

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

Matter 13 – Housing Growth Sites

k. Asher Lane Business Park (South), Ripley (92)

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 (UIM Property Ltd.) has confirmed that the site is available for the use proposed.

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 HGS10 of the Local Plan includes criteria which any development proposals for the site will need to meet through an appropriate design. These include the need to take into account the potential risk of flooding from the Butterley Reservoir immediately adjoining the site, the proximity of Local Wildlife Sites immediately adjacent to the site, landscape sensitivity, the extent of any potential contamination within the site and to remediate any contamination identified, to 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, 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 unstable land, along with the impact of the development on Local Wildlife Sites, highway safety, local services and facilities and heritage assets?*

1. See response to question i) b) above in relation to highway safety and the response to question c) above in relation to nature conservation and heritage assets. The supporting text to policy HGS8 in paragraph 7.1.25 of the Local Plan refers to the Sequential Test and Exception Test that the Council has applied to justify the inclusion of this site in the Local Plan, given that part of the site lies within Flood Zones 2/3a. Paragraph 7.1.25 also notes that the Council considers that having applied the Sequential Test, it considers that the potential environmental impact could be mitigated by avoiding and development on those parts of the site within Flood Zones 2/3a, whilst acknowledging that a detailed Flood Risk Assessment would be required in conjunction with any planning application in relation to the site. The Sequential Test is set out in the 'Flood Risk Sequential & Exceptional Test – Technical Paper' (ED33). The Council considers that any adverse impact on heritage assets could be avoided through an appropriate design for any development proposals in relation to the site. The Council does not consider that the development of the site would have any adverse impact of local services and facilities.

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

1. See response to question ii) above.

iv. *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?*

1. The agent acting for the landowner has advised that a viability assessment has previously been undertaken for this site and concluded that the site is viable, taking account the need for a mix of house types, construction standards, construction costs, fees and ancillary costs, policy obligations (including affordable housing and infrastructure), developer profit, finance costs and section 106 contributions. The agent has advised that whilst some costs have risen during the intervening period, the overall increase is nominal, given that sales values have risen through the same period and that accordingly, there has been no significant change in net viability. The agent has also stated that any future unknown costs associated with the monitoring of the dam headwall could also be secured as part of a viable and developable scheme and that future maintenance costs might also be secured through the establishment of a management company, from which annual charges are utilised to fund inspection and maintenance of the reservoir headwall.

2. 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, having regard to the advice of the agent acting for the landowner, 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.

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

1. The Council considers that the reference in paragraph 7.1.24 of the supporting text to policy HGS10 in the Local Plan addresses this issue.

vi. *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), although the agent acting for the developer has not specified when a planning application will be submitted, a site appraisal has been undertaken on behalf of the landowner and based on information from the agent received in April 2018, the Council expects that the development will be completed by 31 March 2022.