

AMBER VALLEY BOROUGH COUNCIL

RIPLEY NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an independent examination, Amber Valley Borough Council now confirms that the Ripley Neighbourhood Plan will proceed to a Neighbourhood Planning referendum.

2. Background

- 2.1 On 4 March 2013, Amber Valley Borough Council designated Ripley Parish as a Neighbourhood Area, for the purpose of preparing a Neighbourhood Plan in accordance with the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Ripley Neighbourhood Plan to the Borough Council by Ripley Parish Council on 10 September 2014, the Plan was publicised and representations were invited. The 6 week publicity period ended on 22 October 2014.
- 2.3 Following consultation with the Parish Council, the Borough Council appointed an independent Examiner, Mr Nigel McGurk, to review whether the Plan should proceed to referendum.
- 2.4 The Examiner's report concluded that subject to a number of recommended modifications, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.5 The Borough Council's Cabinet agreed on 11 March 2015 that the Ripley Neighbourhood Plan should proceed through referendum.
- 2.6 Having considered each of the recommendations made by the Examiner and the reasons for them, the Borough Council decided to make the modifications to the Plan as set out in Table 1 below, to ensure that the Plan meets the basic conditions set out in the legislation.

3. Decision and Reasons

- 3.1 The Borough Council has made the modifications proposed by the Examiner, to ensure that the Plan meets the basic conditions, for the reasons as are set out in Table 1 below.

A copy of this statement and the Examiner's Report are available to view on the Borough Council's website at www.ambervalley.gov.uk or at Amber Valley Borough Council, Town Hall, Market Place, Ripley DE5 3BT during normal opening hours

Part of the Plan	Examiner's Suggested Change	Reason for suggested change	Local Authority's Decision	Action
General	Distinguish the Policies from the rest of the text. If nothing else, recommend that the Policy text is presented in bold	It is difficult to distinguish the Policy text from the supporting text. There are no illustrative devices (such as boxes), use of colour etc. The Policies which are the most important part of the Plan do not stand out from the supporting text.	Amend the presentation to distinguish the policies from the text for clarity.	Amend the presentation to distinguish the policies from the text for clarity.
Foreword, Vision Statement and Core Objectives Table of contents	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	To make the document clear	Modify as recommended	Modify as recommended
	Delete the third paragraph of the Foreword and delete all following paragraphs up to "How the Ripley Neighbourhood Plan has been produced" section.	To correct errors and reduce unnecessary content	Modify as recommended	Modify as recommended
	Delete the two paragraphs in Stage 1 and replace with "The Ripley Neighbourhood Plan area was approved by Amber Valley Borough Council, on March 2013. This was further to an application by Ripley Town Council, which has led on the production of the Neighbourhood Plan."	Unclear and irrelevant	Modify as recommended	Modify as recommended
	Delete the fourth paragraph of the Vision section.	Unnecessary references to the Draft Amber Valley Core Strategy	Modify as recommended	Modify as recommended
	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."	Unnecessary references to the Draft Amber Valley Core Strategy	Modify as recommended	Modify as recommended
Neighbourhood Plan Policies	Distinguish the Policies from the rest of the text. Recommend That the Policy text is presented in bold	To make the policies clear	Modify as recommended	Modify as recommended

Housing	Delete reference to Appendix 7 in the first line of the Housing chapter. Also delete all other references from this Chapter	References to appendices detract from the contents of the Neighbourhood Plan	Modify as recommended	Modify as recommended
	Delete the second Paragraph of the Introduction	Extended references to Draft Amber Valley Borough Local Plan are inappropriate, unnecessary and confusing.	Modify as recommended	Modify as recommended
	Delete the section entitled "Housing Context from the Suspended Draft AVBC Core Strategy. For clarity, delete everything on page 14.	Extended references to Draft Amber Valley Borough Local Plan are inappropriate, unnecessary and confusing.	Modify as recommended	Modify as recommended
	Delete all text under the heading "Ripley Neighbourhood Plan Objectives for Housing Development" on pages 17 and 18	Unnecessary repetition	Modify as recommended	Modify as recommended
	Delete Emerging Draft Policies title and sentence below	Unnecessary repetition	Modify as recommended	Modify as recommended
Policy H1: Proposed Sites for Housing Development	Delete first three paragraphs. Replace with "The following housing sites are allocated for new housing	The first three paragraphs fail to set out policy requirements	Modify as recommended	Modify as recommended
	Delete the two "withdrawn" allocations from Table 2.	Confusing and unnecessary to include allocations that are not allocations in the table	Modify as recommended	Modify as recommended
	Delete reference numbers before each allocation title in Table 2	Inclusion of references is confusing	Modify as recommended	Modify as recommended
	Provide a plan showing the location of each allocated site and include a reference to this Plan underneath Table 2	For clarity	Modify as recommended	Modify as recommended
	Delete the Notes in Table 2	For clarity	Modify as recommended	Modify as recommended
	Delete Butterley Engineering Site from Policy H1	No evidence to demonstrate that the allocation would lead to a shortfall in industrial land	Modify as recommended	Modify as recommended
Policy H2: Other Sites for New Housing Development	<p>Policy H2: Other Sites for New Housing Development</p> <p>Re-word Policy H2, "Subject to this and other Policies in the Plan, favourable consideration will be given to:</p> <p>a) Proposals for the development of 15 or more new dwellings on sites where the applicant can demonstrate that such proposals</p>	So the policy does not refer to other policies in the Plan.	Modify as recommended	Modify as recommended

	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.			
Policy H3: Housing Types, Mix and Choice	Delete Policy H3	The policy fails to meet the basic conditions	Modify as recommended	Modify as recommended
Policy H4: Housing for Elderly or Disabled People	Re-word Policy H4: "Proposals for new housing should be designed in accordance with the Lifetime Homes Design Criteria	As worded is too onerous	Modify as recommended	Modify as recommended
Policy H5: Affordable Housing	Delete middle paragraph of Policy H5	To meet to basic conditions	Modify as recommended	Modify as recommended
Policy 6: Housing Development Criteria	Delete Policy H6. 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..."	Fails to have regard to National Policy	Modify as recommended	Modify as recommended
	Delete all text on pages 23 and 24.	For clarity	Modify as recommended	Modify as recommended
Open Space and Other Green Spaces	End the second paragraph of the Introduction at "...non-recreational uses" (delete the rest of the text in that paragraph)	For clarity	Modify as recommended	Modify as recommended
	Delete references to Appendix 14	For clarity	Modify as recommended	Modify as recommended
	Delete references to the Draft Amber Valley Core Strategy (penultimate paragraph on page 27)	For clarity	Modify as recommended	Modify as recommended
	Delete all text in the section "Open Space Context from Suspended Draft AVBC Core Strategy"	For clarity	Modify as recommended	Modify as recommended
	Delete all text in the section "Ripley Neighbourhood Plan Objectives for Open Space and Other Green Spaces" and "Emerging Draft Policies"	For clarity	Modify as recommended	Modify as recommended

	For clarity, all text from the end of "Open Space Issues" on page 27, up until Policy OS1, to be deleted.	For clarity	Modify as recommended	Modify as recommended
Policy OS1: Specific Sites and Amenities to be Protected from Development	Delete Policy OS1	Not clear and does not meet the basic conditions	Modify as recommended	Modify as recommended
	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:"	To retain the aims of the policy	Modify as recommended	Modify as recommended
Policy OS2: Prevention of Coalescence	Delete Policy OS2	Policy fails to have regard to National Policy and does not meet the basic conditions	Modify as recommended	Modify as recommended
Policy OS3 New Local Green Spaces	Change reference to "...paragraphs 76 to 78 of the National Planning..."	For clarity	Modify as recommended	Modify as recommended
	Provide a plan showing the boundaries of the Local Green Spaces. Replace references to appendices with a reference to this plan.	Reference to an appendix is insufficient	Modify as recommended	Modify as recommended
Policy OS4: Developments Affecting Local Green Spaces and other Designated Open Spaces	Delete Policy OS4	Does not meet the basic conditions	Modify as recommended	Modify as recommended
Environment and Ecology	Introduction, second paragraph, end the paragraph at line 3 "...landscape character of the area." (Delete the rest of the paragraph).	Fails to have regard to the national assumption in favour of sustainable development without amendment	Modify as recommended	Modify as recommended
Policy EE1: Landscape Character	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."	Does not meet the basic conditions without amendment	Modify as recommended	Modify as recommended
Policy EE2: Developments Affecting Sites and Features of	Delete Policy EE2	Not clear	Modify as recommended	Modify as recommended

Biodiversity Interest				
	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)	For clarity	Modify as recommended	Modify as recommended
	Delete references to appendices	For clarity	Modify as recommended	Modify as recommended
	Delete text relating to “Ripley Neighbourhood Plan Economic and Employment Objectives”	For clarity	Modify as recommended	Modify as recommended
Policy EMP1: Economic and Employment Development	Re-word second sentence “The re-use...brownfield sites will be supported.”	Lack of clarity about how the Plan will ‘actively encourage’	Modify as recommended	Modify as recommended
	Delete third paragraph	No detail or clarity about sequential testing	Modify as recommended	Modify as recommended
Policy EMP2: New Employment Sites	Provide a plan identifying the employment allocation and reference the plan at the end of Policy EMP2.	For clarity	Modify as recommended	Modify as recommended
Policy EMP3:	Delete Policy EMP3	No definition of ‘digital highway’ and is a repeat of National Policy	Modify as recommended	Modify as recommended
Policy EMP4: Ripley Town Centre	End Policy EMP4 at “...properties is encouraged.” (Delete the text that follows)	No indication of what ‘reasonable’ use is	Modify as recommended	Modify as recommended
Policy EMP5: Ripley Master Plan	Delete Policy EMP5	Not adopted planning document and does not form part of the Neighbourhood Plan	Modify as recommended	Modify as recommended
Policy EMP6: Villages	Delete Policy EMP6	Unclear and does not have regard to National Policy	Modify as recommended	Modify as recommended
Policy EMP7: Community Facilities	Delete Policy EMP7	Unclear and does not have regard to National Policy	Modify as recommended	Modify as recommended
Policy EMP8: Heritage	Delete Policy EMP8	Does not have regard to National Policy and fails to meet the basic conditions	Modify as recommended	Modify as recommended
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)	For clarity	Modify as recommended	Modify as recommended
	Delete references to appendices	For clarity	Modify as recommended	Modify as recommended
	Delete “Ripley Neighbourhood Plan Objectives for Transport”	For clarity	Modify as recommended	Modify as recommended

	Delete "Emerging Draft Policies" which stands on its own on page 47	For clarity	Modify as recommended	Modify as recommended
Policy TR1: Highways Assessment	Delete Policy TR1	Fails to have regard top National Policy	Modify as recommended	Modify as recommended
Policy TR2: Protection of Existing and Planned Rights of Way	Delete Policy TR2	A repeat of National Policy and other policies in the Plan	Modify as recommended	Modify as recommended
Policy TR3: Access Requirements for New Developments	Delete Policy TR3	Unduly onerous and not in conformity with the Amber Valley Borough Local Plan	Modify as recommended	Modify as recommended
Policy TR4: A610 Improvements	Delete Policy TR4	Not a land use policy	Modify as recommended	Modify as recommended
	Replace as a "Community Action" Re-word "The Town Council supports..."	To turn into statement of support	Modify as recommended	Modify as recommended
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..."	For clarity	Modify as recommended	Modify as recommended
	Delete "Approach" and "Conclusion" sections, which make little sense and refer to an emerging document. Delete "Emerging Draft Policies"	For clarity	Modify as recommended	Modify as recommended
Policy S1: Sustainable Development	Delete Policy S1 and replace as a "Community Action." Re-word "The Town Council encourages the use of recycled materials and products."	Aim rather than a land use planning policy	Modify as recommended	Modify as recommended