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Date: 03 February 2025

Dear Councillor,

Environmental and Development Services Committee

A Meeting of the **Environmental and Development Services Committee** will be held at **Council Chamber (Extraordinary)**, Civic Offices, Civic Way, Swadlincote on **Tuesday, 11 February 2025 at 18:00**. You are requested to attend.

Yours faithfully,

A handwritten signature in black ink, appearing to read "A. Sandhu".

Monitoring Officer
Executive Director – Law and People

To: **Labour Group**

Councillor S Taylor (Chair), Councillor K Storey (Vice-Chair)
Councillors A Archer, V Redfern, B Stuart A Tilley and N Tilley

Conservative Group

Councillors M Gotheridge, M Ford, K Haines and J Patten

Non-Grouped

Councillor A Wheelton

Liberal Democrats

Councillor G Andrew

AGENDA

Open to Public and Press

- 1** Apologies and to note any substitutes appointed for the Meeting.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** To receive any questions by members of the public pursuant to Council Procedure Rule No. 10.
- 4** To receive any questions by Members of the Council pursuant to Council Procedure Rule No. 11.
- 5** DRAFT LOCAL PLAN PART 1 REVIEW (REGULATIONS 18) **3 - 20**
CONSULTATION

Exclusion of the Public and Press:

- 6** The Chairman may therefore move:-
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 7** To receive any exempt questions by Members of the Council pursuant to Council Procedure Rule No. 11.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	11 FEBRUARY 2025	CATEGORY: DELEGATED
REPORT FROM:	EXECUTIVE DIRECTOR PLACE AND PROSPERITY	OPEN
MEMBERS' CONTACT POINT:	STEFFAN SAUNDERS (HEAD OF PLANNING) steffan.saunders@southderbyshire.gov.uk	DOC:
SUBJECT:	DRAFT LOCAL PLAN PART 1 REVIEW (REGULATIONS 18) CONSULTATION	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That Committee note the responses received to the Draft Local Plan Part 1 Review (Regulation 18) consultation, and to approve the suggested amendments to the Local Plan as summarised in paragraphs 3.8 of this report and repeated below:

- The plan period extended to 15 years post adoption
- Housing numbers to be rounded to 14,500 (and with the two years plan extension this gives an annual housing target of 763 from 852)
- Land South of Mackworth identified as a growth option to align with Amber Valleys approach to comprise up to 250 homes on the South Derbyshire District Council side
- The freeport to be included as an allocation as opposed to a safeguarded area.

1.2 Give delegated authority for the Head of Planning to agree further minor changes with the Chair of Environmental and Development Services Committee prior to the publication of the Local Plan under Regulation 19.

2.0 Purpose of the Report

2.1 To present the responses to the Draft Local Plan Part 1 Review consultation, for Members to consider the implications for the draft Local Plan and to gain approval to proceed with Local Plan production under the transitional arrangements set out in the new National Planning Policy Framework. The Regulation 19 version of the Local Plan is to be reported to Council on 27 February.

2.2 The responses are available to view under the link in paragraph 3.2.

3.0 Executive Summary

- 3.1 The Council commenced the preparation of the Local Plan review with an Issues and Options consultation (Regulation 18) in the autumn of 2022, the comments received from this initial consultation alongside emerging evidence and changes to national policy informed an initial draft of the Local Plan.
- 3.2 The Draft Local Plan Part 1 Review sets out the Councils proposed approach to meeting the Councils strategic housing need, helping to address some of the unmet housing need from Derby City, and meeting the Councils strategic employment development needs. This is a partial review of the Local Plan (i.e. an update of the existing adopted Part 1 Local Plan) and it is expected that once adopted the Council will review the Local Plan in full. The Draft Local Plan Part 1 Review was consulted on in the autumn of 2024. A copy of the responses are available to view on the Councils website <https://southderbyshire.inconsult.uk/DraftLPP1Review/consultationHome>.
- 3.3 The Council has considered all the consultation responses in detail and will reflect on these when finalising the next draft the Local Plan (Regulation 19). The Regulation 19 draft of the Local Plan (the Submission Plan) will be what the Council considers to be the final version of the Local Plan which will be subject to further consultation and which will be submitted to the Planning Inspectorate for their consideration through a public Examination.
- 3.4 Following the close of the consultation a new draft of the National Planning Policy Framework was published (12 December 2024) which has implications for how housing requirements are calculated. To continue plan production under the previous version of the NPPF (i.e. 2023) the Council will need to publish the plan and supporting documents under Regulation 19 by 12 March 2025.
- 3.5 It is considered necessary for the Council to meet this deadline for several reasons. These include a clear understanding of housing numbers in relation to Derby and Amber Valley including work through the Amber Valley Local Plan hearing sessions with SDDC having a lower baseline under the 2023 NPPF, closer alignment with Amber Valley who have a Local Plan at Examination, avoiding the need to revisit and potentially start again on evidence on which the Local Plan is based particularly in relation to Green Belt issues which have changed more significantly in the revised NPPF loosening Green Belt planning controls, minimising the risk of undermining the fundamental plan strategy of meeting unmet need from Derby in close proximity to Derby and delivering the necessary infrastructure to make such strategic allocations sustainable high quality communities of the highest design quality, minimising the risk of needing to allocate or approve less sustainable development in rural areas in more piecemeal manner with less infrastructure delivered around Swadlincote and the villages, minimising the risk of further delays to the delivery of the large strategic sites the planning of which has already been subject to a lot of time and expense with the undertaking of detailed heritage assessments and a detailed and collaborative design review process with Design Midlands.
- 3.6 Meeting the publication date of 12 March from a pragmatic point also keeps alive the potential to submit a Part 2 Local Plan (fully in line with this Local Plan Part 1) by December 2026 which remains the final date for submission of Local Plans under a two-part system.
- 3.7 In summary the main approach to meet unmet need arising from Derby on the same two housing led strategic sites with the same overall housing numbers on the edge of Derby is recommended to remain.[Page 4 of 20](#)

- 3.8 The key recommended changes are to round the housing numbers to 14,500 (from 14,483), and to extend the plan period by two years to 2041 to give 15 years from the likely adoption in early 2026, to identify the area south of Mackworth as a future location for growth in the event of Amber Valley continuing with the promotion of Mackworth as the strategic growth option in their Borough, and to include the Freeport as a specific allocation as opposed to a 'safeguarded area'.
- 3.9 The implications of these changes would be to reduce the SDDC annual housing requirement from 852 dwellings to 763. This is considered justified due to reduced housing need arising from Derby in the 2024 NPPF and a realistic build trajectory now being in place for both of the residential led strategic sites which includes build out beyond the end of the plan period as amended to 2041.
- 3.10 In addition, the fundamental issue this plan seeks to address of assisting in meeting unmet need arising from Derby remains, albeit the balance between the three HMA Council's has changed as shown in more detail below. It is anticipated that the Amber Valley Local Plan Inspectors will issue a letter to Amber Valley which amongst other things is expected to cast some doubt on the delivery of the Mackworth allocation. It is also considered to be good planning to identify the area adjacent to Mackworth as shown on the plan in Appendix 2 as a future location for growth in SDDC only in the event of Amber Valley proceeding with the allocation at Mackworth. This would add 250 homes to the housing supply taking into account site constraints in SDDC, and will assist in providing a range of options in sustainable locations to meet the overall local plan strategy.

4.0 Detail

- 4.1 Following on from the initial Regulation 18 (of the Town and Country Planning (Local Planning) Regulations 2012) Issues and Options consultation undertaken in 2022, the Council undertook a subsequent discretionary Regulation 18 consultation which outlined the preferred approach to addressing the strategic issues (housing and employment development) faced by the Council.
- 4.2 This is a part 1 strategic revision and not a full Local Plan. The draft was approved for consultation at committee on 19 September 2024.
- 4.3 The consultation ran from 7 October 2024 to 6 December 2024 and consisted of 13 questions covering the plans vision, objectives, strategy, approach to Derby's unmet housing need, proposed housing and employment allocations, evidence base and Sustainability Appraisal.
- 4.4 The consultation was undertaken in line with the Council's Statement of Community Involvement (SCI) which was adopted in September 2018. 291 responses were received. The responses received can be viewed via the link to the Council's website via the following link
<https://southderbyshire.inconsult.uk/DraftLPP1Review/consultationHome>.
- 4.5 Key issues relate to the plan's strategy, the plan period, the housing requirement, the strategic sites identified and delivery of infrastructure, meeting Derby's unmet need and affordable housing provision.

- 4.6 On the 12 December (following the close of the consultation) the government published a new draft of the National Planning Policy Framework (NPPF). Overall, there are no fundamental changes which would require changes to the Local Plan provided the 12 March 2025 deadline is met, which approval at this committee will enable. Key changes in the new NPPF include reinforcing the need to use the Standard Method for housing need calculations and reducing some of the flexibilities in place in line with the 2023 NPPF, introducing a new standard method (which applies from the date of publication), introducing 'Grey Belt' (i.e. previously developed land in the Green Belt), introducing affordable housing requirements on Green Belt development, new requirements for developers to inform the Council about development build out rates and powers to refuse permission where build outs have been slow. The transitional arrangements for Local Plan production states that where a Local Plan has reached Regulation 19 consultation (pre-submission) on or before the 12 March 2025 where the Local Plan meets at least 80% of the new housing requirement can proceed under the previous version of the NPPF.
- 4.7 The 80% test is met with the draft local plan and so provided the 12 March deadline is also met the Council will 'bank' the 2023 NPPF in the examination of this local plan, as long as it's submitted for examination by December 2026. The Local Development Scheme will be reported to Council on 27 February together with the Reg 19 version of the Local plan. It is currently anticipated that the Local Plan part 1 will be submitted for examination by October 2025.
- 4.8 Of most significance to the current plan strategy of focussing the strategic sites on the edge of Derby, a reduction in Derby's need and an increase in our own under the 2024 NPPF will be used by a number of responders to justify an amended strategy of more dispersed development around the District with has already been subject to sustainability appraisal as a less sustainable option than the Derby focus for the new Strategic sites.

Housing Requirements

- 4.9 The NPPF (old and new) states that the starting point for calculating the District's housing need is the Standard Method, this is adjusted in line with annual affordability ratios and annual household growth forecasts. The table below shows the Councils housing requirement based on the Standard Method.

	Previous NPPF Annual Need (December 2023)	Previous NPPF Plan Need (2022 to 2039)	New NPPF Annual Need (December 2024)	New NPPF Plan Need (2022 to 2039)
Amber Valley Borough Council	351	6,188	615	10,455
Derby City Council	1244	21,522	906	15,402
South Derbyshire District Council	507	8,874	581	9,877
Total	2102	35,734	2102	35,734

*The 2024 figures have been updated further with the new annual household growth forecast and this gives an annual figure of 495 homes in South Derbyshire. These are not included in the table above as these will need to be updated again when the annual affordability ratio is published in the spring, and this is expected to result in an increase in the numbers. This won't be in time for the publication of the Local Plan by 12 March

- 4.10 The Councils housing need fluctuates in line with the household projections and affordability ratio and in combination these variables lead to a fluctuation of a handful of homes any given year. The housing need becomes 'fixed' at Submission of the Local plan to the planning Inspectorate. The Council also has a Duty to Cooperate with Neighbouring Authorities. Derby City Council has identified a shortfall due to capacity constraints within its own authority area and has formally requested that South Derbyshire considers meeting some of its unmet need. Despite changes to the individual HMA Councils requirement, the overall need across the HMA remains substantially unchanged.
- 4.11 As shown in the table above Derby's housing requirement has reduced since the Regulation 18 consultation was undertaken. SDDCs has increased moderately, and Amber Valley's has increased significantly. Notwithstanding this there are a number of reasons why it is recommended to broadly retain the overall supply in the plan. These include the need to consider extending the plan period (to ensure 15 years at adoption as per the NPPF requirement), the possibility that the Councils requirement will increase again due to the annual adjustment factors prior to submission, to allow flexibility in the supply to accommodate unforeseen delays to delivery, to ensure that the HMA need will be met and it is not expected that the housing-led strategic allocations (STRA1 & STRA2) will deliver in full during the local plan period. This will be included in the plan and supporting documents at the Regulation 19 publication stage.

Further Evidence Required

- 4.12 If the Council is to meet the 12 March 2025 deadline for consultation there are a number of evidence base documents that could impact on the content of the final plan that won't be finalised prior to consultation including transport modelling, plan wide viability which will indicate whether a Section 106 or levy based system is most effective at securing the necessary infrastructure, and Strategic Flood Risk Assessment Level 2. The Council will be able to consider the implications of these at a later date and it is not anticipated that any of these evidence base documents will require an amended strategy. It is much more likely based on several rounds of plan preparation that the transport modelling work in particular will fully endorse a strategy of meeting housing need closest to where it is needed in Derby and closest to the strategic road network with several committed enhancement schemes in the pipe line including the A50 new junction to serve STRA1 (IGV) and the A38 improvement scheme that will assist in the delivery of STRA2 (south of Mickleover). These locations are also likely to be among the most viable creating new sustainable communities in their own right, with excellent links to Derby and beyond. The strategic sites can also be developed for built development restricted to Flood Zone 1 (least risk of flooding).
- 4.13 The Council has commissioned Design Midlands to undertake a Design Review of the three strategic allocations. These reviews took place on 16, 20 and 23 January and recommendations on the sites is not available at the time of drafting this committee report. It is expected that these recommendations will be available prior to 27 February.
- 4.14 The Council will need to update the Local Development Scheme (LDS), the document that sets out the timetable for and content of Local Plan production, prior to submission of the Local Plan. It is expected that the Local Plan will be brought to the Committee in February for approval prior to Full Council approval and consultation in March.

Next Steps

The next step is for the Council to prepare and consult upon a Submission Draft of the Local Plan under Regulation 19. This will be what the Council considers to be the final draft of the Local Plan, this plan along with all responses to the consultation will be submitted for public examination. The Submission Draft of the Local Plan will be considered by Council on 27 February which will allow time for its publication by 12 March 2025.

5.0 Financial Implications

5.1 The Local Plan has a committed budget to progress it to public examination. The Council will have to pay for the cost of the Examination which will vary depending on the complexity of the subject matter and there are sufficient reserves to meet this cost. There are no direct additional financial implications arising from this Report.

6.0 Corporate Implications

Employment Implications

6.1 None directly relating to this report.

Legal Implications

6.2 None directly relating to this report.

Corporate Plan Implications

6.3 Having an adopted up-to-date Local Plan is a corporate plan priority. Approving the approach to evidence gathering supports the progress on Local Plan production.

Risk Impact

6.4 Not approving the approach recommended in this report may delay Local Plan production, which could mean that the Council is unable to meet the deadline for Local Plan production under the existing Local Plan system. Not meeting this deadline is likely to lead to significant delay, and financial cost in the production and adoption of a Local Plan.

7.0 Community Impact

Consultation

7.1 This report details the outcome of public consultation. The next stage of Local Plan production will also be the subject of public consultation to ensure that stakeholders are able to influence the future development of the district.

Equality and Diversity Impact

7.2 None directly relating to this report.

Social Value Impact

7.3 None directly relating to this report.

Environmental Sustainability

7.4 The Local Plan is likely to include policies to ensure that environmental sustainability is a key consideration for future development within the district. Progression with Local Plan production and evidence gathering will assist in achieving this aim.

8.0 Conclusions

8.1 All of the responses submitted to the consultation will be considered by the Council when considering any changes to the published draft of the Local Plan. All policies and allocations in the Local Plan need to be based on evidence and in some cases further evidence is required to inform the Plan. The Council will also need to ensure that the Local Plan submitted for examination is deliverable.

9.0 Background Papers

Appendix 1: Issues and Options questions asked.

Appendix 2: South of Mackworth future growth area.

Appendix 1 - Questionnaire

South Derbyshire Draft Local Plan Part 1 Review Paper Response Form

Your reviews are being sought on the South Derbyshire Draft Local Plan Part 1 Review and South Derbyshire's Sustainability Appraisal. The consultation runs from 7th October to 5pm on 6th December 2024.

The Draft Local Plan Part 1 Review and South Derbyshire's Sustainability Appraisal can be viewed at www.southderbyshire.gov.uk/draftLPP1review along with other supporting information.

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 6th December 2024, late comments will not be accepted without prior agreement.

Part A: Your Details

Respondent details	Agent details (where applicable)
Name*:	Name*:
Organisation:	Organisation:
Address*:	Address*:
Email:	Email:

*indicates required field

Future notification

The District Council will retain your contact details to inform you of future consultations on the Local Plan. If you do not wish for your contact details to be added to the consultation database, please email local.plan@southderbyshire.gov.uk

Privacy Notice - How is your information used?

Representations will be made publicly available following the close of the consultation however personal details (personal address, signature and contact details) will NOT be made publicly available but will be kept in a secure database and used to notify you of the Plan's progress.

Who has access to your information?

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

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

Vision

Question 1. Do you agree with the revised Vision for South Derbyshire? (Please give reasons)

Yes

No

Objectives

Question 2: Do you agree with South Derbyshire's Objectives? (Please give reasons)

Yes

No

The Plan's Strategy

Question 3: South Derbyshire District Council is committed to a full review of the local plan parts 1 and 2 under the new planning system set out in the Levelling-up and Regeneration Act 2023. This first stage is a partial review of the Local Plan Part 1. The focus of this review is allocating new strategic housing and employment sites on the Derby urban fringe to meet needs which cannot be met within Derby City's boundaries due to capacity constraints and are not addressed by the existing adopted plan. Sustainability Appraisal indicates that meeting this need closest to where it arises on sites of strategic scale is sustainable. (You may respond to the emerging Local Plan Sustainability Appraisal in question 12)

Please note, the Draft Plan does not incorporate the changes currently being consulted on by government on the 2024 National Planning Policy Framework as these are still under discussion nationally. Once these changes are finalised, after the consultation, the plan will be amended in line with the updated Framework.

Do you agree with the Plan's Strategy? (Please give reasons)

Yes

No

Derby City Unmet Need

Question 4: South Derbyshire, Amber Valley and Derby City share a Housing Market Area. In accordance with the Localism Act the Councils have been considering how to meet housing needs which cannot be accommodated within Derby City's Boundaries. Derby City has concluded that their capacity is constrained to 12,500 dwellings. Taking this capacity into account, the Local Plan Review process includes allocations and policies to deliver 5609 additional dwellings, beyond that which is needed for South Derbyshire's needs alone.

Do you agree that the Draft Local Plan Part 1 Review is providing the correct quantum of housing towards Derby City unmet need? (Please give reasons)

Yes

No

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Strategic Allocations

Question 5: Do you agree that the following strategic sites should be allocated for development? (Please give reasons)

STRA1: Infinity Garden Village Yes No

STRA2: Land south of Mickleover Yes No

STRA3: Former Drakelow Power Station Yes No

Site requirements

Question 6: Irrespective of your answer to Question 5, do you agree with the policy requirements, extent of the site, facilities and infrastructure proposed at STRA 1: Infinity Garden Village? (please give reasons) *Policy requirements are set out within Policy STRA1.*

Yes No

Question 7: Irrespective of your answer to Question 5, do you agree with the policy requirements, extent of the site, facilities and infrastructure proposed at STRA 2: Land South of Mickleover? (please give reasons) *Policy requirements are set out within Policy STRA2.*

Yes No

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Question 8: Irrespective of your answer to Question 5, do you agree with the policy requirements, extent of the site, facilities and infrastructure proposed at STRA 3: Former Drakelow Power Station? (please give reasons) *Policy requirements are set out within Policy STRA3.*

Yes

No

Local Plan Policies

Question 9: The policies within the Local Plan Part 1 Review cover a range of topics, including housing and employment provision, the built and natural environment, the provision of infrastructure, tackling climate change and health and wellbeing.

Do you have any comments to make regarding the Draft Local Plan policies? (If you have comments regarding a specific policy, please state the policy number)

Evidence Base

Question 10: Appendix 4 of the Draft Local Plan Part 1 contains a list, though not exhaustive, of the evidence that has been used and gathered by South Derbyshire and on a Derby HMA-wide basis, and the evidence which is not yet complete. Evidence so far gathered includes the Local Housing Needs Assessment (2023), the Employment Land Review (2023), the Derby HMA Sustainability Appraisal of Housing Options (2024) and others. Yet to be completed include the Local Plan Viability Assessment, Transport Assessments and the Habitats Regulations Assessments. The Derby City Capacity Study has been produced but not yet published.

Are any additional evidence base documents required, other than those listed within Appendix 4 of the Draft Local Plan Part 1 Review? (Please give reasons and provide details of any additional evidence required)

Yes

No

Question 11: Do you agree with the content and extent of the existing evidence base? (Please give reasons)

Yes

No

Sustainability Appraisal

Question 12: Do you agree with scope and findings of South Derbyshire's Sustainability Appraisal (SA)? Please use Question 11 to comment on the Derby HMA Sustainability Appraisal of Housing Options evidence base item.

The South Derbyshire Local Plan Part 1 Draft Sustainability Appraisal **will be available on the Council website from Friday 25th October 2024.**

Yes

No

Please give reason. If you have any comments regarding a specific aspect of the Local Plan SA, please state the page number.

Other Comments

Question 13: Do you have any other comments you wish to make?

Yes

No

Appendix 2 – Mackworth Growth Option



