

# Amber Valley Borough Council Local Plan Examination



## Planning and Design Group

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**Representor: UIM Properties Ltd. Reference No: 176**

## **Matter 13 – Housing Growth Sites**

### **13k: Asher Lane Business Park (South) Ripley**

**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?**

The site is being positively promoted on behalf of the landowner, UIM Property Ltd, who confirm the site is available for residential use and capable of accommodating the number of dwellings proposed.

A potential access solution has been identified and agreed with the local Highway Authority; the existing access, which is shared with the light industrial building to the north, would be utilised with associated improvement works to ensure an adequate and safe access point. It is considered that suitable visibility can be achieved in conjunction with traffic regulation measures. A shared pedestrian and cycle route would also be incorporated to the east of the site providing alternative links with Ripley.

The site is deliverable and UIM Property recognise the opportunity for joint working with the landowner of housing growth site HGS9, immediately to the north, to mitigate any off-site impacts arising, particularly in respect of residual flood risk and the ongoing inspection and maintenance of Butterley Reservoir.

The site was previously at a stage where heads of terms had been agreed for sale to a national housebuilder, but the deal was not completed due solely to the impacts of the global financial crisis.

**Has full consideration been given to unstable land, along with the impact of the development on Local Wildlife Sites, highway safety, local services and facilities and heritage assets?**

The suitability of the site for residential development has been established through transport assessment, ground investigation and ecological assessment, for instance.

The majority of the site comprises large concrete plateaus with semi-mature woodland to the south and south west. As such, the site supports limited habitat diversity. Remedial measures in respect of redeveloping the site for a residential end-use have been fully considered and include soil capping. There is no evidence that the reservoir has any instability or that a residential development would alter the reservoir stability.

Residential development in the form envisaged would not harm significance of the Butterley Tunnel. Full consideration of this non-designated heritage asset has been made and accordingly, development works are to take place outside of a 15 metre buffer zone. Further, the Tunnel can be incorporated into the final deliverable scheme design.

In accordance with the Council's spatial strategy and settlement hierarchy, Ripley is a sustainable main town benefitting from a wide range of local services and facilities, which are accessible from the site. In addition, future development will need to provide financial contributions towards local services and facilities, where appropriate.

**Has full consideration been given to the impact of the development on the Butterley Reservoir and Butterley Tunnel (part of the disused Cromford Canal)?**

The Butterley Reservoir and Butterley Tunnel have been fully and equally considered in terms of the potential impact of the development. The impact of development would be negligible.

There is no evidence that the development would impact the Butterley Reservoir.

For Butterley Tunnel, site investigation has concluded that any deep excavation works within 15metres of the Tunnel alignment should be avoided. Outside of this buffer zone, development will not affect the structural integrity of the canal

tunnel. Other nearby residential development has incorporated the Butterley Tunnel within the development layout. The same can be achieved here.

**Is the site viable, given the abnormal costs associated with safety works to the reservoir, unstable land, likely contamination on the site and the need to protect the Butterley Tunnel?**

A viability assessment was previously undertaken for this site and concluded that the site is viable when taking account of housing types and mix, construction standards, construction costs, fees and ancillary costs, policy obligations (including affordable housing and infrastructure), developer profit, finance costs and s106 contributions.

The site remains unchanged and whilst some costs have risen during the intervening period, the overall increase is nominal, given that sales values have risen through the same period. Accordingly, there has been no significant change in net viability.

Future unknown costs associated with the monitoring of the dam headwall could also be secured as part of a viable and developable scheme. Future maintenance costs might also be secured through the establishment of a management company, from which reasonable annual charges are utilised to part-fund inspection and maintenance of the reservoir headwall.

**Should Policy HGS10 require the development of this site to include upgrading safety measures at the Butterley Reservoir?**

There is no suggestion that an embankment breach is likely to happen at Butterley Reservoir rather, it is extremely unlikely given the robust structure of the reservoir embankment and its continued management. Indeed, safety works are already incumbent on the Canal and River Trust. No additional safety measures are required, regardless of the proposed housing allocation. The residual risk of flooding is already mitigated through the supported inspection and maintenance regime, satisfying the specific requirements of Policy HGS10 in its current form, however, it would not be unreasonable to make some contribution to ongoing maintenance given the additional users of the reservoir.

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

The site continues to benefit from developer interest. It is the landowner's intention to dispose of the site to a housing developer, as soon as the allocation is confirmed, with a high degree of confidence that the site can be delivered in accordance with the trajectory.

Progress of a previous site sale was halted for no other reason than as result of global economic downturn. As present, there are no known marketability constraints that would affect the purchase and subsequent delivery of the site.