



The Planning Inspectorate

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The Chief Executive
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Your Ref:

Our Ref: DP 448

Date: 26 January 2005

Dear Sir

PUBLIC LOCAL INQUIRY INTO OBJECTIONS TO THE AMBER VALLEY BOROUGH LOCAL PLAN REVIEW

1. I have the honour to report that I held a public inquiry into the Second Deposit Draft of the Amber Valley Borough Local Plan Review, along with outstanding objections to the First Deposit Draft which have not been resolved, or only partially resolved. A Pre-Inquiry Meeting (PIM) was held on 22 July 2003 to make the necessary procedural arrangements. The main venue for the inquiry was the Council's own offices at the Town Hall, Ripley. It opened on 14th October 2003 and closed on 1st July 2004. There were a total of 33.5 sitting days and in addition I undertook a familiarisation tour of the Borough prior to opening, and visited objection sites, many unaccompanied, for a total of 10.5 days before closing the inquiry.
2. A First Deposit Draft was placed on deposit in September 2001 for a period of six weeks, receiving some 3317 duly made representations. A further 75 late representations were subsequently accepted for consideration by the Council. None of these raised significant new issues. Following a period of negotiations the Second Deposit Draft was published for consultation on 18 October 2002, resulting in around a further 1900 representations. A total of 173 objections were heard at the inquiry. During the inquiry I held a round table session to hear matters of general objection concerning housing land supply.
3. In arriving at my recommendations I have considered the full range of issues raised in respect of each objection, although they may not be mentioned in my report since often similar issues were raised by separate objections, or the general thrust of objections was similar in relation to specific policies and proposals. I have also had regard to the comments and supporting representations. Throughout the formal proceedings and at all other times I have followed the principles of openness, fairness and impartiality which underlie all of the Inspectorate's activities. As a result, those who opted to rely on written representations rather than appear or be represented at the inquiry can be assured that their objections have been given equal weight to

those which were the subject of inquiry sessions. In every case, my recommendation has been a result of my being persuaded by the planning reasons given in evidence or through the representations.

4. The report is arranged in chapters reflecting the composition of the Local Plan Review. Objections and counter-objections have generally been considered in the same order as the policies, specific proposals and their reasoned justification appear in the Plan. I adopted the now widely used shorter reporting style. For each objection, the report sets down the policy or paragraph number, the objection or counter-objection number, the objector's name, and the issue or issues raised. I then set out my reasoning and conclusions followed by a recommendation. My report is accompanied by a glossary of terms; Appendix A, the Inquiry Programme; Appendix B, a full list of appearances at the Inquiry; Appendix C, a list of evidence received by the Inquiry; and Appendix D, a list of Core Documents. The appendices have been provided from the Council's data by the Programme Officer. The Council also provided, as part of the service agreement, a skeleton report structure – prepared by Mrs Hewkin and Miss Phillips - which includes the Council's own brief summary of each objection. Whilst these have provided an aide-memoir, I have referred to the original objections in each case when framing my recommendations.
5. My report is intended as a working document so that I have, where possible, included references to proofs of evidence, written representations, core documents, Government Circulars and Planning Policy Guidance, and other reference material. These are in parenthesis and include document and page or paragraph references, for example (**CD.AV30**, paras 11-12). References to other sections of my report are provided in square brackets and italic script thus, [*paras 3.10.3, 3.25.5 and 3.27.3*]. A particular complication has been the two-stage deposit introduced by the *Town and Country Planning (Development Plan)(England) Regulations 1999*. There have been consequent problems, most notably in the variation in policy and paragraph numbering between the two deposit drafts of the Plan. I have generally referred to the policy and paragraph numbers in the Second Deposit Draft and where this has not been possible I have made it clear that I am referring to the First Deposit Draft.
6. My report has been written against the background of Government advice current at the time of writing. Where this advice or guidance is under review I have borne in mind the direction of change contained in the consultation documents, but I have taken account of the limited weight that should be given to consultation papers. I have also taken account of the recently published Regional Planning Guidance for the East Midlands to 2021. In addition I have drawn on general advice contained in the Government's good practice guides, including *Development Plans: A Good Practice Guide*, and guidance in *Better Local Plans: A Guide to Writing Effective Policies*, issued by the Planning Officers Society.
7. For the convenience of your Members, and others, I have produced an 'Executive Overview' of my main recommendations. Some policies and proposals have been controversial and it is possible that my recommendations

will be equally contentious. I have serious reservations about parts of the Plan, most particularly the relationship between the distribution of the housing allocations in relation to the Derby and Derbyshire Joint Structure Plan housing requirement, and the proposed mixed –use allocation at Cinderhill. Details of those, and my other reservations concerning the Plan are set out in brief in the Executive Overview.

8. The Planning and Compulsory Purchase Act 2004 has commenced so far as development plan provisions are concerned, leading to significant changes in the way that development plans will be prepared in the future. Local Planning Authorities are being encouraged to move into the new Local Development Framework system and clearly recommendations made by me may have an impact on your Council's ability to do this, particularly if any changes that I have proposed would result, ultimately, in a Modifications Inquiry leading to delays in adoption. Whilst I have borne this in mind in arriving at my recommendations there are occasions where I have recommended that the Council gives further consideration to policies, or suggested that certain situations are reviewed in the light of my findings, and it may be that the Council would wish to pursue these recommendations in the context of the new system.
9. A particular problem which faced both myself, and the Programme Officer, was the method of recording representations adopted by the Council. This did not follow the pattern recommended by the Planning Inspectorate, and consisted of a unique reference number for each representor, but not for each representation. A consequence of this is that it was extremely difficult to keep track of individual representations, and to be sure that every objection has been covered, both at the Inquiry and in my report. It is to Mrs Hewkin's credit that she managed to operate the system which she inherited with considerable success. I would, however, suggest that for future reference, the Inspectorate's advice on the system requirements is given careful consideration.
10. I am grateful to the Council's officers, including those comprising the small planning team, for the effort that was made to ensure that my needs were catered for and problems were resolved as they arose. The main burden fell upon the shoulders of Mr Stafford, assisted by Mr Rich, Mr Thorley, Mr Stray and Miss Phillips. My frequent demands on them for documents and other material added to the work involved in ensuring the Inquiry ran as smoothly as possible. I am also grateful to Mrs Meredith who acted as Programme Officer in the early stages of the Inquiry process. I am grateful to Mr Hogan for the control he exercised over the Council's presentations to the Inquiry and I am also pleased to record my thanks to Mr Roots QC for his contributions to those parts of the Inquiry, particularly concerning the Cinderhill proposal, for which he took the lead in presenting the Council's case.
11. Lastly, and by no means least, I would like to record my warmest thanks to Mrs Hewkin, my Programme Officer, assisted by Mrs Brewin. Mrs Hewkin deserves particular praise for the manner in which she took over the role of Programme Officer at short notice, and without experience, dealing with

objectors courteously whilst ensuring that the programme ran smoothly and efficiently. She has a special talent which should not go without recognition. Her task was not made easy by the system which had been instituted to record representations, and I have commented on this above.

Yours faithfully,

PATRICK T WHITEHEAD Dip TP(Nott) MRTPI
Inspector