

Amber Valley Local Plan 2022-2040

Main Modifications Consultation

September 2025

Richborough

Professional memberships and accreditations



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1. Introduction

- 1.1. These Main Modifications Representations are prepared on behalf of Richborough in respect of their land interests at Allenby Road, Southwell, as illustrated on Figure 1 below. The site has been previously promoted and was included as a preferred residential site in the Allocations & Development Management Options Report (2011), however was not included in the subsequent adopted Plan in 2013.
- 1.2. The site remains a deliverable and logical location for growth within Southwell, a Service Centre behind only Newark, the Sub-Regional Centre, within the adopted Settlement Hierarchy, with the realistic prospect of the site being built out within 5 years.
- 1.3. An outline planning application for 70 dwellings is due to be submitted on the site imminently following the close of this Main Modifications consultation.



Figure 1: Site Location Plan: Allenby Road, Southwell,

- 1.4. This consultation proposes amendments to allocations for which Richborough have raised significant and substantiated deliverability concerns at Regulation 19 and during the examination, particularly Lower Kirklington Road (So/Ho/5) and Southwell Depot (So/Ho/7). In the interests of brevity these objections are not repeated, though it is not considered that amendments proposed ameliorate the concerns raised with the proposed allocations and thus previously raised objections remain.
- 1.5. Comments are provided in the order modifications appear on the Main Modifications consultation schedule.

2. Main Modifications Representations

Main Modifications CMM3 – Housing Land Supply

- 2.1. Main Modification CMM3 is described as a factual update to the Local Authority's housing land supply, reducing from the 7.2 years considered demonstrable in 2022 to 5.54 years in 2024 (The 5-year period that underpins the assessment is 2024-2029). Whilst this is qualified as being the land supply position on April 1st 2024 and that it was undertaken *"using the methodology that the plan was examined under"*, there is concern that the establishment of a land supply in the reasoned justification of a Plan is likely to be confusing to those reading the Plan.
- 2.2. Whilst the date of the assessment is quantified, the publication of any land supply position is not considered necessary and not common practice in other Local Plans. Clearly land supply will fluctuate during a Plan's lifespan and thus the publication of a position serves little purpose within the Plan itself, particularly when it is already well over a year out of date at time of publication. Whilst we understand the publication of a figure as part of the Inspector's report, or wider supporting evidence, is likely to be required, as it will underpin much of the Plan's assessment through examination, it is not required to be set out in the Plan itself.
- 2.3. Whilst those in the industry will hopefully understand that the figure has no real relevance following adoption - Newark and Sherwood's confirmed 5-year housing land supply at the time of writing is 3.36 years over the same 5 year period – our view is the publication of a figure could prove to be misleading to those who may not be as au fait with planning and could result in confusion or anger when a recently published plan is so materially out of date in terms of land supply position. This is confusion which can be removed by simply removing any reference to a housing land supply position within a Plan, an approach which would not be atypical when having regard to many of the extant and emerging plans locally and nationally.
- 2.4. On behalf of Richborough, Fisher German made substantive comment at Regulation 19 and within submitted Matters Statements (1,2 and 3) that this Plan was not a mechanism to extend the housing requirement as contained in the 2019 Amended Core Strategy (and which underpins the 5.54 year position proposed to be inserted into the Plan via this Main Modification). Furthermore, due to the application of National Policy, this Plan would be effectively out of date on adoption, as it has been developed to meet the needs of a now out of date strategic plan. This position compounded following the publication of the 2024 iteration of the Framework and associated update to the PPG, particularly amendments to the Standard Method for assessing Local Housing Need.
- 2.5. Whilst it is noted that the Plan is proceeding despite aforementioned concerns, in the interests of clarity this reference should be removed from the Reasoned Justification.
- 2.6. Paragraph 16 of the NPPF is clear that Plans should be amongst other things serve a clear purpose (16F). Paragraph 16D in relation to policies states that these should be *"clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"*. The NPPF is clear how decision makers should respond when there is and isn't a 5-year housing land supply. This Plan may suggest that there is a supply which could mislead those seeking to comment on submitted applications and cause frustration when a Plan which may have only been adopted the day prior is so clearly out of date. This can be avoided entirely simply by removing reference to housing land supply within the Plan, which would encourage those engaging with the planning system to seek an updated position from the Council's website.
- 2.7. *R (Cherkley Campaign Ltd) v Mole Valley DC [2014] EWCA Civ 567* establishes that Reasoned Justification is not to be read as policy. However, the same case concludes that *"That text [Reasoned Justification] is plainly relevant to the interpretation of a policy to which it relates"* (Paragraph 16). Thus, those reading the Plan could reasonably interpret that the cited land supply position was relevant to the application of policies within the Plan.

- 2.8. Removing this statement would make no material difference to the application of the Plan in real terms. However, retaining it could lead to real world confusion and thus frustration, when those trying to engage in an already complex planning system are misled and make comment to applications on the basis of the figure in the Plan, not the applicable figure which is already in the public domain. Richborough's view is this is particularly pertinent given how significant the changes to the NPPF and PPG have been since the publication of this figure and during the examination of this Plan.

MM 1 – Local Plan Review

- 2.9. In accordance with comments made on behalf of Richborough in Fisher German's Regulation 19 submissions, and Matters Statements 1,2 and 3, Richborough are of the strong view that immediate substantive review of the Development Plan in Newark and Sherwood is needed as a matter of priority. MM1 sets out the intentions of the Council in respect of Plan review, noting an intent to commence work in 2025 and have a new Plan in place by 2028. Whilst this is supported, it is noted that this is not substantiated in policy and instead it forms part of the Reasoned Justification only. As such, whilst potentially a matter of intent, there is nothing requiring the Council to meet such timescales. Legislation and the Framework already require 5-year review's of Plans, and thus the commencement of a review of strategic policies in year 6 since adoption is already falling foul of the requirements of the NPPF and legislation anyway.
- 2.10. The NPPF Paragraph 33 states *"Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future"*.
- 2.11. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 10A requires a review of local development documents, stating *"in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents)"*.
- 2.12. The Framework and the Government are absolutely clear that the planning system should be Plan led. This was affirmed as recently as the 9 October wherein Matthew Pennycook MP's (Minister of State for Housing and Planning) letter to the Planning Inspectorate underlining retained commitment to this.
- 2.13. Richborough echo the view of the Land Promoters and Developers Forum (LPDF) who advocate for review mechanisms to be contained within policies, and for those policies to contain clear targets for progression to adoption and implications if not. This includes targets to adoption and not simply submission. Should a target fail to be reached, then the Plan should be considered out of date for the purposes of NPPF Paragraph 11D. This will ensure Council's are fully motivated to advance Plan making, helping to reach the illusive universal coverage of up to date Plan's in England which is another key goal of this Government (again highlighted as a key objective in the Pennycook letter of 9 October 2025).