

Amber Valley Borough Local Plan

Inspector's Note on the Way Forward for the Examination

The purpose of this note is to set out the work that I expect to be undertaken by the Council during the pause in the Examination process.

Green Belt Review and Sustainability Appraisal

The Council proposes to undertake a Borough-wide Green Belt boundary review in order to inform the process of identifying and proposing additional housing sites for allocation in the Local Plan to ensure that it can demonstrate a 5 year housing land supply on adoption and to meet the requirement for 9,770 dwellings between 2011 and 2028.

As the Borough forms part of the Derby Housing Market Area (HMA), I would expect the Council to firstly seek agreement with the other HMA authorities (Derby City Council, South Derbyshire District Council and Derbyshire County Council) regarding the criteria and framework for the Green Belt review, including the consideration of the overall effect on the Green Belt around Derby. The Council has confirmed that this has occurred and that the criteria and framework for the Green Belt review have been agreed by the HMA authorities.

In carrying out this Green Belt review, the Council should have regard to the guidance in the National Planning Policy Framework (The Framework), in particular paragraphs 80, 83, 84 and 85 and should take account of the need to promote sustainable patterns of development. With this in mind, existing Green Belt boundaries should only be altered in exceptional circumstances. If the outcome of the review is that certain parcels of land are identified as being suitable for removal from the Green Belt, then the exceptional circumstances for each change should be clearly set out and evidenced. Furthermore, the review should consider the Green Belt boundary having regard to its intended permanence in the long term, so that it should be capable of enduring beyond the plan period. As such, if alterations to the Green Belt boundary are proposed, it may be prudent for the Council to take account of the case for safeguarding land to meet longer-term development needs and whether or not that would be appropriate in the circumstances.

Any proposed alterations to the Green Belt boundary should ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development and should have regard to the five Green Belt purposes. Any proposed alterations to the Green Belt boundary should be clearly defined, using physical features that are readily recognisable and likely to be permanent.

The Green Belt review will be used to inform the process of identifying and proposing additional sites for housing and other uses in the Local Plan, including the assessment of reasonable alternatives. The Council has confirmed that, given that part of the allocated site known as Land North of Denby is within the

Green Belt, any review of the Green Belt boundary is likely to include an assessment of this site. The Council should also consider reasonable alternatives in this regard. The Green Belt review will form part of the evidence base for the Local Plan and, as such, should be published on the Examination website in time for it to be taken into account in further statements that I will invite from participants on any proposed changes to the Plan.

The process of identifying and proposing additional sites for housing and other uses should be carried out in an open and transparent way, using an appropriate methodology which objectively considers and assesses the reasonable alternatives. The Council should set out clearly its reasons for selecting the reasonable alternatives chosen, which should then be subject to an equal examination. This would be best achieved by the production of an Addendum to the Sustainability Appraisal (SA).

With regards to the submitted SA, although I acknowledge, for instance, that it is important to take into account additional information that may be available in respect of a site which is the subject of a current planning application, this should not be at the expense of a site which does not have the benefit of further detailed supporting evidence. In cases such as this, the Council should consider the possibility of similar provision being made on the other site or sites in order that the reasonable alternatives are assessed on an equal basis. Following the oral evidence given at the Hearing session on Tuesday 12 June 2018 by Mr Kevin Exley, a Planning Policy Officer (Sustainability) for South Derbyshire District Council, who had responsibility for the preparation of the Council's SA, I have some concerns that this may not have been done. As such, during the pause in the Examination, the Council should revisit its assessments of the reasonable alternatives in its SA to ensure that they have been subject to an equal examination. The results of this exercise should be published as soon as possible, but certainly in advance of the Council identifying and proposing additional sites for housing, as this process may further inform the allocation of housing sites within the Plan.

Housing Land Supply

Following the Hearing session on Housing Supply during the Plan period (4c) on Wednesday 13 June 2018 at which the projected completions on large housing sites in the Borough were discussed, the Council should prepare a revised housing trajectory for the Plan period, along with an updated 5 year housing land supply calculation. This should be published on the Examination website in time for it to be taken into account in further statements that I will invite from participants on any proposed changes to the Plan. This should take account of the evidence heard so far at the Hearing sessions relating to the Housing Growth Sites and other sites included in the housing trajectory, along with any further information which is provided by the site promoters during the pause in the

Examination. It should also include any additional housing sites which the Council puts forward for allocation following the Green Belt review.

A number of concerns were raised at the Hearing session in relation to the Council's assumptions made in respect of the projected completions on sites included within the trajectory and 5 year housing land supply. The Council should therefore prepare a document which clearly sets out the assumptions upon which its assessments have been made and upon which it has assessed the build out rates provided by landowners/developers. This should also be published on the Examination website in time for it to be taken into account in further statements that I will invite from participants on any proposed changes to the Plan.

Matters to be addressed should include:

- Whether or not the site is in the control of a housebuilder – if not, the anticipated timescale for a housebuilder to be in place, if known
- Start dates – assumptions made regarding the lead in times for sites without pp, with outline pp etc, including the implications of any Section 106 Agreement
- Build out rates including, where appropriate, specific thresholds above which a particular build out rate would be considered appropriate
- Market strength, based on past completions data, viability information and professional judgment
- Impact of 2 or more developers/outlets on site and the size of sites above which this is anticipated to happen
- Record of delivery by developers on previous/current development schemes via Building Regs/Council Tax returns
- How sites with pp are to be assessed, where no response has been received from the developer/landowner

Furthermore, in respect of each site above the threshold for affordable housing, the Council should include an assessment of the anticipated level of affordable housing likely to come forward as part of any development, having regard to viability and any other constraints. This should also be included in the trajectory.

Timetable for the remainder of the Examination

The Council is looking to appoint a firm of consultants to undertake its Green Belt review. Having regard to the timescales for this suggested by the Council, I consider that the remainder of the Examination is likely to proceed as set out in Table 1 below. Nevertheless, although this is based on the information before me at the present time, this may be subject to change.

Table 1: Draft Timetable for the remainder of the Examination

Task	Date
Council to issue invitations to tender for Green Belt Review	w/c 9 July 2018
Deadline for receipt of tenders	1 August 2018
Appointment of successful consultant to carry out Green Belt review	w/c 6 August 2018
Inception Meeting between the Council and the consultants undertaking the Green Belt review	w/c 6 August 2018
Deadline for receipt of the final Green Belt Review report	26 October 2018
Assessment of reasonable alternative sites and selection of additional sites to be allocated in the Local Plan, preparation of SA Addendum and housing land supply update (including report to, and decision by, Full Council)	By 30 January 2019 (date of Full Council meeting)
Formal 6 week consultation on proposed additional sites, plus any supporting documents	8 February 2019 to 22 March 2019
Assessment of consultation responses	March/April 2019
Hearing Sessions to be resumed	April/May 2019
Proposed Main Modifications published for consultation	June/July 2019
Inspector's Report	September/October 2019

I expect the Council to keep me fully informed and updated about progress over the coming months, consulting me at each stage of the process as I may wish to comment or advise at some stage.

Karen L Baker

Inspector

10 July 2018