

SOUTH DERBYSHIRE DISTRICT COUNCIL PART 2 LOCAL PLAN REVIEW



ISSUES AND OPTIONS CONSULTATION

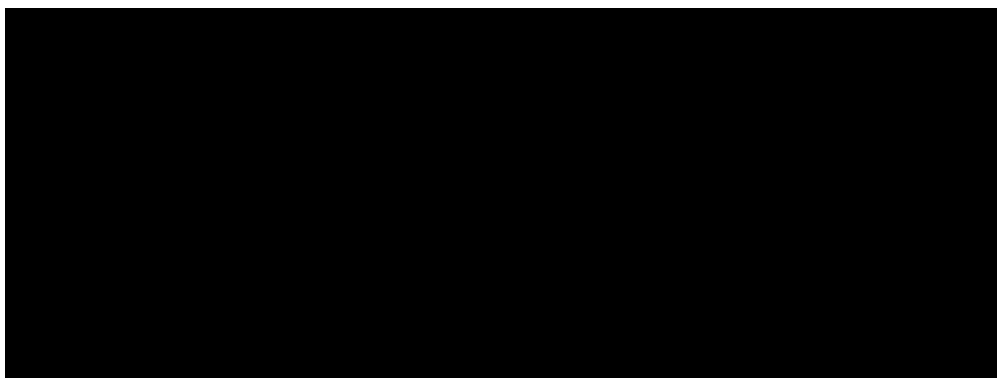
REPRESENTATIONS

January 2026

Project Name: South Derbyshire Local Plan Part 2 Review
Representations

Client Name: Wain Estates

Prepared By: SM/BW



Date: 21/01/2026

Revision: 1

TABLE OF CONTENTS

1. Introduction	3
2. Approach to the Local Plan	5
3. Housing Supply & Need	9
4. Housing Delivery	16

1. INTRODUCTION

1.1 OVERVIEW

1.1.1 Marrons is instructed by of Wain Estates (Land) Limited ('Wain Estates') 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. Wain Estates is promoting Land north of Burton Road, Swadlincote for residential development and these representations are made in the context of that site.

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 housing 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 unmet need on the edge of Derby and contains no district-wide spatial strategy for housing 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 unmet housing needs to 2041. It therefore proposes several strategic site allocations on the edge of the city.
- 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 – unmet need from Derby – and a comprehensive plan, which addresses housing 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 housing 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 unmet housing need arising solely from Derby. As a result, the Plan contains no strategic housing policies for the remainder of South Derbyshire, neither in terms of overall numbers nor 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, 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 unmet need. 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.

2.1.15 The approach of reviewing the Part 2 local plan to address gaps in the Part 1 Plan Review would also avoid addressing higher levels of housing need that would arise under the 2024 NPPF/standard method. By introducing strategic policies that do not deliver or respond to the level of objectively assessed housing need indicated by the 2024 standard method, the Part 2 Plan would not be positively prepared.

Conclusion

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

- It avoids meeting housing needs (not positively prepared).
- It has not been tested through reasonable alternatives (not justified).
- It creates an internally incoherent strategy split across two Plans (not effective).
- It inverts the statutory hierarchy by introducing strategic matters in a non-strategic plan (not consistent with national policy).

3. HOUSING SUPPLY & NEED

“Question 2: Where should housing needs be met? Please provide site details including projected delivery timescales and the specific need being met.”

RESPONSE

Summary:

The Part 2 Plan cannot legitimately determine where housing needs should be met because the Council has not set a district-wide spatial strategy through the Part 1 Review, as required by the NPPF.

The Part 1 Review considered only Derby-fringe options, failed to test reasonable alternatives for towns, service villages or rural settlements, and did not address locally specific housing needs identified in the LHNA.

It also relies heavily on two large SUEs with long lead-in times and unproven delivery assumptions, meaning even minor delays would push completions beyond 2041. The overall supply in the Part 1 Review, at best, matches the minimum requirement, offers no flexibility, and in fact there is a 57-dwelling supply shortfall against the minimum housing requirement.

In order to provide the appropriate flexibility and contingency, a 20% supply buffer is required. While smaller and medium-sized sites across the District’s towns and villages could provide quicker and more flexible delivery, any such distribution must follow a coherent, District-wide strategy established through strategic policies.

- 3.1.1 As per our response to question one, the Part 2 Plan cannot properly answer the question of where housing needs should be met because the Council has not set a district-wide spatial strategy through the Part 1 Review.
- 3.1.2 The NPPF is clear that decisions about the pattern and distribution of growth are strategic matters that must be established in the strategic plan, not through a non-strategic Part 2 document. In the absence of a district-wide strategy for meeting housing growth outside of the Derby fringe tested against the reasonable alternatives through Sustainability Appraisal, any attempt by the Part 2 Plan to identify where housing needs should be met would be unsound.
- 3.1.3 However, recognising that the Council has nonetheless asked the question, the following points can be made:

Balanced Growth / Distribution

- 3.1.4 The Part 1 Review did not consider the full spatial pattern of need across South Derbyshire. The Sustainability Appraisal work only evaluated scenarios focused on Derby's unmet need and did not test genuine alternatives involving the District's towns, key service villages, or rural settlements. The Sustainability Appraisal underpinning the Part 1 review confirms that options were "narrowly framed" around Derby's fringes and that no reasonable alternatives were developed for growth beyond the fringe.
- 3.1.5 The Part 1 Plan review has therefore failed to consider locally-specific settlement-based needs, including the roles and functions of Swadlincote and rural communities, and market-accessible villages across the District. Evidence from the Council's Local Housing Needs Assessment clearly identifies housing pressures outside of Derby, including in Swadlincote, including acute affordable housing needs, yet these have not been spatially planned for.
- 3.1.6 The Derby-centric focus of the Part 1 Plan Review has failed to meet housing need within the rest of the District which has not been properly understood or planned for. This clearly indicates that further housing should be directed to the District's towns and villages.

Flexibility & Contingency

- 3.1.7 The Part 1 Plan Review relies heavily on two very large Sustainable Urban Extensions on the edge of Derby. These emerging allocations have inherently long lead-in times, and we strongly disagree with the statement on page 10 of the issues and options consultation document that the delivery profiles for these sites have been informed by "realistic assessments."
- 3.1.8 No such evidence was provided at any stage of the Part 1 Plan Review process and is not provided now. In any event, even minor delays to the delivery of these SUEs would push a substantial proportion of their anticipated completions beyond 2041, with the result that the Plan's minimum housing requirement could not be delivered within the plan period.
- 3.1.9 As set out in our representations to the Part 1 Plan Review, the components of supply identified within the Part 1 Plan Review equate to exactly the minimum housing requirement and no allowance for flexibility or contingency has been made to account for delayed delivery. It has now emerged, as set out in page 8 of the Issues and Options consultation document, that there is in fact a shortfall of 57 dwellings against the **minimum housing requirement** within the Part 1 Plan Review.
- 3.1.10 Whilst we agree with the statement on page 8 of the consultation document that the plan review should allocate enough sites to ensure flexibility in the supply, that opportunity has been lost because the strategic policies of the Part 1 Plan Review focus on meeting Derby's unmet need on the edge of Derby and do not consider the amount or distribution of housing need elsewhere within the District or the need to provide a supply buffer for flexibility and contingency. A non-

strategic Part 2 plan cannot now rectify that deficiency for the reasons explained in our response to Question 1.

- 3.1.11 There is no clarity within the Issues and Options consultation document as to what is meant by “housing needs” in this context, nor whether it refers to the shortfall of 57 dwellings identified on page 8 or to some other figure.
- 3.1.12 In any case, the 57-dwelling figure simply represents the additional supply required to achieve parity with the minimum housing requirement; it does not reflect the true extent of the shortfall if the Council’s desire is to provide contingency and flexibility to ensure an effective strategy for the Plan period. As set out in our representations to the Part 1 Review, the overall supply more or less sits at the minimum requirement, meaning that substantial additional allocations are required to provide the necessary flexibility. We recommended a 20% buffer to ensure a resilient and deliverable supply.
- 3.1.13 Smaller and medium-sized sites at the fringes of the District’s rural settlements and towns are particularly well-placed to provide this contingency. Consistent with paragraph 73 of the NPPF, such sites typically have shorter lead-in times and are built out more quickly, making them critical to maintaining delivery across the plan period. However, any apportionment of growth must still form part of a coherent district-wide spatial strategy, tested through a legally compliant Sustainability Appraisal that considers all reasonable alternatives. This can only be undertaken through a coherent review of the District’s strategic policies, not through making non-strategic allocations in isolation.

Land north of Burton Road, Swadlincote

- 3.1.14 Notwithstanding the above, should the Council see fit to make additional site allocations through the Part 2 Plan review, we would advocate that Land north of Burton Road, Swadlincote represents a suitable and sustainable location to accommodate proportionate growth on the outer edge of Swadlincote.
- 3.1.15 The site extends around 15 hectares and lies to the north and west of Midway, Swadlincote. The Council’s latest SHELAA assessment identifies a promoted proposed yield of around 200 dwellings on the site (Site Ref: 099 – Land north of Burton Road, Swadlincote). The town of Swadlincote is identified as a Main Urban Area in the adopted Local Plan and is now the third largest settlement in Derbyshire after Derby City and Chesterfield, following a period of rapid and significant growth.
- 3.1.16 Whilst the Site is explained in detail below, please refer to the Vision Document at Appendix 1 which shows how the Site may come forward.

- 3.1.17 The Site is of an irregular shape and comprises a series of existing separate fields. Open fields bound the site to the north. The A511, Burton Road, bounds the Site to the south and provides the optimal point for vehicular access. The ground levels of the Site slope down from the highest point in the south close to the boundary of the A511, towards the north-east.
- 3.1.18 There are a number of public footpaths which cross the Site, connecting into an established footpath and bridleway network within the area, which provides onward connectivity to local landmarks and destinations. The Site is not subject to any national or local landscape designations, although is located in the National Forest. Given its size, any development will need to incorporate significant tree planting and habitat creation covering 30% of the Site area.
- 3.1.19 The Landscape Character of Derbyshire indicates that land to the north west of the Site and along the Site frontage with the A511 (Burton Road) lies within the Melbourne Parklands and is identified as falling within the Estate Farmlands Landscape Character Type (LCT). Key characteristics of this LCT are a gently rolling plateau dissected by minor river valleys; mixed farming with intensive arable cropping and improved permanent pasture; scattered hedgerow trees; predominantly medium size semi-regular and regular fields enclosed by hedgerows and open views from elevated areas over surrounding lower lying landscapes.
- 3.1.20 The remainder of the Site falls within the Coalville Village Farmlands LCT. Key characteristics of this area include heavy, poorly draining soils; pastoral farming with localised arable farming on better drained soils; patches of semi-natural woodland; scattered hedgerow trees and locally dense trees along watercourses; ribbon development and housing estates and a legacy of coal extraction.
- 3.1.21 The Site slopes downwards to the north and is dissected by a number of public rights of way offering views towards Repton Shrubs and a low ridge to the north. These views are partially interrupted by mature blocks of trees and woodland as well as existing hedgerows along much of the site frontage with Burton Road.
- 3.1.22 Development would be sensitively located and designed so as to preserve the key views across the Site and wider landscape from the elevated land on the edge of Midway and plateau edge to the west of the Site. Development will be focussed on the contained, low lying fields towards the south and east of the Site and existing field boundaries will be reinforced with new hedgerow, tree and woodland planting to provide further containment and softening of development.
- 3.1.23 Turning to ecology, the Site is located outside of the River Mease Catchment Area and is unaffected by nutrient neutrality requirements. There are no statutorily designated wildlife sites, adjoining or within 2km of the Site. There are a number of Local Wildlife Sites (LWS) in the vicinity of the Site. The closest recorded LWS is located around 100m to the north of the site and this and other non-statutory wildlife sites will be unaffected by development proposals.

- 3.1.24 There is some Priority Habitat (deciduous woodland) present on the Site as well as several areas in the local landscape. The scheme has been designed to retain these habitats and includes significant areas of new tree planting to support wider habitat connectivity.
- 3.1.25 The Site has been assessed for the likely presence of protected or notable species. The habitats on site may be suitable for supporting amphibians, reptiles, birds, bats and badgers and a suite of Phase 1 surveys would be undertaken at an appropriate time of year to confirm the presence/absence of these species and appropriate measures adopted where required. Based on an initial ecological review of the Site it is proposed that measures such as the provision of new grassland area, enhancement of amphibian habitat, installation of reptile/amphibian hibernacula and the retention of and creation of new native hedgerow and woodland planting could be incorporated into the proposed development to deliver a minimum of 10% Biodiversity Net Gain as part of the development.
- 3.1.26 The Site is wholly within Flood Zone 1. The risk of flooding from surface water has been mapped by the EA on a strategic scale and the mapping indicates the Site to be at low risk of flooding from surface water.
- 3.1.27 There are no Scheduled Ancient Monuments, World Heritage Sites or Conservation Areas located in close proximity to the Site. There are two grade II listed buildings located to the west of the Site. These comprise of Midway Farmhouse (1096593); a Late C18/ early C19 farmhouse and a Mid/Late C19. L shaped range of farm buildings. (1096594). Any development on the Site would be pulled back from these buildings due to the local topography and unsuitability of land close to the buildings for development. As a result the principal views of these buildings will be unaffected by development.
- 3.1.28 It is envisaged that the site access will be taken from the A511 (Burton Road) at the southern part of the Site. Based on the development proposed, a priority 'T' junction arrangement is proposed to serve the development.
- 3.1.29 The location of the access has been chosen to minimise impact on existing trees, whilst an indicative alignment of the access road through the Site has been engineered to demonstrate how it could be delivered in line with design guidance, mindful of the topography of the Site, as it rises towards Burton Road.
- 3.1.30 A number of new pedestrian connections are proposed linking into the adjacent site and complementing the existing extensive public right of way and bridleway provision. Based on an initial review of the Site it is not anticipated that development would have any impact on local highways capacity or road safety.
- 3.1.31 In terms of connectivity to public transport the Site is located within 400m of bus stops on Acacia Avenue which provides a twice hourly bus service operated by Midland Classic. The Site

is within walking distance of a number of local services and facilities. A convenience store is located around 600m to the east, Elmsleigh Infant and Nursery School and Springfield Junior School are located 800m to the south of the site, Pingle Secondary School is around 1km from the site, GPs are located within 1.2km whilst Swadlincote Town centre is within 1.5km.

3.1.32 It should also be noted that there has been cooperation between Wain Estates and the promoter of the adjacent land parcel (SHELAA ref. 012), the Northern Trust. The two parties have collaborated on an 'Emerging Wider Masterplan', as shown at Appendix 2. While it should be made clear that the two sites are still intended to be considered separately, and can be developed independently from one another, there are clear advantages and opportunities to be gained from working collaboratively in this manner. As shown on the Emerging Wider Masterplan, there are excellent opportunities to enhance pedestrian connectivity to benefit future occupiers of both parcels, as well as the wider area. We hope that by showing this option, and demonstrating cooperation, this can give confidence that this parcel can deliver wider benefits and that the two adjacent parcels complement one another.

3.1.33 Overall, Land north of Burton Road, Swadlincote is considered to be a sustainable location for development, and is suitable, achievable and available, as recognised in the SHELAA. The site is capable of delivering development within 5 years of the adoption of the Local Plan.

Question 3: “Are there any 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.”

3.1.34 The Part 2 Plan cannot properly consider mechanisms for securing housing delivery such as identifying broad locations, extending settlement boundaries, or supporting other forms of growth because all of these mechanisms are strategic in nature. As set out in our earlier responses, the Council has not established a district-wide spatial strategy through the Part 1 Review, it only addressed Derby’s unmet need and did not determine how housing growth should be distributed across South Derbyshire. Strategic decisions about the pattern, scale and distribution of development must be set in the strategic plan and tested through Sustainability Appraisal against reasonable alternatives, not introduced through a non-strategic Part 2 document.

3.1.35 Without a district-wide strategy, any additional mechanisms to secure delivery would be devoid of strategic context and the appropriate sustainability appraisal testing, risk predetermining spatial outcomes in isolation, and would therefore be unsound. This includes identifying broad growth areas, altering settlement boundaries, or facilitating changes of use that imply a settlement-level or District-wide distribution of housing. These choices can only be made through a coherent review of strategic policies.

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 implemented employment allocations)? Yes/No Please provide reasons for your answer.”

3.1.36 In responding to this question, it is important to recognise that while the Part 2 Local Plan cannot set new strategic policies or determine the distribution of housing where there is no corresponding strategic policy, there are nevertheless certain non-strategic mechanisms that could legitimately support the timely delivery of appropriate homes.

3.1.37 One such mechanism would be the inclusion of a policy similar to that used in the Settlements and Countryside Local Plan (Part 2) for Daventry District (Policies RA1 and RA2), which allow development outside settlement confines where it is clearly demonstrated that the proposal meets an identified local need that cannot reasonably be met within the defined settlement boundary.

3.1.38 In the former Daventry District, this is supported through evidence in the form of a Housing Needs Survey or a Housing Needs Assessment, ensuring that the exception operates only where there is a robust and up-to-date demonstration of need. A comparable approach in South

Derbyshire would enable the most sustainable settlements to address genuine, evidenced local housing requirements in a proportionate manner, while maintaining overall control over the scale and form of development.

3.1.39 Although the Part 2 Local Plan will ultimately be examined under the 2024 NPPF, it is also relevant that the draft 2025 NPPF, currently subject to consultation, signals an emerging direction of travel that supports development outside settlements where it would address an evidenced unmet need.

3.1.40 Policy S5 of the draft NPPF 2025 proposes that certain forms of development should be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, including proposals that help meet unmet housing need. While the emerging Framework is not yet in force, this direction of travel reinforces the value of a local needs-based policy that allows sustainable settlements to grow in response to evidenced circumstances rather than being constrained solely by settlement boundaries which may not adequately reflect the scale or nature of housing need.

4. ACCELERATING HOUSING DELIVERY

Question 7: “What could the Council do to speed up the delivery on strategic allocations? Please provide details?”

- 4.1.1 In response to this question, it is important to state at the outset that the premise is fundamentally flawed. The Council cannot “speed up” the delivery of strategic allocations in any meaningful sense. Delivery timetables for large, complex strategic sites are driven by factors outside the Council’s control, including land assembly, major infrastructure requirements, market absorption rates, resourcing and the willingness and capacity of developers to bring schemes forward.
- 4.1.2 What the Council *can* do is ensure that its strategic plan makes available a sufficient range and choice of sites, in the right places and at the right time, to provide the flexibility necessary to maintain delivery across the plan period to meet objectively assessed needs. This requires a proper contingency allowance and a robust understanding of deliverability, neither of which is adequately reflected in the Part 1 Plan Review.
- 4.1.3 As we explained in our earlier responses, the Part 1 Plan Review relies heavily on a small number of large, complex Sustainable Urban Extensions on the edge of Derby. These sites have inherently long lead-in times, significant infrastructure requirements and, as we set out in our representations to the Part 1 Review, considerable uncertainties regarding their delivery trajectories. Those concerns have never been satisfactorily addressed. Indeed, the Issues and Options document for the Part 2 Review now reveals that the Part 1 Review contains a shortfall even against the minimum housing requirement, confirming that the absence of any contingency allowance was a serious and consequential omission and one that cannot now be rectified through the Part 2 Plan.
- 4.1.4 If South Derbyshire wishes to improve the timeliness and certainty of delivery on its strategic allocations, it must ensure that the strategic plan sets out a clear spatial strategy supported by a sufficient range of deliverable and developable sites to maintain momentum across the plan period. That includes providing an appropriate level of contingency and responding to the full objectively assessed housing need through a distribution strategy that is justified and deliverable. The Part 1 Review does not do this, and the Part 2 Review cannot remedy it.

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.”

- 4.1.5 In response to the question of whether Land South of Mackworth should be allocated for development within the plan period, we do not consider that the Council has provided sufficient evidence to justify such an allocation at this stage. The Part 1 Local Plan Review identified this land only as a potential area for up to 250 homes **beyond** the plan period to 2041. The Issues and

Options document for the Part 2 Review now implies, without any accompanying explanation or evidence, that these homes could instead come forward within the plan period. No information or context is provided about what has changed, why the delivery assumptions have been brought forward, or whether any of the previously identified constraints have been resolved.

- 4.1.6 The site at land South of Mackworth would be delivered in conjunction with land off Brun Lane that Amber Valley Borough Council has identified for future residential development in their Local Plan. In viewing the site as such, it should be noted that the Brun Lane site was initially proposed within Amber Valley's draft Local Plan as a strategic allocation of 2,000 homes. However, through the course of the Plan's examination it was made clear that the landowner is presently unwilling to release all of the land for development. This meant that the site could not be relied upon and was removed as an allocation and instead identified as an "Area for Future Housing Growth".
- 4.1.7 Given that the site forms part of a wider strategic development within Amber Valley, there is a real possibility that infrastructure dependencies, cross-boundary coordination, phasing requirements and long lead-in times will restrict its timely delivery. These are precisely the kinds of constraints that prevented the site being considered deliverable within the plan period during the Part 1 Review. Nothing in the Part 2 consultation demonstrates that these constraints have been reassessed, addressed or evidenced, and we therefore have no confidence that the site could contribute reliably to housing supply within the timescales suggested.
- 4.1.8 In addition, the allocation of this Site has not been subject to any robust Sustainability Appraisal testing against reasonable alternatives, either around Derby or across the wider district. The Part 1 SA (the Council's own admission) only assessed narrowly framed Derby-fringe options and did not consider reasonable alternatives in towns, service villages or rural settlements. The Part 2 Review provides no updated SA, no comparative assessment and no districtwide evaluation of options. Allocating Land South of Mackworth without this assessment would be unsound.
- 4.1.9 Even if the site were deliverable within the plan period, the supply of 250 dwellings would be wholly inadequate to meet the flexibility and contingency required for an effective housing strategy. While it would address the recently identified shortfall of 57 dwellings and provide a small buffer, it would still fall significantly short of providing the headroom necessary to maintain delivery and respond to delay, particularly given the heavy reliance on large and complex strategic allocations in the Part 1 Review. A 250-unit site does not provide the level of contingency required when the strategic plan itself contains no districtwide spatial strategy and no broader distribution of supply across different settlements.

Appendix 1 Vision Document



Land at Burton Road, Swadlincote
Vision Document

A woman with long blonde hair, wearing a black jacket and dark pants, is walking away from the camera on a grassy field. She is holding a leash for a brown dog that is also walking away. The background is a dense green forest under a blue sky with light clouds. The text "WE ARE Reimagining Places" is overlaid in the center.

WE ARE *Reimagining* Places



CONTENTS

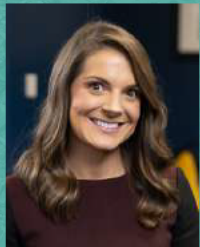
Comments from our MD	4
Who we are	5
1.0 Introduction	6
2.0 The Opportunity	7
3.0 The Vision	8
4.0 The Planning Context	9
5.0 Site Analysis & Opportunities	11
6.0 The Emerging Master Plan	17
7.0 Wider Masterplanning Opportunities	22
8.0 Benefits and ESG	24
9.0 Conclusion	26

COMMENTS FROM OUR MANAGING DIRECTOR

At Wain Estates we are passionate about what we do and how we do it. We are constantly learning and evolving to ensure we remain an excellent place maker, to create places that enrich both the environment, and the way people live and work.

We are pleased to have the opportunity to work with South Derbyshire District Council to provide an attractive residential scheme in Swadlincote. It is our commitment to design a development that will encourage high quality homes, sustainable connectivity and economic growth, in the best possible location.

We also want to support the community, by enhancing the area through the provision of new housing (including affordable), thereby providing a boost to local businesses, services and facilities.



Angela Heaney,
Managing Director





WHO WE ARE

We are a legacy focused business with over 51 years knowledge and experience in placemaking. We are one of the largest privately owned development companies which first took roots in North West England. Wain Estates is part of Wain Group; owned by the Ainscough Family who have helped shape the North West into the characterful and prosperous region it is today. Also under the Wain Group umbrella is Wain Homes, who build high quality homes for families in the right places.

To help paint a picture of our experience, New Carrington in Greater Manchester is one of the region's most important flagship schemes, which is providing much needed new homes to the area. The site was previously a petrochemical plant and to date, £80m has been invested in its regeneration.

Over the next 25 years, 5,000 new homes will be built here, 360,000m² of employment floorspace, 3 new village centres, 2 new primary schools, excellent walking and cycling links and new relief road will connect to established networks, and 590ha of greenspace. Wain Estates have taken a careful approach to the role of custodians of the scheme and are collaboratively working with Trafford Council to deliver an aspirational place, to live and work, for the community.

1.0 INTRODUCTION

EXECUTIVE SUMMARY

BHB Architects have prepared this vision document on behalf of Wain Estates (Land) Limited (Wain Estates), in order to demonstrate the deliverability of 'land at Burton Road, Swadlincote' for residential development.

The land is a logical, deliverable and sustainable site for residential use. It is well connected to the urban area and is located close to a range of nearby services and facilities which are accessible by a range of transport modes.

The site is comprised of farmland adjoining the northern edge of Swadlincote and is bounded by the A511 (Burton Road) to the south which will provide the primary access into the site.

Given the size, location and relationship with the town, development of the site would represent a logical extension to the town particularly given the constrained nature of much of the remainder of Swadlincote.

This document demonstrates Wain Estates' early vision of how the site is deliverable, having taken account of known constraints and considerations.





2.0 THE OPPORTUNITY

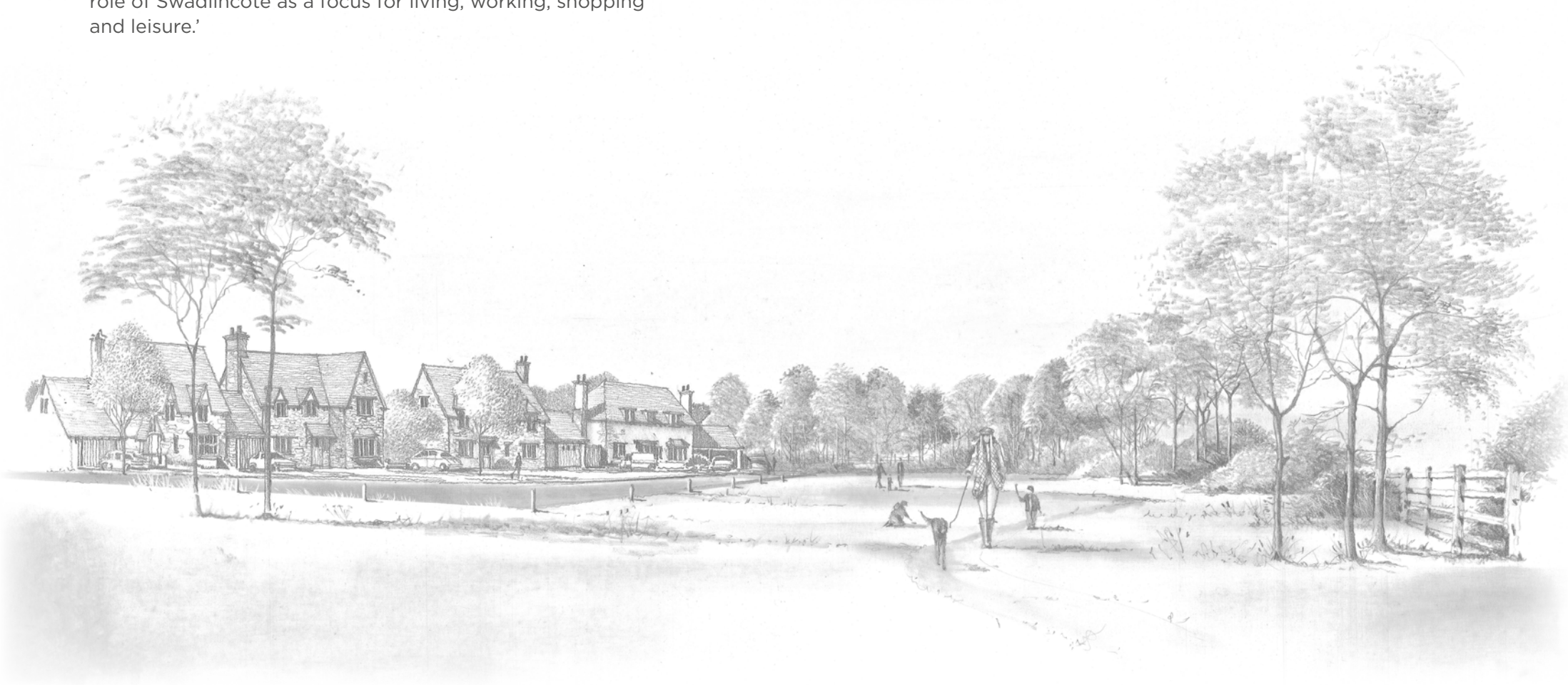
Why the site is ideal for housing

- It is in a sustainable location, accessible by bus, pedestrian and cyclists and is well connected and related to existing development;
- It is suitable, available and deliverable. There is no need for the provision of significant new infrastructure, other than normal provisions for access, drainage and utilities and is of a scale which will enable early delivery to support the Council's five year housing land supply position early in the Plan period; and
- Its existing mature hedgerows and trees provide an attractive, semi-rural setting for development which can be further enhanced by the provision of National Forest tree planting and other green infrastructure and open space, including children's play.

As shown in this Vision Document, the site has no technical or environmental constraints which cannot be satisfactorily addressed in any future development.

3.0 THE VISION

'To create an attractive, high quality residential development which integrates into the surrounding fabric of Swadlincote. A development which will enhance the existing qualities of the site, creating an attractive environment for future and existing residents, whilst respecting its landscape setting. A development which will respond to the wider vision for South Derbyshire of sustainable growth, renewal and opportunity, furthering the role of Swadlincote as a focus for living, working, shopping and leisure.'



4.0 THE PLANNING CONTEXT

The South Derbyshire Local Plan is comprised of:

- South Derbyshire Local Plan Part 1, Adopted June 2016
- South Derbyshire Local Plan Part 2: Adopted November 2017
- South Derbyshire Local Green Spaces Plan Adopted September 2020

The Adopted Local Plan makes provision for 12,618 homes for delivery between 2011 and 2028 together with 53ha of employment land provision on land outside of the Derby Principal Urban Area. The Local Plan identifies Swadlincote as the largest urban area within South Derbyshire. It has a growing retail, leisure and commercial role but needs to continue to grow and remain vibrant. The Local Plan Vision highlights that 'the town will expand to the south, east and west to cater for the needs of South Derbyshire's growing population and cementing the economic and commercial role of the town'.

The Council has commenced work on a review of its Local Plan. Work in this regard has slipped over time, and it is currently the Council's intention to submit a draft plan for examination in Spring 2025. The emerging Plan is currently expected to cover the period 2022-39 and based on the Standard Method Calculation the District will need to provide for around 9,100 homes over that period.

Derby City's housing requirement for the same period will be around 21,500 homes. It is already common ground among the Derby Housing Market Area (HMA) Authorities that Derby City cannot accommodate much of this requirement.

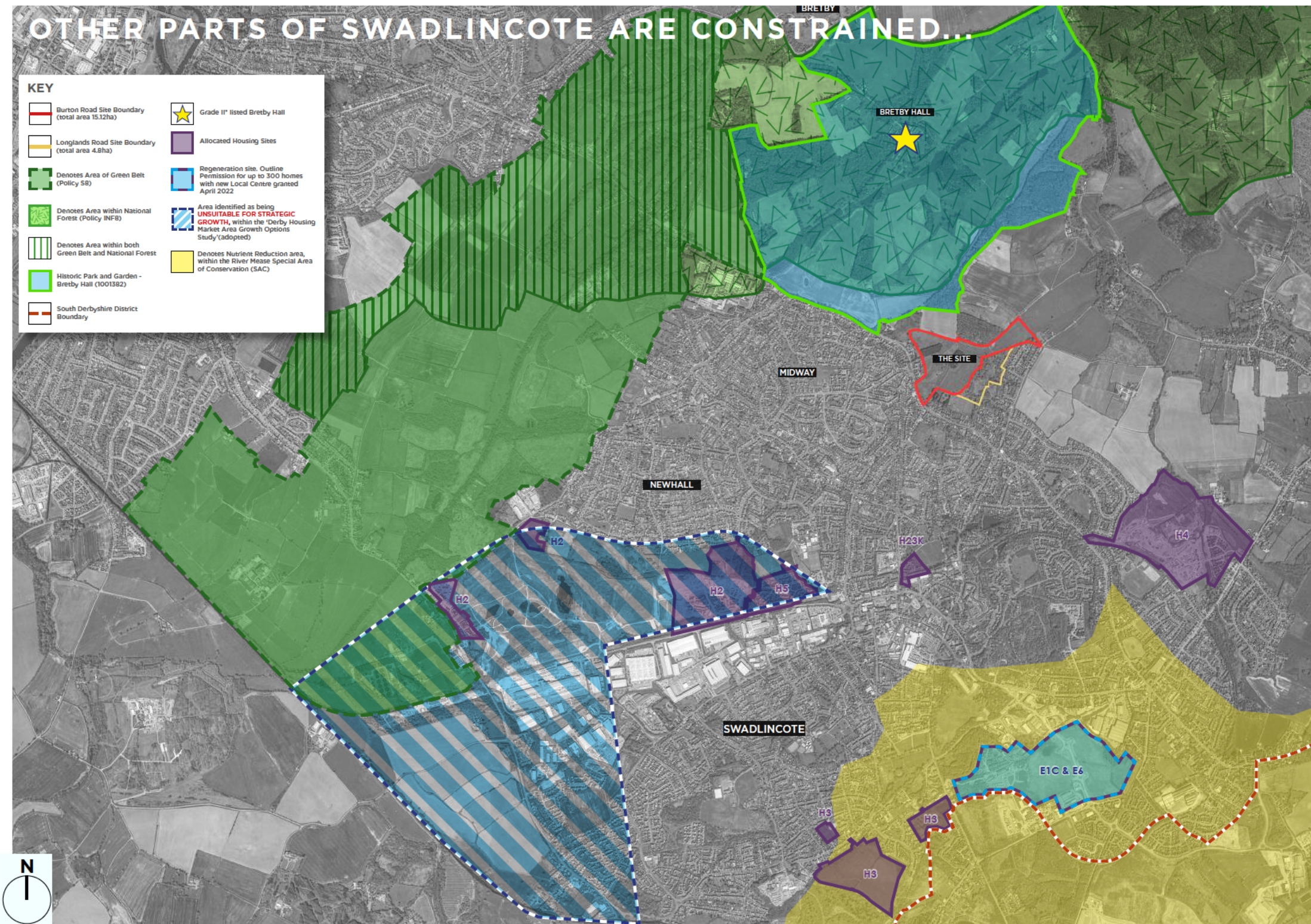
Work to confirm and apportion Derby City's unmet need is ongoing, though we expect that South Derbyshire will need to accommodate a significant portion of this. As South Derbyshire's principal settlement, Swadlincote is well placed to sustainably meet a significant proportion of the District's overall housing needs to 2039.



OTHER PARTS OF SWADLINCOTE ARE CONSTRAINED...

KEY

- Burton Road Site Boundary (total area 15.12ha)
- Longlands Road Site Boundary (total area 4.8ha)
- Denotes Area of Green Belt (Policy S8)
- Denotes Area within National Forest (Policy INF8)
- Denotes Area within both Green Belt and National Forest
- Historic Park and Garden - Bretby Hall (1001382)
- South Derbyshire District Boundary
- Grade II* listed Bretby Hall
- Allocated Housing Sites
- Regeneration site. Outline Permission for up to 300 homes with new Local Centre granted April 2022
- Area identified as being **UNSUITABLE FOR STRATEGIC GROWTH**, within the 'Derby Housing Market Area Growth Options Study' (adopted)
- Denotes Nutrient Reduction area, within the River Mease Special Area of Conservation (SAC)



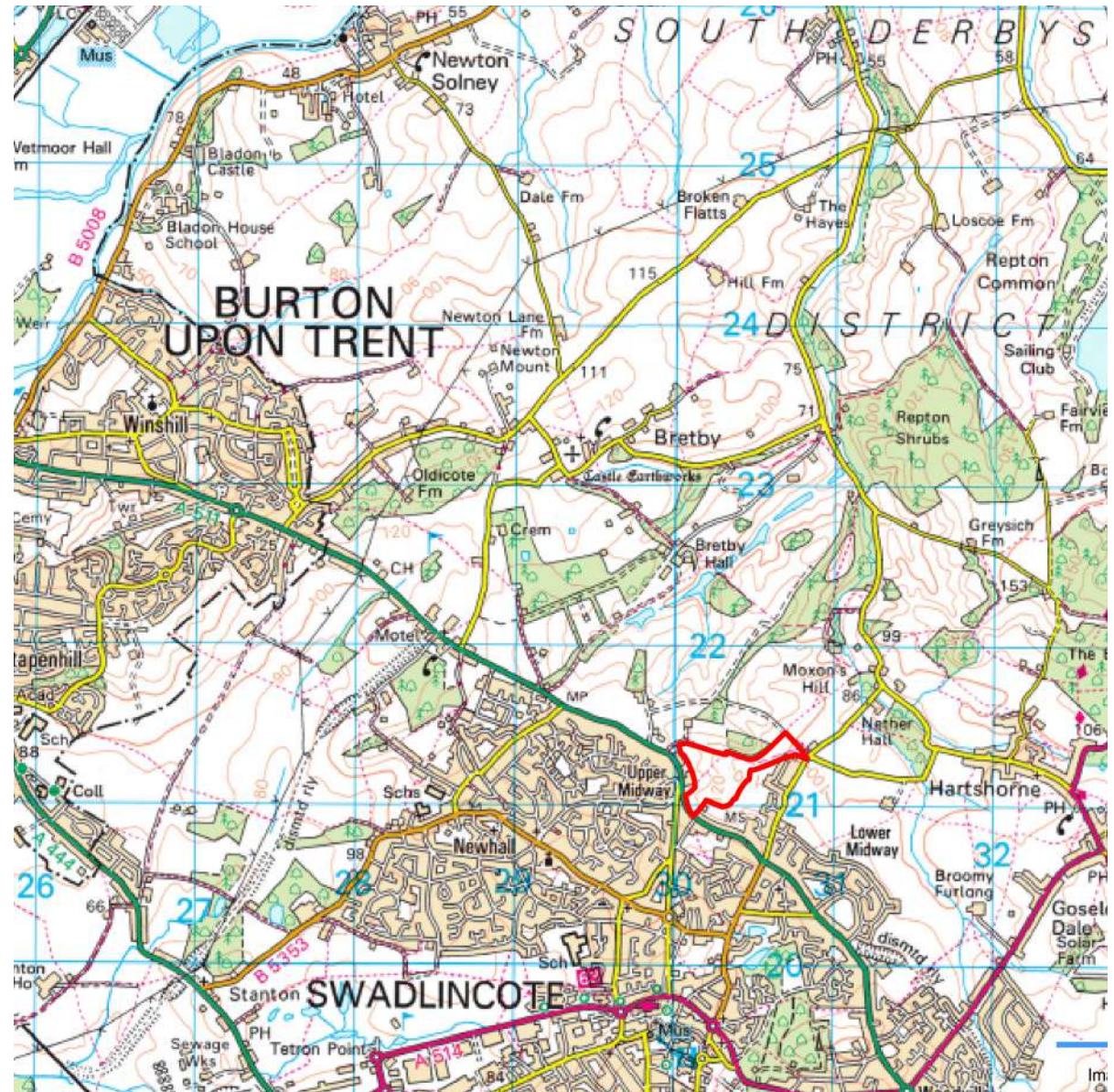
5.0 SITE ANALYSIS & OPPORTUNITIES

THE SITE

The site extends around 15 hectares and lies to the north and west of Midway, Swadlincote. The town of Swadlincote is identified as a Main Urban Area in the adopted Local Plan and is now the third largest settlement in Derbyshire after Derby City and Chesterfield following a period of rapid and significant growth. The District's rapid growth is forecast, by the Government to continue into the next Plan period.

The Site is of an irregular shape and comprises a series of existing separate fields. Open fields bound the site to the north. The A511, Burton Road, bounds the Site to the south and provides the optimal point for vehicular access. The ground levels of the Site slope down from the highest point in the south close to the boundary of the A511, towards the north-east.

There are a number of public footpaths which cross the Site, connecting into an established footpath and bridleway network within the area, which provide onward connectivity to local landmarks and destinations.



LANDSCAPE AND VISUAL CONTEXT

The Site is not subject to any national or local landscape designations, although is located in the National Forest. Given its size, any development will need to incorporate significant tree planting and habitat creation covering 30% of the Site area.

The Landscape Character of Derbyshire indicates that land to the north west of the Site and along the Site frontage with the A511 (Burton Road) lies within the Melbourne Parklands and is identified as falling within the Estate Farmlands Landscape Character Type (LCT). Key characteristics of this LCT are a gently rolling plateau dissected by minor river valleys; mixed farming with intensive arable cropping and improved permanent pasture; scattered hedgerow trees; predominantly medium size semi-regular and regular fields enclosed by hedgerows and open views from elevated areas over surrounding lower lying landscapes.

The remainder of the Site falls within the Coalville Village Farmlands LCT. Key characteristics of this area include heavy, poorly draining soils; pastoral farming with localised arable farming on better drained soils; patches of semi-natural woodland; scattered hedgerow trees and locally dense trees along watercourses; ribbon development and housing estates and a legacy of coal extraction.

The Site slopes downwards to the north and is dissected by a number of public rights of way offering views towards Repton Shrubs and a low ridge to the north. These views are partially interrupted by mature blocks of trees and woodland as well as existing hedgerows along much of the site frontage with Burton Road.

Development would be sensitively located and designed so as to preserve the key views across the Site and wider landscape from the elevated land on the edge of Midway and plateau edge to the west of the Site. Development will be focussed on the contained, low lying fields towards the south and east of the Site and existing field boundaries will be reinforced with new hedgerow, tree and woodland planting to provide further containment and softening of development.





ECOLOGY

The Site comprises predominantly pasture fields, with some areas of plantation woodland, wet grassland, small areas of scrub, hedgerows, a stream, and a pond.

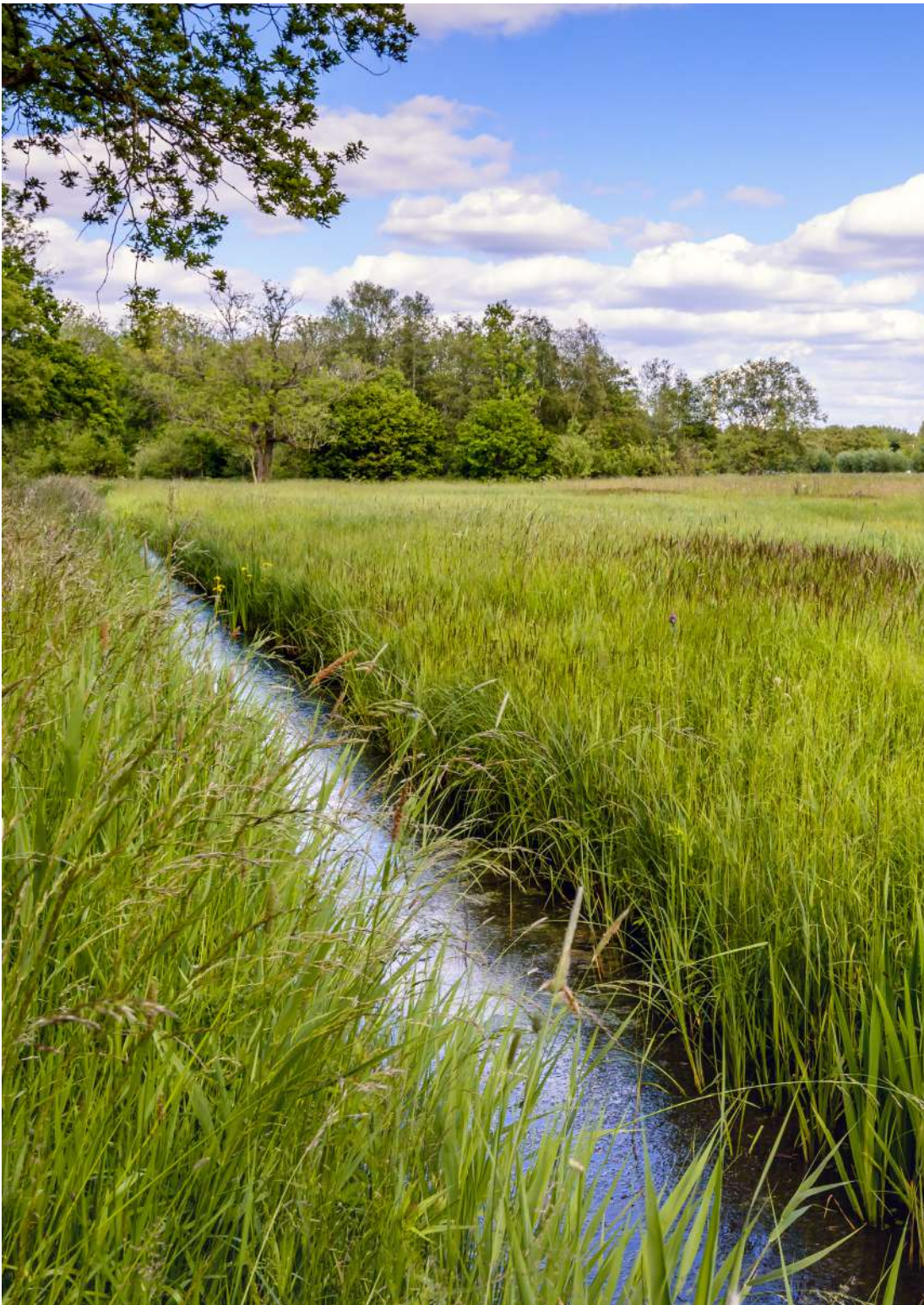
The Site is located outside of the River Mease catchment area and is unaffected by Nutrient Neutrality requirements.

There are no statutorily designated wildlife sites, adjoining or within 2km of the Site. The closest site being Carvers Rock Site of Special Scientific Interest, located 2.4km to the north east. There are number of Local Wildlife Sites (LWS) in the vicinity of the Site. The closest recorded LWS is located around 100m to the north of the site and this and other non-statutory wildlife sites will be unaffected by development proposals.

There are some Priority Habitat (deciduous woodland) present on the Site as well as several areas in the local landscape. The scheme has been designed to retain these habitats and includes significant areas of new tree planting to support wider habitat connectivity.

The Site has been assessed for the likely presence of protected or notable species. The habitats on site may be suitable for supporting amphibians, reptiles, birds, bats and badgers and a suite of Phase 2 surveys would be undertaken at an appropriate time of year to confirm the presence/absence of these species and appropriate measures adopted where required.

Based on an initial ecological review of the Site it is proposed that measures such as the provision of new grassland area, enhancement of amphibian habitat, installation of reptile/amphibian hibernacula and the retention of and creation of new native hedgerow and woodland planting could be incorporated into the proposed development to deliver a minimum of 10% Biodiversity Net Gain as part of the development.



FLOOD RISK AND DRAINAGE

The Site is wholly within Flood Zone 1. The risk of flooding from surface water has been mapped by the EA on a strategic scale and the mapping indicates the Site to be at low risk of flooding from surface water.

An appropriate surface water drainage system will be incorporated into the design to reflect the Council's current policy requirements.

HERITAGE

There are no Scheduled Ancient Monuments, World Heritage Sites or Conservation Areas located in close proximity to the Site.

There are two grade II listed buildings located to the west of the Site. These comprise of Midway Farmhouse (1096593); a Late C18/early C19 farmhouse and a Mid/Late C19. L shaped range of farm buildings. (1096594).

The proposed development has been pulled back from these buildings due to the local topography and unsuitability of land close to the buildings for development. As a result the principal views of these buildings will be unaffected by development.

TRANSPORT AND ACCESSIBILITY ASSESSMENT

The site access will be taken from the A511 (Burton Road) at the southern part of the Site. Based on the development proposed, a priority 'T' junction arrangement is proposed to serve the development.

The location of the access has been chosen to minimise impact on existing trees, whilst an indicative alignment of the access road through the Site has been engineered to demonstrate how it could be delivered in line with design guidance, mindful of the topography of the Site, as it rises towards Burton Road.

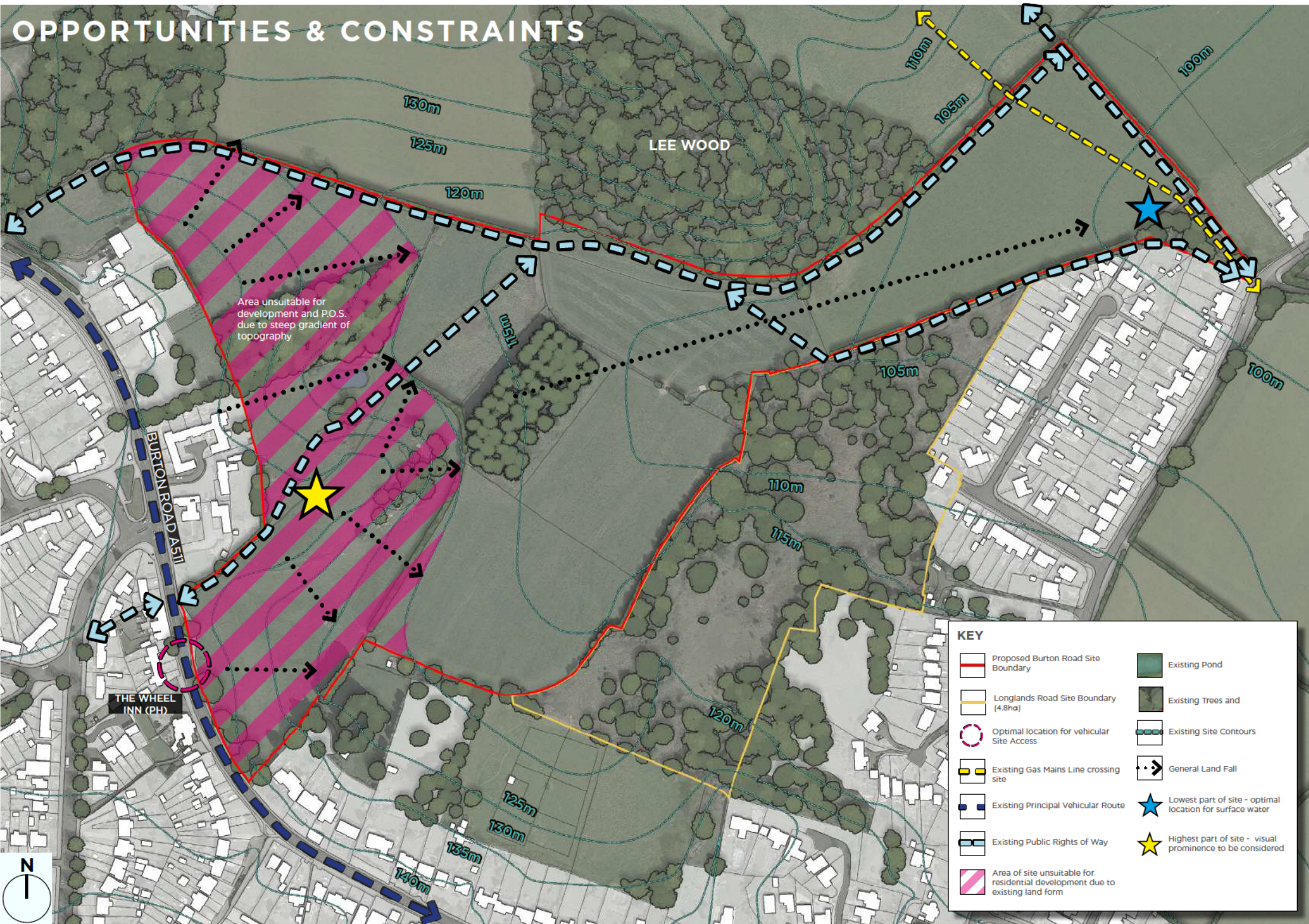
A number of new pedestrian connections are proposed linking into the adjacent site and complementing the existing extensive public right of way and bridleway provision.

A transport assessment would accompany any future planning application and this would identify, and if necessary, address highway safety and capacity issues associated with the development proposal. Based on an initial review of the Site it is not anticipated that development would have any impact on local highways capacity or road safety.

The Site is located within 400m of bus stops on Acacia Avenue which provide a twice hourly bus service operated by Midland Classic. The Site is within walking distance of a number of local services and facilities. A convenience store is located around 600m to the east, Elmsleigh Infant and Nursery School and Springfield Junior School are located 800m to the south of the site, Pingle Secondary School is around 1km from the site, GPs are located within 1.2km whilst Swadlincote Town centre is within 1.5km.



OPPORTUNITIES & CONSTRAINTS



6.0 THE EMERGING MASTER PLAN

RESPONDING TO THE IDENTIFIED OPPORTUNITIES AND CONSTRAINTS

The Site, like much of Swadlincote, is influenced by topography. In order to reflect this the scheme has been designed to avoid development on higher land with new housing being contained within the northern part of the Site. The proposed design approach will leave a significant buffer around existing listed buildings in the vicinity of Burton Road and will preserve medium distance views to the north.

An existing gas pipeline and associated easement dissects the Site close to the northern boundary in an east west direction. This represents a minor constraint to development, and the proposed layout of any scheme will seek to ensure built development reflects the need to protect this alignment. The proposed approach to design will also allow for much of the existing landscape features such as blocks of woodland, hedgerows and the pond to be retained and where appropriate enhanced. Significant new woodland or habitat creation will be delivered and a 10% net gain in biodiversity achieved.

A new network of publicly accessible walking routes are proposed around and through the site to improve local connectivity to green infrastructure (GI) and informal open space and connect new and retained GI within the site.

A new Sustainable Urban Drainage System will be incorporated into the design of the scheme. Reflecting site topography, a new balancing pond will be located within the northern part of the site. This will ensure the appropriate management of surface water and will ensure that development does not lead to any increase in flood risk on or off site.

The Site has no ownership constraints in respect of development and no ownership issues with regard to access. At this stage there are no known physical or technical constraints which would prevent development from taking place early in the plan period. As such the Site is available and suitable for development and capable of contributing to the delivery of new homes and supporting the Council's five year housing land supply in an otherwise sustainable location early in the emerging Plan period.

THE EMERGING MASTERPLAN



MASTER PLAN DESIGN

The masterplan will deliver approximately 5.1ha of residential development area, which could potentially mean around 200 new homes with 30% of these being provided as affordable dwellings.

Residential development blocks have been designed to be outward facing, enabling units to front onto areas of green space and streets. The retention of existing trees within the site has also informed the layout and determined the orientation of residential blocks.

The green framework proposed as part of the masterplan includes areas for surface water attenuation and new tree planting. The green framework has been arranged to provide a link between areas of woodland both on the site and in the surrounding countryside, as well as visual connectivity between the vantages across the site and rolling landform to the north.

This area has the potential to provide biodiversity enhancements including waterbodies managed for wildlife, ecotones to woodland and meadow grassland as well as linking habitats and woodland and contributing to the National Forest.

The creation of informal green-space along the existing public right of way also provides amenity and recreation benefits.

LANDSCAPE STRATEGY

Legend



Site Boundary



5 metre contours



Approximate Location of Gas Mains



Existing PRoW



Diverted PRoW



Proposed Recreational Routes



Proposed Access Route



Developable Parcel



Proposed Destination Viewpoint



Proposed Play Area



Proposed Woodland Edge with Ecotones and Transitional Edges



Proposed Parkland Trees



Enhanced Hedgerow Corridors



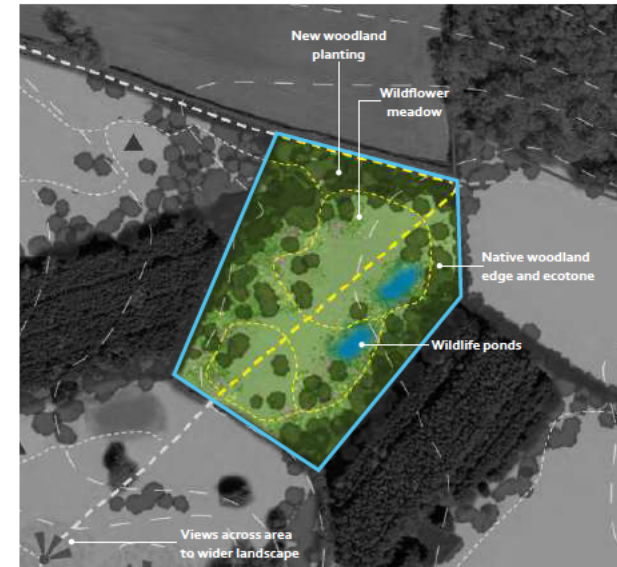
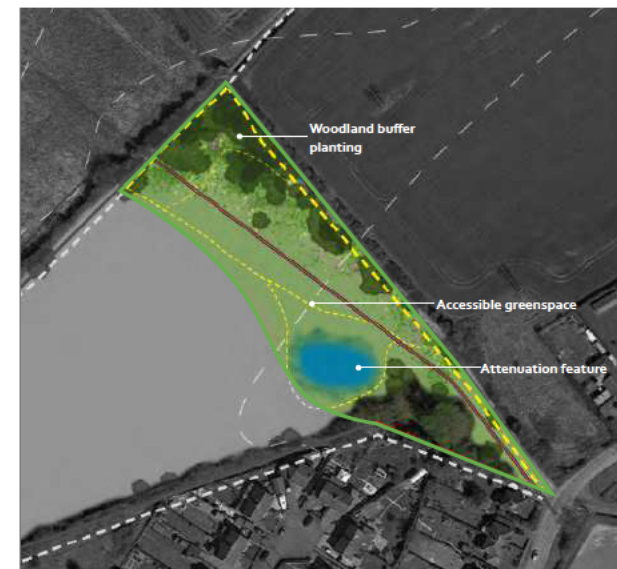
Proposed SuDS and Water Bodies



Proposed Open Space



LANDSCAPE STRATEGY



7.0 WIDER MASTERPLANNING OPPORTUNITIES

Adjacent to this site lies another land parcel being promoted through the Local Plan process for residential development by Northern Trust. The two sites directly adjoin and therefore present a clear opportunity to provide a cohesive residential development, in what is the most logical area of Swadlincote for development.

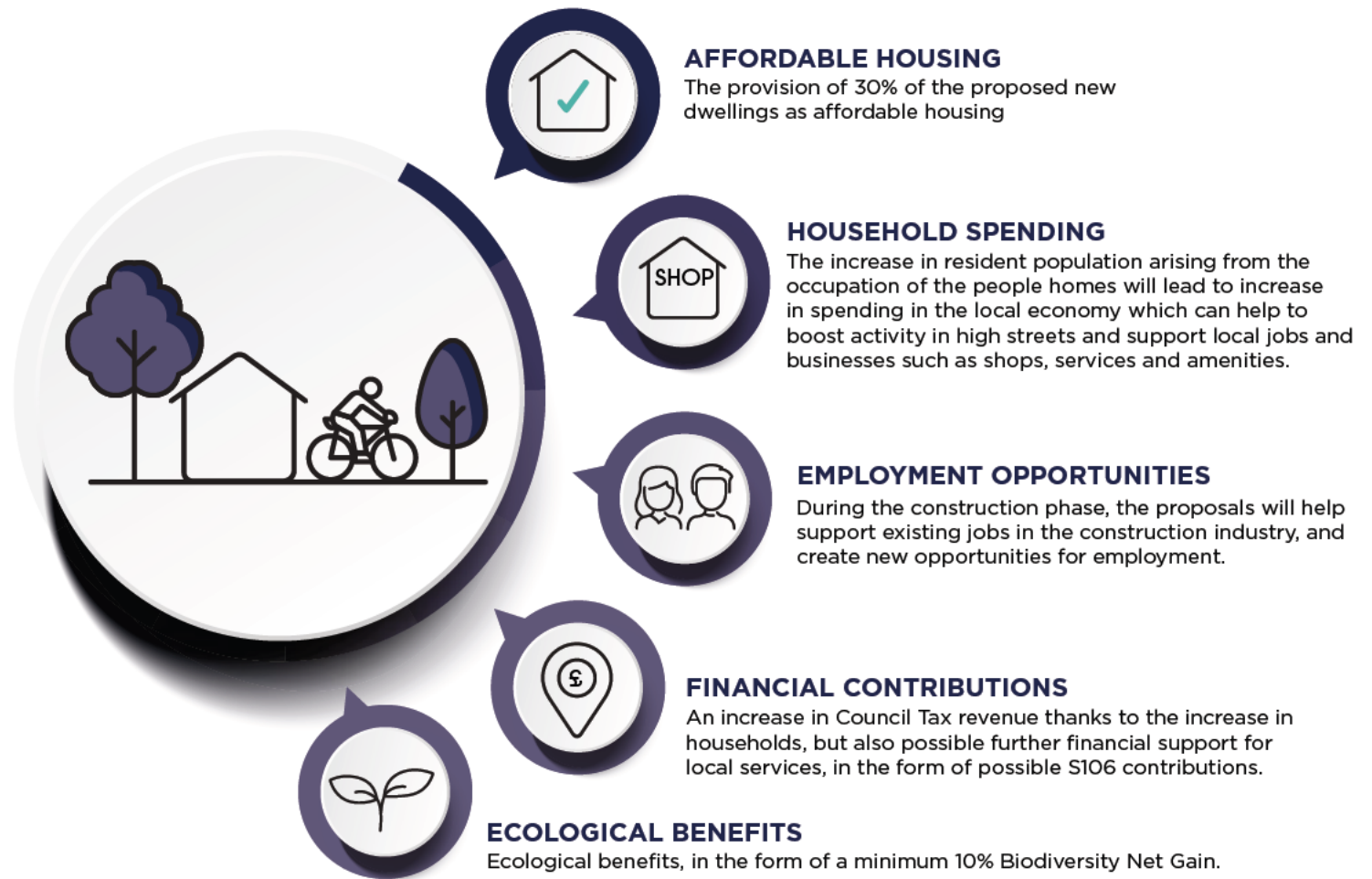
Wain and Northern Trust have undertaken early engagement with one another to form a working relationship, and the Emerging Wider Masterplan displayed overleaf shows how the two developments may come forward. As shown, the sites would each be served by their own vehicular accesses, and entirely independent from one another, yet would provide excellent opportunity for wider pedestrian connections through the sites both to the amenities and open space within each site, and the wider areas of Swadlincote.

EMERGING WIDER MASTERPLAN



8.0 BENEFITS AND ESG

The Wain Estates ESG Strategy communicates our leading approach to Environment, Social and Governance impact through our property development, regeneration, and strategic land activities. This section sets out how proposals for the site align with this strategy. The development of this site provides the opportunity to deliver a mix of new homes to meet local needs, including affordable homes all of which would be constructed to an accessible and adaptable standard to meet the needs of the wider community.



ENVIRONMENT

Transportation

The scheme will be sustainably located, with an opportunity for enhanced pedestrian and cycle connectivity.

Waste Management

The development will have adequate facilities for waste collection and storage, to encourage recycling.

Biodiversity Net Gain

The development aims deliver a 10% biodiversity net gain. This will be achieved through the delivery of ecological areas across the land holding.

SOCIAL

Community Health & Wellbeing

The site will be designed to specifically protect and enhance people's health, wellbeing, and quality of life, increasing their life expectancy.

Health & Wellbeing

The site will encourage social connections and physical activity, improving the mental and physical health of existing and new residents. It will also ensure good access to daylight, good air quality and acoustic comfort. The scheme will provide access to safe green space.

Affordable Housing

The development will deliver a provision of 30% affordable housing on site to meet the identified needs of families within the borough.

Inclusive and Accessible Homes

All dwellings would be constructed to the M4(2) accessible and adaptable standard assisting in the delivery of inclusive and accessible homes, and ensure good access to daylight, good air quality and acoustic comfort. The scheme will provide access to safe green space.

GOVERNANCE

ESG Credentials

The project would include an ESG audit framework benchmarked against the Global Real Estate Sustainability Benchmark to ensure robust and transparent ESG analysis.

Supply Chain Experience

The project has an inclusive and collaborative planning and orientation process with experienced professionals, to establish its environmental, social and governance targets. Quality controls will be in place for development properties including operation and maintenance, health and safety, commissioning, and fire procedures.

9.0 CONCLUSION

This Vision Document has demonstrated that the Site is a logical and deliverable location for new housing land provision in South Derbyshire. The Site is sustainable, available and deliverable for residential development and could make a valuable contribution towards the District's housing land supply. The Council is likely to face significant housing demand reflecting the high level of housing need required by the Standard Method, and the continuing requirement for the District to accommodate Derby City's unmet housing need. The Site could contribute to the delivery of new homes, including within 5 years and could deliver much needed market and affordable homes to meet the needs of the local community.

The site is located adjoining the urban edge of Swadlincote, South Derbyshire's main urban area. It is well related to existing services and facilities in the town which are easily accessible by a choice of transport modes including walking, cycling and public transport.

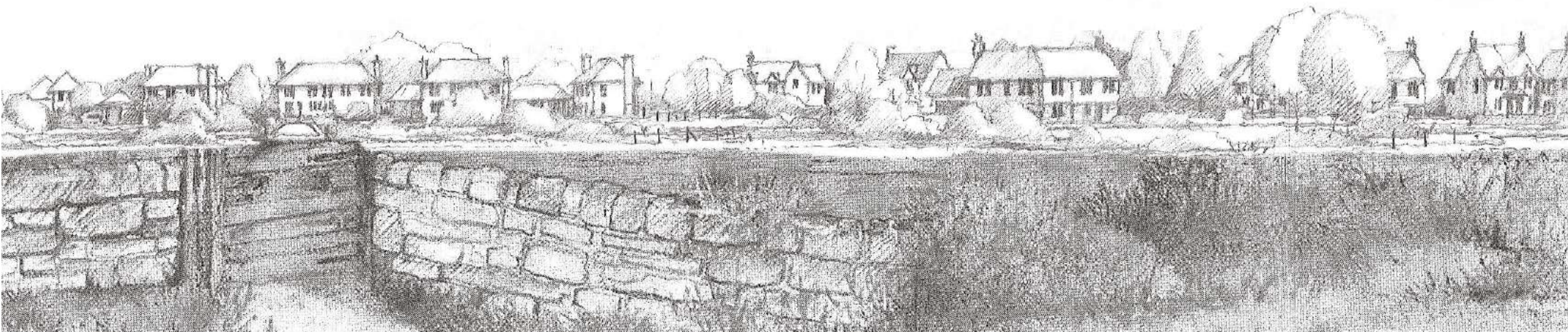
Access to the Site would be taken from Burton Road (the A511) and no technical constraints have been identified which would prevent appropriate highways enhancements being made.

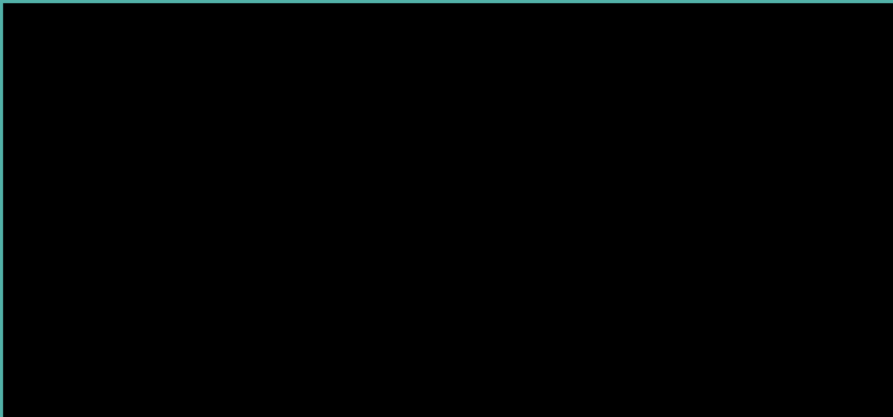
The Site itself is largely unconstrained, unlike much of the remainder of the urban edge surrounding Swadlincote, and through careful planning could deliver a high quality landscape-led development

that would deliver significant green infrastructure provision and habitat creation. Development would be avoided on more prominent parts of the Site, in the vicinity of identified listed buildings. This will help retain long distance views to the north. New and enhanced footpaths will enhance connectivity and access to the countryside across the area.

The site is available now, offers a suitable location for sustainable growth and is viable. Accordingly, for the reasons set out in this document Wain Estates wish to engage South Derbyshire District Council with a view to including the site as a housing allocation in the emerging Local Plan.

We have carefully considered the opportunities and constraints of the site and the needs of local residents, whilst understanding how these reflect the Council's policies which impact the scheme. We truly believe we will design a scheme which goes above and beyond the needs of future residents, whilst helping South Derbyshire District Council meet their housing aspirations. The site is exceptionally well located to do all of this, and we can't wait to bring it to life.

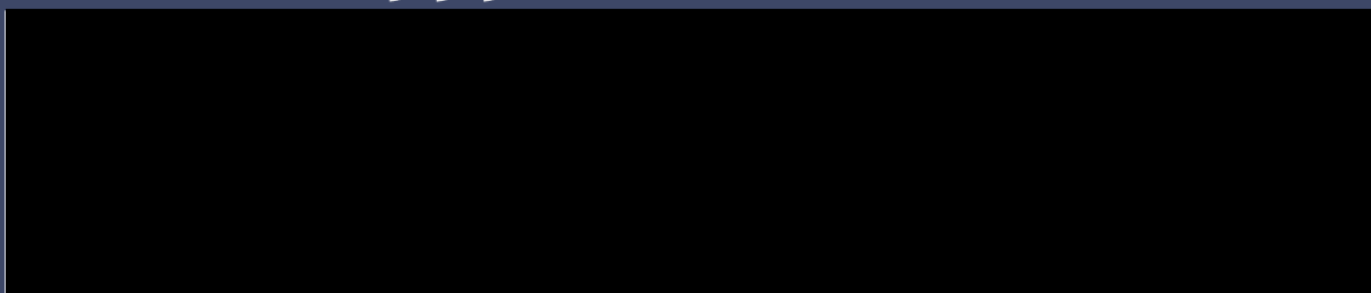




Wain
ESTATES

Appendix 2 Combined Masterplan

 Marrons



[Redacted]

[Redacted]

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

[Report](#)

Good morning,

Please find attached representations made on behalf of our client Wain Estates for the Local Plan Part 2 Review Issues and Options Consultation.

I would be grateful if you could confirm receipt.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

