

**AMBER VALLEY BOROUGH LOCAL PLAN**  
**EXAMINATION HEARINGS**  
**HEARING POSITION STATEMENT**  
**ON BEHALF OF AMBER VALLEY BOROUGH COUNCIL**

**Matter 13 – Housing Growth Sites**

I. Butterley Hill, Ripley (100)

i. *Is the proposed allocation deliverable? In particular, is it:*

- a. *confirmed by the landowner involved as being available for the use proposed?*
- b. *supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?*
- c. *deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?*

a) The agent acting on behalf of the landowner (Castlepride Management Limited) has confirmed that the site is available for the use proposed. The landowner has submitted a formal pre-application enquiry to the Council, in advance of a planning application.

b) Derbyshire County Council (as the Highway Authority) have not raised any specific concerns suggesting that a safe means of access to the site can be achieved.

c) Policy HGS11 of the Local Plan includes criteria which any development proposals for the site will need to meet through an appropriate design and masterplan. These include the need to protect the Scheduled Monuments, Listed Buildings and other structures and other heritage assets within the site, take into account the proximity of the Local Wildlife Site immediately adjacent to the site and the potential to expand this into the site, safeguard the route of the disused Cromford Canal within the site from development, protect the

Butterley Tunnel from any risk of damage from development including to preserve that part of the tunnel which comprises part of the Scheduled Monument, assess the extent of any potential contamination within the site and to remediate any contamination identified, and to take into account potentially unstable land. The Council does not consider that any of these policy requirements cannot be addressed, such that the site could not be delivered within the Plan period.

ii. *Has full consideration been given to the impact of development on heritage assets, including the Butterley Tunnel?*

1. See response to question i) c) above.

iii. *Is the site viable, given the constraints associated with the heritage assets, including the Butterley Tunnel?*

1. The agent acting for the landowner has advised that viability issues will need to be considered in detail, given the nature of the site and the need to address the criteria in policy HGS11. Policy H6 of the Local Plan provides the basis for the Council to assess, in conjunction with planning applications, whether development proposals can meet all of the policy requirements of the Local Plan. However, the Council does not consider that the extent of any constraints to the development of this site are likely to be such that its development would not be viable.

iv. *Should the site be promoted for mixed uses rather than housing?*

1. The agent has advised that the site may be appropriate for mixed uses and the estimated capacity of the site for housing development has been reduced from 100 dwellings to 75 dwellings, with the revised figure being included in the latest housing land supply position information as at 1 April 2018 (AV/05 – 6a). The precise extent to which any part of the site might be come forward for uses other than housing development cannot be established at this point and the Council considers that any mixed use

development proposals could be considered through the planning application process, rather than requiring the promotion of the site for mixed uses in the Local Plan.

v. *Is the site deliverable in accordance with the trajectory?*

1. As set out in the explanatory note 'Further Information In Relation To Deliverability' (AV/04), which the Council has provided in response to question 31 of the Inspector's Initial Questions To The Council (INS/01), based on information from the agent acting for the landowner received in February 2018, the Council expects that the development will be completed by 31 March 2023.