SOUTH DERBYSHIRE DISTRICT COUNCIL PART 2 LOCAL PLAN REVIEW

ISSUES AND OPTIONS CONSULTATION

REPRESENTATIONS

January 2026

Project Name:	South Derbyshire Local Plan Part 2 Review Representations
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1. INTRODUCTION

1.1 OVERVIEW

1.1.1 Marrons is instructed by Brackley Property Developments Limited to prepare these representations to the South Derbyshire District Council Part 2 Local Plan Review. South Derbyshire District Council ("the Council") has started work on updating the adopted Local Plan Part 2, which sets out the non-strategic policies and site allocations used to guide future planning decisions.

1.1.2 The current issues and options consultation (Regulation 18) seeks views on what the new Local Plan should cover and how the district should develop up to 2041. The consultation invites views on the challenges facing the District, and the potential options for addressing them.

1.1.3 Review of the Part 1 Local Plan is ongoing and underwent its Regulation 19 consultation in March/April 2025. As explained by paragraph 1.42 of the Regulation 19 draft of the Part 1 Local Plan Review:

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

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

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

1.1.6 The NPPF sets out tests of soundness at paragraph 36. These are:

- **Positively prepared** – based on a strategy that seeks to meet objectively assessed needs, including unmet needs from neighbouring authorities where it is reasonable to do so;
- **Justified** – founded on an appropriate strategy that is reasonable, realistic and based on proportionate evidence;

- **Effective** – deliverable over the plan period and based on effective joint working on cross-boundary strategic matters; and

- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the NPPF.

1.1.7 Below we set out responses to selected questions within the consultation document. Where the responses are lengthy, a summary answer has been provided followed by further detail.

2. APPROACH TO THE LOCAL PLAN

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

Produce a Local Plan 2 Review under the existing system

Produce a single Full Local Plan under the new system

Other"

RESPONSE

Summary:

For the reasons set out below, Council should produce a full local plan.

The remit of the Part Plan 1 Review was expressly limited to meeting Derby's needs on the edge of Derby and contains no district-wide spatial strategy for economic development whatsoever.

The Council's own clear commitment in the Regulation 19 Part 1 Plan Review confirms that a comprehensive plan review was to follow, not a freestanding Part 2 review.

Because Part 1 sets no pattern, scale or distribution of growth for the wider District outside of the Derby fringe, the local planning authority cannot now use a non-strategic Part 2 bring one forward.

That would reverse the plan-making hierarchy set out in the NPPF and amount to introducing strategic policy through a non-strategic plan. A Part 2 review which would establish a spatial strategy for housing for the rest of the District would therefore be plainly inconsistent with national policy.

Relationship with the Part 1 Plan Review

2.1.1 The review of the Part 1 Local Plan is ongoing. It underwent its Regulation 19 consultation in March and April 2025. Paragraph 1.42 of the Regulation 19 draft explains that:

> *"The South Derbyshire District Council Part 1 Review is a* focused update *to the adopted plan, designed to ensure that the District's plan aligns with national planning policy and* allocates key strategic sites to assist in meeting Derby's unmet housing need.*"* [Emphasis Added]

2.1.2 Accordingly, the Part 1 Plan Review concentrates on options for strategic sites on the edge of Derby, on the assumption that this is the most sustainable way to meet Derby's economic land needs to 2041. It therefore proposes several strategic site allocations on the edge of the city, including for employment development.

2.1.3 The Part 1 Plan Review also incorporates Policy REV1: Review of the Local Development Plan, which **confirms that plan-making for a comprehensive South Derbyshire District Local Plan will begin immediately upon adoption of the Part 1 Review**.

2.1.4 Paragraph 1.44 of the Regulation 19 version reiterates this commitment, stating that, on adoption of the Part 1 Review, the process of a comprehensive plan review will commence, bringing together the current Part 1 and Part 2 plans and **considering issues such as retail provision, the future development of Swadlincote, and the planning of service villages and rural areas across the District.**

2.1.5 The approach of undertaking a review to the Part 2 plan rather than a comprehensive plan marks a substantial departure from the approach set out by the Council in the Part 1 Plan Review.

2.1.6 The Part 1 Plan Review is intended as a partial review to address unmet need from the Derby urban area. Policy REV1 of the Part 1 review was intended to "bridge the gap" between a plan that effectively only addresses only a single strategic issue – lands needs from Derby – and a comprehensive plan, which addresses need across the District of South Derbyshire.

2.1.7 Given the narrowly defined scope of the Part 1 Plan Review, it did not seek to address economic land needs in other parts of the District, nor did it consider any sites or strategies for growth outside the Derby fringe. This was an inevitable consequence of its limited purpose: to address need arising solely from Derby. As a result, the Plan contains no strategic policies for the remainder of South Derbyshire in terms of spatial distribution.

2.1.8 It is therefore concerning to us that these fundamental strategic issues, matters which should have been examined transparently and rigorously through the Part 1 Review, might be dealt with instead through the Part 2 Plan, which is non-strategic. This approach fragments the logical sequence of plan-making and creates a situation in which the relationship between the Part 1 and Part 2 reviews is incoherent.

Strategic and Non-Strategic Policies

2.1.9 There is nothing within the Part 1 Plan Review that provides any strategic direction for the rest of the District beyond the Derby fringe. It contains no spatial apportionment to the District's settlements, no district-wide distribution strategy of economic land needs, and no indication that such matters would be deferred to a separate Part 2 plan. In the absence of any strategic

framework for the wider District being set through the Part 1 Plan Review, it is deeply concerning that the Council could now seek to address these strategic issues through a non-strategic plan.

2.1.10 Paragraph 20 of the National Planning Policy Framework states that:

> "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places…and make sufficient provision for: housing (including affordable housing), employment, retail, leisure and other commercial development."

2.1.11 By design, the Part 1 Plan does not set out an "overall strategy" for the District as a whole, but only for the Derby urban fringe in order to address the city's needs. Non-strategic policies cannot then be used to "fill in the gaps" to deliver that wider strategy. The National Planning Policy Framework distinguishes clearly between strategic and non-strategic policies and requires that strategic matters be dealt with through the strategic plan. In this case, the strategic plan is the Part 1 Plan Review.

2.1.12 However, because the Part 1 Review contains no strategy for housing growth beyond the proposed allocations on the Derby fringe, the non-strategic Part 2 Plan Review cannot legitimately introduce that missing strategy. To do so would invert the plan-making hierarchy set out in the NPPF, and would, in effect, use a non-strategic plan to retroactively establish strategic spatial policy.

NPPF Transitional Provisions

2.1.13 A further concern arises from the fact that the Council itself acknowledges that the Part 2 Review will be examined under the 2024 NPPF, whereas the Part 1 Review is being examined under the transitional arrangements and therefore against the 2023 NPPF.

2.1.14 This creates a situation in which two halves of what should be, in practice, a single Local Plan strategy will be tested against two different national policy frameworks. On its own, that divergence would already warrant caution. However, when read alongside the Issues and Options document, it appears that the Council is now considering using the non-strategic Part 2 Review to introduce or pre-empt matters that properly belong within the scope of the strategic Part 1 Review.

Conclusion

2.1.15 Overall, we consider that any using of a Part 2 Review to introduce, supplement or compensate for strategic policy would fail the soundness tests.

3. DEVELOPMENT MANAGEMENT Policies

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

RESPONSE:

3.1.1 Yes**.** We consider that the Part 2 Local Plan Review should address additional issues, particularly in relation to employment land strategy. As set out in our representations to the Regulation 19 Part 1 Plan Review, the Employment Land Review ("ELR") has assessed employment needs for Derby and South Derbyshire solely on the basis of past take-up. It does not consider demand suppression, wider sub-regional needs, or the potential for future economic growth.

3.1.2 While both the ELR and the Plan acknowledge that more employment land may be required than the ELR identifies, no attempt has been made to quantify this additional need or to provide a clear strategy for meeting it. As a result, we set out our view in our previous comments that the Part 1 Plan Review is unsound. The strategic policies do not articulate an employment land requirement, nor do they establish an approach to spatial distribution. The Sustainability Appraisal does not address how employment growth needs should be met—quantitatively, spatially, or on a site-specific basis. The policies relating to employment growth are therefore not justified or effective.

3.1.3 In addition, as set out in our previous representations, those sites that have been selected to host employment growth within the current plan period have key deliverability constraints and perform poorly when compared with our client's site at Etwall Road, Willington. This is the only site to have been given an A+ rating within the ELR, but this is not reflected in the content of the Plan as this site has not been allocated.

3.1.4 Given our comments above about a non-strategic Part 2 Plan Review not being able to rectify gaps in the strategic policies of the Part 1 Review, it is not now open to the Part 2 Review to introduce a coherent employment land strategy. However, it can still provide a positive and proactive policy framework to enable the delivery of suitably and sustainably located employment sites where there is a significant need. Such a policy would also reflect the direction of travel of national policy on the matter.

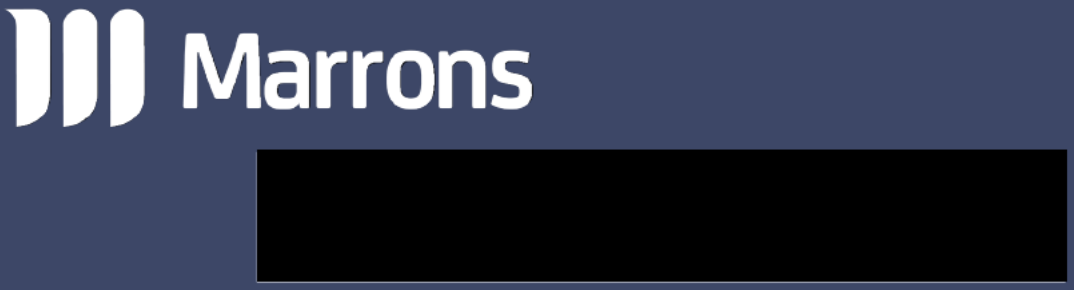
3.1.5 Policy S5 of the draft NPPF 2025 seeks to introduce a national policy approach to forms of development outside of settlements and sets out a list of circumstances where such development would be acceptable in such a location. Paragraph 1 j. of Policy S5 refers to one such circumstance where "Development would address an evidenced unmet need" and at sub-section Paragraph1 j ii. where it would comprise "major development for storage and distribution purposes which accords with Policy E3."

3.1.6 Policy E2 of the Draft NPPF 2025 states that substantial weight should be given to the economic benefits of commercial development which, amongst other things, support the economic vision and strategy for the area and support improvement in freight and logistics (E2 1. a.)

3.1.7 Therefore, the draft NPPF 2025, significantly strengthens the presumption in favour of commercial development where a need is demonstrated.

3.1.8 Accordingly, we recommend inclusion of a policy in the Part 2 Plan confirming that proposals for employment development on non-allocated sites will be supported where they can demonstrate a clear economic benefit, are compatible with surrounding uses and do not undermine the delivery of allocated sites or infrastructure. Permissive policies for bringing forward employment development on unallocated sites are not unusual and these exist in other administrative areas (see for example Policy NEW02 of the Autumn 2025 Regulation 18 Hinckley and Bosworth Local Plan). Such a policy would allow for much-need commercial development to come forward to meet sizable need and demand for high quality employment premises.

3.1.9 Particularly in the context of a Part 1 Plan Review that fails to address the District's critical economic advantages and challenges, such an approach is essential to ensuring that economic growth is not constrained by overly restrictive planning controls. This is especially important in cases such as our client's site, which is positively assessed in the employment evidence base (and the most positively-assessed site for employment land in the District) yet remains unallocated.



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