

DERBYSHIRE COUNTY COUNCIL

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

21 January 2014

Report of the Acting Strategic Director – Environmental Services

**CONSULTATION ON AMBER VALLEY LOCAL PLAN PART 1 –
PRE-SUBMISSION 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 – Pre-Submission Core Strategy (Pre-Submission CS).

(2) **Information and Analysis** The Pre-Submission CS sets out the overall vision, strategic objectives, the main spatial strategy and more detailed policies to guide future development in the Borough up to 2028. It sets out the Borough's proposed future housing requirement of 9,400 new dwellings and employment land needs of 75 hectares (ha) between 2008 and 2028. It also identifies seven Strategic Growth Sites and policies for their development. They are proposed to accommodate large scale, mixed-use housing and employment growth, including a range of supporting infrastructure requirements, particularly proposals for a A610 Ripley-Codnor Bypass.

The Pre-Submission CS 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 (Part 2) that will allocate non-strategic development sites, include detailed policies on a range of specific issues, and designate and define environmental and other areas.

The County Council submitted detailed Member and Technical Officer comments to AVBC on its Local Plan Part 1 – Draft Core Strategy (Draft CS), which were formally agreed at the Meeting of the Cabinet Member - Jobs, Economy and Transport on 10 September 2013 (Minute No. 56/13 refers). Those comments related primarily to the proposed scale and distribution of housing growth, employment land, the seven Strategic Growth Sites, transport, particularly proposals for a A610 Ripley-Codnor Bypass, Green Belt, town centres and retailing, heritage, landscape and visual impact, and infrastructure planning and service delivery, particularly education provision related to the Strategic Growth Sites.

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The Pre-Submission CS does not incorporate any fundamental changes to the overall growth strategy or policies for the Borough compared to the Draft CS. The majority of changes are additions and amendments to many of the policies and supporting policy text. The overall housing target, employment land requirement, allocation of the seven Strategic Growth Sites and proposals for a A610 Ripley-Codnor Bypass remain unchanged. The Pre-Submission CS's appendix now includes an assessment of whether the Borough has a five year housing land supply as required by the National Planning Policy framework (NPPF), which concludes it has a 4.5 year land supply.

Comments made at the Pre-Submission stage must relate to whether the Local Plan is:

- a) Legally compliant – prepared in accordance with statute and regulations.
- b) Sound – its content is positively prepared, justified, effective and consistent with national planning policy.

It is a crucial stage to enable AVBC to submit its Local Plan Core Strategy and the comments received to the Secretary of State (SoS) for consideration by a Planning Inspector appointed for the Examination in Public (EIP). AVBC intends to make its submission on 20 December 2013 with an EIP expected in Spring 2014. The Pre-Submission CS can be viewed at:

<http://www.ambervalley.gov.uk/environment-and-planning/planning/community-planning/community-planning-latest-news.aspx>

Local Member Comments

Local Members raised objections and concerns on the Draft CS, particularly in terms of scale and distribution of housing growth, the Strategic Growth Sites, impact on the Green Belt, the need to re-use brownfield land, the proposals for a A610 Ripley-Codnor Bypass and school places provision. County Councillors with electoral divisions in Amber Valley Borough have been re-consulted on the Pre-Submission CS, including Councillors Bradbury, Buttery, Cox, Freeborn, Jones, Marshall-Clarke, Owen, Smith, Tomlinson and Williams. The detailed Member comments received are in the Appendix to this report. In summary, these comments are similar to those raised on the Draft CS and largely re-affirm their previous objections and concerns.

Officer Comments

Overall, support is re-affirmed for the proposed policy approach in the Pre-Submission CS, which is based upon a robust evidence base, particularly on the housing provision and distribution. AVBC has addressed the majority of previous concerns raised with appropriate amendments to the policies and supporting text in the Pre-Submission CS. This is welcomed.

However, various strategic infrastructure issues relating to broadband, Loscoe Household Waste Recycling Centre and Greenways raised on the

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Draft CS remain outstanding that require further cooperative working between the County Council and AVBC, particularly relating to transport, education provision and other infrastructure requirements. The detailed comments and concerns made on the Draft CS, particularly relating to transport and infrastructure provision, therefore remain relevant and are re-affirmed.

Details of these Technical Officer comments are given in the Appendix to this report. In order to meet the statutory deadline of 29 November 2013, informal Member and Officer comments were made to AVBC that are without prejudice to the decision of this Cabinet Member Meeting.

(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 and the Planning and Compulsory Purchase Act 2004.

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 officers to respond formally to Amber Valley Borough Council on its consultation for the Local Plan Part 1 – Pre-Submission Core Strategy, as described in the report and Appendix.

Mike Ashworth
Acting Strategic Director – Economy, Transport and Environment

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APPENDIX: Comments on the Amber Valley Local Plan Part 1 – Pre-Submission Core Strategy

Member Comments

Councillor Steve Freeborn, Local Member for Ripley East and Codnor:

'I have a number of concerns about how aspects of the Core Strategy have been and / or are being arrived at. In particular:

Green Belt: There does not seem to have been any co-ordinated strategy developed between AVBC and its neighbouring authorities, about where developments might occur and the identification and / or management of Green Belt and green land.

The proposed moving of the route of the Ripley – Woodlinkin A610 by-pass is inappropriate. The alternative route put forward is designed to serve possible new housing and will not have the effect of a proper by-pass.

The Core Strategy could possibly be 'pre-determined'. This is in regards to the altered A610 'link road' route as this is one element forming part of a current planning application AVA/2013/0966. The same application also proposes a site for 560 new houses to the north of Nottingham Road; this is all on Green Belt and is counter to the sites being put forward by the proposed Ripley Neighbourhood Plan (which meets the Strategic Objectives of the housing numbers but on other sites).

In the event these developments take place I consider it imperative that the link road is built completely before any housing construction commences'.

The County Councillors below wish to re-affirm their comments made on the Draft CS.

Councillor Paul Jones, Local Member for Greater Heanor:

- a) The disproportionate identification of strategic housing sites to the east of the A38 will have significant infrastructure problems for Highways and Children and Younger Adults (CAYA) within these communities and I would question if they have been evaluated to an acceptable and logical basis for inclusion.
- b) There is no identified strategic site for industrial development. Yet the site at Lilly Street Farm in Swanwick is the best connected site within the entire Borough for development of high technology businesses.
- c) The inclusion of homes for lives is a welcome development and fits in well with Derbyshire County Council's accommodation strategy for adult care.
- d) There is no recognition of the development of a tram system within the

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Eastwood area, which has the potential to develop towards Ripley through Heanor and Langley Mill.

Councillor Cox, Local Member for Heanor Central:

'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 Marshall-Clarke, Local Member for Alfreton and Somercotes:

'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 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.

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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 Williams, Member for Ripley West and Heage (comments comprise those from an Amber Valley Borough perspective and also focus on the Ripley Town Council area and 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.

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 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 Alfreton 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.*

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'Exceptional circumstances' have not been demonstrated.

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 Pre-Submission Core Strategy.

5. The Pre-Submission Core Strategy in Policy SS11 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 SG2 - 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 considered as a 'local centre' as it will be another small town, having undergone a big increase in size, if these policies are implemented.

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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 Pre-Submission 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 Pre-Submission 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 Pre-Submission 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 Pre-Submission 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 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

The County Council's Technical Officer comments made on the Local Plan Part 1 – Draft Core Strategy (Draft CS) remain relevant and are re-affirmed except where they have been addressed as indicated below.

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Housing Issues

The comprehensive range of robust evidence and the extensive level of collaborative working between the four Derby Housing Market Area (HMA) councils are considered to justify Amber Valley Borough Council's (AVBC) proposed housing target of 9,400 dwellings. The broad scale of proposed housing development is, therefore, considered appropriate and meets the requirements of the National Planning Policy Framework (NPPF).

The broad distribution of housing growth is supported in principle, 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 Growth Sites and within the Borough and local centres. 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).

However, see comments on Strategic Growth Sites and Transport below.

Strategic Growth Sites

Seven Strategic Growth Sites are identified in the Pre-Submission CS to accommodate the vast majority of the balance of 4,200 dwellings required to meet the overall Borough housing target of 9,400 dwellings. Extensive transport modelling works have been commissioned and discussions between County Council and AVBC officers are on-going on the infrastructure planning and service delivery implications of these seven Strategic Growth Sites. In addition, the County Council has recently been consulted on a number of planning applications relating to them.

The County Council wishes to be consulted further on the acceptability of the Strategic Growth Sites once the transport modelling, on-going discussions about strategic infrastructure and any additional collection of evidence are concluded.

Transport

There is concern 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 Pre-Submission CS.

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 used to inform land allocation. It is therefore recommended that such transportation assessment is completed, particularly with regard to the identification of transport infrastructure needed to support the development proposed at the Strategic Growth Sites, before the Core Strategy is subject to Examination in Public (EIP). The Derby Transportation

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Model provides a suitable assessment tool, and the County Council will be able to assist with the specification and analysis of tests using this.

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.

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 a A610 Link Road between Ripley and Codnor. In light of the commissioned transport modelling works, the need for further evidence and on-going 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 funding into the Borough to support community based projects. This is consistent with the aims of the NPPF. The proposed allocation of approximately 75 ha of employment land is based on robust and extensive evidence and is broadly supported.

Councillor Paul Smith, Member for Alfreton and Somercotes, previously expressed concerns that the Draft CS did not contain policies that sought to bring back into use the empty office and industrial units that are available in the Borough before any further land is allocated for employment use. He also considered that poorer quality employment land allocations should be removed from the Strategy. It is welcomed that this issue has been addressed in the Pre-Submission CS in Policy SS2, which now identifies the need for AVBC to review existing employment land allocations in Part 2 of the Local Plan and seeks to ensure that the potential re-use of existing employment land and buildings is maximised before new sites are allocated.

Town Centres

Technical Officer comments made on the Town Centre and Regeneration policies of the Draft CS remain largely relevant and are re-affirmed. Amendments made to Policy SS8 in the Pre-Submission CS are welcomed and supported (see below).

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

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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 it would make assessment of the policies in the planning application process clearer and more certain.

Concerns were expressed on Policy SS8 of the Draft CS that it did not include appropriate policy criteria for the sequential test and for the assessment of the impact effects of edge-of-centre and out-of-centre retail developments. This has been largely addressed and appropriate amendments have been made to Policy SS8 in the Pre-Submission CS. However, it is still considered that paragraph 3 of Policy SS8 should make specific reference to the fact that edge-of-centre and out-of-centre development proposals should not have an adverse impact on existing, committed and planned public and private investment in the town centre or the vitality and viability of the town centre as a whole, in accordance with paragraphs 26 and 27 of the NPPF.

Heritage

Previous comments on the Draft CS requested that a separate criteria based policy should be included in the Core Strategy for the Derwent Valley Mills World Heritage Site (DVMWHS) and its buffer zone, which required development proposals to demonstrate how they would contribute towards the achievement of the management objectives outlined in the DVMWHS Management Plan and enhance the WHS, and that the policy should encourage the interpretation and promotion of the significance of the WHS and its assets.

Although a separate criteria based policy for the DVMWHS and its buffer zone has not been included, it is welcomed and supported that the concerns raised above have been addressed in the Pre-Submission CS, which now includes these as specific requirements in Policy E3: Historic Environment.

Concern was also expressed about Policy E3 that the route of the Cromford Canal should be specifically named in the areas and buildings of architectural or historic interest which will be preserved, enhanced and protected from unsympathetic development, and included in the local list of non-designated Heritage Assets. This has not been addressed by AVBC and so the comments are re-affirmed.

Landscape and Visual Impact

Some of the previous landscape comments made on the Draft CS, that sought to tackle important fundamental issues on landscape and visual impact, have not been addressed or included in the Pre-Submission CS. Some new text, whilst welcome, still needs further clarification.

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Drainage and Flooding

Concern is expressed about the proposed Strategic Growth Sites at Radbourne Lane, Derby and Nottingham Road, Ripley, and their potential surface water flooding impacts on the respective Derbyshire Greenways networks adjacent to these sites.

Infrastructure Planning and Service Delivery

It is noted that some changes have been made to the Pre-Submission CS in light of Derbyshire County Council's comments on the Draft CS, which are welcomed and supported. However, it is still considered that the Pre-Submission CS, particularly Policies IN5 and IN6, is lacking in detail in terms of exactly what key infrastructure will be delivered, and crucially when and how. This information is included in AVBC's Infrastructure Delivery Plan but it is not taken forward sufficiently in the Pre-Submission CS's policies.

Improvements have been made to the Strategic Growth Sites policies, which now identify some of the key items of highways, education provision and green infrastructure necessary to support delivery of the sites, and this is welcomed. However, there is still a need for the Strategic Growth Sites' policies to include a requirement that development of the sites should contribute towards the provision of additional household waste recycling capacity through expansion of the Loscoe Household Waste Recycling Centre. Reference also still needs to be made on some of the Strategic Growth Sites to the need for development to facilitate the provision of high-speed broadband.