## Amber Valley Borough Local Plan Submission: Green Belt Amendments and Additional Site Allocations – Consultation Response by Protect Belper.

Protect Belper wish to make comments regarding the soundness of the Green Belt changes and the additional housing growth site allocations within the Amber Valley Borough Council Local Plan Submission.

Protect Belper would wish to participate in the resumed examination of the Local Plan Green Belt Amendments.

**Amending the Green Belt boundary to include land to the south east of Belper is justified.**

Protect Belper strongly supports (as does the emerging Belper Neighbourhood Plan) the additional inclusion of the land south east of Belper as Green Belt (Local Plan 6.10.63-6.10.67).

These two parcels of land were recommended to AVBC for inclusion within the Green Belt by Historic England in March 2016. This was a part of the 2014 Core Strategy consultation which included Pottery Farm, Cherry House Farm and Bullsmoor. The Council removed 2 of the allocations but Bullsmoor was taken forward. A Planning Inquiry for Bullsmoor in 2018 found against the developer due to World Heritage concerns. The Inspector concluded, *‘Because of the Bullsmoor area’s protected location within the WHS buffer zone, the survival of the historic field pattern and the very positive contribution that this historic landscape makes to the OUV of the WHS, I consider that it should be considered a valued landscape in the terms of Framework 109, a natural, local environment to be protected and enhanced’.*

The two parcels contain 6 separate SHLAA sites put forward for housing by the landowners and are under threat from speculative development. The parcels (numbers 77 and 78) perform very well against the criteria in the Green Belt review. This found Green Belt purposes 1 and 2 to be ‘major’ and purpose 4 ‘critical’. If all the Amber Valley parcels in the review are rated by numerical scores, then both parcels come out as joint 4th out of 78 in the whole of Amber Valley.

The National Planning Policy Framework guidance relating to the establishment of new Green Belts includes: *135, Any proposals for new Green Belts should be set out in strategic policies, which should:*

1. *demonstrate why normal planning and development management policies would not be adequate.*

Planning decisions of the last few years show that normal policies have not proved adequate especially in relation to the land in the World Heritage Site Buffer Zone, and that the developers will continue to pursue this land against a backdrop of inconsistent council decisions.

1. *set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary.*

The inscription of the WHS and buffer zone, and the Statement of Universal Outstanding Value have both happened since the last Green Belt review.  This therefore is a major change in planning and protection terms.

**Removal of policy HGS5, Belper Lane, Belper as a Housing Growth Site.**

Protect Belper support the deletion of this land, which is within the World Heritage Site buffer zone, from the Local Plan. Its inclusion would have led to harm to the outstanding universal value of the Derwent Valley Mills World Heritage Site. It forms part of the setting of the WHS and the 18th century rural landscape that is crucial to its inscription. It is disappointing that the Green Belt study did not extend to consider this area as we feel confident it would perform well against greenbelt criterion.

From an ICOMOS Technical Review transmitted 12th March 2018 – ‘*In early October 2018, the Secretary of State dismissed an appeal and refused outline planning for 150 dwellings at Bullsmoor, and a further appeal has recently been called for 185 houses at Crich Lane. All of this would appear to signal a worrying misalignment between the Planning Authority and those responsible for advising on how the OUV of the World Heritage property should be sustained, as well as a high administrative burden for all concerned and a lack of certainty for developers’ .*The International Council on Monuments and Sites advises UNESCO on World Heritage Sites which are of the highest international sensitivity.

**Land North of Denby (HGS15)**

Land North of Denby proposal (HGS15) shows a small triangle of land that forms a joining point with the builtup line of Belper at Openwoodgate. The A38 might be considered a practical green belt boundary on the westerly edge. The extension of housing running up Kilburn Lane, (west of the A38) would create an unnatural greenbelt edge and coalescence between Rawson Green and Belper.

**Regarding the Green Belt deletions, we wish to draw attention to a number of issues in this addendum to the Local Plan**

1. There is a failure to continue to carry out discussions with South Derbyshire and Derby City under the ‘duty to cooperate’. Negative preparation of the Local plan has led to unilaterally accepting Green Belt removal rather than seeing if part of the Amber Valley housing need could be managed in South Derbyshire and Derby City.
2. Failure to adopt the National Planning Policy Framework (NPPF) to investigate all brownfield options ahead of Green Belt removal.
3. The selection of Green Belt sites using a flawed and ineffective method. The decisions are not correctly weighted and cannot be justified.
4. The selection of Far Laund for housing fails to reference the high performance of this land against Green Belt criteria.

1. **The Duty to Cooperate. Housing Need & Provision (6.2) is not**

 **legally compliant.**

The updated NPPF 2018,137c advises that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the local authority should examine whether the strategy *‘has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development , as demonstrated through the statement of common ground’*.

A duty to cooperate with South Derbyshire District Council (SDDC) and Derby City Council (DCC) should not have ceased with the adoptions of their Local Plans in 2016 and 2017.

AVBC and SDDC both agreed to pick up 5,388 dwellings from the Derby City unmet need. Specifically, 2375 houses were to be added to the number of the Amber Valley requirement (7395), making a total requirement of 9770 to be built by the year 2028. The reason for this was a tripartite agreement that Derby City was ‘capacity capped’ and needed assistance under a duty to cooperate. Derby City’s analysis of its constraint included a strategy of maintaining both its green wedges and Green Belt.

At the June 2018 Local Plan Inspection, AVBC did not anticipate the use of Green Belt, excepting Land North of Denby. Now the Council wish to release Green Belt under ‘exceptional circumstances’ to supply an additional 2,010 dwellings, roughly the number needed to meet Derby’s unmet needs

In contrast the SDDC and DCC plans both exceed their targets. SDDC and DCC have achieved the financial support from the Government for their Infinity Garden Village (2500 houses) additional to their plan. DCC’s own inner city housing developments are yielding considerably in excess of the planned numbers. A high rise tower block on Agard Sreet, Duckworth Square and a number of other proposals are additional. The regeneration of the old Celanese Site (3000 houses) is not included as a site needing remediation was not thought to be suitable for inclusion in the Derby Plan.

We have a large mismatch now between the three plans and, as the numbers being discussed during 2016 and 2017 cannot now be considered current or accurate, there is a duty for Amber Valley’s neighbours to consider if they can assist.

**2.** **Green Belt alterations (6.9/SS10) are unsound and inconsistent**

 **with the NPPF.**

Under National Planning Policy Framework Guidance, *134) Green Belt serves five purposes:*

Purpose 2is ‘*to prevent neighbouring towns merging into one another’.*

**In Belper, the separation between Belper and Heage would be greatly reduced by the deletion of the Far Laund Green Belt. In addition, the separation between Belper and Rawson Green, Kilburn is greatly reduced by Green Belt removal on the west side of the A38 (land North of Denby HGS15).**

Purpose 4 is ‘*to preserve the setting and special character of historic town’.*

**In Belper this is the rural setting of the Derwent Valley Mills World Heritage Site and special landscape character, *‘arrested in time’*.**

Purpose 5 is ‘*to assist in urban regeneration, by encouraging the recycling of derelict and other urban land’.*

**Belper’s emerging Neighbourhood Plan specifically identifies a brownfield solution to meeting its part of the Amber Valley need.**

The NPPF continues: ‘*137.Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:*

1. *‘makes as much use as possible of suitable brownfield sites and underutilised land’;*

**The additional sites are all in the Green Belt. There ought to be options considered that relate to the many brownfield sites. Good details of brownfield options in Belper are contained within the Belper Neighbourhood Plan that is currently out for consultation.**

1. *‘optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport’.*

**We do not think that AVBC are looking at housing density on current brownfield sites correctly. They are applying the same calculation as they would for a greenfield mixed development site. Therefore they will obtain much smaller numbers than if they were looking at brownfield sites with mostly affordable townhouses and apartments. The Campaign for Rural England reference 50 dwellings per hectare, the AVBC average is 18 dwellings per hectare.  The difference represents a largely town house and apartment building scheme versus a largely detached and semi-detached scheme.** **Historically, AVBC has not always made maximum use of brownfield sites which have been approved, e.g. granting planning permission for 3, 4 and 5 bedroom houses on the Tesco land by the A6 in Belper. This is referenced as a recommendation in the NP4B consultation from AECOM’s figures**.

**3**. **Amendment of Green Belt 6.10/SS10 is based on unsound**

 **analysis/method.**

The Council was compelled to carry out a Green Belt review to justify the decision to continue with the removal of Green Belt to support the land North of Denby site. This review neither justifies this decision nor the proposed additional changes. AVBC now propose additional Green Belt removals to support new housing sites for 2010 houses. This change of strategy removes justified Green Belt protection. It is the Local Plan’s function to put development in the right places and protect communities from development in the wrong places. Without this Plan, these Green Belt areas have a high degree of protection.

Amber Valley’s process for reaching the individual Green Belt site assessments is:

* Initial Stage 1 assessment of all local Green Belt parcels from the independent review
* Subsequent Stage 2 review of the SHLAA sites within them
* Then the Council’s sustainability appraisal, *‘Technical paper: exceptional circumstances for Green Belt amendments*’ or ED59a in the examination library.

This appears to be quite a linear path to decision making but the process seems flawed. The council does not immediately discount sites which score highly on the Green Belt criteria. In ED59a, 14 sites relating to the Green Belt parcel assessments are put forward for additional housing.  Of these 8 are rated as ‘High impact’ on at least one of the Green Belt NPPF criteria. AVBC then also rate 4 of these sites as having a ‘High impact’ on the overall ‘*Strategic function of the Green Belt’*. These latter sites include Far Laund, Belper.

From the Addendum Submission Sustainability Appraisal we learn that 29 sites were excluded from going forward into the Green Belt Review Stage 2 on the basis that ‘*… the Council did not consider that the site was capable of providing sustainable development, consistent with the spatial strategy set out in Policy SS2 of the Submission Local Plan’*.

It is unsound that the Council feel that no balancing can apply to these sites yet apply the balance of exceptional circumstance to their preferred sites. There is a lack of cogent and simple transparency in the Council’s decision making.

The vast majority of Green Belt sites were deemed undeliverable for housing development. A phrase often used is *'Uncertainty about the extent and timing of development that could come forward for delivery in the plan period and contribute to the 5 year plan’.* These sites were then discounted for development regardless of Green Belt performance. The sites put forward have essentially been chosen because they are deliverable even though they may have scored highly in the Green Belt review. The Council seem to have used the Green Belt review as a green light to put forward new housing sites. We do not believe that this should have been the main purpose of the Green Belt review.

This plan proposes 13,252 houses in the plan period (to the year 2028). This is 3482 houses greater than required but deemed necessary to meet the 5 year supply. AVBC propose to sacrifice the Green Belt sites to help satisfy the 5 year requirement as part of a simple ‘tick box’ exercise rather than by positive assessment.

**4. Removal of Green Belt at Far Laund (6.10/SS10) and inclusion as**

 **a new site (7.1/HGS19) is unsound.**

The summary from ED59a, *‘Technical paper: exceptional circumstances for Green Belt amendments*’ relating to this site PH5085/157, says, ‘It*is acknowledged that the Green Belt Review Stage 2 assessment of this site concludes that development would have a medium to high impact on parcel 59 and that it would have a high impact on the wider strategic Green Belt function in this area of the Borough’*.  In ED59a AVBC rate Green Belt purposes 1 and 2 as high.

Green Belt purpose 2 is to prevent neighbouring towns merging into one another. The Far Laund Green Belt amendment puts the new boundary 3 fields or 600 metres away from the settlement of Heage. When one considers the groups of buildings at Lodge Farm and The Bent along the Heage road, within the existing Green Belt, then the perception is that only one field or a mere 250 metres of separation.

Its location on the edge of Belper would inevitably prevent it from being sustainable as claimed and its size would lead to suburban sprawl/coalescence.  This is not a sustainable allocation but one based on expedience.

The Coppice Brook runs beneath the preferred site of Far Laund. It is a known source of localised flooding due to the existing estate run off. Network Rail have responded to AVBC a number of times concerned that the flow rate would increase due to new development. Their concern is the limited capacity of the piped section of the brook under the Derby to Sheffield railway line.

The roads through Belper suffer from traffic congestion at peak times. The Heage Road can link to Belper either via Chesterfield Road or by Nottingham Road. Both roads join prior to the junction with the main A6 road running from Derby to Matlock. The additional traffic from 345 houses will be considerable and add to the existing traffic concerns.

Currently the sewage system on the east side of Belper is failing. Every night tanker lorries are having to remove and move excess flow to the sewage plant west of Belper. Additional effluent will exacerbate this on-going problem. It is always a local worry that this flow escapes into the local water way (Coppice Brook and thence into the River Derwent and its Mill system}.

We conclude that the Sustainability Appraisal for Far Laund is unsound.