

RIPLEY NEIGHBOURHOOD PLAN 2014-2028

Ripley Neighbourhood Plan Examination,
A Report to Amber Valley Borough Council

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Ripley Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)

Ripley Town Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014). Ripley Town Council established the Ripley Neighbourhood Plan Group to lead on production of the Neighbourhood Plan.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Amber Valley Borough Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Ripley Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Amber Valley Borough Council, with the consent of Ripley Town Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;

¹The qualifying body is responsible for the production of the Plan.

- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Ripley Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that it covers the period 2014-2028 and the second paragraph of the Introduction states that it seeks to “articulate a clear and distinctive vision for how the town of Ripley will grow and develop up to 2028.” The Basic Conditions Statement confirms that the Neighbourhood Plan covers the period up to 2028 (para 2.3).

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Amber Valley Borough Council that I was satisfied that the Ripley Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

EU and ECHR Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

The Neighbourhood Plan allocates land for development and the allocation of development land comprises one of the circumstances, referred to by the Planning Practice Guidance, whereby a strategic environmental assessment (SEA) *may* be required.

A Sustainability Appraisal Scoping Report was undertaken by the Town Council. Amber Valley Borough Council and statutory bodies, including Natural England, the Environment Agency and English Heritage were consulted. All comments made by these four organisations “were taken on board” and influenced the development of a subsequent Sustainability Appraisal, incorporating the requirements of an SEA.

Planning Practice Guidance establishes that *the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations*. Amber Valley Borough Council has not raised any objections in this regard. I also note the absence of objection from any of the statutory consultees in respect of European legislation.

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

The Basic Conditions Statement confirms that there are no European sites that would be affected by the proposals within the Neighbourhood Plan and that a Habitats Regulations Assessment was not necessary.

Taking all of the above into account and in the absence of evidence to the contrary, I am satisfied that the Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

3. Background Documents and Ripley Neighbourhood Area

Background Documents

In undertaking this examination, I have considered a number of documents in addition to the Ripley Neighbourhood Plan. These include:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Amber Valley Local Plan (Adopted 2006)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal
- Other Supporting Documents

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Ripley Neighbourhood Area.

Ripley Neighbourhood Area

A plan showing the boundary of the Ripley Neighbourhood Area is set out on page 2 of the Neighbourhood Plan.

Further to an application made by the Town Council, Amber Valley Borough Council approved the designation of Ripley as a Neighbourhood Area on 4 March 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans will become the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Ripley Neighbourhood Plan Consultation

Ripley Town Council submitted a Consultation Statement to Amber Valley Borough Council. This sets out who was consulted and how, together with the outcome of the consultation. As such, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*³.

Taking into account the evidence provided, I am satisfied that the production of the Neighbourhood Plan was supported by public consultation. It is clear that the views of the wider community were actively sought and taken into account.

The Consultation Statement notes that consultation commenced in April 2013. Consultation included meetings with a wide range of individuals and organisations, including local schools and business people. Drop-in days were held and "stalls with maps" were set up in Ripley and the surrounding area. The draft plan underwent consultation in early 2014 and was supported by consultation events in March 2014.

Consultation was publicised via the distribution of flyers and posters, press releases and the use of social media. The Neighbourhood Plan featured on the local commercial radio station. Use was also made of the Ripley and Heanor Newsletter and the Town Council's website.

The Neighbourhood Plan Group set out and considered the issues raised and published minutes of the meeting at which the resultant changes to the draft plan were agreed.

The Consultation Statement presents an audit trail to demonstrate that consultation was widely promoted, opportunities for comment were provided and that comments were duly taken into account. I am satisfied that people and organisations were provided with a fair chance to have their say.

³Neighbourhood Planning (General) Regulations 2012.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

Foreword, Vision Statement and Core Objectives

The Table of Contents fills two pages. As such, it appears unnecessarily long. Subject to other changes recommended below (whereby the Contents page will need to take into account other modifications) I recommend the following:

- **Remove the Draft Core Strategy and emerging policy references. Remove the individual Policy references. Remove the Introduction references. Remove the Ripley Neighbourhood Plan Objectives references. For example, the Housing reference in the Contents page should include “Housing; Background Information on Housing; Housing Policies.”**

The third paragraph of the Foreword is incorrect. Legislation does not require a neighbourhood plan to be in conformity with a draft planning document. The Foreword goes on to include unnecessary commentary upon and direct references to the Draft Amber Valley Core Strategy, which is not an adopted planning document and consequently, does not form part of the adopted development plan.

- **Delete the third paragraph of the Foreword and delete all following paragraphs up to “How the Ripley Neighbourhood Plan has been produced” section.**

The Stage 1 paragraph is unclear and refers to other neighbourhood plans not relevant to this Neighbourhood Plan.

- **Delete the two paragraphs in Stage 1 and replace with “The Ripley Neighbourhood Plan area was approved by Amber Valley Borough Council, on 4 March 2013. This was further to an application by Ripley Town Council, which has led on the production of the Neighbourhood Plan.”**

The Vision Statement and Objectives are clear. This section includes unnecessary references to the Draft Amber Valley Core Strategy.

- **Delete the fourth paragraph of the Vision section.**

- **Re-word the first sentence of the first paragraph of the Core Objectives section *“The Core Objectives set out how the vision of the Plan will be delivered. They reflect a variety of factors, including the locally specific vision for Ripley developed through community engagement and information relating to existing and emerging planning policy.”***

Subject to the above modifications, this section provides an appropriate and relevant introduction to the Policies that follow.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

It is difficult to distinguish the Policy text from the supporting text. There are no illustrative devices (such as boxes), use of colour, etc. Consequently, the Policies do not stand out from the supporting text. The Policies are the most important part of the Neighbourhood Plan and the presentation should reflect this. I recommend:

- **Distinguish the Policies from the rest of the text. If nothing else, I recommend that the Policy text is presented in bold**

Overall, the presentation of the Neighbourhood Plan appears somewhat dull and indistinctive. There are many pages of text with little in the way of design, illustrations, plans or photographs, to break it up and add some visual interest. This does not mean that the Neighbourhood Plan fails to meet the basic conditions. However, to my mind, the presentation of the Neighbourhood Plan fails to reflect the enormous amount of work that has clearly been dedicated to its production. Some simple presentational devices (differentiating text, use of colour, photos, etc) would make a significant, positive difference.

More than three pages of the Neighbourhood Plan are devoted to setting out the Core Objectives. It is therefore unnecessarily repetitive to include Objectives in each of the Policy chapters that follow. I consider this further in my recommendations relating to each of the Policy chapters set out below.

Housing

A list of Appendices is provided at the end of the Neighbourhood Plan, the provision of further references detracts from the content of the Neighbourhood Plan.

- **Delete reference to Appendix 7 in the first line of the Housing chapter. Also delete all other references from this Chapter.**

Much of the supporting text to the Policies in this chapter simply repeats or refers to text from the Draft Amber Valley Core Strategy document. As above, that document does not comprise part of the adopted development plan and extended references to it are inappropriate, unnecessary and confusing.

The Neighbourhood Plan states that the Core Objectives have emerged from consultation and from the consideration of relevant information. I recommend:

- **Delete the second paragraph of the Introduction**
- **Delete the section entitled “Housing Context from the Suspended Draft AVBC Core Strategy.”**
- **For clarity, delete everything on page 14.**

Page 17 of the supporting text provides a list of objectives. As per comments above, these comprise unnecessary repetition. The list is then followed by two more lists, setting out how the objectives will be delivered and setting out actions and requirements. Consequently, these lists read as Policies but they are not Policies. The chapter goes on to refer to Emerging Draft Policies. I recommend:

- **Delete all text under the heading “Ripley Neighbourhood Plan Objectives for Housing Development” on pages 17 and 18**
- **Delete Emerging Draft Policies title and sentence below**

Policy H1: Proposed Sites for Housing Development

The Policy opens with an inappropriate reference to the Draft Amber Valley Core Strategy. It then states that some sites have been withdrawn and are referred to in the subsequent table; and goes on to provide some background and rather confusing information about the numbering of sites. Consequently, the first three paragraphs of Policy H1 fail to set out any Policy requirements.

Policy H1 has been poorly drafted. It fails to have regard to paragraph 154 of the Framework, which requires policies to afford decision-makers with a clear indication of how they should react to a development proposal. However, I find that this can be resolved by the following recommended change:

- **Delete first three paragraphs. Replace with “*The following housing sites are allocated for new housing:*”**

It is confusing and unnecessary to include allocations that are not allocations in a table of allocations.

- **Delete the two “withdrawn” allocations from Table 2.**

The names of each of the allocated sites are provided. There is no need to also retain the reference numbers used during the site selection process, which are confusing. However, for clarity, the allocations should be shown on a plan.

- **Delete reference numbers before each allocation title in Table 2**
- **Provide a plan showing the location of each allocated site and include a reference to this Plan underneath Table 2**

The Notes to Table do not form part of the Policy and detract from the clarity of the Policy.

- **Delete the Notes in Table 2**

Allocation of the Former Butterly Engineering site would result in the loss of employment land identified as an existing business and industrial area. Consequently, the Policy H1 would fail to be in general conformity with policy ER3 of the Amber Valley Local Plan.

In support of the allocation, Ripley Town Council states that the land is available and that the Plan has been informed by a viability appraisal. However, these are not factors which themselves provide evidence to support the loss of employment land. There is no evidence to demonstrate that the allocation of the employment land for housing would not lead to a shortfall in the availability of sufficient business and industrial land to meet the Neighbourhood Area’s requirements.

Taking the above into account, the inclusion of the Butterly Engineering site as a housing allocation does not meet the basic conditions.

- **Delete Butterly Engineering Site from Policy H1**

Subject to the modifications above, Policy H1 helpfully provides some housing allocations to support sustainable development in the Neighbourhood Area. I note that, together with Policy H2, this Policy does not seek to place a cap on the number of houses to be built in the Neighbourhood Area during the plan period.

Policy H2: Other Sites for New Housing Development

Policy H2 is a supportive policy, aimed at providing for housing growth. In this way, it has regard to the Framework, which promotes the delivery of new homes (Chapter 6) and which requires housing applications to be considered in the context of the presumption in favour of sustainable development (para 49).

However, I make a number of recommendations relating to other policies contained in the Housing chapter and I note that various policies of the Neighbourhood Plan, not just Housing Policies, are relevant to residential development in the Neighbourhood Area. As the Policy refers to other Policies in the Neighbourhood Plan, I recommend the following:

- **Re-word Policy H2, “*Subject to this and other Policies in the Plan, favourable consideration will be given to: a) proposals for the development of 15 or more new dwellings on sites where the applicant can demonstrate that such proposals would meet needs which cannot be met on the sites allocated in Policy H1; and b) proposals for the development of less than 15 dwellings.*”**

Subject to the above, policy H2 meets the basic conditions.

Policy H3: Housing Types, Mix and Choice

Policy H3 is highly prescriptive. It requires all residential developments of 0.5 ha, or of 15 dwellings and above, to be built at a density of 30 dwellings per hectare.

Together, the Framework and Amber Valley Local Plan Policy H12 support housing development that reflects and protects local character. Such a stringent approach to density would fail to enable proposals to fully reflect local character in all cases and there is no evidence to demonstrate that this would not be the case. Consequently, the Policy fails to meet the basic conditions.

Furthermore, Policy H3 requires at least 60% of all dwellings built on such developments to have no more than two bedrooms. This fails to have regard to the Framework’s requirement for plans to enable the delivery of a wide choice of high quality homes (para 50). Nor does it have regard to the Framework’s requirement for sufficient flexibility to take account of changing market conditions over time (para 50).

National policy requires plan-makers to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups. Requiring no less than 60% of homes on every housing site of over 0.5ha to provide no more than 2 bedrooms would fail to have regard to this.

Policy H3 does not meet the basic conditions.

- **Delete Policy H3**

Policy H4: Housing for Elderly or Disabled People

Policy H4 requires all housing development, including extensions and alterations to be designed in accordance with the Lifetime Homes Design Criteria and to take account of the needs of people with disabilities. As worded, this is an onerous Policy. It would, for example, for example, apply to replacement double glazing in a Conservation Area.

However, the general thrust of the Policy has regard to the Framework's aim of planning for the needs of different groups in the community (para 50). I recommend the following:

- **Re-word Policy H4: *"Proposals for new housing should be designed in accordance with the Lifetime Homes Design Criteria"***

Policy H5: Affordable Housing

Policy H5 requires 30% affordable housing provision. This has regard to Policy H10 of the Amber Valley Local Plan, which states that affordable housing provision will be expected to be within the range of 20% to 30%.

The middle paragraph of Policy H5 requires affordable housing to be indiscernible from and well-integrated with, market housing. No background information has been provided to set out why this is a requirement, or to demonstrate that it can be implemented. It may well be, for example, that registered social landlords would prefer affordable housing to be grouped together, for management purposes.

- **Delete middle paragraph of Policy H5**

I note that the Policy goes on to provide for flexibility in the determination of the affordable housing requirement, having regard to the Framework (para 50).

Subject to the above, Policy H5 meets the basic conditions.

Policy H6: Housing Development Criteria

This Policy sets out a long list of wide-ranging requirements, from sprinkler systems to incorporating Sustainable Urban Drainage. Some of the requirements are very general and it is not clear how others will be measured. Consequently, the Policy simply reads as a general wish list and it fails to have regard to the Framework in respect of providing decision makers with a clear indication of how to respond to a development proposal. It fails to meet the basic conditions.

- **Delete Policy H6**

However, rather than lose sight of a list of useful reference points, I recommend the following:

- **Retain the text of the deleted Policy and provide with a new heading “Community Action.” Replace “New housing proposals...has demonstrated that:” with “*The Town Council recommends that all new housing proposals take into account the following: 1. The development is in scale...*”**

The section entitled “Explanatory Requirements for Policy H6” reads as a Policy but is not a Policy.

- **Delete all text on pages 23 and 24.**

Open Space and Other Green Spaces

The reference in the second paragraph of page 25 to “but is not Green Belt as such” does not make sense. Land is either allocated as Green Belt or is not allocated as Green Belt.

- **End the second paragraph of the Introduction at “...non-recreational uses” (delete the rest of the text in that paragraph)**
- **Delete references to Appendix 14**
- **Delete references to the Draft Amber Valley Core Strategy (penultimate paragraph on page 27)**
- **Delete all text in the section “Open Space Context from Suspended Draft AVBC Core Strategy”**
- **Delete all text in the section “Ripley Neighbourhood Plan Objectives for Open Space and Other Green Spaces” and “Emerging Draft Policies”**
- **For clarity, all text from the end of “Open Space Issues” on page 27, up until Policy OS1, to be deleted.**

Policy OS1: Specific Sites and Amenities to be Protected from Development

This Policy provides a list of sites. It states that they will be protected from development that would “adversely affect their character and function.” No definition of their character and function is provided. Consequently, the Policy does not provide decision makers with a clear indication of how they should respond to a development proposal. It fails to have regard to the Framework (para 154) and does not meet the basic conditions.

- **Delete Policy OS1**

Rather than lose sight of the aims of Policy OS1, I recommend:

- **Replace Policy OS1 as a “Community Action”. Retain the list of sites and replace the opening sentence with “*The following sites are important to the Neighbourhood Area and the Town Council will seek to work together with relevant landowners and organisations to protect them:*”**

Policy OS2: Prevention of Coalescence

Policy OS2 does not define coalescence, but simply states that development that would result in the coalescence of settlements will not be permitted. There is no indication of how this Policy would work in practice. For example - would it only apply when a proposal would result in Ripley, or another settlement, becoming entirely indivisible from another settlement? Would it apply when a proposal would result in Ripley, or another settlement, expanding such that it would be nearer to another settlement? Would new gardens or parkland be considered as gaps or as development within coalescence?

The Policy fails to have regard to paragraph 154 of the Framework. It does not meet the basic conditions.

- **Delete Policy OS2**

Policy OS3 – New Local Green Spaces

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts (para 78). Effectively, Local Green Space, once designated, provides protection that is comparable to that for Green Belt land.

Policy OS3 identifies two Local Green Spaces. The Policy states that these are allocated in accordance with paragraph 76 of the Framework.

- **Change reference to “...paragraphs 76 to 78 of the National Planning...”**

I note that this Policy has emerged through consultation and there are no objections to it.

Given the importance of their designation, it is inappropriate to allocate new Local Green Spaces but not identify them on a plan within the Neighbourhood Plan. A reference to an appendix is insufficient in this regard.

- **Provide a plan showing the boundaries of the Local Green Spaces. Replace references to appendices with a reference to this plan.**

Policy OS4: Developments Affecting Local Green Spaces and other Designated Open Spaces

Local Green Space policy is clearly set out in paragraphs 76 to 78 of the Framework. It states, unequivocally, that “*local policy for managing development within a Local Green Space should be consistent with policy for Green Belts*” (para 78).

Policy OS4 introduces its own policy approach to Local Green Space. This includes land “near to local green spaces.” It also seeks to combine Local Green Space policy with that for other designated open spaces. Policy OS4 does not have regard to the Framework. It does not meet the basic conditions.

- **Delete Policy OS4**

Policies OS5: Protection of Recreation Facilities and OS6: Allotments and Community Gardens

Together, these Policies protect important community resources. They have regard to the Framework, which establishes that a principle of planning is to:

“support local strategies to improve health, social and cultural wellbeing for all..” (para 17) and that planning policies should:

“plan positively for the provision and use of...community facilities...to enhance the sustainability of communities and residential environments” (para 70).

The Policies contributes to the achievement of sustainable development and meet the basic conditions.

Environment and Ecology

The last sentence of the second paragraph of the Introduction is phrased as though the Neighbourhood Plan seeks to prevent development, or is “against” new housing development. This fails to have regard to the national policy assumption in favour of sustainable development.

- **Introduction, second paragraph, end the paragraph at line 3 “...landscape character of the area.” (Delete the rest of the paragraph).**

Policy EE1 – Landscape Character

Policy EE1 states that the character, local distinctiveness and quality of the area’s landscapes “will be protected and enhanced” by development. This is an onerous requirement and no evidence has been provided to demonstrate that the area’s landscapes (in effect, the whole of the Neighbourhood Area) will be, or can be, enhanced by development. No indication is provided as to what an “unacceptable” impact would comprise. The Policy goes on to refer to guidance set out within another policy document.

The Policy does not provide decision makers with clarity as required by the Framework. As worded, it does not meet the basic conditions. However, the overall thrust of the Policy, in seeking to safeguard local character, has regard to the Framework and is in general conformity with the Amber Valley Local Plan. Both of these documents protect local character. I recommend:

- **Re-word Policy EE1 “*Where appropriate, development proposals should demonstrate that they have taken into account the character, local distinctiveness and quality of the area’s landscapes.*”**

Policy EE2: Developments Affecting Sites and Features of Biodiversity Interest

This Policy seeks to afford the same level of protection to designated sites, land near to designated sites and non-designated sites with non-defined “important ecological features.” Consequently, it is not clear exactly which areas of land Policy EE2 covers. This fails to provide decision makers with a clear indication of how they should react to a development proposal.

- **Delete Policy EE2**

Economic and Employment Development

- **Delete references/text relating to the Draft Amber Valley Core Strategy: all text relating to “The Economic...Core Strategy” (on pages 39 and 40); the first paragraph of “Economic and Employment Issues” (on page 40); and “Emerging Draft Policies” (page 42)**
- **Delete references to appendices**
- **Delete text relating to “Ripley Neighbourhood Plan Economic and Employment Objectives”**

Policy EMP1: Economic and Employment Development

This Policy supports economic development and has regard to the Framework, which reflects a commitment to securing economic growth. The second sentence of the Policy states that the Neighbourhood Plan will “actively encourage” re-use and regeneration, though no clarity is provided as to how.

- **Re-word second sentence “The re-use...brownfield sites *will be supported.*”**

The third sentence refers to sequential testing, but no detail or clarity is provided as to what this will comprise.

- **Delete third paragraph**

Policy EMP2: New Employment Sites

This Policy allocates an employment site. This has regard to the Framework, which supports economic growth. However, the Neighbourhood Plan does not include any plan identifying the site.

- **Provide a plan identifying the employment allocation and reference the plan at the end of Policy EMP2.**

Policy EMP3:

The Policy does not define the “digital highway” nor set out what infrastructure relating to this comprises. I note that the Framework includes detailed national policy relating to the provision of communications infrastructure.

- **Delete Policy EMP3**

Policy EMP4: Ripley Town Centre

This Policy has regard to paragraph 23 of the Framework, which recognises town centres as being the heart of communities supports policies that promote their viability and vitality.

No indication of what a “reasonable” use comprises is provided.

- **End Policy EMP4 at “...properties is encouraged.” (Delete the text that follows)**

Policy EMP5: Ripley Master Plan

This Policy refers to the content of the Ripley Master Plan. This is simply a guide. It is not an adopted planning document and it does not form part of the Neighbourhood Plan.

- **Delete Policy EMP5**

Policy EMP6: Villages

It is not clear where this Policy applies. There is no definition of “high quality” materials and no indication of what materials will complement local character.

The Policy is unclear. It fails to have regard to the Framework (para 154).

- **Delete Policy EMP6**

Policy EMP7: Community Facilities

There is no indication of what “proportion to the scale of development” actually means. The Policy is unclear and fails to have regard to Framework para 154.

- **Delete Policy EMP7**

Policy EMP8: Heritage

This Policy states that it supports the sympathetic development of “heritage features” as “tourist attractions.” The Policy makes little sense. For example, heritage assets are not designated because of their potential as “tourist attractions.” It may be entirely inappropriate to support the development of existing homes in Conservation Areas as “tourist attractions.”

The Framework states that heritage assets should be conserved in a manner appropriate to their significance. Policy EMP8 does not have regard to the Framework and fails to meet the basic conditions.

- **Delete Policy EMP8**

Transport and Connectivity

- **Delete text associated with “Transport Context from the Suspended AVBC Draft Core Strategy” (all of page 45 and first part of page 46)**
- **Delete references to appendices**
- **Delete “Ripley Neighbourhood Plan Objectives for Transport”**
- **Delete “Emerging Draft Policies” which stands on its own on page 47**

Policy TR1: Highways Assessment

No definition of “significant amounts of traffic” is provided and it is therefore unclear as to when this Policy would apply. The Policy does not define “cost effective” and it is not clear how a proposal can demonstrate how it reduces the need to develop major transport infrastructure. The Policy fails to have regard to paragraph 154 of the Framework.

- **Delete Policy TR1**

Policy TR2: Protection of Existing and Planned Rights of Way

Public rights of way are already protected. There is no need for an additional policy to protect the function of a right of way. Furthermore, it is not clear how a development would affect the character of a (planned) right of way that does not exist. Local character is already protected by national and local policy, and by other policies of the Neighbourhood Plan.

- **Delete Policy TR2**

Policy TR3: Access Requirements for New Developments

This is an unduly onerous proposal that fails to have regard to national policy and is not in general conformity with the strategic policies of the Amber Valley Local Plan – as worded, it would, for example, require the development of a house extension to provide for new or enhanced pedestrian and cycle routes.

- **Delete Policy TR3**

Policy TR4: A610 Improvements

This is not a land use planning Policy but a statement of support.

- **Delete Policy TR4**
- **Replace as a “Community Action” Re-word “*The Town Council supports...*”**

Sustainability

- **Replace wording of first sentence of Introduction with “A Sustainability Appraisal has been undertaken and was submitted as a supporting document to the Neighbourhood Plan. It sets out...”**
- **Delete “Approach” and “Conclusion” sections, which make little sense and refer to an emerging document. Delete “Emerging Draft Policies”**

Policy S1: Sustainable Development

This sets out a recycling aim of the Town Council rather than a land use planning policy.

- **Delete Policy S1 and replace as a “Community Action.” Re-word “The Town Council encourages the use of recycled materials and products.”**

8. Summary

I have recommended a number of modifications further to consideration of the Ripley Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Ripley Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Ripley Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Amber Valley Borough Council that, subject to the modifications proposed, the **Ripley Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Ripley Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Ripley Neighbourhood Area as approved by Amber Valley Borough Council on 4 March 2013.

Nigel McGurk, January 2015
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