

Local Development Scheme for Amber Valley

30 June 2021 – 30 June 2024

FOREWORD

This is Amber Valley Borough Council's ninth Local Development Scheme (LDS9). It replaces the previous version (LDS8) which was published in 2020.

The Local Development Scheme has been revised following the Borough Council's decision on 9 June 2021 to refresh the programme and timetable for the new Local Plan for Amber Valley, which will replace the current Local Plan which was adopted in April 2006.

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1. INTRODUCTION

- 1.1 The Planning & Compulsory Purchase Act 2004 (the 2004 Act) introduced a new system of development planning in the UK. One of the key requirements was for local planning authorities to produce a Local Development Framework. Through the Localism Act 2011 (the 2011 Act), Local Development Frameworks were replaced by Local Plans.
- 1.2 The Local Development Scheme (LDS) is a rolling 3 year management plan for the preparation of planning policy documents referred to as Development Plan Documents (DPDs).
- 1.3 The first LDS for Amber Valley, covering the period September 2004 to September 2007, was submitted to the Secretary of State in March 2005 and was formally brought into effect on 19 April 2005. The first revision to the LDS (known as LDS2), covering the period 1 June 2006 to 31 May 2009, was submitted to the Secretary of State in August 2006 and was formally brought into effect on 1 November 2006. Further revisions to the LDS (known as LDS3 and LDS4) rolled forward the programme of plan document preparation to cover the period 1 April 2007 to 31 March 2010 (LDS3) and the period 1 October 2013 to 30 September 2016 (LDS4) respectively. A further revision to the LDS (known as LDS5) reflected the Borough Council's decision to withdraw the emerging Amber Valley Borough Local Plan Part 1: The Core Strategy, in December 2015 and the subsequent decision to prepare a single Local Plan for Amber Valley, to replace the current Local Plan which was adopted in April 2006. LDS5 covered the period 1 August 2016 to 31 July 2019. The revision to the LDS in November 2017 (known as LDS6) set out changes to the overall timetable and key milestones for the preparation of the Local Plan. LDS6 covered the period 1 November 2017 to 31 October 2020. The revision to the LDS in March 2018 (known as LDS7) made further changes to the overall timetable and key milestones for the preparation of the Local Plan, covering the period 1 March 2018 to 28 February 2021. The most recent revision to the LDS (known as LDS8) was made in February 2020. This followed the withdrawal of the Submission Local Plan in May 2019 and the confirmation of the programme and timetable for the preparation of a new Local Plan by 2023.

- 1.4 A number of proposed Local Development Documents (LDDs) were adopted in accordance with the milestones in LDS2, namely the Statement Of Community Involvement (adopted June 2006) and Supplementary Planning Documents (SPDs) in relation to Affordable Housing, Listed Buildings & Buildings In Conservation Areas and Shop Fronts & Advertisements (all adopted April 2007). A number of further SPDs were adopted following inclusion in LDS3, in relation to Design For Community Safety, Residential Development and Development & Recreational Open Space (all adopted October 2007) and in respect of land at Radbourne Lane, Mackworth (adopted November 2007). The Borough Council subsequently prepared an SPD in respect of land between the A6 and the River Derwent, Belper (adopted December 2012).
- 1.5 Under transitional arrangements from the previous development planning system, most of the policies of the adopted Amber Valley Borough Local Plan 2006 were 'saved' by the Secretary of State until such time as they are replaced by policies in a new Local Plan. The 'saved' policies are included within LDS9. The Supplementary Planning Documents (SPDs) that have been adopted by the Borough Council to date are also included within LDS9, for information.

2. THE LOCAL DEVELOPMENT SCHEME FOR AMBER VALLEY

Summary

2.1 The latest Local Development Scheme (LDS9) for Amber Valley contains the following:-

- A summary of 'saved' plan documents which currently form the Development Plan for Amber Valley
- The key milestones for the preparation of a new Local Plan, a programme chart showing the preparation timeframe and a profile setting out more detailed information
- A summary of current proposals for the preparation of Neighbourhood Plans.

The Development Plan

2.2 The Development Plan for Amber Valley currently consists of the following documents:

- Saved policies of the Derby & Derbyshire Minerals Local Plan (April 2000) & First Alteration to the Plan (November 2002)
- Saved policies of the Derby & Derbyshire Waste Local Plan (March 2005)
- Saved policies of the Amber Valley Borough Local Plan (April 2006)*
- Idridgehay & Alton & Ashleyhay Neighbourhood Plan (November 2015)
- Ripley Neighbourhood Plan (November 2015)
- Hazelwood Neighbourhood Plan (November 2015)
- Crich Parish Neighbourhood Plan (September 2018)
- Quarndon Neighbourhood Plan (August 2019)
- Belper Neighbourhood Plan (June 2021)
- Dethick Lea & Holloway Neighbourhood Plan (June 2021)
- Kirk Langley Neighbourhood Plan (June 2021)

* All policies contained within the adopted Local Plan were saved by the Secretary of State on 8 April 2009, until such time as they are replaced by policies in a new Local Plan, with the exception of policy H2 (Phasing Of Housing Development), policy TP11 (Highway Improvements) (which related to safeguarding land from any development that could prejudice the provision of a new vehicular access from the A61, to serve Alfreton Leisure Centre) and policy EN4 (Amendments To The Green Belt), which were out of date.

Proposed Development Plan Documents (DPD)

Amber Valley Borough Local Plan

- 2.3 In December 2015, the Borough Council withdrew the emerging Amber Valley Core Strategy (Part 1 of the Local Plan).
- 2.4 In May 2019, the Borough Council withdrew the emerging Amber Valley Borough Local Plan.
- 2.5 In September 2019, the Borough Council agreed to proceed with the preparation of a new Local Plan for Amber Valley. The new Local Plan will replace the current Amber Valley Borough Local Plan, which was adopted in April 2006. The new Local Plan, which will cover the period up to at least 2038, will set out an overall vision, key objectives and a spatial strategy for the Borough and will include a range of policies and proposals to support the vision, objectives and strategy. In particular, the Local Plan will make provision for future housing and employment growth.
- 2.6 The Proposals Map in the adopted Amber Valley Borough Local Plan 2006 has been saved and the preparation of a new Local Plan will involve the production of a new Adopted Policies Map.
- 2.7 In January 2020, the Borough Council confirmed its programme and timetable for preparing the new Local Plan. This programme and timetable was subsequently refreshed by the Borough Council in June 2021. The key milestones in the refreshed timetable are as follows:
- Approval of alternative spatial strategy options June 2021
 - Consultation & engagement on alternative spatial strategy options July-September 2021
 - Approval of a Pre-Submission Local Plan June 2022
 - Publication of the Pre-Submission Local Plan June-July 2022
 - Submission of the Local Plan to Secretary of State September 2022
 - Examination of the submitted Local Plan December 2022
 - Inspector's Report March 2023
 - Main Modifications June 2023
 - Adoption September 2023.

Consultation & Engagement On Alternative Spatial Strategy Options (Regulation 18)

- 2.8 The identification of sufficient land for new housing and economic growth to meet identified needs over the new Local Plan period will present significant challenges to the Borough Council, given the extent of land within the Borough currently within the Green Belt and the range of environmental constraints to development across the Borough. In relation to the Green Belt, the Borough Council will need to reflect paragraphs 136 and 137 of the National Planning Policy Framework (NPPF), which state that *‘Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans’* (paragraph 136) and *‘Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development’* (paragraph 137). In the event that any other neighbouring local planning authority concludes that that they are unable to meet all of their housing need within their administrative boundary, it is anticipated that they would then seek the cooperation of neighbouring authorities to make a contribution to any unmet need, having regard to paragraph 65 of the NPPF. Under the ‘duty to co-operate’, the Borough Council would need to give full and proper consideration to such a request.
- 2.9 In this context, there is a need to consider alternative spatial strategy options for both the scale and distribution of housing and economic growth, which would also a) reflect the presumption in favour of sustainable development (paragraph 20 of the NPPF) and b) the need to maximise the re-use or redevelopment of previously developed or brownfield land to meet housing and other needs (paragraph 117 of the NPPF).

Pre-Submission Local Plan (Regulation 19)

- 2.10 Following the consideration of representations on the alternative spatial strategy options, the Borough Council will publish a Pre-Submission Local Plan.

Submission Local Plan

- 2.11 Following the publication period (6 weeks) for the Pre-Submission Local Plan, the Borough Council will submit the Local Plan to the Secretary Of State, along with any representations received. The Planning Inspectorate will then arrange to appoint an independent Inspector to hold a Public Examination of the Local Plan.
- 2.12 The Inspector may decide to hold a pre-examination meeting, if he/she considers this is necessary, to explain the procedures involved in the Examination of the Local Plan and to give advice on any matters that need to be addressed before the Examination takes place.

Examination

2.13 The purpose of the Examination will be to test the overall 'soundness' of the Local Plan, rather than to consider any objections on an individual basis.

Inspector's Report

2.14 The Inspector's Report will set out his/her views on the 'soundness' of the Local Plan. The Inspector may conclude that minor changes only are needed to achieve a 'sound' document ('minor modifications'), or that more fundamental changes be made to the document are required ('main modifications').

Main Modifications

2.15 The Borough Council will need to formally consult on any Main Modifications proposed by the Inspector.

Adoption

2.16 Following consultation on any Main Modifications and consideration of any representations received, the Borough Council will make any further changes as necessary and then proceed to formally adopt the Local Plan.

Neighbourhood Plans

2.17 There are currently a number of proposals to prepare Neighbourhood Plans for specific areas within Amber Valley, as follows:-

Holbrook

The designation of the parish of Holbrook as a Neighbourhood Area was agreed by the Borough Council in November 2016. However, no timescale has subsequently been identified by Holbrook Parish Council to prepare a Neighbourhood Plan.

Ripley

Ripley Town Council is proposing to modify the Ripley Neighbourhood Plan, which was 'made' in 2016..

South Wingfield

The designation of the parish of South Wingfield as a Neighbourhood Area was agreed by the Borough Council in July 2015. South Wingfield Parish Council formally submitted a Neighbourhood Plan in June 2021.

Shottle & Postern

The designation of the parish of Shottle & Postern as a Neighbourhood Area was agreed by the Borough Council in February 2021. However, no timescale has subsequently been identified by Shottle & Postern Holbrook Parish Council to prepare a Neighbourhood Plan.

Turnditch & Windley

The designation of the parishes of Turnditch & Windley as a Neighbourhood Area was agreed by the Borough Council in November 2020. However, no timescale has subsequently been identified by Turnditch & Windley Parish Council to prepare a Neighbourhood Plan.

Statement Of Community Involvement (SCI)

- 2.18 The 2004 Act requires each local planning authority to prepare a Statement Of Community Involvement (SCI), setting out how the authority intends to consult and involve the local community in preparing plan documents, as well as in the consideration and determination of planning applications.
- 2.19 The first SCI for Amber Valley was adopted in June 2006.
- 2.20 The Borough Council adopted a revised SCI in June 2020. However, the SCI no longer has to be submitted to the Secretary of State for examination and it no longer forms part of the Local Development Scheme.

Future Plan Documents

- 2.21 The need to prepare other development plan documents will be identified through the process of annual monitoring and subsequent review of the LDS, having regard in particular to the strategic priorities of the Borough Council.

Supplementary Planning Documents (SPDs)

- 2.22 The Borough Council has previously adopted a number of Supplementary Planning Documents (SPDs) to provide further guidance in relation to the implementation of policies in the Adopted Local Plan (2006). However, SPDs no longer form part of the LDS.

3. SUPPORTING INFORMATION

Authority Monitoring Report

- 3.1 The Borough Council is required to produce an Authority Monitoring Report (AMR), setting out how it has monitored progress against key milestones in the programme of plan making, including how effective the programme has been. The AMR will also show how the Borough Council has monitored the implementation of plan policies and will help to establish whether there is a need to revise the LDS.
- 3.2 The Borough Council published an AMR for 2018-19. Although the Adopted Local Plan (2006) remains part of the Development Plan for Amber Valley, many of its policies are now out of date and the 2018-19 AMR did not therefore report on the effectiveness or otherwise of the policies within the Adopted Local Plan (2006). The AMR did however provide an update on the progress of Development Plan documents such as Neighbourhood Plans, as well as information in relation to monitoring of housing land supply and the availability of employment land, as at 1 April 2019, together with an update in relation to the Self-Build and Custom Housebuilding Register and the Brownfield Land Register. A further AMR will be produced in 2021 for the period 2020-21.

Sustainability Appraisal/Strategic Environmental Assessment

- 3.3 The 2004 Act and the National Planning Policy Framework (NPPF) set out the requirement for all development plan documents to be subject to Sustainability Appraisal (SA), as an integral part of the preparation process, to demonstrate how they have addressed relevant economic, social and environmental objectives. The Government has published guidance to assist local planning authorities in undertaking SA of development plan documents.
- 3.4 In addition, development plan documents may be subject to requirements for Strategic Environmental Assessment (SEA), in accordance with European Directive 2001/42, which requires such assessment to be undertaken for all plans and programmes likely to have significant effects on the environment. The Government has published guidance to assist local planning authorities on how to integrate SEA into SA.

- 3.5 The Local Plan will be subject to Sustainability Appraisal/Strategic Environmental Assessment, in accordance with the requirements as set out in paragraphs 3.3-3.4. Neighbourhood plans may require SEA, but only where there are potentially significant environmental effects.

Evidence

- 3.6 Government policy and guidance emphasises the need for plans to be underpinned by relevant and up to date evidence, which should be adequate and proportionate. In preparing the new Local Plan, the Borough Council has obtained information through targeted consultation and engagement with a range of consultees and other key stakeholders. The Borough Council has also undertaken or commissioned an update of existing evidence, or new evidence, as necessary. Where appropriate, this evidence has been undertaken or commissioned on a joint basis with other local planning authorities. Further evidence may need to be undertaken or commissioned, including any evidence necessary to underpin robust policies and proposals in the Local Plan in relation to mitigating and adapting to tackle climate change.

Resources

- 3.7 The staff resources to deliver the LDS programme will primarily be provided by the Borough Council's Planning Policy team, with support from within other service areas as required, including to ensure consistency with the Borough Council's strategic objectives and priorities for improvement.
- 3.8 In relation to the Local Plan, in-house staff resources have (and will be) supplemented by specialist consultants who have been commissioned to undertake SA/SEA/HRA, together with specialist consultants to produce specific studies/assessments to provide a robust evidence base.
- 3.9 The Local Plan will be prepared in close co-operation with neighbouring local planning authorities and other organisations to ensure that cross boundary issues are addressed, in accordance with the requirements of the 'Duty to Co-operate'.
- 3.10 In addition to meeting its statutory duties under the relevant legislation and regulations, the Borough Council's support for parish/town councils and local communities in the preparation of Neighbourhood Plans will involve the following:-
- Provision of access to existing data and supporting evidence obtained through the preparation of the Local Plan
 - Providing direction to other relevant information sources and contacts
 - Access to officers within the Planning Policy team to provide general advice
 - Attendance at meetings held by parish/town councils and local communities on an exceptional basis, where sufficient information and advice cannot be given by e-mail, telephone or letter

- Providing an overview of neighbourhood planning on the Borough Council's website.

3.11 The Assistant Director (Planning) will have overall responsibility for delivering the LDS programme, with individual staff having lead responsibility for specific elements within the programme.

3.12 Funding to deliver the LDS programme will be provided through the Borough Council's annual Revenue Budget.

Risk Assessment

3.13 There are a number of areas of risk affecting the successful delivery of the LDS programme.

3.14 The preparation of an Authority Monitoring Report will provide a formal opportunity to identify the need for any changes to the content and timetable of the LDS programme and any resource implications that would arise.

3.15 The main areas of potential risk are set out below, together with the contingencies that would need to be put in place to mitigate any impact on delivery:-

- If resources are insufficient, the LDS programme may need to be delayed – in those circumstances, the Borough Council would need to consider a range of options, including a) recruiting additional staff or replacing any staff who leave the authority b) redeploying staff from other teams within the Borough Council, with the necessary skills and experience to work on plan document preparation and c) seeking further support from suitable staff within other local planning authorities and/or planning consultants.
- If the scale and nature of responses to consultation and engagement are significantly higher than anticipated, the timeframes for the Local Plan may have to be extended – in those circumstances, in order to minimise any delays in or changes to the LDS programme, the Borough Council would need to consider a) redeploying administrative or technical support staff from elsewhere within the Borough Council, where delays are due to the scale of responses, or b) redeploying staff from other teams within the Borough Council, other local planning authorities and/or planning consultants, where responses raise more complex policy or procedural issues and where the necessary skills and experience to work on plan document preparation are therefore required.
- If the Planning Inspectorate is unable to provide an Inspector and/or arrange an Examination to take place when required, this will impact on the timetable for producing the Local Plan - in order to minimise this risk, on-going liaison with the Planning Inspectorate will be undertaken.

4. SCHEDULE OF PROPOSED DEVELOPMENT PLAN DOCUMENT

AMBER VALLEY BOROUGH LOCAL PLAN

Document Title	Brief Description	Consultation & Engagement On Alternative Spatial Strategy Options (Regulation 18)	Pre-Submission Local Plan (Regulation 19)	Submission Local Plan	Examination	Inspector's Report	Main Modifications	Adoption
Amber Valley Borough Local Plan	An overall vision, key objectives, spatial strategy and policies and proposals to guide development in Amber Valley up to at least 2038	Jul-Sep 2021	Jun 2022	Sep 2022	Dec 2022	Mar 2023	Jun 2023	Sep 2023

5. PROFILE OF PROPOSED LOCAL DEVELOPMENT DOCUMENT

AMBER VALLEY BOROUGH LOCAL PLAN

Overview

Purpose & Content	An overall vision, key objectives, spatial strategy and policies and proposals to guide development in Amber Valley up to at least 2038
Geographical Location	Amber Valley Borough

Timetable & Key Milestones

Consultation & Engagement On Alternative Spatial Strategy Options (Regulation 18)	July to September 2021
Pre-Submission Local Plan (Regulation 19)	June 2022
Submission Local Plan	September 2022
Examination	December 2022
Inspector's Report	March 2023
Main Modifications	June 2023
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Production Arrangements

Organisational Lead	Assistant Director (Planning)
Management	Cabinet Member for Regeneration & Community Safety
Resources	In-house – Planning Policy team, plus other staff as required Staff from other local planning authorities Specialist consultants
Community Involvement	Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) Statement of Community Involvement
Monitoring & Review	Authority Monitoring Report

6. GLOSSARY OF TERMS

2004 Act	Planning & Compulsory Purchase Act, September 2004
2011 Act	Localism Act, November 2011
2012 Regulations	Town and Country Planning (Local Planning) (England) Regulations 2012
AMR	Authority Monitoring Report – local planning authorities are required to produce an AMR to show how it is performing against the targets it has set in its Local Development Scheme (LDS)
DPD	Development Plan Document - prescribes planning policies and proposals and will have legal status in the determination of planning applications as they form part of the Development Plan – are subject to independent testing or examination and form part of the Local Development Scheme (LDS)
HMA	Housing Market Area
LDS	Local Development Scheme - a three year programme for the preparation of Development Plan Documents (DPDs)
NPPF	National Planning Policy Framework - national planning policy to be taken into account when preparing Development Plan Documents (DPDs) and determining planning applications
SA	Sustainability Appraisal – an appraisal of the social, environmental and economic effects of plan strategies and policies, which is carried out at the start and throughout the plan process to inform decision making - this process incorporates the requirements of Strategic Environmental Assessment (SEA)
SEA	Strategic Environmental Assessment – a requirement of EU Directive 2001/42/EC to undertake an environmental assessment of plans and programmes that are likely to have a significant effect on the environment
SCI	Statement Of Community Involvement - a statement of how consultation and engagement will be undertaken with the community and other stakeholders when preparing plan documents and when determining planning applications
SPD	Supplementary Planning Documents - do not have Development Plan status and do not form part of the Local Development Scheme (LDS) but must undergo rigorous community involvement in accordance with the Statement Of Community Involvement (SCI) - elaborate on policies and proposals in a Development Plan Document (DPD) and are a material consideration in the determination of planning applications.