

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

*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

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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.

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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 see Miller Homes detailed response to Question 1 in the appended Miller Homes Representations – South Derbyshire Issues and Options Part 2 Local Plan Review.

Question 2: Where should the housing needs be met?

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

Please see Miller Homes detailed response to Question 2 in the appended Miller Homes Representations – South Derbyshire Issues and Options Part 2 Local Plan Review.

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)

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)

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)

Please see Miller Homes detailed response to Question 5 in the appended Miller Homes Representations – South Derbyshire Issues and Options Part 2 Local Plan Review.

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

(Please provide details)

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)

Please see Miller Homes detailed response to Question 7 in the appended Miller Homes Representations – South Derbyshire Issues and Options Part 2 Local Plan Review.

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)

Please see Miller Homes detailed response to Question 8 in the appended Miller Homes Representations – South Derbyshire Issues and Options Part 2 Local Plan Review.

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)

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)

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

(Please provide a comment)

Question 12: Do you agree with the retail hierarchy?

☐ Yes

☐ No

(Please provide a reason for your answer)

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)

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

(Please provide details)

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)

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)

Please see Miller Homes detailed response to Question 16 in the appended Miller Homes Representations – South Derbyshire Issues and Options Part 2 Local Plan Review.

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

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)

Please see Miller Homes detailed response to Question 18 in the appended Miller Homes Representations – South Derbyshire Issues and Options Part 2 Local Plan Review.

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

(Please provide details)

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

(Please provide details)

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

☐ Yes

☐ No

(Please provide a reason for your answer)

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)

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)

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)

Please see Miller Homes detailed response to Question 24 in the appended Miller Homes Representations – South Derbyshire Issues and Options Part 2 Local Plan Review.

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

(Please provide details)

South Derbyshire Local Plan Part 2 Review - Issues and Options

Representations on behalf of Miller Homes

Land south of Station Street, Castle Gresley

Miller Homes

30 January 2026

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1.0 Introduction

- 1.1 These representations to South Derbyshire District Council's ("the Council") Local Plan Part 2 Review – Issues and Options ("IO") have been prepared by Lichfields on behalf of Miller Homes ("Miller").
- 1.2 We focus on the strategic matters that are contained within the IO consultation document and relate specifically to Miller's land interests at Land south of Station Street, Castle Gresley ("the Site"). A Site Location Plan is appended to these representations (Appendix 1) to aid the Council's consideration of the site. St Modwen Homes was acquired by Miller Homes in January 2025 and became part of the Miller group of companies. The promotion of the site is therefore being taken forward by Miller Homes on whose behalf these representations are now made.
- 1.3 Miller is seeking to promote the Site to be allocated for residential-led development through the Local Plan Review. Crucially, Miller seeks to work constructively with the Council as it progresses towards the submission and adoption of the Local Plan Part 2 Review and trusts that the comments contained within this document will assist officers in this regard.

Land south of Station Street, Castle Gresley

- 1.4 The Site falls within the Swadlincote Urban Area Settlement Boundary (as set out within the adopted South Derbyshire Local Plan Part 2), which is identified within the Council's adopted Development Plan as ranking first in the settlement hierarchy as an 'Urban Area'. It is bounded by residential development to the north and west, a railway line to the south and hedgerows and trees to the east. As a sustainable, unconstrained site, it offers an ideal opportunity for the delivery of a high-quality residential development.
- 1.5 The Site could deliver approximately 110 dwellings and is sustainably located, with a number of services and amenities within walking distance. St George's C of E primary school is located approximately 1.3 km from the Site, whilst the Gresleydale Health Care Centre is within ten minutes walking distance. A Sainsbury's Local, Fish and Chip Shop, Pharmacy and Indian Restaurant are also located within a seven-minute walk of the Site. Additionally, the Drum and Monkey Pub is located in close proximity on Station Street. There is also public open space located adjacent to the Site, which could be enhanced as part of the delivery of new residential development.
- 1.6 The Site is located within easy walking distance of public transport links. The nearest bus stops are located along Castle Road, and provide frequent services to Burton upon Trent, Overseal and Newhall. The Site also falls within close proximity of land safeguarded for a potential new railway station at Castle Gresley (see draft policy INF2: Sustainable Travel).
- 1.7 As part of the DLPP1R process, the Council has undertaken a Call for Sites exercise. The Site was submitted to the Council for consideration through the Council's Strategic Housing and Economic Land Availability Assessment [SHELAA] and has been partially assessed through the Council's SHELAA under site reference 133.
- 1.8 The Site falls within Flood Zone 1 (according to the EA's flood map for planning) and is not subject to any environmental or heritage designations (albeit HER MDR7072 ridge and

furrow falls within the Site). The SHELAA assessment notes that the Derbyshire County Council Landscape Architect identified a “*low landscape constraint*”, as well as finding that the Site does not contain any Best and Most Versatile (BMV) agricultural land. Importantly, the SHELAA considered that the Site was “*available, achievable, and suitable*” and would be developable.

- 1.9 As a National housebuilder, with recent experience of building within South Derbyshire, the Council can be confident that the Site could be delivered in the timescales envisaged and could begin delivering in the first half of the Local Plan period, subject to securing the necessary approvals. This further demonstrates the deliverability of the site.

Structure

- 1.10 These representations are structured around the questions set out in the IO and relate specifically to Miller’s Site. In particular, Miller has responded to the following questions:
- 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?
 - Question 2: Where should the housing needs be met?
 - 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.)?
 - Question 7: Should the Council allocate land South of Mackworth for development within the plan period?
 - Question 8: Are there other steps that the Council could take to accelerate housing delivery on other sites?
 - 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’?
 - Question 18: Should the Council undertake a Green Belt review with a specific objective of identifying what, if any, Green Belt exists within the district?
 - 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.

2.0 Miller's Response

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 In part, Miller does not consider that the Council should prepare a Part 2 Plan Review, and questions whether this could practicably be achieved in the c.11 months left prior to the Government's December 2026 deadline for the submission of plans under the current plan-making system. Moreover, it is envisaged that such plans would not exist under the New Style Local Plan system, and Miller questions the longevity of this document given that the Council will need to prepare a New Style Local Plan in due course.
- 2.2 In particular, many of Miller's concerns in relation to the need for a Part 2 Plan Review can – and should have been – addressed through the Part 1 Plan Review, such as housing needs being addressed. Indeed, as set out in the previous responses to the Council's Part 1 Plan Review – on behalf of St Modwen Homes at that time – the Council's Part 1 Plan Review does not allocate sufficient housing. By way of example, the IO openly acknowledges that the Part 1 Plan Review will not address the District's housing needs in full, with a 57 dwelling shortfall (Pg.8). This is without considering the provision for a buffer or 'headroom' within its supply, or the fact that the Council is still relying on extant allocations that have not delivered in the last decade or so.
- 2.3 As highlighted in previous representations to the Part 1 Plan Review, it is expected that Local Plans should be sufficiently flexible to adapt to rapid change. In practice, this means ensuring a housing trajectory has sufficient land supply across the plan period so that it can adjust and accommodate any unforeseen circumstances, such as a degree of flexibility in delivery rates and densities. Critically, this means that to achieve a housing requirement, a Local Plan must release sufficient land or allow sufficient 'headroom' so that there is an appropriate buffer within the overall planned supply. Typically, Inspectors have supported 'buffers' ranging between 10-20%. At present, the IO, if anything, highlights a significant deficiency in the Council's Part 1 Plan Review, which will be hard for the Council to argue against at the EiP in due course, and further highlights the need for a series of further strategic sites to be allocated in the Part 1 Plan Review, rather than the Part 2 Plan Review.
- 2.4 As such, the 'need' for housing to be addressed through the Part 2 Plan Review is not 57 dwellings, but – in order to deliver a buffer to support the delivery of the housing needs identified in the Part 1 Plan Review – more likely to be c.1,200-2,400 dwellings. Whilst this matter will likely be picked up by Inspectors as a part of the Examination in Public [EiP] of the Part 1 Plan Review, the Council could rely further on allocating sites through the Part 2 Plan Review to address this shortfall – such as Miller's Site.
- 2.5 Linked with the above, the Council's adopted Development Plan establishes that strategic sites are sites with 99+ dwellings, and non-strategic sites are under 99 dwellings. However, the Part 1 Plan Review proposes to redefine the definition of 'strategic sites'. Notably, the Council's proposed definition comprises "*sites which are defined as housing or mixed-use sites of over 1000 dwellings*". It is therefore fundamentally unclear as to what 'scale' of sites the Part 2 Plan Review is seeking to identify and allocate. Indeed, the inference of the

Council looking to allocate land South of Mackworth is that the Council is considering a site up to 250 dwellings, but this is not clear within the IO. Whilst Miller considers that the need for a land supply buffer would infer that further needs will need to be addressed through the Part 2 Plan review, it is unclear as to why, when the Council considers it only has a 57 dwelling shortfall, it needs a site of 250 dwellings to address these needs. Ultimately, Miller considers that the purpose of producing the Part 2 Plan Review is unclear, and many of the issues it is seeking to resolve could have been adequately addressed through the Part 1 Plan Review. To this end, it would appear more sensible to undertake a full review under the New Local Plan system in due course.

Question 2: Where should the housing needs be met?

- 2.6 Notwithstanding Miller's response to Question 1, as the Council will be aware, Miller's Site falls within the Swadlincote Urban Area Settlement Boundary (as set out within the adopted South Derbyshire Local Plan Part 2), which is identified within the Council's adopted Development Plan as ranking first in the settlement hierarchy as an 'Urban Area' – which is partly reflected in the IO. It is critical that, as a part of the Part 2 Plan Review, the Council ensures that development is directed towards the most sustainable settlements – such as Swadlincote.
- 2.7 The National Planning Policy Framework (2024) [NPPF] is clear that *“significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”* (Para 110). Existing settlements, such as Swadlincote, have access to a range of education, healthcare, retail, jobs, and public transport, and should therefore be considered as ideal locations for growth. This makes sites which fall within this location ideal locations for growth as they have access to services such as education, healthcare, retail, jobs, and public transport. Directing growth to these locations supports local services and ensures development is located sustainably in line with the NPPF (Para 11a).
- 2.8 In addition, directing further growth would also align with the Council's emerging draft Policy INF2: Sustainable Travel (Part 1 Plan Review), which is proposing to safeguard land for a potential new railway station at Castle Gresley. The re-opening of the Burton to Leicester railway line would provide further sustainable travel options for the area, and further enhance the sustainability of Swadlincote.
- 2.9 The NPPF emphasises that the supply of large numbers of new homes can often be best achieved through planning for larger-scale development, such as significant extensions to existing villages and towns, provided they are well-located and designed, and supported by the necessary infrastructure and facilities (Para 74). It is also important that developments are focused on locations that are or can be made sustainable, by limiting the need to travel and offering a genuine choice of transport modes (Paragraph 109).
- 2.10 In this context, as set out above, Miller's Site has capacity for approximately 110 dwellings and benefits from a highly sustainable location, with a range of services and amenities within walking distance. St George's C of E Primary School lies around 1.3 km from the Site, and Gresleydale Health Care Centre is reachable within a ten-minute walk. A Sainsbury's Local, fish and chip shop, pharmacy, and Indian restaurant are all located within a seven-minute walk, while the Drum and Monkey pub on Station Street is also nearby. In

addition, public open space is situated adjacent to the Site and offers potential for enhancement as part of the proposed residential development.

- 2.11 The Site is also well connected to public transport networks. Bus stops on Castle Road provide frequent services to Burton upon Trent, Overseal, and Newhall. The Site is located close to land safeguarded for a potential new railway station at Castle Gresley (refer to draft policy INF2: Sustainable Travel).
- 2.12 Through the DLPP1R process, the Council has carried out a Call for Sites. The Site was submitted for assessment as part of the Council's SHELAA and has been partially reviewed under reference 133.
- 2.13 The Site lies within Flood Zone 1, according to the Environment Agency's Flood Map for Planning, and is not affected by environmental or heritage designations (although the HER MDR7072 ridge and furrow feature is present within the Site). The SHELAA notes that the Derbyshire County Council Landscape Architect identified the area as having a "low landscape constraint" and confirmed that the land does not comprise Best and Most Versatile [BMV] agricultural soil. Importantly, the SHELAA concludes that the Site is "available, achievable, and suitable," and therefore developable.
- 2.14 In addition to this, subject to the outcomes of the Viability Assessment, and in the absence of any known constraints on the site which may otherwise equate to abnormal costs for development, it is anticipated that affordable housing would be delivered on the Site. In addition, given the scale of the Site, it is envisaged that housing could be delivered as early as 2029. Importantly, the Site could begin delivering within the first 5 years of the plan period, thereby forming part of the district's required housing land supply. Moreover, as a National housebuilder, the Council can be confident that the Site could be delivered promptly, as it is within single ownership and being promoted for development by Miller. This further demonstrates the deliverability of the Site and supports its allocation through the Part 2 Plan Review in due course.

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.)?

- 2.15 As set out in the previous responses to the Council's Part 1 Plan Review – on behalf of St Modwen Homes at that time – the Council's Part 1 Plan Review does not set clear thresholds, requirements, or specific allocations to meet the identified needs for older persons' housing (i.e. care homes and extra care). To this end, if the Council does proceed with the Part 2 Plan Review, it should seek to identify areas of need across the District, and potentially allocations to meet these needs.
- 2.16 Indeed, paragraph 63 of the NPPF is clear that Councils should assess and reflect in policy the need for (*inter alia*) older persons' housing (including those who require retirement housing, housing-with-care and care homes). This is also supported by the Planning Practice Guidance [PPG].¹ However, draft Policy HOU5(c) of the draft NPPF is clear that plans should, at the most appropriate level, identify "sites, or setting requirements for

¹ PPG ID 63-006

parts of allocated sites, which can provide specific types of housing where there is an identified need, including (but not limited to):... i. specialist housing for older people”.

- 2.17 Whilst the current NPPF does not mandate the allocation of sites to meet needs in full, the PPG does expect plans to ‘provide’ for such needs – albeit not in full – and the draft NPPF will expect plans to identify individual sites, or parts of wider sites, suitable to meet these needs. Given the absence of this approach in the Part 1 Plan Review – subject to the outcomes of the EiP – and, notwithstanding Miller’s views on the need to prepare the Part 2 Plan Review, Miller considers that it is critical that the Council establishes the need for such accommodation across the District, and seeks to address these needs through allocations accordingly.

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

- 2.18 No. As the Council will be aware, for a plan to be found ‘sound’, it must set out an appropriate strategy, taking account of reasonable alternatives, and be based on proportionate evidence (Para 35b). As such, the Council also needs to robustly test reasonable alternatives for the spatial distribution of the district’s housing needs through the Sustainability Appraisal [SA] process at an early stage – as per the requirements of paragraph 32 of the NPPF, the PPG², and Friends of the Earth High Court judgment.³
- 2.19 Whilst Miller broadly understands the rationale for allocating land South of Mackworth, given the development coming forward in Amber Valley, Miller has concerns in relation to a strategy which potentially holds’ this allocation as a ‘constant’ in the Council’s proposed spatial strategy.
- 2.20 Crucially, the Part 2 Plan Review is being prepared to address the district’s indigenous housing needs over the plan period. The Council is already pursuing a spatial strategy in the Part 1 Plan Review, which seeks to deliver a significant amount of housing growth on the edge of the District, which would not meet the needs of its residents, but those in Derby whose needs are not being met – an approach which Miller have strongly objected to as a part of the Part 1 Plan Review. It would therefore be perverse and unsustainable to take such an approach again, albeit in relation to Amber Valley. In essence, Miller is concerned that the Council would again expect residents of South Derbyshire who need housing to relocate to the very edge of the district to meet their needs, rather than having their needs met in settlements within the district where they already reside.
- 2.21 Moreover, if the Council took such an approach, and did not consider allocating any other sites across the District, the Council runs the risk of potentially falling into a position where either the evaluation of reasonable alternatives in the SA could be interpreted to either have not been undertaken or to have been ‘improperly restricted’, in the context of the iterative process necessary for progressing a plan. To this end, whilst it is perfectly reasonable for the Council to consider land South of Mackworth through the Part 2 Plan Review, Miller strongly contends that the Council should consider other sites which are sustainably located adjacent to settlements within the District, when formulating a spatial strategy as a part of

² PPG IDs: 11-017 and 11-018

³ Paragraph 88 of R (Friends of the Earth England, Wales and Northern Ireland Ltd) v The Welsh Ministers [2015] EWHC 776 (Admin)

the iterative plan-making process. Indeed, Miller's Site, located within Swadlincote, could provide c.110 dwellings far quicker in terms of delivery timescales, and in a more logical and sustainable location to meet the District's indigenous housing needs, than land South of Mackworth. To this end, other sites, such as Miller's Site, should be tested through the SA process and, in due course, allocated accordingly.

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

2.22 Yes, albeit, not within the Part 2 Plan Review itself. As the Council will be aware, draft Policy HO13(2) of the draft NPPF states that:

“Consideration should be given to whether to impose a planning condition requiring that development begins within a timescale shorter than the relevant statutory default period, where this would expedite the development without threatening its implementation or viability”

2.23 This mechanism would sit outside the Part 2 Plan Review, but would provide the Council with the ability to – where appropriate – expedite development within the District. In this respect, as a housebuilder, Miller would be amenable to agreeing to a condition requiring the submission of a Reserved Matters application within two years, or implementation of a Full Application within two years, at the point of submission of an application on the Site in due course.

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’?

2.24 No. As the Council will be aware, the Government is consulting on changes to the NPPF. Obviously, the proposed changes to the NPPF are only a consultation and carry limited weight for the purposes of plan-making at this point in time. However, the Government has been clear that the primary objective of implementing National Development Management Policies [NDMPs] is to make local plan production swifter and slimmer by removing the need for local authorities to write their own versions of generic, nationally applicable policies.

2.25 Indeed, draft Policy PM6(c) (General principles for plan-making) is clear that plan-makers, in preparing plans, should not *“duplicate, substantively restate or modify the content of national decision-making policies unless directed by other policies in this Framework”*. To this end, draft Policy GB7 (Development which is not inappropriate in the Green Belt) is clear about what types of development are considered appropriate in the Green Belt. As such, Miller does not consider that the Part 2 Plan Review should include locally specific Green Belt policy (beyond the draft NPPF policy).

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?

- 2.26 The NPPF is clear on the need for releasing Green Belt to meet housing needs (Para 146), where ‘exceptional circumstances’ exist (Para 145). However, as was established in the Part 1 Plan Review, there is no need to consider reviewing the Green Belt boundaries, as the Council purports that it is able to address its housing needs on non-Green Belt land throughout the District. Whilst Miller does not agree with the Council’s proposed spatial strategy, Miller does agree that the Council does not need to review the Green Belt.
- 2.27 Related to this, in a plan-led system, whilst Grey Belt development is considered an appropriate development in the Green Belt, when adopted, a Local Plan should be able to demonstrate a five-year housing land supply (“5YHLS”). In this context, whilst a Green Belt Assessment might identify areas of the Green Belt that do not perform strongly against purposes A, B and D of the Green Belt, paragraph 155 sets out the wider Grey Belt tests (Para 155) that development proposals need to comply with in order to not be considered inappropriate development. This includes the need to demonstrate that there “*is a demonstrable unmet need for the type of development proposed*” – which relates to the absence of a 5YHLS, or failed housing delivery test [HDT]. Notably, this largely remains the same in the draft NPPF in draft Policy GB7(g). To this end, the capacity for Grey Belt applications in South Derbyshire should be limited at best, as if the Council allocates sufficient land to meet its needs, they would be able to demonstrate a 5YHLS, and therefore, no speculative Grey Belt applications could demonstrate ‘demonstrable needs’.
- 2.28 As such, it appears fundamentally clear to Miller that the Council does not need to undertake a Green Belt assessment in support of the Part 2 Plan Review. Indeed, Miller’s Site could provide c.110 dwellings on a sustainable greenfield site, which is not designated as Green Belt, indicating that the Council has a sufficient supply of non-Green Belt sites across the District capable of accommodating the District’s housing needs in sustainable locations, without relying on any Green/Grey Belt release.

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.

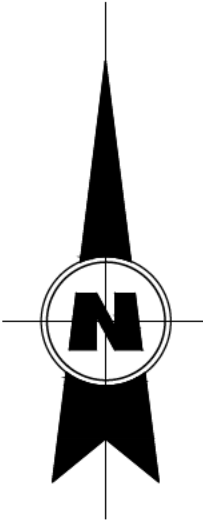
- 2.29 Miller considers that private management of public open space [POS] can offer clear benefits that would not necessarily be achievable under Council control. In Miller’s experience, private management companies are often able to maintain POS to a higher standard than is financially or operationally feasible for a local authority – for example, through more frequent grass-cutting regimes, enhanced landscape planting, or more responsive maintenance arrangements. These benefits are routinely valued by residents across Miller’s developments and should be recognised when considering any policy that would require public adoption as the default position.

- 2.30 There are also practical challenges associated with requiring the Council to adopt all POS. A significant issue is the increasingly close interrelationship between POS and Biodiversity Net Gain [BNG] delivery. BNG sites typically require long-term (often 30-year) habitat management that differs materially from the routine inspection and upkeep of general amenity open space. The specialised and habitat-specific nature of this management – together with the legally secured monitoring and reporting required for BNG – would require the Council to take on obligations that differ from conventional POS responsibilities. It is unclear how these requirements would be resourced, delivered, or overseen in practice if adopted at scale.
- 2.31 In addition, proposing that the Council adopt all POS across new developments risks generating substantial upfront and long-term financial burdens that could significantly affect development viability. As the Council will be aware, national policy (NPPF paragraphs 34 and 69) requires that all planning policy burdens be viability-tested to ensure they do not cumulatively undermine the deliverability of the Local Plan. Miller’s experience indicates that the costs associated with securing and funding long-term maintenance – particularly over a 20–30 year period – can be considerable. Introducing a blanket adoption requirement could therefore constrain the ability of developments to meet other policy obligations and, ultimately, threaten deliverability. Any such requirement must therefore be subject to robust viability assessment in accordance with national policy.

3.0 Conclusion

- 3.1 In conclusion, while Miller does not consider a Part 2 Plan Review necessary and has concerns about delivering it before the December 2026 deadline, given the likely need for further housing beyond the Part 1 Plan Review to maintain a sufficient and flexible land supply, the Council should consider allocating the site at Swadlincote. These representations therefore contend that the Council should allocate additional sites across the District to meet local housing needs, rather than directing further growth to edge-of-settlement locations adjoining areas outside the District. In this context, Millers Site could deliver approximately 110 dwellings and is sustainably located, with a number of services and amenities within walking distance. Importantly, the Council's SHELAA considered that the Site was "*available, achievable, and suitable*" and would be developable – and this remains the case.

Appendix 1 Site Location Plan



For guidance only. Do not scale off this drawing

1:20 - 0 20m 40m 60m 80m 100 120 140
1:100 - 0 1m 2m 3m 4m 5m 6m 7m
1:50 - 0 1m 2m 3m
1:5 - 0 100mm 200mm 300mm

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Project Castle Gresley					
Title		Location Plan			
Status		Drawn By		Checked by	
Planning		AG		FS	
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