

**DERBYSHIRE COUNTY COUNCIL**

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

**30 September 2014**

Report of the Strategic Director – Economy, Transport and Environment

**CONSULTATION ON PROPOSED CHANGES TO THE AMBER  
VALLEY LOCAL PLAN PART 1 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 Proposed Changes to the Amber Valley Local Plan Part 1 Core Strategy (Proposed Changes).

(2) **Information and Analysis** The Amber Valley Local Plan Part 1: Submission Core Strategy (Submission Core Strategy) was submitted to the Secretary of State by AVBC on 20 December 2013. An Examination in Public (EIP) of the Plan was subsequently conducted by a Government Inspector (Roy Foster) between April and May 2014, on a number of key soundness issues identified by the Inspector, particularly that the housing target for both the Borough and wider Derby Housing Market Area (HMA) was too low and should be increased to meet the objectively assessed housing needs (OAHN) of both areas. He also raised concerns about the deliverability of the sites identified by AVBC in its five-year housing land supply. Specific issues and concerns relating to the Strategic Growth Sites in the Plan were also examined, particularly the proposed large urban extension sites north of Ripley and East of Codnor, and the need for the associated A610 Relief Road.

The Inspector published his conclusions and recommendations on the EIP hearing sessions on 14 May 2014, and (particularly) recommended suspension of the EIP for a period of six months to allow AVBC further time to address his soundness concerns on these matters, with further evidence and collaborative working.

Derbyshire County Council made extensive Member and officer technical comments on the Amber Valley Local Plan Part 1 Pre-Submission Core Strategy (Pre-Submission Core Strategy) which were reported to, and agreed at, the Cabinet Member Meeting on 21 January 2014 (Minute No. 10/14 refers). Derbyshire County Council's comments were considered by the Inspector through the EIP process and officers appeared at the EIP to address

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the Inspector's more detailed examination of the issues, particularly the Ripley-Codnor urban extensions and need for the proposed A610 relief road. AVBC has published its Proposed Changes which seek to meet the requirements of the Inspector to provide further evidence on his soundness concerns. In particular, it has identified 14 proposed new large-scale housing allocations in the Proposed Changes to supplement those already identified in the Submission Core Strategy, to meet the future housing requirements of the Borough of 10,100 new dwellings between 2011 and 2028, and its contribution to meeting the housing needs of the wider Derby HMA of 33,390 new dwellings over the same period as recommended by the Inspector. The 14 proposed new housing allocations also seek to identify sufficient additional new land to help meet the Borough Council's five year housing land supply requirements of just over 1,000 dwellings per annum (pa). The proposed housing allocations are detailed in Appendix 2 of this report.

Following his consideration of the proposed A610 relief road and strategic growth sites in Codnor and Ripley, the Inspector concluded that there was a need for a new stand-alone statement of evidence to be provided by AVBC about the current perceived need for the provision of a new A610 link road between Ripley and Codnor. AVBC's consultants have therefore produced a Draft Technical Note to support the need for a new A610 relief road, which is based on additional independent traffic surveys and provides further details relating to existing conditions on the local road network, in particular, junctions on the A610 corridor through Ripley and Codnor. This Draft Technical Note was forwarded to Derbyshire County Council for comment and details of Derbyshire County Council's initial Officer response are included in the Proposed Changes document. The Proposed Changes indicate that, in order to establish whether there is clear and robust evidence in relation to the need for a new A610 link road and to enable AVBC to confirm its position on this matter, in advance of the re-convening of the examination, further discussions need to be undertaken with Derbyshire County Council as the Highways Authority for the area. Further details of progress on this matter are provided below and in Appendix 2 to this report.

Derbyshire County Council was required to submit its comments on the Proposed Changes to AVBC by 8 September 2014. At the time of drafting this report to the Cabinet Member, draft comments were being finalised by officers to establish a detailed submission to AVBC to meet its deadline for responses. This report and the accompanying appendices summarise the key issues and concerns contained in the 8 September draft Officer response; the Cabinet Member is now requested to agree this report as the basis for Derbyshire County Council's formal response.

Full details of the Proposed Changes can be viewed at the following link:  
<http://www.ambervalley.gov.uk/environment-and-planning/planning/community-planning/community-planning-latest-news.aspx>

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### **Local Member Comments**

Local County Councillors with electoral divisions in Amber Valley Borough and South Derbyshire District have been consulted on the Proposed Changes. Extensive comments have been provided by Councillor Steve Freeborn, Local Member for Ripley East and Codnor, Councillor Steve-Marshall Clarke, Local Member for Alfreton and Somercotes, and Councillor John Owen, Local Member for Belper. Their comments on the proposed changes are provided in Appendix 1.

Members' comments, in particular, relate to the 14 new proposed housing allocations and those located within their electoral divisions; the broad scale and distribution of the proposed housing sites, particularly that more land should be identified on the fringe of Derby to meet the City's housing needs; and that housing land should be identified in Belper to help meet the City's needs. Members have also expressed significant concerns about the implications of the housing sites for school places, their potential highways impacts, the lack of justified need for the proposed A610 relief road, and impacts on Green Belt, the Derwent Valley Mills World Heritage Site (DVMWHS) and other environmentally important areas.

Although Councillor Paul Smith, Local Member for Alfreton and Somercotes, has not provided detailed comments, he has expressed his concerns to officers that he is strongly opposed to the housing site at Amber Valley Rugby Club at Lower Somercotes, due to the extensive history of the tipping of toxic waste on the site.

### **Officer Comments**

In commenting on the Pre-Submission Core Strategy, Derbyshire County Council's comments identified various strategic infrastructure issues and concerns that remained outstanding which, at that time, required further cooperative working between the County Council and AVBC, and the provision of further evidence. These issues particularly related to the potential highway impacts of the strategic housing and employment sites identified in the Plan, and the need for extensive transport modelling works to be carried out for the sites, the school place planning needs associated with the proposed strategic housing sites, and other infrastructure requirements, such as Greenways and Public Rights of Way.

At the time of writing this report, those infrastructure issues are still the subject of on-going collaborative working between Derbyshire County Council and AVBC, particularly on transport impacts and education provision. The 14 new housing and employment sites proposed for allocation in the Proposed Changes have not previously been subject to any detailed investigation and assessment by Derbyshire County Council's officers for their highways impacts and school place planning needs. The full range of infrastructure impacts and requirements of these 14 new sites are, therefore, currently being considered by Derbyshire County Council's officers alongside those sites

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already identified in the Submission Core Strategy. In some cases, the cumulative impact implications of the new sites and those already included in the Submission Core Strategy could be significant on highways and education provision and require particular detailed assessment by Derbyshire County Council's officers. Those investigations are still on-going. Derbyshire County Council will, therefore, be providing further comments to AVBC when the outcomes of the assessment works are complete.

A report on the proposed A610 relief road was considered by Cabinet at its Meeting on 9 September 2014. As recommended in that report, it resolved to note the observations in that report on the 'need' for a bypass scheme and to authorise the Strategic Director – Economy, Transport and Environment to formulate a response to evidence on a possible bypass scheme in consultation with the Cabinet Member for Jobs, Economy and Transport (Minute No. 307/14 refers). This enables the Strategic Director to provide Derbyshire County Council's comments on the transport modelling works and further evidence to be provided by AVBC's consultants on the need for the new A610 relief road, when this evidence is made available in the coming weeks.

At its meeting on 21 January 2014, Cabinet considered a joint report of the Strategic Director – for Children and Young Adults and the Strategic Director – Economy, Transport and Environment on the implications for education on housing growth in South Derbyshire. Cabinet resolved to note the requirement to expand education provision in the areas of the Derby HMA affected by housing growth proposals being put forward in the emerging local plan core strategies of the three HMA authorities authorised officers, to seek funding from developers to meet capital costs, and authorised feasibility studies and informal consultations with schools on potential changes. It also noted the requirement for new schools and agreed to receive further reports relating to possible sites for new schools and funding options. Secondary school provision required to meet the housing growth needs of Derby City both within the City and on the fringe of the City within Amber Valley and South Derbyshire, remains a major issue. All existing secondary schools are either currently at or over capacity with limited or no scope to expand. The School Place Planning Teams of both the County and City Councils in consultation with Planning officers of the three HMA authorities, and existing secondary schools and academies, are currently developing a secondary school strategy to address these issues and concerns.

AVBC wrote on 22 August 2014 to the Inspector to propose a revised timetable for the Core Strategy. On 1 September 2014, the Inspector responded to AVBC indicating that an extension of time, until February 2015, would be appropriate before he re-opens the EIP. Derbyshire County Council's officers would strongly support such an extension of time, to enable collaborative working to be completed, as identified above, and all the relevant evidence to be in place, before the EIP resumes.

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The Officer comments in Appendix 2 on the 14 proposed new housing allocation sites have been provided to AVBC in the context of the circumstances referred to above. In summary:

- the housing comments express disappointment that the Inspector did not consider the housing targets for Amber Valley Borough and the wider Derby HMA put forward in the Submission Core Strategy to be sound, when these targets were based on extensive and comprehensive evidence. The Inspector is urged to take a less rigid approach to these issues in his consideration of the Proposed Changes;
- the comments on the scale and spatial distribution of the 14 new housing allocations consider that the broad scale and distribution of proposed new housing is generally consistent with the spatial strategy set out in the Submission Core Strategy, that the level of housing growth proposed on the fringe of Derby is generally appropriate given the significant highways, school place provision, Green Belt and other environmental constraints that exist in the area, and that the scale and broad location of growth in Belper is supported, in principle, as the town is a suitable and sustainable settlement to accommodate new growth;
- the Borough's proposed new five year land requirements resulting from the Inspector's conclusions and recommendations, provide for a five year annual land supply requirement of over 1,000 dwellings pa that is unlikely to be delivered in reality by the house building sector or met by public demand. The inspector is urged to take a more flexible approach to this matter;
- the proposed allocation of the Lily Street Farm site for 25ha of employment land is supported, in principle (subject to further detailed consideration of its highways impacts), as it would provide for a well-located strategic scale employment site for which there is a need in the Borough and that would be very accessible to the strategic and national trunk road network of the A38 and M1;
- the highways comments indicate that the transport evidence base to inform the growth strategy in the Local Plan is still being assembled and that this needs to be completed and in place by the time the EIP resumes. Extensive transport modelling works are currently being undertaken by consultants of all the housing and employment sites in the Submission Core Strategy and Proposed Changes, which are due to be completed in mid-October 2014;
- the education comments refer to provide an initial assessment of the school place planning implications of the 14 new housing allocations, particularly the capacity of existing primary and secondary schools, their potential need for expansion or need for a new school. A summary of the assessment is provided in Appendix 3;
- the accessibility comments express concern about the methodology used by the AVBC's consultants to assess the accessibility of the 14 proposed new housing allocations to services and facilities in their areas;

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- the flood risk comments indicate that each of the 14 new housing sites have been assessed for their potential liability to flooding and that the assessments have been forwarded to AVBC; and
- the minerals and waste comments indicate the requirement for AVBC to consider the need to safeguard any mineral resources underlying the 14 new housing sites and whether these minerals could be extracted prior to any development on the sites. Particular concern is expressed about the suitability of the site at Amber Valley Rugby Club, Lower Somercotes, as the site has a history of both authorised and unauthorised tipping of waste (particularly toxic waste), which would require considerable remediation, and could make the site both unviable and unsafe for housing development.

(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 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 within the Economy, Transport and Environment Department. 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 Proposed Changes to the Amber Valley Local Plan Part 1 Core Strategy, as described in the report and appendices, with additional Technical Officer comments as appropriate.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**

## **Appendix 1: Detailed Local Member Comments on Proposed Changes to Amber Valley Local Plan Part 1 – Core Strategy**

**Councillor Steve Freeborn, Local Member for Ripley East and Codnor, has commented that:**

### *“1. Use of Green Belt*

*There is a large amount of green-field (as opposed to Green Belt land, and which is commonly called ‘White Land’) across the whole of the Borough. AVBC’s Planning Officers have recognised this as they informed the Planning Inspector at the recent EIP of the AVBC Submission Core Strategy, that the Borough’s required housing numbers can be met on White Land sites without using any Green Belt land.*

*Because of this, AVBC confirmed to Ripley Town Council (RTC) that a Green Belt site at Heage Road, Ripley – which had been put forward for housing in the final consultation draft of the Ripley Neighbourhood Plan (RNP) – should be excluded, simply because it was in the Green Belt and this is not consistent with the National Planning Policy Framework (NPPF).*

*Further, in the same letter dated 18th June 2014, AVBC confirmed to RTC that the link road and housing north of Nottingham Road should also be removed from the Plan.*

*It is therefore very surprising and disappointing that the revised proposals do not reflect that position. Instead, AVBC has continued to put forward sites in the Green Belt without demonstrating that any ‘exceptional circumstances’ exist for their use. AVBC should note that the need to demonstrate ‘exceptional circumstances’ exist for using any Green Belt is a national policy requirement, and is something which – so far – AVBC has manifestly failed to do.*

### *2. Spatial Policy*

*The report considered by AVBC Full Council on 23 July 2014 re-states a commitment to maintain a spatial policy that centres housing development upon the towns of Ripley, Belper, Alfreton and Heanor. I believe this approach to be a fundamentally flawed because:*

- a) A very large number of houses have not been built on sites in the four towns which have been granted planning permission in the past. This has resulted now in AVBC being penalised for failing to supply the housing numbers expected of it in the last Local Plan, by having an additional 20% “buffer” added to the required housing numbers needed*

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*in the new Core Strategy. In the Ripley township, permission has already been granted for 1,200+ houses that have not yet been built.*

- b) This situation has come about under the terms of a Local Plan based upon the same spatial policies as being pursued now. It is my view that maintaining the same spatial policies as now will have the same result – that of planning permissions being granted but houses not built. This means that more and more land will be blighted in the town, whilst developers would be able to build wherever else they wish to do so in the Borough, because of the absence of a 5-year housing supply.*

*I believe that the spatial policies should be re-written with immediate effect, placing the emphasis firmly upon supplying the majority of housing to the south of Belper, and abutting Derby.*

### 3. Kedleston Hall Buffer Zone

*The extent of the buffer zone of non-development around Kedleston Hall is predicated upon a report commissioned in 2001 which sought the protection of “distant [‘unspoilt’] views” from and of the hall. These distant views are the ones first sought by the aristocratic and wealthy people who commissioned the erection of Kedleston Hall in the 18th century. It is an anachronism in the 21st century that so many people in communities well away from Kedleston should have to suffer the consequences of the maintenance of the view.*

*Further, given that the protection of views is not considered to be a material factor when determining the outcome of any planning application, I see no reason why the protection of the views to and from the hall should determine the outcomes of the Core Strategy.*

*The principle reason for the buffer zone policy to be scrapped is that the land is not Green Belt and it is ideally placed to serve the housing needs of Derby. The development of more housing in that area would serve Derby better than any site in Ripley and I contend that large numbers of houses can be delivered in the Mackworth and Allestree areas, without any adverse effect per se upon the protection of Kedleston Hall or its park.*

### 4. Use of the A38

*An issue about the lack of consistency arises from the report considered by AVBC Full Council on 23 July 2014. In one part of the report it is argued that the A38 is unable to take additional traffic from the non-Green Belt sites that could be developed around Mackworth. Yet elsewhere in the report, it is argued that the A38 can receive the traffic from a major development (to serve Derby) at Denby.*



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*Given the extensive alterations and improvements being completed now at the Little Eaton and Markeaton A38 junctions, I believe that additional housing at Mackworth and Allestree etc. cannot be rejected because of highways issues to do with the A38. It must also be stated that these sites would access the A38 from existing infrastructure (the A6) and that additional junctions with the A38 would not be needed. (Further, the report makes statements about the capacity of schools which AVBC is simply not appropriate to make – these are Derbyshire County Council matters.)*

### 5. Strategic Housing Sites SG2 and SG7

*That the sites SG2 and SG7 (land north of Nottingham Road, Ripley and land east of Codnor) continue to be proposed for 1,000+ houses is of deep concern.*

- a) In addition to the fundamental issue over the use of Green Belt land, the notion that a link road to two large housing estates would provide a Ripley – Woodlinkin by-pass that improves traffic flow on or onto Nottingham Road, is strongly contested. There is still no objectively assessed data available to support that proposition, even after months searching for it.*
- b) Neither of the proposed developments on SG2 and SG7 would integrate with either Ripley or Codnor in any way. They are each self-contained 'bubbles' with no facilities and which would force people to use cars. This simply is not a sustainable model of development.*
- c) In its Report on 23rd July 2014, AVBC Full Council noted that the Planning Inspector wished to understand how the link road may be funded. It is therefore surprising that no reference was made to the unsuccessful planning application for the out-of-town centre supermarket, and the consequential loss to AVBC of a substantial capital receipt. This receipt was to be used to fund the link road, and the figures put forward in the report now do not demonstrate the deliverability of the scheme.*

*I believe the only way it could be done would be through borrowing. This would result in a sizeable increase in Council Tax, or major service cuts to fund the costs of the borrowing, especially if Government continue to cap Council Tax increases to 1.99%.*

### 6. Additional Sites in Ripley

*I consider that two of the additional three sites put forward now for housing in Ripley – land at Amber Heights and at Asher Lane – are not appropriate for many of the reasons stated above. In addition:*

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- a) *At Amber Heights, the proposed access would see all the additional traffic being routed through what is a cul-de-sac, and the access to the site itself is problematic.*
- b) *The highways access to Asher Lane is already very congested with large stretches of the highway restricted to a single carriageway because of on-street parking. The proposed housing would increase traffic volumes significantly and make the already difficult driving conditions even worse. It must be noted that more traffic is set to be using this highway in any case because of the development already granted planning approval at Lowes Hill.*
- c) *Furthermore, a significant number of existing businesses would have to be relocated and there is no consideration of how this might be done.*

### 7. Housing numbers

*The report considered by AVBC Full Council on 23 July 2014, provided information about the overall housing numbers that must be provided within the Derby HMA. It also noted the Derby City and South Derbyshire District Councils commitments to unchanged housing numbers. What was not made clear is that AVBC has consequently got to find the sites for a further 1,500 houses, rather than these being shared amongst the three authorities.*

*It is my view that AVBC should only be required to receive 500 of the additional numbers.*

### 8. Ripley Neighbourhood Plan

*It is my view that, because the AVBC Submission Core Strategy was suspended, the revised Core Strategy should conform to the Ripley Neighbourhood Plan, which is in its final form and has been signed off by AVBC under Regulation 16 of the Planning Regulations 2012."*

**Councillor Marshall-Clarke, Local Member for Alfreton and Somercotes, has commented that:**

*"Proposed Housing Sites in Alfreton*

#### *General Comments*

*From a locational point of view, the proposed new housing allocations in Alfreton at Chesterfield Road and Lily Street Farm would not be well located to provide for the housing needs of Derby City, as identified by the Local Plan Inspector. Most residents of Alfreton travel to Mansfield and Chesterfield for their employment needs and so links with Derby are not strong. New housing development in Alfreton would not therefore help meet the growth needs of Derby City.*

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*There are other sites identified in the Proposed Changes on the fringe of Derby which would be much better located to meet the housing needs of Derby City, particularly those sites identified around Markeaton. Originally, in the early stages of the Local Plan's preparation, housing growth around Markeaton and the north-west of the City was resisted by the Borough Council due to highway capacity problems and congestion on the A38. However, the A38 junctions at Markeaton Island and Little Eaton Island are currently being improved through the Government's Pinch Point Highways Improvement Programme. The A38 junctions through the City have also recently been identified for further major improvement through "Action for Roads" published in July 2013, which sets out a revision of plans for strategic highway networks and includes as a 'pipeline' project (starting after 2015) grade separation of the A38 Derby junctions. These highway improvements would make the area to the north-west of the City a more acceptable location for housing growth to meet the needs of the City.*

*It is accepted, however, that there would be a need for increased health care and education provision if more housing development was identified to the north-west of the City, particularly as Ecclesbourne School is already at capacity. However, the sites identified around Markeaton are on the fringe of the City so the employment, shopping, service and health needs of the new residents could be met within the City and at the Derby Royal Hospital.*

### *Other Comments*

*Housing growth on the north-eastern edge of Derby has been resisted by the Borough Council in the past on grounds of likely harm to the setting of Kedleston Hall, for which the Local Plan identifies a protection zone of several miles wide. AVBC should review the extent of the protection zone for Kedleston Hall and reduce it in extent as it is not in a prominent location when viewed from the surrounding area. This would provide more scope for new housing development.*

### *Chesterfield Road, Alfreton Housing Site*

*There are serious concerns about the allocation of the Chesterfield Road site for 300 houses. There are already sites with planning permission for over 800 houses in Alfreton, which have not been developed such as Outseats Farm, Eachwell Lane and other sites. There are already infrastructure problems with these sites in terms of education and highways infrastructure capacity. The A61 is already a bottle neck through Alfreton and it is an accident black spot. If the site was to be developed wholly within the confines of Amber Valley and not within North East Derbyshire, where will the access go? If access was provided from the A61, that would be unacceptable due to the existing highway safety and congestion problems on the A61.*

*In terms of education needs, there are three schools in the Alfreton area – Copthorne School, Croft School and Lees Junior School – which are already*

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*predicted to be at capacity. Planning permission was recently granted for housing development on the Eachwell Lane site, for which school places have not yet been identified. Further new housing development in Alfreton would exacerbate the school place position in Alfreton.*

*The Chesterfield Road site is a greenfield site in a prominent location so it would create urban sprawl northwards from Alfreton. There is already a problem in Alfreton with the loss of greenfield sites to housing and a need for the creation of new green infrastructure and public open space to compensate for the loss of these sites.*

*There is a deliverability problem in Alfreton as there are housing sites which have had planning permission for a number of years that have not been started as the sites are not attractive to house builders. There would be little point in allocating more housing land in Alfreton as there is no public demand for it. However, there would be much greater demand for new housing on the fringe of Derby around the Markeaton area, so more housing land should be allocated in that location.*

### *Lily Street Farm Mixed-Use Site*

*The proposed development is not supported for housing use. There is a significant need for new employment land in Alfreton and so the whole of the site should be used for employment development. The Derbyshire 'Quilt' indicates that unemployment in Alfreton and Somercotes is at high levels and so new jobs are needed in the area.*

*The development of up to 600 houses on this site would require a lot of new infrastructure, particularly a new highway access and additional school places, as schools in Swanwick area already full. This is another large greenfield site that would be lost to development and would, if developed for housing, create more urban sprawl. Swanwick has already had to accommodate a lot of housing growth in the past which has swamped the village. Given its location and distance from Derby, the site would not help to provide for any of the housing needs of Derby City.*

*It is understood that the promoters of the Lily Street Farm site have indicated that they would provide the land for, and build, a new school on the site. If the site is used for housing then the school should only be built to a size needed to accommodate the school places generated from the development itself. If a much bigger school was developed to serve the wider area, it would make Alfreton a target for further housing growth, which is unacceptable.*

*The two sites at Chesterfield Road and Lily Street Farm in Alfreton are located on the A61 corridor where North-East Derbyshire District Council (NEDDC) has also identified a number of large sites for housing growth. There needs to*

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*be consultation by the Borough Council with NEDDC to assess the impacts of all the housing developments proposed along the A61 corridor.*

*Overall, the Proposed Changes are a patchwork quilt of development that has no strategic direction to meet the housing needs of Derby City.”*

### **Councillor Owen, Local Member for Belper, has commented:**

*“Belper is required to take on an additional 570 new dwellings out of the 33,000 required to increase Derby City area’s unmet housing need. (HMA) The Government appointed Inspector has given until 8<sup>th</sup> September 2014 for the revised plans and public consultation to take place.*

*There is a housing crisis in Britain. There is a homelessness crisis in Britain. Thousands of construction workers are out of work. They could be employed building the required housing stock. Amber Valley and Belper have to play their part. The next generation need affordable housing.*

*In principle I support the Amber Valley Borough Council Local Plan. It must be ensured that much of the housing is affordable and has the relevant upgrades to its infrastructure.*

*I am reliably informed that the relevant formulas for School and Road infrastructure will be adhered to. I am further informed that those proposed new homes within Derwent Valley Mills buffer zone will have at least the minimum requirements adhered to.*

*It has been emphasised to me that if there is insufficient capacity at an existing school this would need to be funded by the developers. If expansion is not possible then any new school would have to be funded by the developers.*

*The required transport modelling work will not be completed until mid-October 2014. AVBC may well request that the Inspector give additional time to consider the new sites.*

*I am encouraged to learn that the additional 570 homes could well encourage new retail outlets in the town, providing improved job opportunities. New opportunities for small business outlets should also emerge.*

*Many residents of Belper already find their work in Derby and Chesterfield areas, this number may well increase. Good road and public transport provision already exists for this daily commute. There is a new rail service connecting Chesterfield, Belper and Derby once a day in each direction. In considering the infrastructure cyclists and pedestrian’s needs should also be taken into account.*

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*Housing provision is not just driven by those coming into the town. People already living here need additional housing such as ‘concealed households’ for example divorced and separated couples, those living in temporary accommodation and those living at home with parents who cannot afford to move out into their own home.*

*There are a number of key examples as to how Belper can both play its part in contributing to a revised Amber Valley Borough Council local plan as well as potentially prosper from better housing provision, providing jobs and boosting our local economy.*

*For such reasons I support the AVBC local plan.”*

## **Appendix 2: Summary of Main Officer Comments on Proposed Changes to Amber Valley Local Plan Part 1 – Core Strategy**

The Proposed Changes identify 14 proposed new housing allocation sites across the Borough. These are set out below. Officer comments on the broad scale and distribution of the sites and their implications for, and impacts on, key infrastructure and the environment are also provided below.

• Radbourne Lane, Mackworth:	70 dwellings
• Kedleston Road, Quarndon:	400 dwellings
• Chesterfield Road, Alfreton:	300 dwellings
• Somercotes Hill, Somercotes:	200 dwellings
• Amber Valley Rugby Club, Lower Somercotes:	200 dwellings
• Bradshaw Avenue, Riddings:	90 dwellings
• Lily Street Farm, Derby Road, Swanwick: (Includes 25 ha of employment land)	600 dwellings
• Derwent Street, Belper:	120 dwellings
• Bullsmoor/Cherry House Farm, Belper:	250 dwellings
• Pottery Farm, Belper:	200 dwellings
• Hall Road, Langley Mill:	80 dwellings
• Amber Heights, Ripley:	60 dwellings
• Asher Lane, Ripley:	170 dwellings
• Butterley Hall, Ripley:	120 dwellings

### **Housing Comments**

The housing comments express disappointment that the Inspector did not consider the housing targets for Amber Valley Borough and the wider Derby HMA put forward in the Submission Core Strategy to be sound, when those targets were based on extensive and comprehensive evidence commissioned by the four HMA authorities and extensive 'sensitivity' testing now widely recommended by Inspectors. The Inspector is recommended to take into account the forthcoming 2012-based Sub-National Household Projections to be published by the Department for Communities and Local Government (DCLG) in the Autumn, which could imply a lower housing requirement for Amber Valley Borough over the Plan period. He is urged, therefore, to apply a more flexible approach to the housing requirements for Amber Valley in the Proposed Changes. AVBC is commended for seeking to accommodate the whole of the increase in the Derby HMA housing requirement of 1,500 dwellings in the Proposed Changes recommended by the Inspector. Derby City Council (the City Council) and South Derbyshire District Council (SDDC) have indicated that they are unable to accommodate any of the Inspector's recommended increase in housing provision across the HMA. The City Council is capacity constrained and does not have sufficient additional housing land available to accommodate any more housing. SDDC has already allocated large amounts of housing land in its Local Plan on the fringe of the City to meet the City's housing needs.

### **Comments on Spatial Distribution of New Housing Allocations**

The overall spatial distribution of the 14 new housing sites proposed in the Proposed Changes, is considered to be broadly consistent with the spatial strategy set out in the Submission Core Strategy, which seeks to provide new housing growth in and around the Borough's four main towns of Alfreton, Belper, Heanor and Ripley, a new mixed-use settlement at Denby, and on the fringe of Derby. It is also broadly consistent with the Local Plan Inspector's recommendations, which required a range of new housing sites to be identified across the Borough, not only to help meet the Borough's five year housing land supply needs but particularly to help meet the additional housing needs arising in Derby City.

The Proposed Changes appropriately addresses an imbalance in the spatial distribution of housing growth set out in the Submission Core Strategy, which did not identify any strategic growth sites in and around Belper. Belper is a suitable and sustainable location to accommodate new housing and employment growth and therefore, in principle, the identification of a range of new housing allocations in and on the edge of the town is supported. Given its good highways and public transport links, Belper is well situated to provide for some of the housing needs of Derby City. The proposed allocation of a total of 570 dwellings in and around Belper would not be unreasonable for a town of its size subject to the on-going infrastructure considerations and investigations above, particularly school place provision and highways impacts. The proposed housing sites are located within and adjacent to the Derwent Valley Mills World Heritage Site (DVMWHS) and its buffer zone. Consequently, very careful consideration will be required about the design and layout of any housing proposed on the sites to ensure that they do not harm the outstanding universal value of the World Heritage Site and its buffer zone.

The scale and location of proposed housing growth on the north-western edge of Derby is considered to be reasonable, in principle. Significant environmental and infrastructure constraints have major implications for the level of housing growth which could be accommodated sustainably in this location, particularly Green Belt, significant school place capacity problems, highway capacity issues on the A38 and its junctions within and on the edge of the City, and protection policies for the setting of Kedleston Hall and Gardens.

### **Five Year Housing Land Supply**

It is considered unfortunate that, due to the Inspector's recommendations for a significant increase in housing provision across the Derby HMA, and his lack of flexibility and stringent adherence to the requirements of the NPPF, the five housing land supply requirements for Amber Valley Borough will be over 1,000 dwellings per annum, which is never realistically likely to be provided by the house building sector or met by public demand for housing. The Inspector is urged to take a more flexible and realistic approach to this issue.



### **Employment Land Issues**

In its comments on previous consultation stages of the Local Plan Core Strategy, Derbyshire County Council's officers have expressed a view that the Borough has a shortage of good quality employment land that is in accessible locations to the strategic highway network and that many existing employment sites are of poorer quality and not attractive to new businesses. The proposed allocation of the Lily Street Farm site for 25ha of employment land is supported in principle (subject to further detailed consideration of its highways impacts) as it would provide for a well located strategic scale employment site that would be very accessible to the strategic and national trunk road network of the A38 and M1.

### **Highways Comments**

Derbyshire County Council's officers remain of the view that the Local Plan Core Strategy would be greatly strengthened by a more comprehensive approach to transportation and its 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 EIP resumes. The Greater Derby Transportation Model provides a suitable assessment tool for this purpose, and officers of the County Council have, in the past, assisted with the specification and analysis of tests using the model. The commitment to this assistance still stands. Each of the 14 new housing allocations have been included in the on-going transport modelling works commissioned by Derbyshire County Council and Derby City Council. The results of this modelling works will be available in mid-October 2014, at which point, Derbyshire County Council's officers will be in a position to provide more detailed and informed comments on the potential highways impacts of the 14 new housing allocations and the other strategic growth sites included in the Submission Core Strategy.

### **Education Comments**

The issue of the need for additional school places to meet the education needs of the increase in primary and secondary school pupils, likely to be generated by the 14 new housing allocations, will require continued consultation with AVBC and the schools likely to be affected by extensions or new schools that are built within their areas. The County and City Council's School Place Planning Teams will continue to lead these discussions. In the meantime, the proposed 14 new housing allocations have been assessed by Derbyshire County Council's School Place Planning Team and provisional assessments of the potential impacts of these new sites on school place provision have been forwarded to AVBC, as a starting point for further consideration of this matter. A summary of the key education requirements for each site is provided in Appendix 3. It should be noted that Derbyshire County Council's officers have recently held discussions with the promoters for the Lily Street Farm proposed housing and employment site to explore the

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possibility of the promoters providing both the land for, and the building of, a new primary school on the site to meet the school place planning needs of the 600 new homes proposed for the site and wider area.

### **Accessibility Issues**

In June 2014, Derbyshire County Council's officers provided AVBC and its consultants (URS) with detailed assessments of the accessibility of the 14 new housing allocations to key services and facilities in their localities to inform the preparation of the Sustainability Appraisal (SA) of the 14 new sites. It appears that URS has disregarded these assessments. Whilst this does not raise immediate concern, Derbyshire County Council's officers are not entirely comfortable with the alternative methodology URS has adopted in its assessment for the SA. Further discussions between Derbyshire County Council's officers and URS, and additional clarification by URS of their approach in the SA, are recommended.

### **Landscape Comments**

Derbyshire County Council's officers have carried out a detailed assessment of the 14 new housing allocations for their potential impacts on landscape and landscape character. The assessment has been carried out, particularly in the context of the Areas of Multiple Environmental Sensitivity defined by Derbyshire County Council and the Derbyshire Landscape Character Assessment. These assessments have been forwarded to AVBC as part of Derbyshire County Council's detailed response on the consultation. The housing sites proposed to the east of Belper are of significant concern from a landscape and landscape character point of view, and particularly, the potential impacts of the proposed developments on the DVMWHS and its buffer zone. Detailed landscape and visual impact assessments will be required to fully assess the impacts of these sites and requirements for mitigation.

### **Flood Risk**

In its capacity as Flood Risk Management Authority, Derbyshire County Council's officers have carried out an assessment of the flood risk issues associated with the proposed new housing and employment allocations. Assessments have been carried out on each site in relation to surface water, fluvial and ground water flooding risk, as well as an overview of historic flood events and the suitability for Sustainable Urban Drainage Systems (SuDS) on the sites. The assessments forwarded to AVBC should act only as a guide and should not be taken as a detailed Flood Risk Assessment as the data provided is just a general overview of what is known about the sites, based on the datasets held.

### **Minerals and Waste Issues**

The existing Derby and Derbyshire Minerals Local Plan is part of the development plan for Amber valley Borough and there are saved policies which are relevant to these issues. The analysis of, and the selection

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methodology for the additional sites should be developed in consideration of the NPPF, National Planning Practice Guidance and the Minerals Local Plan saved policies, including Policies MP 17: Safeguarding Resources and MP 27: Coal Extraction and Colliery Spoil Disposal. Both policies seek to safeguard a mineral resource and ensure that economically workable mineral deposits are extracted in advance of other development, unless this would give rise to unacceptable impacts or lead to excessive delays for the development. A significant part of Amber Valley Borough is underlain by the surface coal resource. Co-operation should take place in respect of this, for example, in relation to all possible mineral resources likely to be found on the sites and any mineral sterilisation issue affecting a particular site, including whether the minerals that might be sterilised should be extracted prior to non-mineral development taking place.

Derbyshire County Council's officers are significantly concerned about the proposed housing allocation on the Amber Valley Rugby Club site at Lower Somercotes. Derbyshire County Council's officers are aware that the site has had a history of licenced tipping of waste, which was originally granted permission by Derbyshire County Council in 1979. The Licence (Number LS41) identified a range of materials that could be tipped on the site but excluded hazardous waste types. A site to the north of this (currently a field) was also granted a licence (Number LS01) for the tipping of a wider range of wastes, including material which could be classed as hazardous material. Responsibility for the monitoring of hazardous waste passed to the Environment Agency (EA) in 1996. Derbyshire County Council is aware of local residents' concerns that the Rugby Club site may have been subject to the tipping of hazardous waste in the past, since 1996. Derbyshire County Council understands that the EA is aware of these concerns and investigations are currently on-going. AVBC is advised to consult with the EA on this matter. In this context, Derbyshire County Council's officers are concerned that the Rugby Club site may not be a suitable site to accommodate housing development, particularly without both lengthy and costly remediation works to be carried out. AVBC is therefore requested to consider withdrawing the site from the Proposed Changes unless it can be satisfied that the site could be viably and safely developed for housing.

### **A610 Relief Road and Ripley and Codnor Urban Extensions**

Derbyshire County Council's Highways officers are currently considering the issues raised by the Inspector in relation to the A610 relief road and will be responding to AVBC in due course. The Local Plan Inspector has indicated that he requires more evidence about the need for the proposed new A610 link road between Ripley and Codnor, and whether this provides the 'exceptional circumstances' justifying encroachment into the Green Belt. AVBC's consultants have produced a Draft Technical Note to support the need for a new A610 relief road, which is based on additional independent traffic surveys and provides further details relating to existing conditions on the local road network, in particular, junctions on the A610 corridor through Ripley

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and Codnor. Derbyshire County Council, as the Highway Authority, in its initial response to this work, has indicated that further analysis is required. This analysis will need to reflect more closely the future land use changes proposed through the emerging Local Plan so that Derbyshire County Council's officers have a clear understanding of the effects of the scheme and are able to identify and determine the incremental impact of the proposals in terms of the traffic effects (both existing and arising from other development sites) and how they would be accommodated on road the network. Inevitably, traffic from other sites will, in turn, influence driver's route choices in the vicinity of the A610, so this will need to be quantified too.

A report on the A610 relief road in the context of the above was considered at the Cabinet Meeting on 9 September 2014 (Minute No. 307/14 refers), which delegated responsibility to the Strategic Director - Economy, Transport and Environment to provide Derbyshire County Council's comments on the transport modelling works and further evidence provided by Amber Valley's consultants on the need for the new A610 relief road when this evidence is made available in the coming weeks.

## **Appendix 3: Proposed Changes to Amber Valley Local Plan Part 1 – Core Strategy**

### **Assessment of School Place Provision Required by the New Housing Allocations**

- Radbourne Lane, Mackworth – Additional primary places would be required through expansion of the existing school and would need to be funded via developer contributions. Any expansion would be subject to a feasibility study and discussion with the school. Additional secondary school provision would be difficult and this site would need to form part of the Derby HMA emerging secondary school strategy.
- Kedleston Road, Quarndon - Additional primary places would be required through expansion of the existing school and would need to be funded via developer contributions. Any expansion would be subject to a feasibility study and discussion with the school. Secondary school provision would be difficult and this site would need to form part of the Derby HMA emerging secondary school strategy.
- Chesterfield Road, Alfreton – Additional primary places would be required through expansion of the existing schools, and would need to be funded via developer contributions. Any expansion would be subject to feasibility studies and discussions with the schools. The additional secondary and post-16 pupils could be accommodated at the existing school which is currently being redeveloped.
- Somercotes Hill, Somercotes – Additional primary and secondary places would be required through expansion of the existing schools, funded via developer contributions, and subject to feasibility studies and discussions with the schools.
- Amber Valley Rugby Club, Lower Somercotes, Somercotes – Additional primary and secondary places would be required through expansion of the existing schools, funded via developer contributions, and subject to feasibility studies and discussions with the schools.
- Bradshaw Avenue, Riddings – Additional primary and secondary places would be required through expansion of the existing schools, funded via developer contributions, and subject to feasibility studies and discussions with the schools.
- Lily Street Farm, Derby Road, Swanwick – The existing primary school cannot expand and a full feasibility study to understand whether it is appropriate to seek provision of a new primary school for this community will be required. Additional secondary places would be required through

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expansion of the existing secondary school, funded via developer contributions and subject to a feasibility study and discussion with the school.

- Derwent Street, Belper – Additional primary and secondary places would be required through expansion of the existing schools, funded via developer contributions, and subject to feasibility studies and discussions with the schools.
- Cherry House Farm, Belper – The existing primary school cannot expand and a full feasibility study to understand whether it is appropriate to seek provision of a new primary school for this community will be required. The additional secondary and post-16 pupils could be accommodated at the existing school, although pupil numbers would need to be analysed again at the point of a planning application.
- Pottery Farm, Belper – Additional primary places would be required through expansion of the existing school. Any expansion would need to be funded via developer contributions, and subject to a feasibility study and discussion with the school. However, the site is constrained and a feasibility study may show no expansion is possible, in which case a new school would be required. A new school would need to be funded via developer contributions and a new suitable site would need to be provided, with land costs funded via developer contributions. Additional secondary places would be required through expansion of the existing school, funded via developer contributions, and subject to a feasibility study and discussion with the school.
- Hall Road, Langley Mill – Based on the current projections, the existing primary and secondary schools would probably have sufficient capacity to accommodate the additional pupils. Analysis of pupil numbers at the point of a planning application would be required.
- Amber Heights, Ripley - Based on the current projections, the existing primary and secondary schools would probably have sufficient capacity to accommodate the additional pupils. Analysis of pupil numbers at the point of a planning application would be required.
- Asher Lane, Ripley - The existing primary school cannot expand and a full feasibility study, to understand whether it is appropriate to seek provision of a new primary school for this community, will be required. Additional secondary places would be required through expansion of the existing secondary school, funded via developer contributions, and subject to a feasibility study and discussion with the school.

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- Butterley Hall, Ripley - Additional primary school places would be required through expansion of the existing school, and would need to be funded via developer contributions. Based on current projections, the existing secondary school would have sufficient capacity to accommodate the additional pupils.