

Linda McCormick (Clerk)
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Our Ref : CP/Neighbourhood Planning
Your Ref :
Date : 18 June 2014
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Dear Linda

RIPLEY NEIGHBOURHOOD PLAN

Further to the discussion at our meeting on 11 June 2014, I am now in a position to provide the Town Council with further comments on the emerging Ripley Neighbourhood Plan, on behalf of the Borough Council.

Under Schedule 4B of the 1990 Act "local planning authorities have a statutory duty to "give such advice or assistance to parish or town councils as in all the circumstances, they consider appropriate for the purpose of or in connection with facilitating the preparation of Neighbourhood Development Plans". The following comments are therefore provided in response to the draft Neighbourhood Plan submitted to the Borough Council under paragraph 14 of the Neighbourhood Planning Regulations 2012.

The 'Basic Conditions' that a neighbourhood plan should meet are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. As you will be aware, one of these 'Basic Conditions' is that a neighbourhood plan should have regard to national policies and advice contained in guidance issued by the Secretary of State. It is therefore important that the policies set out in the Ripley Neighbourhood Plan comply with the National Planning Policy Framework (NPPF).

I am concerned that some of the proposals contained in the draft Neighbourhood Plan are not consistent with the NPPF.

As discussed at our meeting, some of the proposed housing sites lie within the Green Belt and would consequently require the Green Belt boundary to be amended. I can confirm that 'exceptional circumstances' would need to be demonstrated to justify any such amendments.

Having looked further at the other proposed housing sites in the draft Plan, I am of the view that two of these further sites may also not meet the 'Basic Conditions' in terms of compliance with the NPPF. Evidence gathered by the Borough Council as part of the preparation of the Core Strategy and in maintaining an up to date Strategic Housing Land Availability Assessment (SHLAA) suggests that not all of the proposed sites are available and deliverable. The specific sites which are of concern in this respect are those at Butterley Engineering and at Cemetery Lane.

With regard to draft Policy EMP1, I am of the opinion that the policy, as currently worded, would not comply with the NPPF in terms of its approach to the vitality of town centres and I would advise that further consideration is therefore given to the wording of this policy to ensure compliance.

Draft Policy H6 makes no reference to car parking but the 'Explanatory Requirements for H6' provides further detail in relation to car parking. I would advise that you review the policy/explanatory text to provide greater clarity.

Draft Policy EMP7 makes reference to supporting applications for buildings and facilities to be registered as Community Assets. I would advise that this is not a land use planning matter and is therefore not appropriate to include within a neighbourhood plan.

As currently drafted, I am of the opinion that Policy TR1 is not consistent with the NPPF, on the basis that it goes beyond the requirements of Paragraph 32 of the NPPF.

In addition to the above comments on the draft policies, I would advise that the figure quoted in the draft Plan for the number of affordable houses built in the Ripley Neighbourhood since 2005 is inaccurate. According to our records at least 85 affordable houses have been built in the neighbourhood area since 2005.

I would also advise that in the interests of clarity, it would be helpful if the sites listed in draft Policy OS1 be also indicated on a map to accompany the Neighbourhood Plan.

In our meeting, we discussed the issue of who might carry out the examination of the Neighbourhood Plan. Since the meeting, officers have contacted the Planning Inspectorate on this matter, who have advised that they do not have extensive knowledge of neighbourhood plan examinations and in fact have not to date been asked to carry out such an examination.

You will recall that at our meeting, we referred to NPIERS (Neighbourhood Planning Independent Examiners Referral Service), which is a service that has been set up by the Royal Institute of Chartered Surveyors (RICS) with support from the Department for Communities and Local Government (DCLG). The service refers to local planning authorities details of nationally approved examiners, who have the relevant qualifications to carry out neighbourhood plan examinations as required by the Localism Act.

NPIERS would refer three potential examiners to the Borough Council, from which the Borough Council and the Town Council could then select who they considered to be the most appropriate choice.

There is a formal application process to request the referral of potential examiners from NPIERS, which usually takes around 4 weeks from receipt of an application to referral, although this can be reduced in some circumstances.

NPIERS have produced a useful leaflet of 'Top Tips' which can be accessed through the following link:

<http://www.rics.org/mh/join/member-accreditations-list/dispute-resolution-service/neighbourhood-planning-independent-examiner-referral-service-npiers/>

NPIERS also offer a pre-submission review of neighbourhood plans before they proceed to examination, which you may wish to explore further. Should this be of interest, the Borough Council will be able to assist with the process.

I hope the above information is useful, but should you have any further questions, prior to the formal submission of your Neighbourhood Plan, please contact me on the number indicated above.

Yours sincerely

A handwritten signature in black ink that reads "Rachael Coates." The signature is written in a cursive, slightly slanted style.

Rachael Coates
Principal Community Planning Officer