

**Gladman Developments Ltd**

**Matter 1 Hearing Statement**

**Amber Valley Local Plan**

**Legal Requirements including the Duty to Cooperate**



**May 2018**



## **Matter 1 – Scope of the Plan**

### **1.1. Q. c(iv) – Paragraph 157 of the National Planning Policy Framework (NPPF) says that, crucially, Local Plans should be drawn up over an appropriate timescale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date. Does the Local Plan accord with this Government policy in this respect?**

1.1.1. The Framework is clear at Paragraph 157 that Local Plans should preferably be drawn up to cover a 15-year time horizon. The Amber Valley Local Plan covers a Plan period of 2011-2028 which, if adopted in late 2018, would leave between 9 and 10 years to run. This is therefore contrary to the guidance in the Framework.

1.1.2. Whilst this situation is far from ideal, given the circumstances of the withdrawn Core Strategy and the need to bring the Amber Valley Local Plan into alignment with the adopted plans for the remainder of the Housing Market Area, this approach may be understandable.

1.1.3. However, given that this Plan would then have such a short shelf life, it is essential that all of the Local Plans within the HMA are then reviewed, on a coordinated basis. This would ensure that full Local Plan coverage with long-term plans covering the recommended 15-year time period is achieved as soon as possible. This requirement for review must be clearly set out within the Amber Valley Local Plan as a specific policy which is both effective and implementable, as discussed in our response to Question c(v) below.

### **1.2. Q. c(v) – On what basis is the Council committed to an early review of the Local Plan, following adoption. What would be the timescale for review?**

1.2.1. The Amber Valley Local Plan sets out in Appendix 4 that a Local Plan Review may be necessary as a contingency, should monitoring indicate that the Plan is not achieving its objectives. However, there is no formal commitment to a review, no clear trigger mechanisms which would indicate that a review was necessary and no commitment to a timeframe for completion of the review. Consequently, the reference to a Local Plan review is considered to be toothless and ineffective.

1.2.2. Given the situation outlined above in response to Question c(iv), it is considered that a review of the Amber Valley Local Plan is required almost immediately following adoption. This is essential given that the Local Plan, once adopted, would have less than 10 years to run and the Government's preference for good, long-term planning is at least 15 years.

- 1.2.3. In order to carry full weight and to ensure that any review is carried out in an effective and efficient manner, the review mechanism should be included within the Plan as a Policy with clearly established start and end points and consequences for not achieving the timeframes identified.
- 1.2.4. Many Local Plans contain a commitment to commencing a review, but no specific timeframe for completion. This means that a Council has no specific imperative to do anything but start the review process which may, under this form of policy, never be completed.
- 1.2.5. It is therefore suggested that in order to be as effective as possible, the review mechanism should be contained in a Policy within the Local Plan and should be far more robust and set within a definitive timescale.
- 1.2.6. In addition, the review should be coordinated across the Housing Market Area to ensure that Amber Valley, Derby City and South Derbyshire all have Local Plans that are fit for purpose, meet housing, employment and other needs and cover an appropriate timeframe of at least 15 years from adoption as set out in Government guidance.
- 1.2.7. The Amber Valley Local Plan Review Mechanism should therefore read:

**Amber Valley Borough Council is committed to meeting its requirements for housing, employment and other development and infrastructure. The Council will commence a full review of the Local Plan (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) within 3 months of the adoption of the Local Plan.**

**The Local Plan Review should be carried out quickly and shall be submitted to the Secretary of State for examination within two years of commencement of the review.**