

DERBYSHIRE COUNTY COUNCIL

CABINET MEETING

3 April 2012

Report of the Strategic Director – Environmental Services

**THE NEED FOR HOUSING GROWTH IN AMBER VALLEY -
POTENTIAL FOR A NEW SETTLEMENT AT CINDERHILL,
DENBY (REGENERATION)**

(1) **Purpose of the Report** To seek approval to inform Amber Valley Borough Council's (AVBC) that it should give further consideration to the potential for a new settlement at Cinderhill, Denby in response to its consultation and include comments as recommended in this report.

(2) **Information and Analysis**

The Development Proposals

AVBC is seeking views on proposals for a new settlement at Cinderhill, Denby, which were put forward by Commercial Estates Group (CEG) during AVBC's recent consultation on its 'Options for Housing Growth'. The land is located to the east of the A38 and west of the B6179, partly within the Green Belt. AVBC considers that these proposals could make a significant contribution to meeting the need for housing growth in Amber Valley and could reduce the pressure to identify strategic sites on the edge of the Borough's towns, particularly Belper and Ripley, as well as on the edge of Derby.

The consultation indicates that a new settlement could provide new employment, together with a new local centre, including shopping, educational, health and other community facilities. It could also enable extensive areas of land to be opened up for public access for recreational uses. Improvements to local services and infrastructure could be delivered in a way that would benefit existing, as well as new residents, and complement rather than compete with existing facilities in surrounding villages. A fundamental requirement in this location would be to secure the remediation of the tar pits on the site and other derelict and contaminated land.

No precise details of the scale, type and location of development has been provided. The focus for development, however, appears to be on the area of land which was previously identified in the adopted Amber Valley Borough Local Plan (AVLP) for a possible large scale, mixed-use development. The

County Council is aware that the scale of development could be between 1,000 and 3,000 dwellings. The consultation indicates that further technical work will be needed.

The Duty to Cooperate and Collaborative Working

The County Council has worked collaboratively for several years with the three local planning authorities (LPAs) in the Derby HMA (Amber Valley Borough, Derby City and South Derbyshire District Councils) on the preparation of their Core Strategies. The need for joint working on housing matters is particularly important between all the authorities in the HMA as it is widely accepted that the future housing needs of Derby City are unlikely to be accommodated wholly within the City due to land supply constraints. Some of the housing needs of the City are therefore likely to be met in the adjoining areas of Amber Valley Borough and South Derbyshire District. This is an important consideration in the assessment of the Cinderhill proposals as a new settlement could not only help meet some of the future housing needs of Amber Valley but also Derby City.

Key Planning Policy Issues

The new National Planning Policy Framework (NPPF) is expected to be published in late March 2012, which will replace existing National Planning Policy Guidance.

Although the East Midlands Regional Plan (EMRP) is shortly to be revoked, many of its policies remain relevant to the assessment of the proposed development. Until AVBC's Core Strategy is adopted, the saved policies of the AVLPP remain relevant to the proposals. The AVLPP allocates a site at Cinderhill for a large mixed-use development, to include 300 dwellings and employment land.

The key planning policy issues relating to housing, employment, Green Belt, landscape and ecology are summarised in the Appendix.

Infrastructure Planning and Delivery Issues

In general, it is considered easier to accommodate a larger amount of growth in a single location than a similar amount spread across different locations. Creating a critical mass with sufficient development to fund and deliver supporting infrastructure could therefore be a more deliverable option than seeking to accommodate smaller amounts of growth in each of the four towns in the Borough. Some of the key infrastructure delivery issues relating to highways, waste, educational provision, ICT and Broadband, libraries, green infrastructure and minerals and waste planning implications are set out in the Appendix to this report.

Conclusion

It is considered that AVBC should give further consideration to the proposals for a new settlement at Cinderhill, notwithstanding the difficulty in assessing potential planning policy and infrastructure planning and delivery implications due to lack of information, based on the following:

- 1 The development proposals may have positive planning policy merits for the area in having the potential to meet a significant amount of the future housing needs of the Borough up to 2028 in one strategic location and reducing the need and pressure for greenfield and Green Belt release elsewhere around the four main towns of the Borough. Such a scale of development could also help meet some of the future housing needs of Derby City, as the site is within easy commuting distance of the City. The proposals could have significant economic and regeneration benefits for the area in making provision for new employment land and creating significant numbers of new jobs.
- 2 The potential positive merits of the proposals, however, need to be weighed against the potential negative implications. The scale of the proposed development may require considerable release of Green Belt land. The site is located in a strategically important part of the Nottingham – Derby Green Belt. Large scale development in this location could potentially have a harmful impact on the wider Green Belt in this location and the main Green Belt purposes. If the proposals are taken any further, a full assessment of the impact of the development on the main Green Belt purposes will need to be carried out.
- 3 There are likely to be significant infrastructure implications and requirements on and off site necessitated by the proposals, particularly the possible need for a new grade separated junction onto the A38, enhanced public transport provision and the need for a new primary and expanded secondary school provision in the area. However, such a scale of development could provide the critical mass of development to deliver these necessary infrastructure requirements. The proposals could provide further benefits in facilitating a community broadband project; contributing to improving library provision in the Belper area; contributing positively to biodiversity in the area through the management, restoration and creation of different habitats; and providing opportunities to protect and enhance the Greenway network in the area, including the potential to create additional links to the network. Opportunities could also be taken to protect and enhance existing green infrastructure. Subject to the need for sensitive design, a new settlement could be accommodated in the landscape without adverse harm to landscape character, with potential to improve or reinforce the landscape character in this area.

- 4 The development could have significant impacts on the strategic and local road network, which will require transport modeling works to fully assess its implications. Public transport provision will need to be significantly improved. The development would be likely to have significant implications for waste planning in the area. Waste collection and disposal services will need to be expanded. The existing Household Waste Recycling Centre at Loscoe is already at capacity and a development of this scale would be likely to require an additional waste facility to provide additional capacity for this site and Amber Valley generally. Development of the site could have a harmful impact on ecology in the area, particularly Local Wildlife Sites in and around the site. The proposals will require comprehensive and extensive remediation works and mitigation measures of the old tar pits and possibly require large scale earth workings and land remodelling. The works may also necessitate the winning or working of any mineral reserves on the site. Application for such winning and working would fall to the County Council as Minerals Planning Authority depending on its scale and nature.

Local Member Comments

Councillors Blake, Bowley, Bradford, Cox, Hart, MacDonald, Makin and Parkinson have been consulted on the proposals.

Councillor Makin considers that there may be some exciting possibilities contained within the CEG plan. The removal of the tar pits would be of great comfort to the local residents. With the number of dwellings being mentioned, there will be major concerns over infrastructure and education which will require significant work. Councillor Makin gives cautious support with all conditions needed to be put in place.

Councillor Kevin Parkinson has commented that he will respond directly to AVBC as a Borough Council Member.

(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 under the provisions of the Localism Act 2011.

(5) **Property Considerations** There are no property considerations associated with this report.

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 and transport considerations.

(6) **Key Decision** No.

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

(8) **Background Papers** All on electronic file 2002.

(9) **OFFICER'S RECOMMENDATIONS** That Derbyshire County Council:

9.1 Agrees the response to Amber Valley Borough Council on its consultation "The Need for Housing Growth in Amber Valley – Potential for a New Settlement" as set out in the report and Appendix and includes associated comments of a technical nature.

9.2 Requests Amber Valley Borough Council, should it consider that the development proposals warrant further consideration and investigation, to ensure that the County Council, as a major infrastructure provider and as the Minerals Planning Authority for the area, is fully involved in any further negotiations and discussions between the Borough Council and the site promoters.

Ian Stephenson
Strategic Director – Environmental Services

Appendix: Key Planning Policy Issues and Infrastructure Planning and Delivery Issues

Key Planning Policy Issues

Housing

- The EMRP requires that a minimum of 10,520 dwellings (520 per annum) should be provided in Amber Valley Borough between 2006 and 2026, the main focus being in and around the four main towns of Alfreton, Belper, Heanor and Ripley, including sustainable urban extensions. Given land supply constraints in the main towns, land in the less sensitive parts of the Green Belt may also be required to meet the housing requirement.
- The three HMA authorities, together with the County Council, are currently assessing what the future level of housing need is likely to be in Derby HMA up to 2028. However, Government household projections indicate that up to 11,700 dwellings will be required in Amber Valley between 2008 and 2028.
- In the context of the above, a new settlement at Cinderhill to accommodate over 1,000 dwellings, could potentially meet a significant amount of AVBC's future housing needs up to 2028, including affordable housing, in one location and reduce the need and pressure for greenfield and Green Belt release elsewhere around the four main towns. Such a scale of development could also help meet some of the future housing needs of Derby City, as the site is within easy commuting distance of the City.

Employment/Regeneration

- The policies of the EMRP seek to ensure that regeneration, the redevelopment of brownfield land, creation of new jobs and provision of new employment land are all priorities for LPAs. The proposals at Cinderhill could help regenerate a former contaminated brownfield site, provide new employment land and create significant numbers of new jobs for the area.

Green Belt

- Depending on its scale and location, the proposed development could require significant Green Belt release and therefore its potential impact on the wider Green Belt in this location would be a key policy consideration. The site is partly located within the Nottingham – Derby Green Belt within a strategically important area of Green Belt which helps to prevent coalescence of the Nottingham and Derby urban areas and the settlements in between. If the proposals are taken any further, a full assessment of the impact of the development on the main Green Belt purposes will need to be carried out.

- The principle of new housing development at this location at Cinderhill has been previously established. The Adopted AVLPP allocated land at Cinderhill for a mixed-use development to include up to 300 dwellings. Proposals for up to 600 dwellings were considered through the AVLPP process but were ruled out at that time on the advice of the Local Plan Inspector due to the need for a larger area of land within the Green Belt to be included and that such a larger scale of development could be likely to harm the main purposes of the Green Belt in this location.

Landscape

- The development could have a significant impact on the local landscape due to its scale; it is in the Landscape Character Type Coalfield Village Farmlands as described in the Derbyshire Landscape Character Assessment. However, the concept of a new settlement may not conflict with the general settlement pattern in this landscape. If the proposal was designed with a sensitive countryside interface, especially to the north and south, it has the potential to be accommodated within and improve the landscape. The development could also have potential to enhance other green infrastructure in the area, particularly playing fields, parks and informal open spaces.

Ecology

- There may be significant impacts on ecology and important Local Wildlife Sites on and around the site but there could also be ecological benefits, such as through the remediation of the contaminated land. AVBC is advised to consult the Derbyshire Wildlife Trust for further advice on these issues, should the proposals be taken any further.
- The development could have significant impacts on biodiversity and habitats in the area. However, the site has potential to contribute positively to the objectives of the Lowland Derbyshire Biodiversity Action Plan and include measures that could contribute to the management, restoration and creation of different habitats in the area.

Infrastructure Planning and Delivery Issues

Highways

Given the highway capacity difficulties in other areas of the Borough, particularly in and around Belper, a free standing settlement could provide for a more sustainable form of development from a highways point of view than a more dispersed pattern of development.

- Notwithstanding the above, proposals for a new settlement in this location may require the provision of a new junction onto the A38 to provide the principal means of access into the site. Proposals for new junctions on to the A38 in the vicinity of Derby City have been planned in the past by the Highway Agency (HA) but there are currently uncertainties regarding future funding of these junctions. However, the

HA has no plans or funds for a new junction to serve the site at Cinderhill so it is likely that the developer would need to provide one. Discussions are currently ongoing between the County Council, the three Derby HMA authorities and the HA about the acceptability of potential new large scale housing sites in the Derby HMA, including at Cinderhill.

- The scale of development could potentially generate significant volumes of traffic and have a significant impact over the wider highway network. Therefore, testing of the proposals will be required through a strategic transportation model, which is currently under development by the County Council for the Derby HMA, to determine whether this scale of development could be delivered without provision of a grade separated junction.
- The proposals would be likely to require significant improvements to public transport provision in the area. It is recommended that the site promoter discusses this issue with the County Council should the proposals be taken further.

Waste

- The proposals would require significant expansion of waste collection and disposal services in the area. The Household Waste Recycling Centre at Loscoe is currently over capacity and therefore AVBC will need to consider the potential requirement for an additional facility to increase capacity for waste disposal.

Education

- From an educational provision perspective, development of a free standing settlement at Cinderhill would be a preferred option to one where development was more widely dispersed across the Borough.
- Such a large scale housing development, however, could trigger the need for additional school capital investment and financial contributions to be sought from the developer. Initial discussions have taken place between the developers, AVBC and County Council officers. The proposed scale of development would give rise to the need for either a new primary school within the settlement or expansion and/or relocation of an existing primary school, and expansion of the existing John Flamsteed School for secondary provision. A range of options were discussed with the developer and, in principle, the developer accepted the requirement for new educational provision and development and is keen to integrate this infrastructure into the new settlement.

ICT and Broadband Connectivity

- Broadband connectivity is a key priority for the County Council as it is essential to achieving a broadening of the County's economic base and improved economic performance. Given the possible scale of

development on the Cinderhill site, there could be significant potential to support a community broadband project that provides communications infrastructure as part of any development proposals.

Libraries

- The proposed development could have a significant impact on the County Council libraries in the area which will need to be taken into account. The relocation of Belper library is a committed priority in the Derbyshire Infrastructure Plan and there is potential for this development to help contribute to improving library provision in Belper area.

Green Infrastructure

- The proposed development could offer opportunities to protect, enhance and expand the existing Greenway network in the vicinity of the site.

Minerals and Waste Planning Implications

- The long standing contamination on the site, particularly from the old tar pits, will require comprehensive mitigation measures to make the site developable for housing. Such a scale of development may require significant earth movements and land remodelling. Depending on the scale and nature of these requirements, the County Council, as the Minerals Planning Authority, may be responsible for determining any planning application for these works.
- The winning or working of minerals, either incidentally or to recover any existing mineral reserve, may be necessary to make a suitable platform for future development. AVBC is advised to consult the Minerals Planning Authority at an early stage to discuss whether there are any minerals are proposed to be worked from anywhere on the site.