



Local Development Scheme for Amber Valley

1 March 2018 – 28 February 2021

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FOREWORD

This is Amber Valley Borough Council's seventh Local Development Scheme (LDS7). It replaces the previous version (LDS6) which was published in 2017.

The Local Development Scheme has been revised to reflect the latest position in relation to the preparation of a single Local Plan for Amber Valley, which will replace the current Local Plan which was adopted in April 2006.

In summary, the main changes from LDS6 relate to the revision of the overall timetable and key milestones for the preparation of the Local Plan.

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 Through the Localism Act 2011 (the 2011 Act), Local Development Frameworks have been replaced by Local Plans.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) the period 1 October 2013 to 30 September 2016 (LDS4). 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 most recent revision to the LDS (known as LDS6) was to make 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.
- 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 has 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 LDS7. The Supplementary Planning Documents (SPDs) that have been adopted by the Borough Council to date are also included within LDS7, for information.

2. THE LOCAL DEVELOPMENT SCHEME FOR AMBER VALLEY

Summary

- 2.1 The latest Local Development Scheme (LDS7) for Amber Valley contains the following:-

- A summary of 'saved' plans/Local Development Documents (LDDs)
- A summary of the key milestones for the preparation of a new Local Plan
- Supporting information relating to a new Local Plan
- A programme chart showing the preparation timeframe for a new Local Plan
- A profile setting out more detailed information in relation to a new Local Plan and the arrangements for its preparation

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)*

* 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.

Statement Of Community Involvement (SCI)

- 2.3 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 DPDs and SPDs, as well as in dealing with planning applications.

- 2.4 The SCI for Amber Valley, incorporating the binding recommendations of an independent Inspector following examination, was adopted in June 2006.
- 2.5 A revised SCI will be prepared and adopted as soon as possible. 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.

Proposed Development Plan Document (DPD)

Local Plan

- 2.6 In December 2015, the Borough Council withdrew the emerging Amber Valley Core Strategy (Part 1 of the Local Plan). In January 2016, the Borough Council established the next steps towards achieving an up to date Local Plan for Amber Valley as soon as possible.
- 2.7 The preparation of a single Local Plan for Amber Valley will replace the current Local Plan, adopted in April 2006. It 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.

Adopted Policies Map

- 2.8 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.

Supplementary Planning Documents (SPDs)

- 2.9 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. However, SPDs no longer form part of the LDS.

Key Milestones For Document Preparation

2.10 The Local Plan process incorporates a number of key milestones, as follows:

- | | |
|---|---------------|
| • Start of Preparation Process | January 2016 |
| • Draft Local Plan (Regulation 18) | March 2017 |
| • Pre-Submission Local Plan (Regulation 19) | November 2017 |
| • Submission to Secretary of State | March 2018 |
| • Examination | June 2018 |
| • Inspector's Report | August 2018 |
| • Adoption | October 2018 |

Draft Local Plan (Regulation 18)

2.11 This was the first formal opportunity for public representations to be made on the emerging Local Plan. The Draft Local Plan was published on 17 March 2017 for public consultation for a statutory 6 week period, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations).

2.12 The Borough Council has undertaken pro-active engagement with statutory consultees and other key stakeholders, prior to the preparation of the Draft Local Plan, to ensure that all issues are fully assessed at an early stage (known as 'front loading') and to seek a degree of consensus on the content of the document, where possible.

Pre-Submission Local Plan (Regulation 19)

2.13 Following the consideration of representations on the Draft Local Plan the Borough Council published a Pre-Submission Local Plan, including amendments to the Draft Local Plan as appropriate. This was published on 2 November 2017 for a further 6 week period, in accordance with the 2012 Regulations.

Submission to Secretary of State

2.14 Following the publication period for the Pre-Submission Local Plan, the Borough Council submitted the Local Plan to the Secretary Of State on 2 March 2018, along with any representations received. The Planning Inspectorate will now arrange to appoint an independent Inspector to hold a Public Examination of the Local Plan.

2.15 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

2.16 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

2.17 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 they may require that more fundamental changes be made to the document (‘main modifications’). The Borough Council will need to formally consult on any Main Modifications proposed by the Inspector.

Adoption

2.18 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.

Future Documents

2.19 The need to prepare new Local Development Documents (LDDs) 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.

3. SUPPORTING INFORMATION

Monitoring Report

- 3.1 The Borough Council is required to produce an Authority Monitoring Report (AMR), setting out how it has monitored progress against the key milestones in the programme of document preparation, including how effective the programme has been. The AMR will also show how the Borough Council has monitored the implementation of policies set out in plan documents and to establish whether there is a need to revise the LDS.

Sustainability Appraisal/Strategic Environmental Assessment

- 3.2 The 2004 Act and the National Planning Policy Framework (NPPF) set out the requirement for all DPDs to be subject to Sustainability Appraisal (SA), as an integral part of the preparation process. The Government has published guidance to assist local planning authorities in undertaking SA of local development documents.
- 3.3 In addition, DPDs 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 issued guidance to assist local planning authorities on how to integrate SEA into SA.
- 3.4 The Local Plan will be subject to Sustainability Appraisal/Strategic Environmental Assessment in accordance with the requirements as set out in paragraphs 3.2-3.3.

Evidence

- 3.5 Government guidance emphasises the need for robust evidence to underpin the preparation of DPDs. In relation to the preparation of a new Local Plan, the Borough Council has and will continue to obtain information through consultation and engagement with a range of consultees and other key stakeholders. There are also a number of studies/assessments that have been, are being or will be undertaken by or on behalf of the Borough Council (and in some cases on a joint basis with other local planning authorities), which will inform the preparation of the Local Plan. A list of supporting evidence documents is set out as Appendix 2 to the submitted Local Plan.

Resources

- 3.6 The staff resources to deliver a new Local Plan will primarily be provided by the Borough Council's Local Plan 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.
- 3.7 In-house staff resources will be supplemented by support from staff within other local planning authorities, where appropriate and by using specialist consultants to undertake specific studies or assessments to ensure a robust evidence base.
- 3.8 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'.
- 3.9 The Assistant Director (Local Plan Manager) will have overall responsibility for delivering the LDS programme, with individual staff having lead responsibility for specific elements within the programme.
- 3.10 Funding to deliver the LDS programme will be provided through the Borough Council's annual Revenue Budget.

Risk Assessment

- 3.11 There are a number of areas of risk affecting the successful delivery of the programme set out in LDS7.
- 3.12 The Council's 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.
- 3.13 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 be delayed – in these 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

- If the scale and nature of responses to consultation are significantly higher than anticipated, the timeframes for the Local Plan may have to be extended - in order to minimise any delays in, or changes to, the LDS programme, the Borough Council would need to consider redeploying staff from elsewhere within the Borough Council, which could involve administrative or technical support staff where delays are due to the scale of responses, although staff with suitable skills and experience in planning policy work would be required where responses raise more complex policy or procedural issues
- 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 SAVED PLANS & LOCAL DEVELOPMENT DOCUMENTS

ADOPTED AMBER VALLEY BOROUGH LOCAL PLAN 2016

Document Title	Status	Brief Description	Chain Of Conformity	Stage Of Preparation/Programme
Amber Valley Borough Local Plan	Local Plan	Adopted Borough-wide Local Plan	Former Derby & Derbyshire Joint Structure Plan 2001	Adopted 12 April 2006

ADOPTED STATEMENT OF COMMUNITY INVOLVEMENT

Document Title	Status	Brief Description	Chain Of Conformity	Start Of Preparation Process	Formal Public Consultation	Submission to S of S	Examination	Inspector's Report	Adoption
Statement Of Community Involvement	LDD	A clear statement of the Borough Council's proposals for consulting and involving the local community in preparing DPDs/SPDs and determining planning applications	2004 Act	January 2005	June 2005	October 2005	March 2006	May 2006	June 2006

ADOPTED SUPPLEMENTARY PLANNING DOCUMENTS

Document Title	Status	Brief Description	Chain Of Conformity	Start Of Preparation Process	Formal Public Consultation	Adoption
Provision Of Affordable Housing Through The Development Process	SPD	Provide guidance to support policy implementation	Saved policies in 2006 Local Plan	November 2005	November 2006	April 2007
Design Guidance Note: Listed Buildings & Buildings In Conservation Areas	SPD	Provide guidance to support policy implementation	Saved policies in 2006 Local Plan	September 2004	November 2006	April 2007
Design Guidance Note: Shop Fronts & Advertisements	SPD	Provide guidance to support policy implementation	Saved policies in 2006 Local Plan	September 2004	November 2006	April 2007
Design Guidance Note: Community Safety	SPD	Provide guidance to support policy implementation	Saved policies in 2006 Local Plan	March 2006	June 2007	October 2007

Document Title	Status	Brief Description	Chain Of Conformity	Start Of Preparation Process	Formal Public Consultation	Adoption
Development Brief: Radbourne Lane, Mackworth	SPD	Provide guidance to support policy Implementation	Saved policies in 2006 Local Plan	April 2006	June 2007	November 2007
Design Guidance Note: Residential Development	SPD	Provide guidance to support policy implementation	Saved policies in 2006 Local Plan	April 2006	June 2007	October 2007
Development & Recreational Open Space	SPD	Provide guidance to support policy	Saved policies in 2006 Local Plan	Sept 2006	June 2007	October 2007
Development Brief: Land between the A6 and the River Derwent, Belper	SPD	Provide guidance to support policy Implementation	Saved policies in 2006 Local Plan	Sept 2011	July 2012	December 2012

5. SCHEDULE OF PROPOSED DEVELOPMENT PLAN DOCUMENT

AMBER VALLEY BOROUGH LOCAL PLAN 2016

Document Title	Status	Brief Description	Chain Of Conformity	Start of Preparation Process	Draft Local Plan (Regulation 18)	Pre-Submission Local Plan (Regulation 19)	Submission to Secretary of State	Examination	Inspector's Report	Adoption
Amber Valley Borough Local Plan	DPD	An overall vision, key objectives, spatial strategy and policies and proposals to guide development in Amber Valley up to 2028	NPPF	Jan 2016	Mar 2017	Nov 2017	Mar 2018	Jun 2018	Aug 2018	Oct 2018

6. PROFILE OF PROPOSED LOCAL DEVELOPMENT DOCUMENT

AMBER VALLEY BOROUGH LOCAL PLAN 2016

Overview

Purpose & Content	An overall vision, key objectives, spatial strategy and policies and proposals to guide development in Amber Valley up to 2028
Geographical Location	Amber Valley Borough
Status	DPD
Chain Of Conformity	NPPF

Timetable & Key Milestones

Start of Preparation Process	January 2016
Draft Local Plan (Regulation 18)	March 2017
Pre-Submission Local Plan (Regulation 19)	November 2017
Submission to Secretary of State	March 2018
Examination	June 2018
Inspector's Report	August 2018
Adoption	October 2018

Production Arrangements

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

7. 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
LDD	Local Development Documents - planning documents that together are used to determine planning applications - can be Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs) or the Statement Of Community Involvement (SCI)
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 Local Development Documents (LDDs) and when determining planning applications
S of S	Secretary of State for Communities & Local Government
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.