and locational requisites for a data centre development, as it provides a large, consolidated parcel of land and is unconstrained by any hazards, flood risk, security threats, or environmental designations. Although a section of the Site in the west is adjacent to a Grade II listed building and PROWs, the size of the Site creates significant opportunities for areas of biodiversity enhancement

or improved public access to the Open Countryside which would act as a strategic buffer for the development and nearby designated heritage assets and Findern village.

Other locational factors compound the suitability of the Site for a data centre development, such as proximity to existing and emerging major and strategic employment sites (Toyota manufacturing and East Midlands Intermodal Park). A data centre on the Site would be strategically positioned to both support and entice inward investment into South Derbyshire, by providing the essential data infrastructure to enable growth and intensification.

Summary and Conclusion

The Site presents a strong opportunity to meet the needs of the digital and modern economy. Allocating it for data centre development within the revised Local Plan Part 2 will help ensure the Plan is 'sound' under the NPPF (2024) and support its submission ahead of the December 2026 deadline. The allocation would contribute to meeting significant regional and national demand for this essential infrastructure, consistent with the NPPF's requirement to plan for modern economy uses such as data centres.

Strategically located adjacent to the A50 and A38 corridors and near major employment hubs including Toyota and the East Midlands Intermodal Park, the Site is ideally positioned to deliver critical infrastructure and attract complementary investment. Its allocation would also align with emerging employment policies in Local Plan Part 1.

The proposals offer opportunities for biodiversity net gain, woodland enhancement, and potential community uses, alongside substantial socio-economic benefits. Innova welcomes further engagement with South Derbyshire District Council to discuss how the Site can deliver broad economic, social, and environmental value while supporting sustainable growth and inward investment.

We look forward to your confirmation of receipt of this letter. If you require any Information or clarification, please contact me or my colleague [redacted]
([redacted]

Yours faithfully,

[redacted]

Appendix 1 – Site Location Plan

Key

Red Line Boundary

Findern

Tower House

CG

Rumenco Farm

Oldfield Plantation

Drain

Track

Recreation Ground

Chevins Farm

A50

0 100 200 m

innova

Project: Land at Findern Farm	
Title: Red Line Boundary	
Date: 25-04-2025	Version: V01
Drawn By: RP	Checked By: RT
Size: A3	Scale: 1:3,000
Page: 1 of 1	Status: Issued

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Appendix 2 – Local Plan Part 1 Review (Regulation 19) Representations Submission April 2025

[redacted]

[redacted]

innova.co.uk

Via email: local.plan@southderbyshire.gov.uk

25 April 2025

Dear Planning Policy

Pre Submission Local Plan Part 1 Review Regulation 19 Consultation Response on Behalf of Innova Renewables Developments Limited.

We write regarding the Regulation 19 Consultation for the South Derbyshire Local Plan Review (SDLPR). Innova Renewables Developments Limited are an experienced renewable energy developer with large portfolio of renewable energy developments including solar, energy storage and wind, as well as other commercial and business developments.

We welcome the direction of travel in Paragraph 1.24 of the SDLPR which states *"As part of the current update, existing policies within Part 1 have been significantly strengthened to include further requirements to tackle and mitigate climate change…."* It is against this focus that much of these representations will be focused to ensure that South Derbyshire can deliver climate mitigation, including renewable energy as well as meeting the needs of a modern economy.

Policy SD6 Sustainable Energy and Power Generation

The presumption in favour and support for renewable energy generation is welcomed within Policy SD6. However, this policy should be technology agnostic and not seek to intentionally limit one type of renewable energy over another. Policy SD6(E) in relation to solar farms correctly sets out in line with the National Planning Policy Framework (NPPF) and Guidance that these *"should avoid using the best and most versatile agricultural land where possible."* Emphasis on 'where possible' accepting that it is not always possible to avoid BMV land.

However, Policy SD6(G) in relation to battery energy storage (BESS) states at bullet ii) *'proposals should avoid the loss of best and most versatile agricultural land.'* This is effectively a de facto ban on any BESS development using any BMV land, no matter the size or context. The policy reads as an instruction to refuse planning permission for sites that result in the loss of BMV land, whereas NPPF footnote 65 guides only that *"areas of poorer quality land should be preferred to those of a higher quality"*. The NPPF wording sets a lower

bar, whereby an applicant can explain and justify the use of higher quality land. The NPPF wording also allows the opportunity for the decision maker to weigh other material considerations against the use of higher quality land, which this policy does not.

There is no national or local policy precluding the development of BESS on BMV land. Neither does the NPPF require avoidance of BMV land. Rather, relevant policies confirm that renewable energy development on BMV land can be acceptable, but should be justified and poorer land should be used in preference.

Any instruction within Policy SD6 to refuse planning permission where BESS development falls on BMV land is not in accordance with the NPPF, PPG and other relevant government policy, and cannot be found **sound.**

The NPPF at Paragraph 165(C) sets out that Plans should *'identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.'* It is suggested that Policy SD6 is amended to include reference to specific and significant support for development which can deliver direct wire renewable energy opportunities for local business and communities.

Policy BNE4 Landscape Character and Local Distinctiveness

Policy BNE4 as revised states that *'The Council will seek to protect soils that are 'Best and Most Versatile', (Grades 1, 2 and 3a in the Agricultural Land Classification)'*

This seemingly reflects the current adopted Local Plan Part 1 Policy BNE4 but seeks to drop the final part which states *'…..and wherever possible direct development to areas with lower quality soils.'* The currently adopted version appears to be more in line with the NPPF wording, whilst the revised version is unclear and could be read as a de facto ban on any development on BMV land.

It is considered necessary to ensure that the policy is in line with the NPPF that it is reworded to make clear that this is a balance and that whilst there should be a preference for using non BMV land, it would not automatically preclude development. This change is necessary to ensure that the plan is **sound**.

Policy S5: Employment Land Strategy

The NPPF sets out at Paragraph 86(c) that Policies should *'pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying*

suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics.'

With Paragraph 87(a) setting out that *'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:*

clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections)'

South Derbyshire District has large scale and established grid infrastructure at both Drakelow and Willington and is therefore well placed to positively plan for the delivery of core components of a modern economy including data centres and digital infrastructure, for which this Plan is silent.

Whilst it is acknowledged that Policy S5 includes for freight and logistics, it has failed to reflect the updated requirements of the December 2024 NPPF which now requires policies to *identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics.* The policy therefore cannot be sound.

Such a suitable site which can deliver substantial economic growth and a strategic data centre with confirmed grid connection and suitable highways access is land at Findern Farm on the attached Plan. Whilst this may result in some delay to the Plan and further consultation, it is necessary to ensure that the plan positively prepares for economic growth and a vital component of the future economy both locally and nationally.

We would welcome an opportunity to meet and discuss this and the above policies with representatives of South Derbyshire District Council.

Yours sincerely

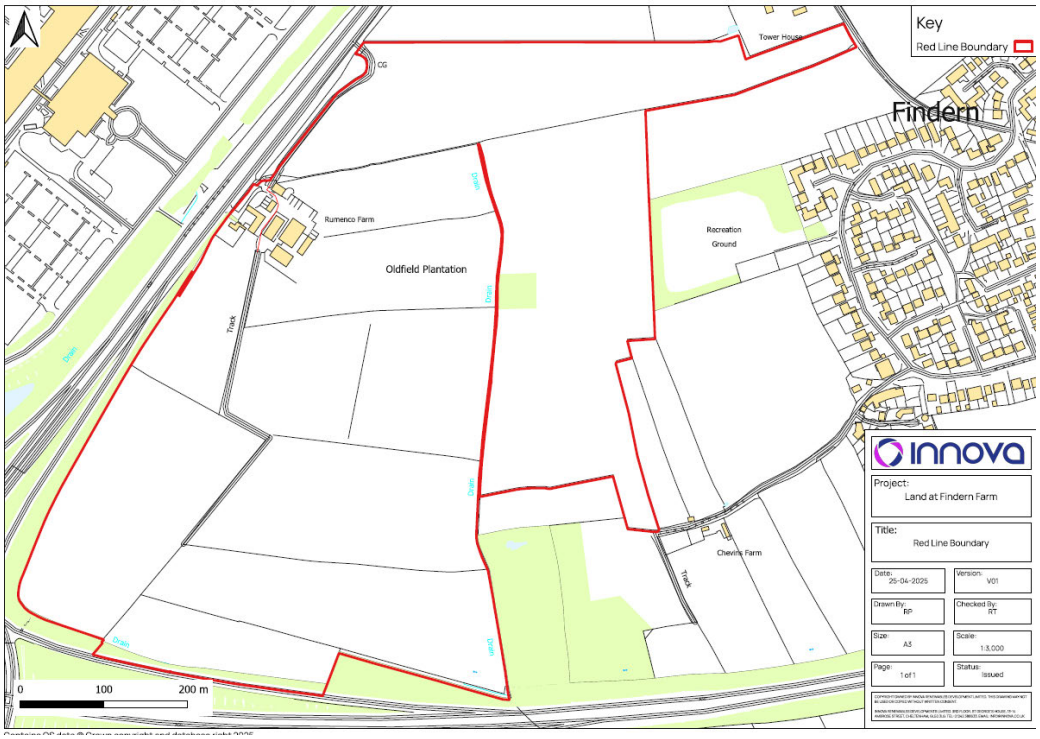
[redacted]

Appendix 3 – Landscape Technical Note Prepared by MHP

Land at Findern Farm, South Derbyshire
Landscape Technical Note

1 The site comprises of agricultural land divided into approximately 11no. field parcels, in predominately arable land use. The fields are defined by hedgerows with some hedgerow trees. The land is gently sloping to the south from a high point to the north east of the study site of 75m AOD. The lowest point of the site lies adjacent to the southern boundary at approximately 55m AOD. A linear watercourse located centrally in the site has a local influence on the landform and creates a well vegetated, central riparian corridor. Please refer to Plate 1 below for site location.

2 Plate 1 – Site Location



3 Agricultural buildings and a distinct row of poplar trees are associated with Rumenco Farm are located towards the north western margin of the site adjoining the A38 (Burton Road) dual carriageway corridor. The A50 dual carriageway corridor borders part of the southern boundary to the site in conjunction with a large scale highway junction.

4 To the east of the site are a further number of agricultural fields and a playing field, which border the settlement area of Findern. To the west of the A38 is a large area of employment land in use as car manufacturing plant (Toyota). The entire location lies to the south west of the city of Derby.

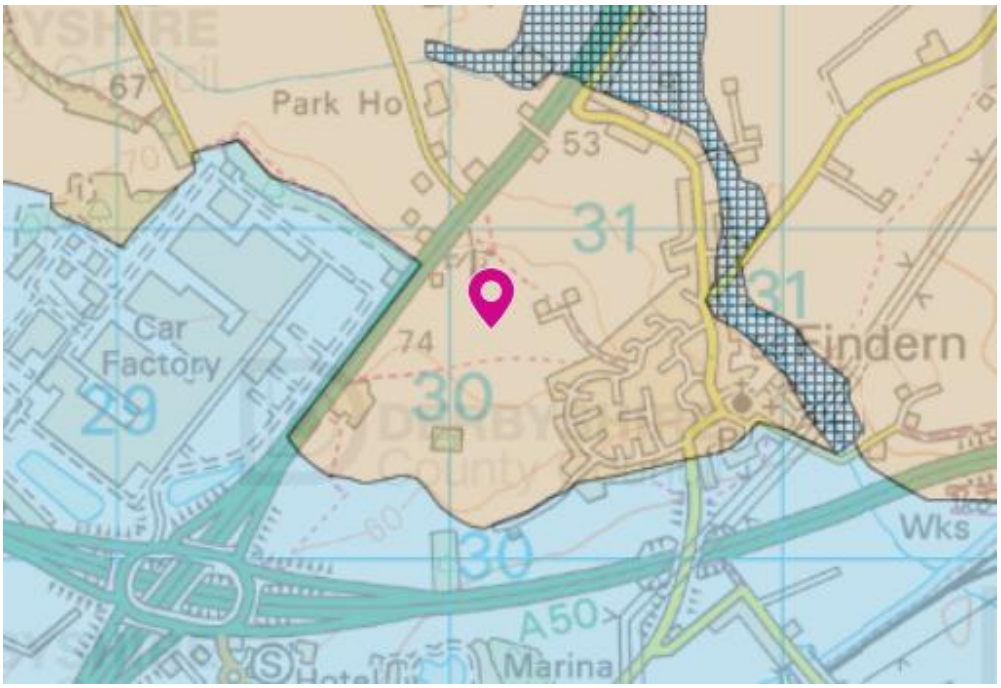
5 The study site is not covered by a national or local landscape designation. With reference to the publication *'Assessing landscape value outside national*

designations' produced by the Landscape Institute, it is assessed that the site is unlikely to meet the criteria to be considered a 'Valued' landscape.

6 The site lies within National Character Area 68 Needwood and South Derbyshire Claylands. This is a predominately pastoral landscape of rolling countryside with some arable cultivation. Woodland is a characteristic and the Trent and Dove valleys are identified as major transport corridors including the A50.

7 At a more local scale the site forms an interface between the Rolling Clayland Plateau (brown colour) and Trent Valley Washlands (blue colour) landscape character areas as identified in the Derbyshire Landscape Character Assessment. This interface is identified in Plate 2 below.

8 Plate 2 Landscape Character Areas



9 The majority of the site falls within the Needwood and South Derbyshire Claylands Settled Farmlands landscape character type. The southern area of the site falls within the Trent Valley Washlands Lowland Village Farmlands landscape character type. Where character areas merge there is rarely a well defined change in the landscape but rather a combination of characteristics shared between character areas. This is considered to be relevant to the site where only a change in elevation through ascending landform creates a notable difference.

10 Key published characteristics of the Settled Farmlands LCT include:

- Gently undulating to rolling lowland dissected by minor stream valleys with localised steep slopes.
- Seasonally waterlogged soils

- Dairy farming on permanent pasture with localised arable cropping
- Small woodland blocks and copses associated with steeper slopes
- Scattered oak and ash trees along hedgerows
- Dense lines of trees along streams
- Small to medium size semi regular and strip fields enclosed by hedgerows
- Extensive ridge and furrow
- Network of winding lanes often sunken on steeper slopes
- Small clusters of red brick and Staffordshire blue clay tile farms and cottages

11 The published assessment identifies that a key feature of this landscape is its settled character. It identifies that due to the intensive nature of the farming regime and the large size of some farms, bulky poorly sited modern farm buildings dominate many areas. The trend towards more arable farming replaces the more traditional use of pastoral land use.

12 Landscape management guidelines include:

- Ensure the management and enhancement of hedgerow trees, through selection and natural regeneration and planting of riparian trees.
- Ensure the conservation and management of mature/ veteran trees within hedgerows.
- Ensure that new woodland does not conflict with features such as ridge and furrow that help define the landscape.

13 Key published characteristics of the Lowlands Village Farmlands LCT include:

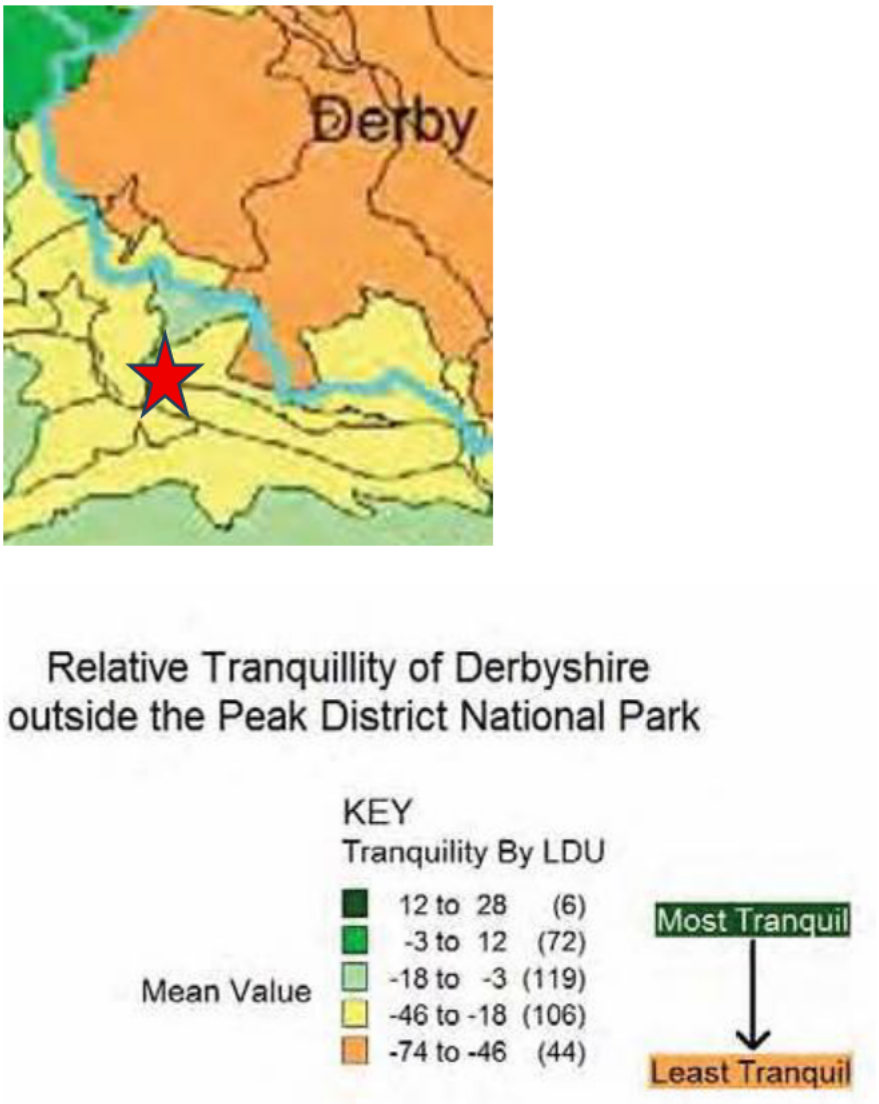
- Gently rolling almost flat, lowland with river terraces
- Low slopes and summits gives a sense of elevation over a broad flood plain
- Mixed farming with arable cropping and improved pasture
- Thinly scattered hedgerow trees including some willow pollards
- Scattered, locally dense, watercourse trees
- Medium to large regular fields with thorn hedgerows
- Discrete red brick villages with farms and cottages
- Large red brick outlying farms

14 The published assessment identifies the importance of this landscape as a transport corridor is still evident, with the expansion of the A50 and A52. These are identified as busy routes forming a prominent visual intrusion into the landscape. Published assessment also identifies that much of the original character of this landscape has been seriously impacted upon by modern large scale development.

15 Large scale employment land and highway corridors impact on local levels of tranquillity. This is identified in the Technical Support Document 2 Tranquillity produced by South Derbyshire District Council in 2013. The area falls with an area

identified to have a low level of tranquillity as illustrated by the extracts from the assessment below (Red star illustrates the approximate location of the site).

16 Plate 3 Tranquillity



17 Landscape management guidelines include:

- Conserve and enhance tree groups that occur within and around rural settlements and isolated farmsteads.
- Maintain the traditional riparian character of the landscape by continuing the practice of pollarding
- Ensure that new woodland does not conflict with features such as ridge and furrow that help define the landscape.

18 From the landscape characteristics of both the Settled Farmlands LCT and Lowland Village Farmlands LCT is can be seen that the study site shares characteristics of both as might be expected where a gradual change in characteristics is likely to occur.

19 The landscape features of the site are predominantly limited to the pattern of irregular shaped field contained by field hedges with hedgerow trees. A central riparian corridor associated with a watercourse creates a linear feature that extends through much of the site and broadens into offsite woodland close to the boundary with the A50. All of the site fields appear to have been in recent arable use, resulting in a loss off traditional permanent pasture. The condition of the landscape features are considered to be moderately good and predominately intact within the site.

20 Whilst the landscape character of the site itself is intact and representative of the published character types, the features of the contextual landscape reflect the close proximity of the wider urban area of the City of Derby. The landscape is strongly dissected by large scale highway corridors and the junction of the A50 with the A38. Established highway landscaping assists with assimilating into the wider rural landscape but does not mitigate the dissection of the landscape by highway corridors.

21 The extensive Toyota car plant to the west of the A38 and the site is a large scale area of employment land that has been well contained and screened by mitigation woodland planted around its perimeter. This along with the established landscaping along the highway corridors, illustrates how enclosure has been used locally to assimilate large scale and potentially prominent land uses, into the wider agricultural landscape.

22 Plate 4 Entrance to the Toyota Employment Land

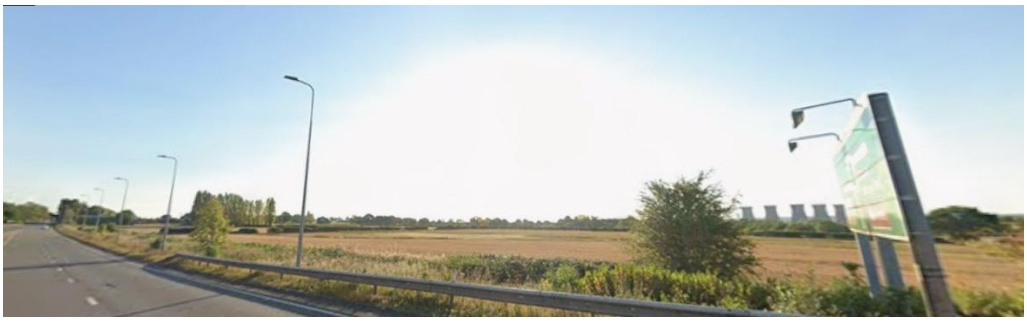
23 The landscape of the study site makes a positive contribution to the rural character in keeping with published character assessment and is assessed to have a medium sensitivity to employment land use in this location. The land is notably separated from the wider agricultural landscapes to the south and west due to highway corridor but contributes to the wider landscape setting of the settlement of Findern. Overall, as a general observation, landscape sensitivity increases towards the southern and eastern margins of the site. This is unlikely to be a notable change in sensitivity due to the uniform land use and nature of topography.

24 With consideration to the extent and nature of visibility of the site, the elevation and nature of the gently sloping landform to the south, increases potential visibility to longer distance views from the south. The vegetation associated with the

margins and junction of the A50 and A38 bring containment to the site at local level and views from these highway corridors into the site are likely to be limited. Views beyond the highway corridors from the west are obscured by the built form and landscaping associated with the adjoining employment land. Views from the immediate south will also be limited by vegetation and built form locally but at distance there may be greater potential of views particularly in winter. However, although extensive woodland is not a characteristic of the landscape, the layers of established trees, tree belts and incidental copses and plantations, contribute to a well treed landscape character that generally contains views to the medium and shorter distance.

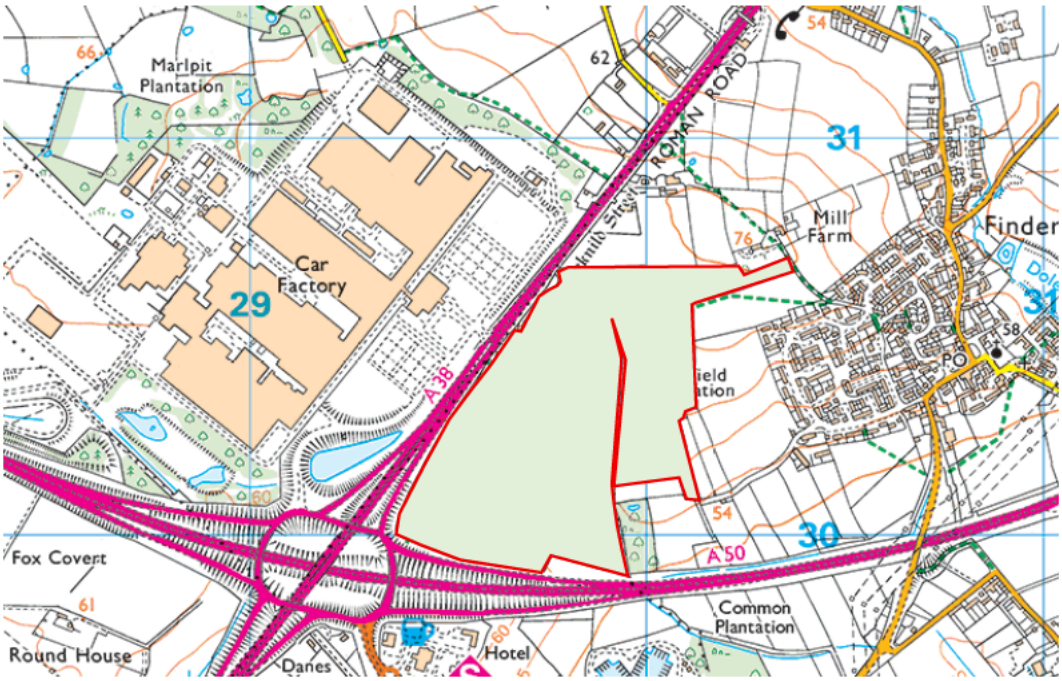
25 This is illustrated with the limited visual prominence of the highway corridors, service area and employment land to the west and south of the site. Although they have a notable effect on local landscape character and visual amenity, they are seen to be quickly assimilated into the landscape and are not visually prominent beyond their immediate contextual landscapes.

26 Plate 5 Site seen from the A38



27 Potentially sensitive visual receptors include users of public rights of way which cross the site from Findern to Rumenco Farm and from Rumenco Farm to the boundary of the A50. These do not appear to form a part of a local circular walk (historic routes appear to have been dissected by the recent construction of the A38 and A50 highway networks). Residents on the western margins of Findern may also be potential visual receptors where foreground vegetation is absent or limited. The location of potential footpath users and residents in relation to the site is illustrated in Plate 6.

28 Plate 6 – Ordnance Survey Extract



29 Based on an initial assessment of the likely landscape and visual baseline, the landscape strategy for the development of the study site will be informed by two key objectives. These are the mitigation of potential landscape and visual effects arising from the introduction of new large scale structures to the landscape and the enhancement of the existing green infrastructure in accordance with the published landscape guidance.

30 Conserving the rural character and appearance of the landscape to the immediate west of the settlement of Findern will be important to conserve the immediate setting of the settlement. The wider setting has already been influenced by the construction of the modern highway corridors and Toyota employment land.

31 It is anticipated that the existing rights of way will need to be diverted but by doing so a new practical walking route can be created that is not extinguished by the highway corridors. This could be closely linked to existing settlement, its existing recreational ground and new natural open space that could be provided as part of a future development.

32 Whilst large woodlands are not a feature of the wider landscape, trees are a prominent features and form an important element of a landscape strategy to mitigate potential landscape and visual effects. New tree planting that builds on the existing highway landscaping adjoining the A50 and A38 can introduce strong containment to the site on its western and southern boundaries.

33 The central riparian corridor and associated woodland adjoining the A50 also provide a framework for extending new green infrastructure into the site. This can be used to mitigate potential landscape and visual effects on the setting of Findern and the wider landscape to the south east and east. New woodland belt along the northern margin of the site would assimilate into the woodland belt associated with

the Toyota employment land, so anchoring a new development into the existing employment land and conserving landscape character and visual amenity of the landscape to the north of the site.

34 Plate 7 Aerial Image

35 From the above aerial image, it can be seen that new woodland/ tree belt planting may be used to form an extension to existing green infrastructure so assisting with assimilating development into the wider landscape.

36 The retention and restoration of study site hedgerows will be desirable to ensure that landscape enhancement can be delivered as part of a development. This enhancement can also be delivered through the long term management of the landscape and its associated habitats that would be delivered through a well-designed development.

37 The extent and nature of mitigation planting will be determined through careful analysis of the potential effects of the new structures and overall layout. Using ZTV analysis and professional judgement, the extent and nature of mitigation measures can be agreed through an iterative design evolution process.

38 Although it is accepted that data centre development on the study site is likely to result in substantial change to the character and appearance of the study site itself, the baseline conditions and proposed strategy for mitigation will conserve the wider immediate landscape character, keeping landscape and visual effects both limited and quite localised to the site itself and immediate contextual area.

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LANDSCAPE
ARCHITECTS

South Derbyshire
Issues and Options Part 2 Local Plan Review
Paper Response Form

Your reviews are being sought on the South Derbyshire Issues and Options Part 2 Local Plan Review and the Local Plan Part 2 Review Scoping Report.

The consultation documents can be viewed at
www.southderbyshire.gov.uk/issuesandoptionsPart2Review

This form can be used as an alternative to the online questionnaire. Responses should be submitted to the Planning Policy Team by email at local.plan@southderbyshire.gov.uk or via post to Planning Policy, Planning Services, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Comments must be received by 5pm on 30th January 2026, late comments will not be accepted.

Part A: Your Details

[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

Privacy Notice - How is your information used?

Representations 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?
South Derbyshire District Council Planning Services. Personal information is not shared with any other department or agency, will not be sold and will not be used for any other purpose.

For further information, please visit our Privacy section of our website at www.southderbyshire.gov.uk/privacy where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by emailing local.plan@southderbyshire.gov.uk

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? (please tick one**)**

☐ Produce a Local Plan Part 2 Review under the existing system

☐ Produce a single Full Local Plan under the new system

☒ Other

(Please provide a reason for your answer)

Please refer to the accompanying Planning Letter.

Question 2: Where should the housing needs be met?

(Please provide site details including projected delivery timescales and the specific need being met).

n/a

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)

n/a

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)?

☐Yes ☐No

(Please provide a reason for your answer)

n/a

Question 5: What specific accommodation needs should the Local Plan address through allocations (e.g. extra care accommodation for older people, care home provision for looked after children etc.)?

(Please provide details)

n/a

Question 6: What could the Council do to speed up delivery on strategic allocations?
(Please provide details)

n/a

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)

n/a

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

☐Yes ☐No

(Please provide a reason for your answer)

n/a

Question 9: Do you agree that settlement boundaries should be drawn around the urban edge of Derby, Drakelow and Stanton and any new allocations?

☐Yes ☐No

(Please provide a reason for your answer)

n/a

Question 10: Do you agree with the principles for assessing the settlement boundaries, as set out in Appendix 1?

☐Yes ☐No

(Please provide a reason for your answer)

n/a

Question 11: What issues regarding the settlement boundaries should the Council consider?

(Please provide a comment)

n/a

Question 12: Do you agree with the retail hierarchy?

☐Yes ☐No

(Please provide a reason for your answer)

n/a

Question 13: Should the Council redefine the retail centre in Swadlincote as a commercial centre which would allow for a wider range of uses?

☐Yes ☐No

(Please provide a reason for your answer)

n/a

Question 14: What issues regarding Swadlincote Town Centre redevelopment should the Council consider?

(Please provide details)

n/a

Question 15: Should the Council define the boundaries of all of the retail areas within the District?

☐Yes ☐No

(Please provide a reason for your answer)

n/a

Question 16: Should the Council include a locally specific Green Belt policy (beyond the NPPF policy) that defines what appropriate development is within the context of 'disproportionate' and 'limited infilling'?

☐Yes ☐No

(Please provide a reason for your answer)

n/a n/a

Question 17: If you answered yes to question 16, what should the policy consider?

n/a

Question 18: Should the Council undertake a Green Belt review with a specific objective of identifying what, if any, Grey Belt exists within the district?

☐Yes ☐No

(Please provide a reason for your answer)

n/a

Question 19: What other sites and/or options should the Council consider for providing Gypsy and Traveller accommodation?

(Please provide details)

n/a

Question 20: Are there any other issues that the Council should consider when meeting the needs of Gypsies and Travellers?

(Please provide details)

n/a

Question 21: Are there any additional policies/other issues that the Local Plan should address?

☒Yes ☐No

(Please provide a reason for your answer)

Please refer to the accompanying covering letter.

Question 22: Are there any amendments required to the existing policies to reflect implemented changes to national planning policy, policy guidance or Regulations?

☒Yes ☐No

(Please provide a reason for your answer**)**

Please refer to the accompanying covering letter.

Question 23: Are there better/alternative mechanisms that the Council should use to secure the required infrastructure?

☐Yes ☐No

(Please provide a reason for your answer)

n/a

Question 24: Where there is the potential need for long-term management / maintenance of open space, SUDS or other infrastructure, should the Council introduce a policy requiring these to be adopted by a public authority unless there is clear evidence that this is not feasible.

☐Yes ☐No

(Please provide a reason for your answer)

n/a

Question 25: Do you have any further/additional comments?

(Please provide details)

Please refer to the accompanying covering letter.