

Belper Town Council Response to the Modified Local Plan incorporating the Green Belt Review

Belper Town Council has based its response to Amber Valley Borough Council on the Belper Neighbourhood Plan which is currently published for Regulation 14 Consultation.

Due to the number of documents that will be referred to in this response, the document's full name will be given in the 1st instance together with its reference number on the Amber Valley Borough Council (AVBC) Examination Library for the Submission Local Plan.

Subsequently a document will be cited solely by its reference number (e.g. AV/40a).

The Neighbour Plan for Belper (NP4B) documents are all available on Belper Town Council's Website.

Annex 1: Implementation of the National Planning Policy Framework (2019) states in Paragraph 214 that the 2012 version will apply as the Plan was submitted for examination before 24th January 2019. The new elements of the February 2019 version reflect shifts in focus and priorities for planning going forward, and which therefore cover the Local Plan from its revisions (March 2019) to 2028. As the Modified Local Plan is submitted for Examination after the 24/1/19, it is pertinent to make reference on occasion to both, with the distinction clearly made between versions. (2019 replaces the Draft 2018)

AVBC recognise this: the following is taken from the AVBC Green Belt Review Tender Brief:

"The draft revised NPPF, which was published for consultation in March 2018, proposes to largely retain the current national policy, but should the final version of the revised NPPF be published during the undertaking of the Green Belt Review for Amber Valley and include any changes to the current national policy on Green Belt, the Review will need to take these into account."

Alongside the draft NP4B are significant AECOM documents:-

Housing Needs Assessment (HNA) 2016

Belper Heritage and Character Assessment (HCA) 2016

Site Assessment Report (SAR) 2018

Site Viability Modelling (SVM) 2018

Strategic Environmental Assessment 2019 (SEA)

Non-Technical Strategic Environmental Assessment (NTSEA) 2019

This representation reflects the conclusions of the NP4B: the most notable one being there is sufficient brownfield land in the town to accommodate the town's specific and unique needs during the NP4B period to 2035.

In AVBC's 'Sustainability Appraisal Report Non-Technical Summary March 2019' Av/42b section 11.4 states the Modified Plan includes policies to ensure homes delivered in the Plan period meet objectively assessed local needs.

Belper Town Council assert that AVBC could use the NP4B reports to help them address the difficulties in the Local Plan going forward as they specifically identify Belper's "objectively assessed local need".

The Working Group note with regret that Amber Valley's current approach to meeting Belper's needs is through the release of Green Belt at the site known as Far Laund, and the use of green field (Belper Lane- still referred to as a Preferred Site).

Page 14 of Av/42 AVBC identify that Green Belt release is necessary in Belper (and Ripley and sustainable villages) to allow the Authority to "*pursue a distribution of housing more closely aligned to its preferred strategy*"; this being to direct development to the 4 market towns in the Borough, Belper being one.

The 'Spatial Distribution of Growth Strategy' is one of the general 'exceptional circumstances' cited to allow the release of Green Belt.

The Working Group recognises this is the Borough's preferred distribution of growth strategy but challenges its approach: specifically the use of Greenfield and release of Green Belt.

Despite Belper's multiplicity of protected areas (Green Belt, Derwent Valley Mills World Heritage Site and Buffer Zone, conservation area, flood risk, areas of special landscape interest) this has been a challenge but the many NP4B independent reports (over the last 2 years) indicate that the Borough's housing need/dwelling numbers for Belper can be met on Brownfield in the NP4B Period 2019 to 2035; it therefore meets AVBC's preferred Growth Strategy.

Whilst the Working Group welcomed the Green Belt review and commented on the methodology of the Review, the Working Group at that time did not and could not have anticipate that the Review would result in the potential provision of a further 1800 homes through the removal of 14 areas of land from the Green Belt.

A strategic environmental assessment is a legal requirement of the Local Plan process, whose purpose is to recommend avoiding and mitigating negative effects. Belper's Strategic Environmental Assessment 2019 (SEA) concludes at 9.63:

"The NP4B performs relatively well overall against the SEA themes, benefitting the local community through supporting the delivery of housing and mixed use development on brownfield and regeneration sites throughout the Town. The NP4B seeks to strike a balance between the needs of conservation, biodiversity, access, the interests of the local community, the public benefits of a development and the sustainable economic use of the WHS in its setting. To this effect, positive effects are concluded in relation to the majority of SEA topics."

Contrast this with the LPA's approach: Sustainability Appraisal Addendum Appendix 2 (Av/42a) says on Page 4 that the amendment to Green Belt is a strategic Policy and that:-

"This policy would have negative effects in respect of biodiversity, resource use, heritage protection, pollution, climate change and landscape. However it would have beneficial effects in respect of housing and employment land delivery."

The Council's Green Belt revisions are driven entirely by the need to find additional Housing Growth Sites.

The NP4B evidenced by the SEA, recognises that our approach of Brownfield only, maximises the positives of the NP4B Objectives and proposed policies and avoids negative effects.

The NP4B Working Group therefore has significant concerns regarding the Modified Local Plan March 2019; the LPA's approach is detrimental to the town and is not a sustainable one, as evidenced by Belper's SEA.

The 2012 NPPF in Paragraph 83 specifies that *"Green Belt Boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan."*

Paragraph 84 goes on to identify that in reviewing Green Belt there should be consideration of *"the need to promote sustainable patterns of development"*.

The 2012 NPPF gives no identification of the 'exceptional circumstances' required; nor what an LPA must do before releasing Green Belt.

The 2019 NPPF is pertinent here as it clarifies the changes in approach to planning in the last 7 years. Paragraph 137 (2019) says LPA's *"should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development"*.

Amber Valley's strategic response to its difficulties is also questioned at the highest of levels and clarifies that the defined 'exceptional circumstances' in the 2019 NPPF are of relevance.

The results of the Green Belt Review were published and put forward to a meeting of AVBC Full Council on 4th March 2019.

On the same day, Nigel Mills MP for Amber Valley asked a question in the House of Commons of the Minister with specific Responsibility for Housing, Kit Malthouse.

Hansard.parliament.uk quotes:

"Nigel Mills (Amber Valley) (Con)

Amber Valley Borough Council is holding a planning meeting tonight on building 2,000 houses on the green belt across a number of sites. Can the Minister confirm

that should be a last resort and that the Council has to show exceptional circumstances for each site before it does that?

Kit Malthouse

My hon. Friend is exactly right. The green belt should only be used in exceptional circumstances, after local authorities have demonstrated that they have exhausted all other options, including the use of brownfield, co-operating with their neighbours and looking at further density in their developments. We strengthened protections for the green belt in the national planning policy framework published in July 2018, and that should be a last resort."

Para 137 (NPPF 2019) specifies "*whether the strategy a) makes as much use as possible of suitable brownfield sites and underutilised land*"

The 'Green Belt Amendments & Additional Site Allocations March 2019' (AV/41) document is a response to the Local Plan Inspector calling for a pause in the Examination Hearings for a number of reasons. One such being AVBC's inability to show it can demonstrate a 5 year housing land supply figure.

As a consequence, AVBC chose to only undertake a Borough wide Green Belt Review. A Brownfield Review was not undertaken.

(To be clear, the WG recognises that under the NPPF (both) a Green Belt Review and a Brownfield Review can be part of the Local Plan process.)

Av/41, Page 19 section 6.2.50 states "*The Borough Council is committed to maximising opportunities for development on previously developed (brownfield land) land. However, given the extent of housing need up to 2028 and the decreasing opportunities that are available on brownfield sites, it is inevitable that a significant proportion of new development will have to take place on green field land.*"

As there has been no Brownfield Review by the Borough, this may be true but without a Review it is opinion.

A Brownfield Review would have addressed the crux of the matter: to identify the exact amount of extra Greenfield required that meets the housing need across the Borough. This would have then informed if any, how much and where Green Belt land could be considered for release; then only if an individual site met the 'exceptional circumstances' test.

The NP4B, supported by the independent reports of Site Viability and the SEA, indicates that Belper's housing need can be met on Brownfield.

For Belper, NPPF 2019 Paragraph 137 a) has not been met.

Page 2 of Av/41 notes the Local Plan Inspector said the Green Belt Review should have regard to the FIVE Green Belt purposes. Purpose 5 is to 'assist in urban regeneration'. On Page 6 it states: "*The individual land parcels were not assessed*

against Purpose 5, on the basis that it is the overall restrictive nature of Green Belt that encourages regeneration, not the restriction it places on specific areas of land.”

Whilst this reasoning may/may not be viable with regard to individual parcels of land, there is no regard by AVBC to the cumulative effect of the wholesale release of 14 parcels of land and the effect this has overall. They have not met the Inspector’s direction here.

In the last 5 years, research has shown LPA’s have taken a varied approach to Purpose 5 and why the statement above ‘may/may not be viable’ is used. A few, including Bath/North East Somerset included Purpose 5 in their review as they considered their Green Belt played an important role in encouraging the recycling of derelict and other urban land, by restricting the availability of greenfield sites. An approach the Working Group and the NP4B supports: maintaining Green Belt directs development in the Town to the identified Sustainable Brownfield Sites in the Neighbourhood Plan.

Paragraph 9.31 of the SEA identifies the particular need for the regeneration of these Brownfield sites; the release of Green Belt in Belper would therefore have a detrimental effect.

Three of the four Mixed Use Development Sites in the Submission Local Plan are in Belper and on brownfield; these are Policies ED1 to ED3. On page 82 of Av/42 the Council notes that the regeneration of these sites could augment housing and employment delivery within Belper to 2028.

These Sites are also allocated in the NP4B to help meet our Housing Need; they are in Sustainable Town Centre Locations.

These sites have been identified in the SEA pages 16 to 18 as being viable for:

ED1 East/North Mill: 243 dwellings

ED2 West Mill: 121 dwellings with 15% affordable housing

ED3 Land North and South of Derwent Street: In the NP4B only North Derwent Street identified as viable for 154 dwellings including 30% affordable

TOTAL: 518 dwellings

There are already ‘live’ Planning Applications for ED1 for 117 dwellings (apartments) and for a quarter of the whole North Derwent Street Site for 60 dwellings (extra care supported living apartments for over 70’s).

We note with interest that the Derwentside Industrial park site which is currently cleared for development and has outline planning permission for 136 houses is not included in any calculations.

Both of these meet “*NP Community Objective 2: to meet local need (by providing smaller dwellings) to reflect the needs of an ageing population wishing to downsize and young people wanting to stay and not having to move out of the parish*”.

Taking these ‘live’ figures into account would give a reduced TOTAL of 298 dwellings (recognising that North Derwent Street’s remaining land would allow for a further 94 dwellings).

The NP4B in addition allocates 5 further sites with a potential for a total of 331 dwellings.

These are all on Brown fields in Sustainable locations and indicate that there is the potential for some of these sites to have increased densities >30dph.

NPPF 2019 paragraph 137 specifically addresses ‘optimising density’ as an option that needs to be considered before releasing Green Belt. The NP4B in its approach DOES take this into consideration; we can find no evidence that AVBC have done this.

Page 30 of AV/41 6.10.24 states with regard to Far Laund “*there are no other suitable locations for this form and scale of development in and around Belper*”; the cumulative total of approximately 600 dwellings (NP4B indicative figures) would show this is not the true picture.

The release of Green Belt in Belper at Far Laund (discussed fully later) is unhelpful as it does not fulfil Purpose 5 Green Belt under the NPPF, neither is it necessary as dwelling numbers indicate. The regeneration of brownfield sites is critical to the sustainability of the Town.

Paragraph 9.12 of Belper’s SEA recognises the negative impact of extra vehicles on local roads *wherever* housing development takes place, but shows that the NP4B mitigates the worst impacts of this by promoting the compact, suggested town centre allocated sites. It calls this a ‘reasonable sustainable transport offer’ (paragraph 9.17 which maximises opportunities to reduce the need to travel, particularly by private vehicle (page 60).

Paragraph 9.54 praises local ‘Walking for Health’ initiatives and explains how these are discouraged by dependency on car use at edge of town fringe sites.

The release of Green Belt and the proposed and preferred Housing Growth Site/s (at Far Laund and Belper Lane) are specifically at edge of town locations. AVBC’s proposed HGS’s are counter to NP draft policies NPP2 (Sustainable Development) and NPP3 (Protecting the Natural Environment and Landscape Character).

The SEA indicates the NP4B positively supports sustainability for the Town and meets the NPPF requirement for ‘promoting sustainable patterns of development’ in Belper; Amber Valley’s suggestions for the release of Green Belt and Housing Growth Site(s) do not.

Paragraph 137 NPPF 2019 (c) identifies, as the Minister cites, 'co-operating with neighbours' as an option. Av/41 (page 2) states the Inspector recognises AVBC sought agreement with neighbouring authorities regarding the Green Belt Review.

In the 'new' documentation for the Modified Plan, we can find no evidence that AVBC approached Neighbouring Authorities regarding meeting AVBC's unmet need (crucially) after the Inspector's halt of the Plan in July 2018.

The recently published (February 2019) Government 'Housing Delivery Test Measurement' (HDTM) indicates that Derby City has a 113% delivery rate.

To avoid some release of Green Belt, AVBC could have tried to renegotiate with Derby to take back some of their unmet need as it is these dwelling figures from Derby that are causing some of the Borough's difficulties.

The HDTM for Amber Valley for the years 2015 to 2018 showed there was a requirement to build 1136 homes but actual performance was 1648. They forecast that Amber Valley is on course to exceed the required 2028 build by 45%.

The approach to justify the release of Green Belt is specifically that the 'exceptional circumstance' requirement is the cumulative effect in the beneficial delivery of housing. This is far from the 'exceptional circumstances' for each site that is required for deletion, as specified by the Inspector and the NPPF.

Belper SEA considered the options of both Brownfield and Greenfield and found in favour of Brownfield.

In Av/42a Addendum Appendix 1 regarding preferred options, the 'new' models only consider release of Greenbelt. They do not consider an approach that looks at the distribution and availability of Brownfield too in each of the 4 market towns, the preferred Distribution of Growth model. Had they done so, it would have identified which areas needed Green Belt release, if any, and how much.

In Av/42a Appendix 2 and previously quoted the AVBC's preferred spatial strategy has significant negative effects in 6 out of 8 Sustainability areas and because they have not considered all other options first before GB release, regrettably, the Working Group considers the Modified LP (March 2019) to be unjustified because of its overall effect on Belper.

The NP4B SEA identifies that Belper's need can be met without deletion of Green Belt or use of Greenfield. (The SEA was undertaken after the request for a comment regarding Methodology for the Green Belt Review.)

The Working Group is very concerned that the site known as Far Laund on the edge of Belper is proposed to be deleted from Green Belt and will become an additional Housing Growth Site.

Consideration of Far Laund HGS19

The Working Group questions the 'exceptional circumstances' requirement for Far Laund.

Far Laund allocation is made up of 2 sites: PHS 157 0.49 Ha (10-12 dwellings) and PHS 085 23.6Ha (330 dwellings): total 345 dwellings.

We will refer to both parcels as the one allocation except in one area: to reflect where Sustainability Appraisals differ in terms of Biodiversity and Climate Change and Flooding.

As stated before, for a site to be considered for Green Belt Release the Inspector drew AVBC's specific attention for it needing to be sustainable, referring to Paragraph's 80, 83, 84 and 85 of NPPF 2012.

Section 6.10.24 in Av/41 states the site is "*readily accessible to local facilities and services and employment opportunities*".

Appendix 1: Updated Site Appraisals (AV/40a) details the exact requirement for the Council to make this statement with regard to Far Laund: within 400m of an hourly bus service, within 800m of an existing recreational open space and within 2km of the existing Business and Industrial area of Bullsmoor.

Contrast this with the facts that the site is over 800m to the nearest shop, 1.6km to the nearest Secondary School and leisure centre. Over 1.6km to St Johns Primary School and over 2.4km to dentists and all the Town Centre facilities itself, including the Railway Station, Library and Strutt Community Centre.

Whilst, it could be argued that the only sense in that these services are 'readily accessible' is by car. All of these indicate it is far from a sustainable location.

Page 30 of Av/41, 6.10.24, says Far Laund offers the potential for environmental improvements as reasoning for exceptional circumstances.

Their own evidence in Addendum Appendix 3 (Av/42a) disputes the statement regarding 'environmental improvements'. 1 cross is awarded 'in principle' if it is identified as within close proximity to a Local Wildlife Site and mitigation measures are required (Addendum Appendix 3).

For Sites to offer biodiversity gain 2 ticks would be awarded. Far Laund (085) is awarded 1 cross for Biodiversity (av/40a: SA Objective for PHS085): indicating there is no biodiversity gain, only mitigation of harm.

Av/42b Page 6 section 10.6 specifically states a number of development sites could have a negative effect on non-statutory Local Wildlife Sites and states Far Laund (Coppice Brook LWS) is one of these.

10.8 goes on to say "*The Plan also requires development to contribute to long term biodiversity gain, as required by the NPPF.*"

Far Laund (085) does not fulfil this requirement.

(It is to be acknowledged parcel 157 was awarded one tick as this parcel is not located within 100m of a Local Wildlife Site. As this parcel only covers 2% of the overall allocation, the significance of its sustainability appraisal here is negligible.) Addendum to Sustainability Appraisal Report and Technical Appendices March 2019 (AV/42) Page 43 states the Green Belt Stage 2 assessment of the site “concludes 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.”

This latter statement strengthens the argument that the deletion of Green Belt in Belper does not have regard to Purpose 5 and could be seen to direct development away from the Brownfield Sites in the Town.

Further, Paragraph 5.10 of Belper’s SEA identifies that there is a real concern of creeping settlement coalescence regarding the allocation of Far Laund accentuating the high impact on the ‘wider strategic Green Belt function in this area of the Borough.’

Page 15 of Av/42 indicates AVBC’s 8 specific requirements for meeting the ‘exceptional circumstances’ test with regard to an individual site. ‘Site deliverability, accessibility to remaining Green Belt and strengthening or creation of more defensible Green Belt Boundaries’ could be considered reasons, the latter 2 albeit ‘weak’.

However, five of these can be countered:

‘The delivery of specialist accommodation to meet specific needs’: there is no statement by AVBC that the site will deliver this

‘The comprehensive development or redevelopment of sites’: It is not a redevelopment. It is unclear what is defined by AVBC as ‘comprehensive’.

‘Economic Benefits’: Page 81 of the same document “*Housing delivery will make a limited contribution to the local economy*”

‘The accessibility of sites in relation to existing services and facilities’: see above regarding Sustainability criteria regarding accessibility. Note further that Av/42a Addendum Appendix 3 recognises that by awarding 1 tick there is only a ‘minor positive effect recorded’. It does not meet the criteria of being within 800m of the nearest primary school and within 800m of the nearest district, town or village centre; being ‘readily accessible to local services and facilities’ can be questioned.

‘Improvements to environmental quality in respect of biodiversity and landscape/townscape character and pollution related issues’: In addition to biodiversity discussed previously, Page 81 Av/42 notes townscape is awarded 1 cross and Landscape two crosses. Both indicate moderate/significant harm, contra indicators for ‘exceptional circumstances’.

Sustainability Criteria regarding Quality of Life, Employment, Infrastructure, Town and Village Centres and Pollution are all considered to have an uncertain or no effect with regard to Far Laund.

It should be noted Av/40a Appendix 1 states that “*part of the site identified (using Coal Authority data) as being within a specific Development High Risk area where potential land instability and other safety risks associated with former coal mining activities, such as mine gases are recorded.*” This is not covered ‘in principle’ in the Sustainability Objective Criteria.)

Page 30, section 6.10.26 of Av/41 concludes that there are benefits that could be provided through development in Far Laund. Section 6.10.24 clarifies these are:

offering the potential for environmental improvements and enhanced open space provision

a new housing development that gives deliverability in the Plan period and contributes 165 dwellings to the 5 year HLSF

affordable housing

To be consistent with the Council’s preferred spatial strategy in the submission Local Plan.

With regard to consideration of the individual Site, as specified and required by the Inspector, the ‘potential for’ is not a specific, defined entity. In fact the advantages of ‘environmental improvements’ and enhanced open space could be argued to be only possible at the expense of the existing natural environment and open space (i.e. what is currently available by means of public rights of way through Green Belt protected land).

Therefore, the only clear beneficial reasoning from AVBC with regard to Far Laund itself is house deliverability and providing affordable homes; there is simply more harm than benefit.

The deletion of the Far Laund Site from Green Belt and its allocation as a HGS has failed to meet the ‘exceptional circumstances’ requirement for an individual site for the cumulative reasons detailed herein; notably sustainability issues.

The evidence in the Local Plan does not ensure the social, environmental, economic and resource use objectives of sustainability are met at Far Laund; the Local Plan is not justified.

Additional consideration of Green Belt Review and subsequent Modifications

The Working Group very much welcome the proposed amendment to include the South East of Belper (referred to as Bullsmoor) into Green Belt and recognise and support the 'exceptional circumstances' to enable this modification to the Green Belt Boundary.

Significant concerns remain that the North West of Belper continues to be unprotected after the Green Belt Review. In many ways the North West of Belper equals elements that justified the 'exceptional circumstances' test for the SE to become Green Belt.

The Working Group would like to make representation that the North West of Belper should be reconsidered for inclusion in Green Belt.

Far from restricting development in Belper, this would have the strategic beneficial effect that growth in the Town is directed to regeneration of the Brownfield Sites with the resultant positive sustainability benefits of using these town centre sites; according to the SEA this is necessary (Paragraphs 9.13 and 9.31).

Prior to the Review, Consultees were asked to make Stakeholder submissions; responses are contained in Av/38(e):

Derbyshire County Council's Conservation, Heritage and Design Officer, stated that the Green Belt Review methodology needed to include a mechanism to identify where and how areas of Green Belt make a contribution to the Outstanding Universal Value of the WHS.

The key stakeholder for the WHS, the DVMWHS Partnership, made a written representation that the NW of Belper needed to be considered, as well as the SE. The Partnership provided a clear map indicating the exact parcel of land they believed needed to be considered, with clear defensible physical boundaries, as required by the NPPF (both). They stated here development in the NW "*would damage the setting of the WHS and could eradicate attributes associated with the WHS. This would directly conflict with the Management Plan 2014-2019 and UNESCO's Operational Guidance*".

Historic England were concerned that the assessment criteria were based on professional judgement and that a heritage advisor was required.

There was a Stakeholder meeting on 3rd September 2018 where those present, including the representatives from DLP Planning clearly thought there was an omission regarding Green Belt protection in the North West of Belper. Subsequently, no further mention or assessment is made and evidenced regarding the North West of Belper in any of DLP's Green Belt Review documentation: it is ignored.

The Working Group is concerned that no reasoning or justification is given as to why land to the North West of Belper was not subsequently assessed.

Reasons for concern:

Page 39 section 6.10.66 of Av/41 states being in the Buffer Zone of the World Heritage Site may “*not be sufficient to protect the land against inappropriate development*”.

Page 2 of Av/41, the Inspector asked that AVBC should consider the Green Belt Boundary in respect of its intended permanence in the long term. By leaving the North West unprotected indicates that development would be allowed in principle in the future: this is in spite of the recognised International Significance of the land.

Paragraph 2 of the 2012 and 2019 NPPF requires that Planning policies and decisions should reflect International Obligations. AVBC is a member of the DVMWHS Partnership and agreed to uphold the principle of protecting the OUV of the DVMWHS when the WHS was inscribed in 2001; to not take the opportunity to protect this land further by extending the Green Belt is disappointing.

The North West of Belper, as defined by the Partnership’s map, consists of the essential rural ‘relict landscape arrested in time’ that comprises the OUV of the WHS. UNESCO regarded this particular WHS Attribute landscape as being highly sensitive; if development is allowed ‘in principle’ the integrity of the DVMWHS is compromised, setting Precedent.

DCC’s Heritage and protection Officer identified the Green Belt Review should consider the OUV in its methodology. Page 5, Table 5 in Av/38a, (criteria for assessing Purpose 4), there is NO mention or consideration given to OUV, nor in fact does it reference the DVMWHS itself: methodology criteria simply being referenced to ‘general’ regard and characteristics for historic towns throughout the Country, and not tailored to the circumstances for Belper itself.

Whilst acknowledging the Inspector is making specific reference to the sustainability appraisal of sites, there is significant mention that sites need to be assessed and subject to an equal examination. The lack of evidence regarding the assessment of the North West of Belper in comparison to the SE would suggest the Green Belt Review has not met the Inspectors requirement in this element.

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It is for these reasons we question why the North West of Belper remains unprotected, despite the increased significance of World Heritage Sites and their OUV as evidenced in Paragraph 184 of the 2019 NPPF and request that this is looked at again

Consideration of HGS5; Belper Lane

Belper Lane is awaiting the outcome of the Appeal and decision notice from the Secretary of State regarding the 2 Planning Applications by Wheeldon's for 118 and 65 dwellings at this location.

The Working Group is very concerned that the Belper Lane Site (PHS012) still remains as a preferred site in Table 4.2 on Page 41 of Av/42; this allows for reinsertion.

If the current Appeal is rejected and planning permission refused then Belper Lane should not be re inserted as a Housing Growth Site and it needs to be deleted as part of the housing supply policy and numbers.

The Working Group reserves the right to make further comment when the Borough Council confirms its position, if this takes place after the end of Public Consultation on 30th April.

The following comments are made on the assumption the Appeal is rejected and the Application for the 65 is refused.

The Secretary of State will decide on a Full Application, but there will be elements of his decision that will apply regarding to building on the site itself, the unchanged relict landscape that is part of the OUV of the DVMWHS.

It is acknowledged that the Secretary of State has to balance the public benefits against harm, but to dismiss this decision outright will be unjustified if the Council quote, as with Bullsmoor Av/41, page 39 section 6.10.66 "*slightly different circumstances and a different approach in the future could result in a different outcome*".

Despite this, the land at Bullsmoor is considered to be worthy of inclusion in the Green Belt; Belper Lane should be given equal consideration, in terms of both Green Belt allocation and dismissal permanently as a HGS.

The Working Group wish the Council to recognise and the Inspector to note it is the specific and identifiable elements regarding harm to the WHS that are NOT dependent on an individual application (dwelling numbers. house design, layout etc.) that is of significance.

Substantial and significant arguments have previously been made regarding objection to its allocation in the Submission Local Plan and were considered at the Local Plan Hearing on 3rd July 2018. New information has been published after the Hearing and is pertinent to consideration of Belper Lane.

In AVBC's documents published March 2019, two statements are of significance: Av/42b section 11.1 states that AVBC will avoid the allocation of sites that could have potentially harmful effects, wherever possible.

HGS5 acknowledges that that there is harm to the OUV of the WHS: this is not 'potentially' it is fact.

Page 103 of AV/42 gives the mitigation measures needed to “*address likely environmental and community effects*” for each Site. One of the three measures is: “*Protect key heritage assets including the OUV of the World Heritage Site as well as other heritage assets locally.*” Again, HGS5, by definition, is in conflict with the mitigation measures: to protect something that is already harmed ‘in principle’ is contradictory; the only way to resolve this is to permanently remove Belper Lane’s allocation.

The following statements from the Bullsmoor Inquiry (published October 2018) are the anticipated reasons that will similarly apply to the Belper Lane site. These points are NOT dependent on the details of any individual application.

IR156 says: “*the development proposal would cause serious harm to the unchanged historic countryside into which the pioneering industrial development was inserted and which now provides a valued rural landscape setting for the built development. Being able to appreciate the 18th/19th century industrial complexes in an 18th/19th century landscape is an important attribute of the Derwent Valley Mills WHS.*” And “*the loss of part of the valued relict landscape would reduce the authenticity of that attribute, causing permanent and irreversible damage to the outstanding universal value and significance of one of the country’s most valuable heritage assets.*”

IR131: “*In 2014 the Derwent Valley Mills WHS Partnership published its updated WHS Management Plan, which says that one of the most important management objectives is the protection of the most immediate and sensitive parts of the WHS’s setting represented by the buffer zone [67].*”

IR132. “*These later events have clearly strengthened the importance of the buffer zone and the setting of the WHS.*”

IR142. “*The loss to development of the fields at Bullsmoor would weaken the heritage authenticity of the relict landscape as a functionally important attribute of the WHS. It would diminish the quality and extent of the original landscape setting of the WHS and thus substantially reduce the contribution the setting makes to the OUV and to the distinctive character of the WHS. The significance of the WHS as a heritage asset would be considerably undermined.*”

At Belper Lane, there will be an even more significant loss to the ‘relict landscape’ of the DVMWHS due to its immediate and adjacent proximity to the WHS itself.

The Secretary of State (Para 26 of his decision letter) and the Inspector at IR26 also comments favourably on the ‘de-allocation’ of a site in a Local Plan that is consistent, and not in conflict with, other significant Policies/Plans:

“*With regard to Framework 216, the AVBLP is at a fairly advanced stage and, while the appellants’ objections are unresolved, the current ‘de-allocation’ of the site is consistent with Framework heritage protection policies and indeed with the WHS Management Plan.*”

AVBC is aware of comments made by ICOMOS International and endorsed by UNESCO in November 2018 regarding the Belper Lane Site's allocation; these comments support the DVMWHS Partnership's stance.

Precedent has been set: Bullsmoor was removed as an allocation in the Local Plan. Page 4 of Av/42a Addendum Appendix 2 under Growth Site Policies 'Amendments to the Initial Policy Appraised' says:

"In addition, sites previously proposed in Belper have been removed to reflect the refusal of planning consent by the Council and subsequent dismissal of the site on Appeal (Bullsmoor) or to reflect the outstanding development decision waited on the site at Belper Lane."

The Inspector has continually referenced the requirement to treat sites equally: by the Council's own rationale of removing a site (Bullsmoor) because of its dismissal on Appeal, Belper Lane cannot be re inserted as a HGS if the appeal is unsuccessful.

The Working Group reiterates that the 2019 NPPF recognises the increased significance of World Heritage Sites: Paragraph 184: *"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"*.

NP4B Community Objectives reflect the evidence base around the issues of concern for the community. Objective number 3 says *"Development should not harm the heritage assets of local, national or international significance"*.

When assessed against the 2019 NPPF and meeting the Community Objective 3 the Working Group defers to the DVMWHS Partnership's previous and present responses on Belper Lane's allocation as a HGS; notably in November 2016 that any development on the land itself at Belper Lane is totally unacceptable.