

DERBYSHIRE COUNTY COUNCIL

**CABINET MEMBER MEETING – JOBS, ECONOMY AND
TRANSPORT**

10 September 2013

Report of the Acting Strategic Director – Environmental Services

**CONSULTATION ON AMBER VALLEY BOROUGH COUNCIL'S
LOCAL PLAN PART 1 – DRAFT CORE STRATEGY**

(1) **Purpose of the Report** To agree the County Council's response to Amber Valley Borough Council's (AVBC) public consultation on its Local Plan Part 1 – Draft Core Strategy (LPDCS).

(2) **Information and Analysis** The LPDCS sets out the overall vision, strategic objectives, the main spatial strategy and detailed policies to guide future development in the Borough up to 2028. It also identifies seven Strategic Growth Sites and policies for their development, which are proposed to accommodate large scale, mixed-use housing and employment growth, including a range of supporting infrastructure requirements.

The LPDCS will comprise Part 1 of the new Local Plan for Amber Valley. It will be followed by the publication of a Site Allocations and Development Management Policies Document (SADMPD), which will comprise Part 2 of the new Local Plan. Part 2 will allocate non-strategic development sites, include detailed policies on a range of specific issues and designate and define environmental and other areas.

The LPDCS has been prepared following four previous rounds of public consultation, including Issues and Options (2010), Options for Housing Growth (2011), Opportunity for Development at a Strategic Scale North of Denby (2012), and Preferred Growth Strategy (2012). Technical Officer comments were submitted by the County Council to AVBC at each consultation stage. Since 2009, the County Council, AVBC, Derby City Council (the City Council) and South Derbyshire District Council (SDDC) have worked together on their Core Strategies, particularly through the Derby HMA Core Strategy Officer Coordination Group and other topic related groups, and Member and Officer representation on the Derby HMA Joint Advisory Board (JAB).

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An extensive range of evidence has been produced and commissioned by the four authorities. Extensive transport modelling works and Officer discussions are on-going to assess the traffic impact implications of the strategic sites being proposed by the three Councils in their Core Strategies. There have also been on-going discussions between the four HMA Councils about the other strategic infrastructure planning and service delivery implications of their Core Strategies, particularly relating to additional education provision associated with proposed housing growth. A review of the Green Belt around the Derby Principal Area has been undertaken by the four councils to inform options for development.

The main spatial strategy for future growth, set out in the LPDCS, proposes that the focus of future development in the Borough will be on urban concentration at the four market towns of Alfreton, Belper, Heanor and Ripley. Some housing development is proposed on the edge of Derby to assist in meeting some of the housing needs of the City. It is proposed that the market towns and seven Strategic Growth Sites (see below) would accommodate the vast majority of the housing and employment growth needs of the Borough from 2008 to 2028, including the requirement for a minimum of 9,400 dwellings and approximately 75 hectares (ha) of employment land. More locally focused development is proposed at the District Centre of Langley Mill, the local centres of Codnor, Duffield, Leabrooks, Somercotes and Swanwick and the rural villages, consistent with their scale and function. Amendments to Green Belt boundaries are proposed at Ripley and Codnor in association with proposals for the development of a new A610 Link Road between Ripley and Codnor (see below). The Derwent Valley Mills World Heritage Site (DVMWHS) and its setting would be protected from inappropriate development.

The seven Strategic Growth Sites are identified at:

- Outseats Farm, Alfreton (500 dwellings with existing planning permission);
- Alfreton Road, Codnor (600 dwellings, provision of part of a new A610 Link Road between Codnor and Ripley, and amendments to the Green Belt);
- Land North of Denby (1,800 dwellings, 6 ha of employment land, new primary school and new local centre);
- Newlands / Taylor Lane, Heanor (500 dwellings and some employment uses);
- Radbourne Lane, Mackworth (530 dwellings with existing planning permission);
- Coppice Farm, Ripley (360 dwellings);
- Nottingham Road, Ripley (560 dwellings, 7 ha of employment land, provision of part of a new A610 Link Road between Ripley and Codnor, and amendments to the Green Belt).

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AVBC will consult on its Publication Version of the Local Plan Core Strategy between October and November 2013. Before submitting it to the Secretary of State in December 2013 with an Examination in Public (EIP) expected in March 2014.

A full copy of the LPDCS and supporting documents is available to view at:

<http://www.ambervalley.gov.uk/draftcorestrategy>

Local Member Comments

In preparation for the report, the local County Councillors (Bradford, Buttery, Cox, Freeborn, Jones, Marshall-Clarke, Owen, Smith, Tomlinson and Williams) have been invited to contribute comments on the draft LPDCS. The comments received are described below.

Councillor Paul Smith, Member for Alfreton and Somercotes, considers that further efforts should be made to bring back into use the empty office and industrial units that have service/utility provision and proven access capability. Before any further land is allocated for industry, an empty warehouse/factory strategy should be developed. Poor quality industrial land allocations should be removed from the strategy and land that was previously included, such as Birchwood Lane, Somercotes, should definitely be removed, as the developer is requesting, because the site is no longer required and should be re-designated as a Green Belt buffer zone from the existing Cotes Park Industrial Estate.

Councillor Freeborn, Member for Ripley East and Codnor, wishes to emphasise the following points:

1. Strong objection to the proposed alteration to the long agreed line of the 'Ripley - Woodlinkin' A610 by-pass.
2. Strong objection to the moving of the Green Belt 'boundary' to the north of Ripley and the ensuing proposals to build 1,100 plus houses to the north of Nottingham Road, Ripley, and to the east of Codnor.
3. Economic Impact Assessments appear to be lacking, resulting in mixed messages being sent.
4. The use of Community Infrastructure Levy (GIL) is unclear. The use of brownfield sites is largely discounted without considering use of GIL to provide a cost balance between green and brown field sites.
5. Empty properties are 2% of the housing stock in AVBC area but are not counted in the number of housing units that need to be supplied.
6. Green Belt- there is no consideration of a wider strategic view. There has been no link with neighbouring authorities so a co-ordinated planned use is denied. The proposals encourage coalescence of communities.
7. The market towns' strategy is deeply flawed. There is bias towards Belper getting all the attention; there is not an even-handed approach

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(tourism or heritage, for example). So-called Masterplans are set in isolation to wider strategic issues. The Plan acknowledges but ignores the evidence of a Retail Impact Assessment regarding proposals for an out of town supermarket at Ripley.

8. The Plan does not recognise that we need housing in rural areas too, especially affordable housing.
9. The housing mix proposed appears to be OK but enforcement of the mix is required. AVBC has a long history of being an easy target for developers and just rolling over when asked to give up affordable units.
10. Strategic Housing Land Availability Assessment (SHLAA) sites are heavily biased to big sites of 500 plus units. The SHLAA should include smaller ones too which could help to stop coalescence etc.
11. There are big contradictions regarding sustainability of developments, particularly regarding sites dependent on the car. There is no relationship between housing developments to employment.
12. Renewable energy should be encouraged in the Plan more explicitly. For example, solar panels should be made compulsory on new builds (especially factory units).
13. Parks and greens should be properly protected not built on.
14. The policies and background text relating to Section 106 Agreements and CIL needs active reference to the County Council's infrastructure requirements.
15. There is a lack of strategic thinking on employment sites.
16. There is no mention of the Ripley Neighbourhood Plan, which is being developed and proposes to provide the new housing required in Ripley without going north of Nottingham Road.

Councillor Marshall-Clarke, Member for Alfreton and Somercotes, wishes to make the following comments:

There is no provision in the document that addresses the environmental impact of pollution created by the proposed sites. In particular, the impact additional traffic will have on the health of residents already residing in the target development areas. The area profile for Alfreton, Somercotes shows the life expectancy of male residents is the lowest in the Borough.

I fail to understand how a partial development of a Ripley-Codnor bypass would provide any benefit on highways grounds. We should be making it clear that we would need a completed bypass to come forward fully funded before we would consider approval of developments in that area.

We have previously supported developments from a highways perspective that have subsequently failed to deliver the outcomes we desire. The Core Strategy needs to focus much more on integrated

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transport issues. More weight needs to be given to walking, cycling and public transport infrastructure. A glaring problem with this Core Strategy is the access issues to train services for disabled users and cyclists on the Erewash Valley line. Developing sites in these areas should be declined until a properly thought out infrastructure plan is in place together with the appropriate funding to implement that plan.

This core strategy fails to look at areas that would have least impact on the existing infrastructure. There is better developed infrastructure in the west of the area with good access to rail services. This should be a priority area as it would relieve pressure on the highways network.

The highways network of the A52 and A515 are better placed to absorb the additional impact of increased traffic than the already congested areas identified in this Core Strategy.

Councillor Cox, Member for Heanor Central, wishes to make the following comments:

I have major concerns regarding proposals to develop Green Belt sites, particularly the Alfreton Road/Nottingham Road, Codnor area. I do not support the re-routing of the A610 if it is dependent on the loss of the Green Belt.

Housing proposals appear not to take into account need and infrastructure. There is emphasis on developing in already congested areas when rural areas are in need of affordable housing to maintain communities and road and other transport links are better in the West of the Borough.

The development of brownfield sites should be actively encouraged in the more urban areas. There also seems to be a lack of consideration regarding employment opportunities in relation to housing, leading to more dependency on the car.

Councillor Williams, Member for Ripley West and Heage, wishes to make the following comments which are a mixture of those from an Amber Valley Borough perspective but also those focused on the Ripley Town Council area and on the village of Codnor:

1. I support the strategies of maximising the use of brownfield land and re-using empty properties.

However, whilst there is an identified list of strategic growth sites, a similar analysis of 'brownfield' sites has not been attempted. There is no identification and analysis of potential brownfield sites.

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2. In Appendix B: Proposed Scale and Location of Housing Growth in Amber Valley, the overall requirement of homes from 1/4/08 to 31/3/28 is 9,400.

There are also 'just over 1,000 homes that have been empty for 6 months or more which are 2% of the housing stock in Amber Valley'. Nevertheless, empty properties are not included in Appendix B in the number of housing units that need to be supplied. This would seem to represent a significant under-counting of houses which can be supplied without resort to new-build.

3. The National Planning Policy Framework (NPPF) emphasises the importance of continuing to protect Green Belt from inappropriate development and that established Green Belt boundaries should only be altered in exceptional circumstances.

Except for the purposes of the proposed A610 Ripley – Codnor Link Road, I do not agree with the proposals to delete Green Belt land at Ripley and Codnor.

This follows logically from the choice of the strategic growth sites SG2 at Alferton Road, Codnor, SG6 Coppice Farm, Ripley and SG7 Nottingham Road, Ripley.

It is accepted that Coppice Farm has outline planning permission but the choice of all three as strategic growth sites - without considering brownfield sites, empty properties and currently existing planning permissions which have not yet been implemented – will lead precisely to problems which the introduction of the Green Belt in the 1930's and 1940's was intended to avoid:

- Ripley, Codnor and Waingroves would tend to develop into a built-up sprawl;
- Ripley, Codnor and Waingroves would tend to merge into one another;
- The countryside between the three settlements would be encroached upon;
- All three would be losing their special historical individual character; and
- To be building houses on these three sites would not be assisting in urban regeneration or encouraging the recycling of derelict and other urban land.

'Exceptional circumstances' have not been demonstrated.

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4. The development of sites SG2, SG6 and SG7 collectively contradict Policy SS12: Countryside, and should not be permitted because:

- They are collectively of excessive scale;
- Two of the three are in the Green Belt and one is farmland, outside the built framework of settlements;
- They are not essential in conjunction with the requirements of agriculture, rather SG6 is built on former pastureland;
- Any of the three could be reasonably be located within an existing settlement by use of brownfield sites, re-using existing empty properties and ensuring existing planning permissions are used;
- The developments may incur further government expenditure on health facilities – GP surgeries, hospitals and dentists; public open space and outdoor sports facilities; community facilities for all age groups – leisure centres, community centres, cultural centres and libraries; preserving and enhancing historic buildings – e.g. Codnor Castle, conservation areas and the historic environment.

None of this likely extra expenditure is mentioned or costed in the Draft Core Strategy.

5. The Draft Core Strategy in Policy SS10 rightly highlights the 'longstanding commitment by both the Borough Council and Derbyshire County Council to securing the completion of a new A610 Link Road between Ripley and Codnor' and mentions its advantage of relieving congestion on the current A610 route.

However, an A610 'bypass' has needed to be constructed for the past 30 to 40 years, irrespective of whether any additional housing and business and/or retail park developments are built as part of the strategic growth sites SG2, SG6 and SG7.

This road needs to be built from the 'police headquarters' roundabout, Ripley to meet the A610 at Woodlinkin. It needs to be funded out of local and central government taxation revenues and not from developers' contributions, Section 106 contributions from house builders and the Community Infrastructure Levy.

Local authorities need to adhere to the originally designed route of the A610 bypass, without changing its route to accommodate deletions of the Green Belt.

6. Policy SG 2 - with 600 dwellings planned for Alfreton Road, Codnor by deleting the Green Belt – in particular, will contradict policy SS3 for Codnor to continue to act as a local centre. Codnor will no longer be

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considered as a 'local centre' as it will be another small town, having undergone a big increase in size, if these policies are implemented.

7. A possible outcome of policy SG7 is an out-of-town retail supermarket and petrol filling station located on land at Nottingham Road, Ripley. This would waste economic resources as it would directly duplicate the retail store and petrol filling station that are already on site at Sainsbury's, adjacent the site. It is likely to seriously damage retail food businesses currently operating or with the potential to operate in the town centre.

In late June 2013, a department store announced proposals to locate a 9,000 sq ft outlet in the Knightsbridge building on Nottingham Road in the town centre. This would be jeopardised by the development of site SG7.

In 2011, a Retail Study was undertaken on behalf of the Borough Council by Roger Tym & Partners. The Draft Core Strategy acknowledges this but ignores its evidence that 'there was no immediate requirement for further convenience goods provision in the Borough' and that there was relatively little capacity or demand to warrant additional floorspace for a large foodstore until 2028.

No mention is made in the Draft Core Strategy of the likely detrimental impact an edge-of-town retail development might have on town centre business sales and employment.

8. Much regard is rightly paid to the development of the cotton textile industry along the Derwent Valley from Cromford to Belper and to Derby and beyond in the 18th century. This industrial history deserves the award of World Heritage Site for the Derwent Valley Mills, which it received in December 2001 from UNESCO. However, the Draft Core Strategy is not balanced when it broadly ignores the fact that the Ripley area has had an industrial history and heritage of its own since the 18th century, stretching from Ambergate/Bullbridge/ Sawmills, along the Cromford Canal to Ripley and the former Butterley works. It involved engineers and builders of the ilk of Benjamin Outram and William Jessop and financiers such as John Wright, to rival those of Richard Arkwright and Jedediah Strutt. There has also been a history of industrial unrest with the Pentrich uprising in 1817 and of course, in the 20th century Barnes Wallis was resident in Ripley. None of this history is even referred to in the Draft Core Strategy, although the Cromford Canal merits a mention.

9. Policy SG7: Nottingham Road, Ripley: The 'additional' public open space within the site is merely created by building on the existing

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recreation ground, which has been used by the local community since the 1800's. This is not an addition to recreational open space but just a redistribution of an existing facility. Parks and greens should be properly protected not built on!

Officer Comments

Overall, the LPDCS is broadly supported, although there are various outstanding issues that require further cooperative working between the County Council and AVBC, particularly relating to transport, education provision and other infrastructure requirements. Detailed comments on housing, transport, town centres, heritage and strategic infrastructure are included in the appendix to this report but summarised where appropriate below.

Housing Target and Distribution

The comprehensive range of robust evidence and the extensive level of collaborative working between the 4 Derby HMA councils are considered to justify AVBC's proposed housing target of 9,400 dwellings. The broad scale of proposed housing development is, therefore, considered appropriate and meets the requirements of Paragraph 47 of the National Planning Policy Framework (NPPF), which requires local planning authorities (LPAs) to assess objectively their housing needs and to meet those needs in full. In addition, Amber Valley Borough is covered by Green Belt, therefore, it is likely that a higher housing target would impact much more significantly on it.

The broad distribution of housing growth which seeks to focus the majority of growth in and surrounding the Borough's four main towns with the remainder being accommodated on the strategic sites and within the district and local centres is supported in principle. This is considered to provide for a sustainable pattern of development as required by the NPPF. It is a continuation of the broad spatial strategy for growth in Amber Valley Borough set out in the former East Midlands Regional Plan (EMRP).

Strategic Growth Sites

Seven Strategic Growth Sites are identified in the LPDCS to accommodate the vast majority of the balance of 4,200 dwellings required to meet the overall housing target of 9,400 dwellings. Extensive transport modelling works and extensive discussions between County Council and AVBC officers on the infrastructure planning and service delivery implications of these seven sites are on-going. In addition, the County Council has recently been consulted on a number of planning applications relating to them. Furthermore, it is anticipated that the County Council will be consulted shortly by AVBC on a planning application for the A610 Ripley-Codnor Link Road.

The County Council would expect to be able to comment further on the acceptability of the Strategic Growth Sites once the ongoing modelling works

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and ongoing discussions, and any further collection of evidence, are concluded.

Detailed landscape character, visual impact and environmental sensitivity comments have been provided previously to AVBC on the various Strategic Growth Sites and on a number of subsequent outline applications, particularly relating to the Ripley Gateway. These comments remain outstanding and relevant.

Transport

The reporting Officer has concerns about the rate of progress on the development of the transportation evidence base, in particular, the identification of transport infrastructure needed to support development growth proposed in the Draft Core Strategy.

It is considered that AVBC's Core Strategy would be greatly strengthened by a more comprehensive approach to transportation assessment and analysis to enhance the evidence base for land allocation. It is therefore recommended that AVBC ensures that a comprehensive assessment with regard to transportation is completed so as to inform the Core Strategy which is subject to EIP.

Green Belt

The general approach to Green Belt policy is supported in principle, which sets out AVBC's commitment to protect the Green Belt unless exceptional circumstances can be demonstrated. This continues of the approach to Green Belt policy set out in the former EMRP, which also recognised that, to accommodate future growth, some development was likely to be necessary in the less sensitive areas of the Green Belt around the main towns. Policy SS10 in the LPDCS is a detailed policy to assess development in the Green Belt, which is consistent with the NPPF.

The only locations where the Green Belt is proposed to be amended is in Ripley and Codnor in association with the development of the Strategic Growth Sites and proposals for the A610 Link Road between Ripley and Codnor. In the light of the transport modelling works, the need for further evidence and ongoing discussions between County Council and AVBC officers about the Strategic Growth Sites and A610 Link Road, it is considered premature to comment further on these matters in respect of their potential impact on the Green Belt.

Economic Growth and Development

The approach to economic growth in the Borough is supported in principle. This seeks to focus economic growth and regeneration in the four market towns of Alfreton, Belper, Heanor and Ripley; help businesses in the Borough to grow and develop, ensuring local people benefit from growth; and draw

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funding into the Borough to support community based projects. This is consistent with the aims of the NPPF.

The LPDCS proposes to allocate approximately 75 ha of business and industrial land and was informed by the Derby HMA Employment Land Review (ELR) 2008 and the ELR Update in 2013. The ELR and ELR Update concluded that, although the Borough has a sufficient quantity of existing and proposed employment land, many of the sites are of poor quality. Consideration therefore should be given to de-allocating some of the poorer quality sites. The LPDCS Part 1 proposes to allocate better quality employment land to attract new businesses to the Borough and the opportunity to consider the de-allocation of poorer quality employment sites will be addressed in the Local Plan Part 2. This broad approach to the provision of new employment land and de-allocation of poorer quality employment land is supported. In accordance with Councillor Smith's concerns above, it is also recommended that Policy SS2: Business and Industrial Land Requirements incorporates an appropriate policy criterion which seeks to bring existing empty office and industrial units back into beneficial employment use.

Town Centres

The general policy approach is supported in Policies SS3 to SS8 for the regeneration of, and development in, the Borough's Town and District Centres, which is consistent with the requirements of the NPPF. Particular support is given to the definition of the Town and District Centre boundaries for Heanor and Langley Mill, which addresses issues and concerns previously expressed by the County Council in relation to planning applications for the respective Tesco and Asda foodstores in these centres.

It is of concern, however, that Policy SS8 is not fully in accordance with the NPPF as it does not incorporate appropriate criteria to assess retail and other town centre related developments located on the edge of and outside town centres.

Heritage Matters

Whilst Policy E3: Historic Environment sets out AVBC's commitment to support the Outstanding Universal Value, integrity, authenticity and significance of the Derwent Valley Mills World Heritage Site (DVMWHS) and its setting, it is recommended that:

- There is a separate criteria based policy for the DVMWHS and its buffer zone.
- The policy should require development proposals to demonstrate how they would contribute towards the achievement of the management objectives outlined in DVMWHS Management Plan and enhance the WHS.
- The policy should encourage the interpretation and promotion of the

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significance of the WHS and its assets.

It is considered important that a consistent policy approach is taken to the DVMWHS by AVBC and City Councils in their Local Plans.

Cromford Canal

It is welcomed that the background text to Policy E3 makes reference to the Cromford Canal as an important heritage feature of the Borough. However, it is considered that the route of the Cromford Canal should be specifically referred to in *'the areas and buildings of architectural or historic interest...which will be preserved and enhanced and protected from unsympathetic development'* and included in the local list of non-designated Heritage Assets.

Landscape and Visual Impact Issues

Prior to the consultation, extensive comments on the landscape and visual impact issues were provided to AVBC by the County Council's Landscape officers. These Technical Officer comments remain relevant and can be reiterated to AVBC as part of the County Council's response on the LPDCS. The salient points of the comments:

- fully support the environmental objectives, in particular, those related to conservation and enhancement of the Borough's landscape, ecology and the promotion of quality design;
- express concern about inconsistencies in the identification of environmental base data (particularly Areas of Multiple Environmental Sensitivity (AMES), which have been defined by Derbyshire County Council), and the omission in the Core Strategy to explain clearly its use in the decision making process;
- suggest amendments to the policy background text to improve clarity and consistency; and
- suggest amendments to the policy wording to improve clarity and ensure all relevant aspects are covered.

Infrastructure Planning and Service Delivery Issues

In addition to the detailed comments given in Appendix 1, comments on the two main infrastructure delivery and developer contributions policies in the LPDCS are set out below.

Policy IN5 – Infrastructure Delivery

Policy IN5 states that infrastructure delivery will take place through AVBC's Infrastructure Delivery Plan (IDP), which will include mechanisms for funding and delivering physical, social, community, leisure, health, environmental and other infrastructure required to support new development. The policy states that the IDP will be used to negotiate Section 106 obligations to ensure that specific and necessary infrastructure is delivered. Policy IN5 could be

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improved significantly, however, by setting out exactly what items of infrastructure are required and seen as critical to delivery of the LPDCS, clearly stating how that infrastructure will be funded and delivered.

Policy IN6 – Developer Contributions

Policy IN6 states that if a funding shortfall for infrastructure is identified, developer contributions will be secured to deliver this infrastructure either through Section 106 obligations and/or a Community Infrastructure Levy (CIL). This policy provides a useful hook for collecting funds to help deliver infrastructure. However, it could be improved significantly by identifying the key items of infrastructure that are critical to delivery of the LPDCS, what the funding gap is, and exactly what sources of funding will be sought to help bridge that gap. Clarity on AVBC's position on introducing a CIL would be helpful.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** The recommendation in this report is made in the context of the County Council's responsibilities and services under the provisions of the Localism Act 2011.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file 2102 by the Planning Services Manager. Officer contact details – Steve Buffery, extension 39808.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member authorises the production of a formal response on behalf of the County Council to Amber Valley Borough Council's Local Plan Part 1 – Draft Core Strategy, as described in the report and Appendix.

Mike Ashworth
Acting Strategic Director – Environmental Services

APPENDIX 1: Detailed Comments

Housing Target Comments

The LPDCS is proposing a housing target of 9,400 new dwellings between 2008 and 2028. This requires land for a further 4,200 dwellings to be identified by AVBC, taking into account housing completions between 2008 and 2012, existing planning permissions, sites already allocated for housing in the Adopted Amber Valley Local Plan (AVLP) and an allowance for housing on brownfield land (known as windfalls). It is proposed that the vast majority of this additional housing requirement would be accommodated on the seven Strategic Growth Sites. The remaining requirement would be accommodated on a range of other smaller non-strategic sites to be identified Part 2 of the Local Plan.

Derbyshire County Council's officers have been working jointly with officers of AVBC, the City Council and SDDC since 2009 to assemble an extensive evidence base to inform decisions about the future housing requirements of the three Councils' areas. In 2011, a set of population and household projections for all the authorities in Derbyshire and Nottinghamshire were jointly commissioned by Derbyshire County Council with the City Council, Nottingham City and Nottinghamshire County Councils. These provided the initial evidence base for AVBC, the City Council and SDDC to consider a range of possible housing targets for their areas up to 2028, which were consulted upon as part of their Options for Housing Growth consultations in 2011.

Since then, the four authorities have jointly commissioned a comprehensive and extensive Housing Requirements Study (HRS) to inform their proposed housing targets. The HRS concluded that, based on more up-to-date population and household projections, employment forecasts and the results of the 2011 Census, there would be a requirement for 35,350 new dwellings across the Derby HMA as a whole between 2008 and 2028. The authorities have also commissioned a Strategic Housing Market Assessment (SHMA), which has provided more detailed evidence about the overall housing requirements for the HMA up to 2028 and individual City and District/Borough areas, together with recommendations for the types, sizes and tenure of housing required, including affordable housing.

In response to the findings of the HRS and SHMA, the four authorities have had extensive discussions through the Derby HMA Core Strategy Coordination Group and Derby HMA JAB about how the 35,350 dwellings could be accommodated in the respective local authority areas, particularly taking into account the potential availability of housing land in each Authority. Through those discussions, it was agreed that a minimum of 9,400 dwellings should be provided in Amber Valley with the remaining requirement of 25,950 dwellings to be provided by the City Council and SDDC. Discussions between the City

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Council and SDDC about how the 25,950 dwellings will be split between the two authorities are still ongoing.

Transport Comments

Policy IN4: Strategic Transport Infrastructure Priorities indicates that the AVBC will support the provision of a new A610 Link Road between Ripley and Codnor in conjunction with other development proposals, which would include new housing, retail and employment development. The Derbyshire Infrastructure Plan (DIP) states that development in Amber Valley would probably result in a requirement for additional highway capacity. One way of providing additional capacity could be the Ripley Gateway A610 Ripley-Codnor By-pass Strategic Priority Project, although the DIP recognises that potential impacts of this scheme are not yet known and further testing is required. At the current time, however, no evidence has been provided regarding the feasibility, deliverability or impact of the scheme over the wider highway network or indeed its environmental impact. It is anticipated, however, that by the time the Core Strategy reaches EIP, a planning application would have been submitted for the A610 Link Road, which should include extensive evidence relating to these issues.

A significant amount of new housing development on a number of the Strategic Growth Sites has already been consented by AVBC with minimal off-site transportation infrastructure. These include Outseats Farm, Alfreton and Coppice Farm, Ripley. Planning permission has been granted for 530 dwellings on land at Radbourne Lane, Mackworth. This does, however, include provision for off-site infrastructure and a Travel Plan.

Land is identified to the north of Denby as a Strategic Growth Site for around 1,800 dwellings. Whilst some traffic impact assessment work has been provided by an interested party promoting the site, this only sets out to establish that a new grade separated junction onto the A38 is not required. However, it does not consider either the impact of existing consented development in the area or the cumulative impact of other development that may emerge from the Core Strategy.

Land is identified at Newlands and Taylor Lane, Heanor, as a Strategic Growth Site for around 500 dwellings. Again, little transport evidence has been provided apart from the submission of some traffic impact assessment work by an interested party promoting the sites.

Key Evidence is discussed on page 58 of the LPDCS, which refers both to the Derby HMA Transport Modelling that is taking place and a Derby HMA Transport Position Statement. However, at the time of writing, both transportation papers are concerned solely with the principal urban area of Derby and say very little about the impacts of potential development over the wider highway and transport network(s) beyond Derby. The Transport Position

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Statement does not mention about Amber Valley.

Town Centre Comments

The policy approach in policies SS3 to SS8 for the regeneration of, and development within, the four main town centres and Langley Mill District Centre is broadly supported. These policies seek to focus new retail, leisure and tourist related development within the main towns to improve and enhance their vitality and viability in accordance with the requirements of the NPPF. The boundaries of the town and district centres are defined in the policies, which is particularly welcomed and supported as this would make assessment of the policies in the planning application process clearer and more certain.

The policy approach to Langley Mill District Centre is particularly supported as this defines a new boundary for the District Centre, which was not defined in the adopted Amber Valley Local Plan (AVLP). The new boundary includes the large Asda foodstore on Derby Road as being located within the District Centre. When the County Council was consulted on the planning application for the Asda foodstore in 2009, it supported the foodstore proposals on the basis that the new store would provide important regeneration benefits for the centre. The County Council also suggested to Amber Valley Borough Council (AVBC) that, should planning permission be granted, AVBC should consider defining the District Centre boundary in the future review of its Local Plan to include the new Asda foodstore.

Similarly, the policy approach to Heanor town centre is particularly supported which recognises that the town centre has a poor level of vitality and viability and needs to be improved. A new town centre boundary is defined which excludes the large Tesco foodstore on High Street. When the County Council was consulted on the planning application for the new Tesco foodstore in 2010, it supported the planning application on grounds that, as the site was partly within and partly on the edge of the town centre, the foodstore would be likely to help enhance the vitality and viability of the town centre overall. Evidence in the Amber Valley Retail Study (2011), however, concludes that the foodstore has not had the positive impact effects on the town centre that it was expected to, particularly, as linked shopping trips between the store and centre have not been as extensive as originally expected. The store's exclusion from the town centre boundary is therefore supported.

The main concern with the policy approach is in Policy SS8: Development in Town Centres. Whilst the policy appropriately seeks to direct new retail, leisure and other town centre related development to the Borough's four main town centres to sustain and enhance their vitality and viability, the policy does not adequately include the principles of the sequential test for edge of centre and out of centre retail developments. This is a key requirement of the NPPF. The policy should include additional criteria, therefore, to assess edge-of-centre and out-of-centre retail developments and include the need to assess the

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availability of sites within town centres, the potential impact on the vitality and viability of town centres, and the accessibility of the proposed development to the town centre. It is suggested that Paragraph 4 of Policy SS8 should be amended to read as follows:

‘Where appropriate, planning applications for developments outside town centres will need to be supported by a retail impact assessment and / or a transport assessment’.

Heritage Comments

See comments on the Derwent Valley Mills World Heritage Site (DVMWHS) in the main body of the report.

The Cromford Canal is mentioned in the background text in Section 12.3: Historic Environment, but does not appear specifically in other parts of the LPDCS. It is noted that in responses to previous consultations on the Core Strategy that, ‘preserving and enhancing historic buildings, conservation areas and the historic environment’ and ‘green infrastructure network, public open space, footpaths and cycleways’ were highly placed in the public responses received.

Preservation of the route of the Cromford Canal and restoration of its features or stretches has the potential to contribute significantly to the objectives set out in the LPDCS, for example, by contributing to the landscape quality of Amber Valley (including the landscape character within the Green Belt), to flood risk management and the quality and design of development. The route of the Cromford Canal is a direct link between Amber Valley and the DVMWHS.

By protecting and enhancing the canal route there is further potential to support the objectives to improve green infrastructure, parks and open spaces, community, leisure and health facilities and strategic transport infrastructure projects.

In conclusion, it would be appropriate, therefore, if the route of the Cromford Canal was to be specifically named in *‘the areas and buildings of architectural or historic interest...which will be preserved and enhanced and protected from unsympathetic development’* and included in the local list of non-designated Heritage Assets.

Infrastructure Comments

Strategic Policies

Policy H3 – Affordable Housing

The LPDCS requires developments of 0.5 ha or 15 dwellings or more to provide 30% affordable housing, in line with evidence in the Derby HMA

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SHMA. It must be acknowledged that affordable housing provision has a very significant impact on the viability of development. Requiring this level of affordable housing could impact significantly on the level of funding available for infrastructure.

Policy H3 refers to Policy H4 for situations where the affordable housing requirement would render a proposed development unviable. However, it is not clear whether this affordable housing requirement has been considered in the context of the whole plan and the delivery of infrastructure that is critical to support the strategy. The LPDCS states that no decision has been taken on whether to implement a CIL. It is therefore not clear whether the Borough Council has looked at viability on a whole plan basis and how the requirements of Policy H3 will impact on viability when infrastructure funding requirements are also taken into account.

It should be noted that the development of affordable housing generates additional requirements for service provision and impacts on infrastructure delivery just as open market residential development does. Therefore, the policy aspiration to deliver increased levels of affordable housing and the requirements of Policy H3 should not be looked at in isolation from the need to ensure that infrastructure required to support development can be funded and delivered.

Policy H4 – Viability of Housing Sites

Policy H4 sets out a procedure for developers to provide sufficient detailed financial information to allow an independent surveyor to test the viability of proposed schemes on behalf of AVBC. In line with the Derbyshire Developer Contributions Protocol, it would be helpful if the findings of the independent surveyor could be made available to the County Council (for strategic applications of 10 or more dwellings upon which the County Council is consulted) so that viability issues can be taken into account when preparing the County Council's responses.

Policy H4 provides AVBC with the ability to assess applications on a case by case basis and to consider waiving any requirements for developer contributions in order to ensure schemes remain viable. However, it is not clear how the critical infrastructure required to support development will be delivered in areas of poor viability where exceptions are made under this policy. Policy H4 should set out other potential sources of funding (potentially borrowing, Regional Growth Fund, capital programmes, CIL, etc.) that can be used to fund infrastructure in areas of poor viability where developer contribution requirements under Section 106 Agreements are waived. This will help to ensure the Core Strategy is flexible and deliverable.

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Policy E2 – Design and Quality of Development

This policy allows for, amongst other things, developments to be designed to be adaptable and accessible and to adapt to changing lifestyle needs (part q). The policy also requires the provision of space for increased recycling receptacles and access for refuse collection as part of the design of development (part r). This is supported.

The roll-out of high speed broadband is a key Government priority and is a strategic priority project in the DIP. It should therefore be accorded high priority in the Borough Council's IDP and Policy E2 of the LPDCS should require the design of development proposals to facilitate the on-site provision of high speed broadband connectivity.

Part L of Policy E2 seeks to ensure the capacity and availability of infrastructure to serve new development would not result in the loss of facilities. This is a useful hook for infrastructure delivery but it is somewhat vague. The Policy could be improved by setting out the types of critical infrastructure that must be taken into account, including highways and transport, flood management, education, waste, green infrastructure, broadband, libraries and other social infrastructure.

Policy IN2 – Green Infrastructure, Parks and Open Space

Policy IN2 states that green infrastructure will be provided as an integral part of development proposals where possible or appropriate. The Policy also states that a strategic approach to the green infrastructure network will be taken including protecting and enhancing the network, mitigating any adverse impact on the network from development, and promoting links to and between the network.

There are a number of opportunities across the Borough to develop the Derbyshire Greenway network, helping to improve community access for disabled people, walking, cycling and horse riding. These multi-user routes provide traffic free paths linking communities with places of work, education and countryside. The current and proposed routes are detailed through the East Derbyshire Greenway Strategy and are supported by the Derbyshire Local Transport Plan (LTP), the Rights of Way Improvement Plan, and the DIP.

The County Council would like to see the Derbyshire Greenway network explicitly referenced by this policy (with an accompanying map). The Strategic Growth Sites proposed in the LPDCS offer specific opportunities for Greenway development which could be listed for future safeguarding. Some of these are already secured via outline planning permissions and Section 106 Agreements. However, it is essential that the strategic policies of the LPDCS support the delivery of extensions to these routes to enhance the Derbyshire Greenway network.

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Policy IN5 – Infrastructure Delivery

Policy IN5 states that infrastructure delivery will take place through the Amber Valley IDP which will include mechanisms for funding and delivering physical, social, community, leisure, health, environmental and other infrastructure required to support new development. The policy states that the IDP will be used to negotiate Section 106 obligations to ensure that specific and necessary infrastructure is delivered. Policy IN5 could be significantly improved by setting out exactly what items of infrastructure are required and seen as critical to delivery of the Local Plan Core Strategy and clearly stating how that infrastructure will be funded and delivered.

Policy IN6 – Developer Contributions

Policy IN6 states that if a funding shortfall for infrastructure is identified, developer contributions will be secured to deliver this infrastructure either through Section 106 obligations and / or CIL. This policy provides a useful hook for collecting funds to help deliver infrastructure. However, it could be significantly improved by identifying the key items of infrastructure that are critical to delivery of the Local Plan Core Strategy, what the funding gap is, and exactly what sources of funding will be sought to help bridge that gap. Clarity on the Borough Council's position on introducing a CIL would be helpful here.

Strategic Site Policies

Policy SG1 - Outseats Farm, Alfreton

This site has an existing outline planning permission for 500 dwellings and a Section 106 Agreement in place.

The Section 106 Agreement requires:

- The on-site provision and maintenance of footpaths (to a standard approved by the County Council) or a financial contribution of £64,000 per km towards the provision of footpaths.
- Upgrades to Bridleways on or adjacent to the development site upon occupation of 50% of the dwellings (to a standard approved by the County Council) or the provision of a financial contribution of £64,000 per km towards upgrading.
- £2,238 per dwelling towards primary education.

AVBC's Draft IDP highlights expansion of local primary schools (Copthorne Infant and Leys Junior Schools) to serve Outseats Farm and accords this a medium priority. Policy SG1 and the IDP should reiterate these critical (high priority) infrastructure requirements, even though a Section 106 Agreement is in place. This would be helpful should planning permission expire or the developer seeks a revised Section 106 Agreement at the reserved matters stage.

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Policy SG2 - Alfreton Road, Codnor

It is proposed that 600 dwellings would be provided on this site. The IDP states that Mill Hill School could accommodate some secondary pupils associated with this development and that Aldercar Community Language College has some limited capacity and could be expanded. The IDP states that primary pupils could be accommodated through existing surplus capacity or the extension of existing primary schools, with funding secured via a Section 106 Agreement.

Originally, the proposal for this site was to develop 500 dwellings. At that scale, the normal area school may have been able to accommodate the development through expansion (funded via a Section 106 Agreement with the developer). The LPDCS is now proposing 600 dwellings. The County Council is of the view that it may be difficult to accommodate that scale of development through expansion of the existing school. However, officers in the County Council's Property Services Department are currently looking at the site and examining the feasibility of expanding the school. In the meantime, it is imperative that the LPDCS continues to identify the site as a notified site as it is the statutory playing field for the existing school.

Policy SG2 states that the site will need to deliver the A610 Link Road, on-site public open space, and the protection of existing footpaths. However, it is not clear what viability testing has been undertaken to ensure that there is sufficient value to provide a contribution towards the delivery of the A610 Link Road and exactly how this major infrastructure project would be delivered.

The DIP states that development in Amber Valley would probably result in a requirement for additional highway capacity although further testing is required. One way of providing additional capacity could be the 'Ripley Gateway' A610 – Codnor bypass Strategic Priority Project, although the potential impacts of this scheme are not yet known and further testing is required.

The roll-out of high speed broadband is a key Government priority and is a strategic priority project in the DIP. It should, therefore, be accorded high priority in the Borough Council's IDP and Policy SG2 of the LPDCS should require the design of any development proposals to facilitate the on-site provision of high speed broadband connectivity.

The DIP states that Loscoe Household Waste Recycling Centre (LHWRC) is over capacity. This is acknowledged in the IDP. However, the LPDCS does not set out how this critical infrastructure issue will be addressed and this puts the deliverability of the Core Strategy into doubt. Policy SG3 of the LPDCS should state that development of this strategic site should contribute towards the provision of additional household waste recycling capacity through expansion

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of LHWRC via a financial contribution secured through either a Section 106 Agreement or CIL.

Policy SG3 - Land North of Denby

This proposal is for a mixed use scheme including 1,800 dwellings, employment land and a new local retail and community use centre. There are likely to be significant infrastructure requirements on and off site necessitated by the proposals.

The IDP identifies the need to provide a new primary school on-site as part of the development, and a contribution towards expanded secondary school provision, as a medium priority. Policy SG3 of the LPDCS states that the development will need to deliver improvements to the highway network, a new primary school on-site, an expansion to the existing John Flamsteed Secondary School (via a financial contribution secured by Section 106 Agreement), a safeguarded route for a Greenway, and protection of existing footpaths. This is supported.

The roll-out of high speed broadband is a key Government priority and is a strategic priority project in the DIP. It should therefore be accorded high priority in the IDP and Policy SG3 should require the design of any development proposals to facilitate the on-site provision of high speed broadband connectivity.

The DIP states that LHWRC is over capacity. This is acknowledged in the IDP. However, the LPDCS does not set out how this critical infrastructure issue will be addressed and this puts the deliverability of the Core Strategy into doubt. Policy SG3 should state that development of this strategic site should contribute towards the provision of additional household waste recycling capacity through expansion of LHWRC via a financial contribution secured through either a Section 106 Agreement or CIL.

Policy SG4:- Newlands/Taylor Lane, Heanor

This proposal is for a mixed use scheme including 500 dwellings. It is proposed to retain and enhance open space on the site and existing areas of nature conservation.

The IDP states that Aldercar Community Language College has limited capacity and could be expanded and that Heanor Gate Science College, which is an academy, is at capacity, and would be difficult to expand. The IDP also states that local primary schools are at capacity and that this is a constraint that will require further liaison with the Local Education Authority.

Development at this site may require education contributions towards both primary and secondary provision, but not for the whole scale of housing proposed. The sites are within the normal areas of a number of schools.

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Heanor Gate School and Aldecar Infant Schools are currently under pressure but Howitt Primary and Langley Junior Schools currently have sufficient capacity. Policy SG4 of the LPDCS should highlight the impact that development of this strategic site will have on local schools and should clearly state how capacity constraints will be overcome.

The roll-out of high speed broadband is a key Government priority and is a strategic priority project in the DIP. It should, therefore, be accorded high priority in the IDP and Policy SG3 should require the design of any development proposals to facilitate the on-site provision of high speed broadband connectivity.

The DIP states that LHWRC is over capacity. This is acknowledged in the IDP. However, the LPDCS does not set out how this critical infrastructure issue will be addressed and this puts the deliverability of the Core Strategy into doubt. Policy SG3 should state that development of this strategic site should contribute towards the provision of additional household waste recycling capacity through expansion of LHWRC via a financial contribution secured through either a Section 106 agreement or CIL.

Policy SG5: Land at Radbourne Lane, Mackworth

This site has planning permission for 530 dwellings and a Section 106 Agreement in place. This policy is supported.

Policy SG6: Coppice Farm, Ripley

AVBC has resolved to grant outline planning permission for 360 dwellings on the site with a Section 106 Agreement. The site is within the Waingroves Primary School normal area. The Section 106 Agreement requires the applicant to make a financial contribution towards expansion of this school. Officers of the County Council have discussed this with the school and governors. This policy is supported.

Policy SG7: Nottingham Road, Ripley

The proposal is for a mixed-use scheme including 560 dwellings. A planning application has been submitted for 126 dwellings and is pending determination by AVBC.

The LPDCS states that the site needs to help deliver the A610 Link Road, additional open space, and enhancements to existing footpaths.

The IDP states that Mill Hill Secondary School could accommodate some pupils and that primary school pupils could be accommodated through existing capacity and expansion to existing schools, via a Section 106 Agreement, if necessary. This is consistent with advice provided to AVBC previously by the County Council's Children and Younger Adults Department (CAYA). The County Council Member for the area, Councillor Freeborn, has asked officers

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in the County Council's CAYA Department to review the impact of the proposed development on the normal area primary school, Ripley St John's Primary School. The County Council's Property Services Department is, therefore, undertaking a feasibility study to look at the potential to expand the existing school.

The proposed development off Nottingham Road, Ripley provides a significant opportunity to enhance the Derbyshire Greenway Network in the locality of the strategic site. Policy SG7 should therefore refer to the opportunity for enhancing existing footpaths in order to provide connections to and enhance the Derbyshire Greenway Network.