

Ripley Neighbourhood Development Plan *Referendum 2015*

Summary of Representations



Summary of Representations to the Ripley Neighbourhood Plan

Amber Valley Borough Council

- **General Comment**

For the avoidance of doubt, plans of the proposed housing or employment sites should be included within the Neighbourhood Plan

- **Policy H2 Other Sites for New Housing
Former Butterley Engineering Site**

Whilst the provision of housing is generally supported by the Borough Council, the development of this site would result in the loss of employment land identified as an existing business and industrial area (covered by saved policy ER3 of the Amber Valley Borough Local Plan 2006). No evidence has been provided to support the loss of employment on this site and further evidence is required to ensure that the loss of the employment land would not lead to a shortfall in the availability of business and industrial land to meet the overall employment land requirement.

- **Policy H3 Housing Types**

The submitted policy limits development to 30 dwellings per hectare. This is contrary to saved policy H12 of the adopted Amber Valley Borough Council 2006, to the emerging Core Strategy and also to the NPPF which all allow for differences in character and appearance within the locality.

- **Policy EMP2 New Employment Sites**

As outlined above, the location of the site should be identified on a plan.

Whilst the principle of the provision of a multi pitch / multi sports use hub is generally supported by the Borough Council the proposed location would result in the loss of employment land. No evidence has been provided to support the partial loss of employment on this site and further evidence is required to ensure that the loss of the employment land would not lead to a shortfall in the availability of business and industrial land to meet the employment land requirement.

Should the provision of multi pitch / multi sports use hub be developed within the Ripley Neighbourhood Plan area, it should be in line with the Amber Valley Playing Pitch Strategy.

- **Policy TR2 Protection of Existing and Planned Rights of Way**

Existing and planned rights of way should be identified on a plan

Derbyshire Wildlife Trust

Derbyshire Wildlife Trust supports the objectives of Ripley Neighbourhood Plan and welcomes the strong emphasis on the protection of biodiversity, public green space and sustainability. The plan area encompasses two of the Trust's key strategic 'Living Landscapes' the Derwent Valley and the Erewash Valley. They see the landscapes and habitats within the plan area as linking together these two river valleys.

They consider that some of the information relating to biodiversity and protected sites could potentially be misleading or confusing for anyone trying to interpret parts of the plan. The section on Environment and Ecology could be strengthened by clear recognition of

the presence of Crich Chase Site of Special Scientific Interest (part of which falls within the boundary covered by the plan). This site has statutory protection and is of recognised national value for biodiversity. The presence of 17 non-statutory Local Wildlife Sites should also be included. The key sites section could be expanded to include Crich Chase SSSI (the relevant area supports flower rich meadow and ancient woodland).

Recommend that the map provided in Appendix 15 (Specific sites and amenities to be protected from development) and the list on page 29 are updated to include all sites currently designated either with the statutory designation Site of Special Scientific Interest (currently omitted from the maps) or the non-statutory designation Local Wildlife Site (several sites are omitted from the map). Two sites are also designated as Local Nature Reserves (Hammersmith Meadows and Carr Wood) and whilst these are mentioned in the text of the plan the designation is not clearly marked on the protected sites map. These designated sites already receive a degree of protection through planning policies, legislation and the National Planning Policy Framework and it would make sense to clearly highlight their location as part of the plan.

Welcome the reference to strengthening and building a coherent ecological network (wildlife corridors) within the plan area and consider that the enhancement of the Ripley Greenway and associated areas of land could help link key sites such as Carr Wood, Hammersmith Meadows with sites to the south. The establishment of a new LNR in the south of Ripley (or elsewhere) would benefit people and biodiversity.

Consider that the section on Ripley Neighbourhood Plan for Housing Developments (pp17-18) should include amongst its objectives the need for development to achieve a net gain for biodiversity (in line with the NPPF) and for developers to demonstrate how they will achieve this. The housing development criteria set out on page 22 should also include a requirement for developers to incorporate biodiversity gain into the new site in keeping with the scale of the development and any potential adverse impacts that the development may have on biodiversity.

Should emphasise the value of semi-natural green space as part of public open space. The more informal nature of this type of publicly accessible land can bring greater benefits for wildlife and offer people a more rewarding experience due to the greater variety and diversity of habitats and species that can be present.

Strongly support the proposed new local green spaces at Codnor Common and Pit Top (OS3) and consider that these sites have the potential for significant biodiversity enhancement which would make a major contribution to strengthening the ecological network in the area. Support the policy set out under OS4.

Strongly support the Ripley Neighbourhood Plan Objectives for Environment and Ecology including plan proposals for biodiversity sites and support the incorporation of the preferred environmental and ecological policies in the suspended AVBC Draft Core Strategy to the Ripley area. Also support EE1 and EE2 relating to landscape and biodiversity.

English Heritage

H1 Proposed Sites for Housing Development

Note the sites listed in table 2 and consider that in order to comply with the NPPF, and ensure that the allocated sites are sustainable, reference to the need to protect the setting of heritage assets and the recommendations set out within paragraphs 6.17 and 6.19 of the Heritage Impact Assessment (Appendix 19) should be included in the table. This relates specifically for sites 7 and 5 whereby impacts on designated heritage assets have been identified.

Economic and Employment Development and Policy

Welcome the many references within this chapter to the historic environment within the Neighbourhood Plan Area, which includes part of the buffer zone for the Derwent Valley Mills World Heritage Site, along with a number of other nationally important and locally important heritage assets. Given this context, as so clearly set out, we are however, disappointed at the scope and contents of policy EMP8 (Heritage), which is very limited. This states “The Plan will support the conservation of heritage features and the sympathetic development of these as tourist attractions.”

The Planning Practice Guidance states that where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the Local Plan into action at a neighbourhood scale. While the supporting text relating to local heritage is very detailed, they consider that the policy itself fails to adequately guide decisions. Given that the plan proposes to allocate sites within the setting of heritage assets, and given the significant historic environment resource within the plan area, along with the plans aims and objectives relating to its protection, the lack of detail within this policy is a significant concern.

They consider that the brevity of this policy is mismatched against other environmental policies – policies EE1 (Landscape) and EE2 (Biodiversity) are much more well developed and offer local guidance on what may or may not be appropriate.

In order to comply with the provisions of the NPPF they consider that policy EMP8 should be amended and suggest amended text.

Environment Agency

Pleased to see that earlier comments on the environmental policies have been fully incorporated in the Submission version.

Former Butterley Engineering

Whilst proposed housing allocation is shown to be outside of the floodplain on the Environment Agency’s Flood Maps, they are aware that the Cromford Canal runs through the site at depth in a tunnel as well as a culverted ordinary watercourse that originates from Carr Wood to the south of the site and would object to any proposals that involve building over the culvert and tunnel. We recommend that this is factored into any assumptions about the number of houses that can be accommodated on this site.

A Flood Risk Assessment (FRA) was prepared in support of a previous planning application on this site (AVA/2008/0536) which was subsequently refused due to adverse impact upon listed buildings and the historic environment. The FRA reports that the culverted ordinary watercourse collapsed in June / July 2007 and caused localised flooding to the Paint Shop at the existing factory. As such, the risk of flooding needs to be given careful consideration in the design and layout of the proposed housing allocation to avoid building in areas at flood risk and to ensure there will be no increase in the risk of flooding to others as a result of the development. The Sustainability Appraisal should be updated accordingly and a ‘Green’ rating may not be appropriate.

Recommend that Derbyshire County Council, as Lead Local Flood Authority, are also consulted on any development proposals.

A Phase II Geo-Environmental Assessment was submitted in 2008 in support of the previous planning application which found slightly elevated levels of heavy metals in the made ground and localised impact on groundwater associated with the historic land uses

on site. Remediation options were put forwards which satisfied the Environment Agency at that time. Advise that the risk of pollution to the water environment will need to be fully assessed in support of a planning application for the proposed housing land allocation and the 2008 Assessment will need refreshing. The risk of contamination should be taken into account in any viability work to support the housing land allocation.

Police HQ A610 Site, off Wyatt Way

According to Environment Agency records, Butterley Hall Police Headquarters which adjoins the proposed allocation is served by a private sewer which has historically caused pollution to the watercourse in Carr Wood. Any proposed housing allocation will require investment in a new sewerage network with the potential to include the drainage from Butterley Hall. Severn Trent Water should be consulted for further information on this issue and the information should be factored into the Sustainability Appraisal process accordingly.

Cemetery Lane, Ripley

The Environment Agency does not have any record of environmental constraints that may impact upon this proposed housing land allocation.

Nottingham Road, Ripley

A Phase 1 Desk Study was prepared in support of an outline planning application for this site in 2012. The historical maps show this site was part of a nursery and agricultural land. Backfilled brick work excavations and a mineral railway cutting are present within 250m² radius of the site. A backfilled opencast excavation is indicated in the eastern part of the site and there are records of two mine shafts on site. Additional exploratory work was carried out which enabled the Environment Agency to raise no objection to that application subject to planning conditions relating to land contamination.

We advise that the risk of pollution to the water environment will need to be fully assessed in support of any new planning applications for the proposed housing land allocation. The risk of contamination should be taken into account in any viability work to support the housing land allocation. The Sustainability Appraisal should be also updated accordingly and a 'Green' rating may not be appropriate.

Highways Agency

The Agency welcomes the engagement with Ripley Town Council in the preparation of its Neighbourhood Plan for the Parish area. The Agency notes that the low level of housing proposed within the Plan will have limited impacts. On this basis, the Agency also has limited concerns in relation to the current housing proposals as put forward in the Neighbourhood Plan and welcomes the Council's intention for highway factors to be considered as part of the development process.

However, at this stage and whilst the AVBC Core Strategy is currently suspended, the Agency considers that there is some uncertainty with regard to the total housing supply required to come forward and the potential cumulative impacts upon the SRN and associated mitigation. It is intending to discuss this further with the Derby Housing Market Area authorities as a whole and Derbyshire County Council with a view to clarifying this issue. With this said, the Agency would be keen to maintain engagement with both AVBC and Ripley Town Council in order to ensure that the full extent of development growth across the area does not have a significant detrimental impact on the A38.

Ron Ashton

Two parts of the Plan that require alteration:

- i) Heage Road as it is not safe in terms of traffic
- ii) The old Hanson Brick works should be allocated for housing not industrial development

Swanwick Parish Council

Swanwick Parish Council support the Core Objective as stated under Housing 2 - To steer the provision of new housing to previously developed sites and other sites within and around the town which avoid, where possible, areas in the Green Belt and other important open spaces. However the proposed development of the Asher Lane site in Amber Valley Core Strategy does extend in part onto the Green Belt.

They support Core Objective Housing 3 - To avoid housing development on sites that would lead to the coalescence of Ripley with neighbouring settlements, particularly with Codnor.

Coalescence is also an issue for Swanwick Parish Council. Although the boundary of the built settlement is not defined, we actively support any measures to avoid coalescence with Swanwick Village.

We also welcome the Core Objectives relating to development of tourism and the heritage assets and sites that span the Ripley – Swanwick boundary and look forward to working with Ripley Town Council in promoting these developments.

William Davis

Provision of a Proposal Map

The Regulations provide significant flexibility for the format and content of Neighbourhood Plan's within the boundaries of the 'basic conditions' However, the Planning Policy Guidance has confirmed that policy in a Neighbourhood Plan should be "clear and unambiguous" and "drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications." (ID 41-041-20140306) This clarity can be provided far more effectively if the Plan contains a clear spatial articulation of the policies on a Proposals Map. In its existing form the location and boundary of relevant allocations or policy designations can only be found by interrogation of the extensive appendices; including housing allocations (H1) and various open space and green space policies (QS1-6). The final version of the Plan should therefore make provision for all relevant policies to be clearly defined on a Proposals Map.

Policy H1: Proposed Housing Sites

In order to meet the 'basic conditions' the Plan must be shown to be in general conformity with the strategic policies of the development plan. This strictly refers to the 'adopted' development plan rather than any 'emerging' plan, however it is clearly good practice to use the latest evidence base and have regard to emerging policies when writing Neighbourhood Plans. This has been clarified in respect of the Winsford Neighbourhood Plan where the examiner D. Charles Mynors concluded that "where a neighbourhood plan is being prepared at the same time as an emerging local plan, it makes sense for the two to be in harmony."

Although the Amber Valley Local Plan Part 1 has been in a state of flux during its Examination process final confirmation of its strategic housing allocations has now been made. In order to ensure general conformity, and to ensure clarity and avoid ambiguity, all sites confirmed as allocated in the Local Plan should be identified in the Neighbourhood

Plan, albeit with a note referencing the fact that these allocations are carried forward from the development plan. Therefore sites at Amber Heights (ref. AVBC/2008/0043) and Asher Lane (ref. AVBC/2008/0229 and AVBC/2009/0002) should be identified in Table 2 (or a separate table) and further identified on the Proposals Map.

Policy H2

William Davis objects to the manner in which this policy provides a very inflexible approach towards housing density. By providing a specific minimum density of 30 dwellings per hectare the policy fails the basic test of having appropriate regard for national policy. Paragraph 58 of the NPPF requires that design policies should be robust and comprehensive and based on stated objectives and evaluation of defining characteristics of the locality. The policy goes on to give some support for optimising the potential for site's to accommodate development but further stresses the importance of responding to local character and history and reflecting the identity of surroundings. It is difficult to see how these fundamental design principles can be appropriately met with a rigid approach towards minimum density. There needs to be scope for development density to be varied above and below this figure if local character and identity is to be appropriately respected.

In this respect the policy also fails to conform with Policy E2 of the Amber Valley Local Plan which prescribes a more flexible policy approach requiring development to be in scale and character with their surroundings.

Policy H4: Housing for Elderly or Disabled People.

The requirement for Lifetime Homes standards to be met is now not appropriate in the light of Government policy which has emerged from the Housing Standards Review. The Government has now confirmed that all such local standards are to be swept away in favour of improved Building Regulations. These include enhancement of accessibility standards for the elderly and disabled. They also include optional higher standards that can be imposed by local planning authorities through their development plans subject to demonstration of need and impact on viability which is tested through the examination of these plans. However, Government has further confirmed that these optional standards cannot be imposed via a Neighbourhood Plan (paragraph 139 of The Housing Standards Review: Technical Consultation, September 2014 refers).

Policy H6 Housing Development Criteria

Criterion 8 requires that development incorporates energy efficiency measures and makes provision for on-site renewable energy. Again this is not appropriate in the light of Government policy from the Housing Standards Review. The Government has made it clear that all requirements for energy use and efficiency are to be dealt with via Building Regulations and all other local technical requirements are to be disallowed (confirmed by the Minister for Communities on 13th March 2014).