

clerk

From: PCCUSER <PCC@communities.gov.uk>
Sent: 24 June 2019 16:11
To: Bob Woollard; Redmond, Alan; 'planningappeals@ambervalley.gov.uk'; adrian.farmer@derbyshire.gov.uk; 'wendymm@yahoo.co.uk'; admin; EastMidlands.BusinessOfficers@HistoricEngland.org.uk; clerk
Cc: Jean Nowak; sarah.brooks@ambervalley.gov.uk; Birch, Claire (Claire.Birch@ambervalley.gov.uk); Christopher Bazley-Rose
Subject: RE: Further views sought - APP/M1005/W/17/3188009 & APP/M1005/W/18/3198996, Whitehouse Farm, 153 Belper Lane, Hilltop, Belper
Attachments: 19-06-24 Ltr to parties_Whitehouse Farm_Final.docx; 2019 06 10 DVMWHS Response re Whitehouse Farm Belper Lane.pdf; BLCG response 6th June Appeals 3188009 3198996.pdf; Further Representations on behalf of Wheeldon Brothers Ltd 11-06-19.pdf; New Information - APP/M1005/W/17/3188009 & APP/M1005/W/18/3198996, Whitehouse Farm, 153 Belper Lane, Hilltop, Belper; 11-06-19 BTC Belper Lane Appeal.pdf; FW: [OFFICIAL] FW: Further views sought - APP/M1005/W/18/3204843 - Land Fronting Crich Lane
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78, APPEALS MADE BY WHEELDON BROTHERS LTD, APP/M1005/W/17/3188009 & APP/M1005/W/18/3198996 WHITEHOUSE FARM, 153 BELPER LANE, HILLTOP, BELPER (AVA/2016/1020 & AVA/2017/1128)

Further to the Secretary of State's letter of 28 May, please find attached a further letter extending the period for representations to 23 July 2019. I have attached the Council's original request in this matter, which relates to the appeal at Land fronting Crich Lane, Belper. The Council has confirmed today that the request extends to the Whitehouse Farm, Belper Lane. appeal.

Please also find attached all responses received to date. As per the letter, all further responses received by 23 July 2019 will be circulated for comment after that date.

Please contact me if you have submitted a representation which is not included as an attachment.

Kind regards,

Chris Bazley-Rose

Planning Casework Manager | Planning Casework Unit | 5 St Philips Place | Colmore Row | Birmingham B3 2PW
Christopher.Bazley-Rose@communities.gov.uk 0303 444 1853



Ministry of Housing, Communities & Local Government

From: Christopher Bazley-Rose

Sent: 28 May 2019 14:15

To: Bob Woollard <bob.woollard@panddg.co.uk>; Redmond, Alan <Alan.Redmond@ambervalley.gov.uk>; 'planningappeals@ambervalley.gov.uk' <planningappeals@ambervalley.gov.uk>; adrian.farmer@derbyshire.gov.uk;

'wendymm@yahoo.co.uk' <wendymm@yahoo.co.uk>; admin@belpertowncouncil.gov.uk;
EastMidlands.BusinessOfficers@HistoricEngland.org.uk

Cc: Jean Nowak <Jean.Nowak@communities.gov.uk>; Simon Heydecker-Dent <Simon.Heydecker-Dent@communities.gov.uk>

Subject: Further views sought - APP/M1005/W/17/3188009 & APP/M1005/W/18/3198996, Whitehouse Farm, 153 Belper Lane, Hilltop, Belper

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78, APPEALS MADE BY WHEELDON BROTHERS LTD, APP/M1005/W/17/3188009 & APP/M1005/W/18/3198996
WHITEHOUSE FARM, 153 BELPER LANE, HILLTOP, BELPER (AVA/2016/1020 & AVA/2017/1128)**

Please find attached a letter seeking further views on the above appeals, which are currently being considered by the Secretary of State.

You are invited to submit your views to pcc@communities.gov.uk by **11 June 2019**.

Best regards,

Chris Bazley-Rose

Planning Casework Manager | Planning Casework Unit | 5 St Philips Place | Colmore Row | Birmingham B3 2PW
Christopher.Bazley-Rose@communities.gov.uk 0303 444 1853

 **Ministry of Housing, Communities & Local Government**



Ministry of Housing,
Communities &
Local Government

Our Ref: APP/M1005/W/17/3188009
APP/M1005/W/18/3198996

Bob Wollard (Agent)
Planning and Design Group (UK)Ltd
bob.woollard@panddg.co.uk

24 June 2019

Alan Redmond
Amber Valley Council
Alan.Redmond@ambervalley.gov.uk

Sent by email only

Dear Sirs,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEALS MADE BY WHEELDON BROTHERS LTD
WHITEHOUSE FARM, 153 BELPER LANE, HILLTOP, BELPER DE56 2UJ
APPLICATION REF: AVA/2016/1020 & AVA/2017/1128**

1. The Secretary of State is considering the report of the Inspector, Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC, who held a hearing on 3 July 2018, into the above planning applications.
2. Further to his letter of 28 May 2019, the Secretary of State has received a request from Amber Valley Borough Council seeking an extension to the period for submitting representations. In the circumstances, the Secretary of State considers that such an extension is acceptable and representations may be submitted by email to pcc@communities.gov.uk by 23 July. The Secretary of State will then circulate any further responses he receives as a result of the above.
3. A copy of this letter is also being sent to Historic England, the DVMWHS Partnership, Belper Town Council and the Belper Lane Community Action Group.
4. If these parties wish to submit comments in response to this letter and enclosures, they should do so within the timescale set out above.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Jean Nowak, Decision Officer
Ministry of Housing Communities & Local Government
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel 0303 444 1626
pcc@communities.gsi.gov.uk

DERWENT VALLEY MILLS WORLD HERITAGE SITE

Shand House, Dale Road South, Matlock, Derbyshire, DE3 3RY,
United Kingdom

T: +44(0) 1629 536831

E: info@derwentvalleymills.org

www.derwentvalleymills.org



Ministry of Housing, Communities and Local Government
5 St Philips Place
Colmore Row
Birmingham B3 2PW

10th June 2019
Our ref: DVM/AL
Ask for: Adam Lathbury
Email: adam.lathbury@derbyshire.gov.uk
Tel: 01629 539791

Response to the withdrawal of the Amber Valley Local Plan and comments made by Bob Woollard on behalf of Wheeldon Brothers Ltd and Wendy Mitchell on behalf of the Belper Lane Community Group in relation to APP/M1005/W/17/3188009 and APP/M1005/W/18/3198996, Whitehouse Farm, 153 Belper Lane, Hilltop, Belper.

1. Thank you for giving the DVMWHS Partnership opportunity to respond to the withdrawal of the emerging Local Plan by Amber Valley Borough Council and responses to that withdrawal, highlighted in your letter of 28th May 2019.
2. This was the first of two requests, within a week, in response to the withdrawal of Amber Valley Borough Council's emerging Local Plan, the second relating to APP/M1005/W/18/3204843, concerning land fronting Crich Lane, DE56 1EP. In both cases, the applicants saw the withdrawal of the emerging Local Plan as an opportunity for re-opening debate on their proposals within "the landscape setting of the mills and the industrial communities, which was much admired in the 18th and early 19th centuries," and of which much has survived.¹
3. These appeals together reinforce the arguments made by the DVMWHS Partnership in both hearings – that cumulative development, through the 'nibbling' away of the historically significant relict landscape of the World Heritage Site, will endanger its inscription on UNESCO's World Heritage List. The fact that both developers have seen this as an opportunity to realise their proposals at the expense of the "exceptional industrial landscape"² signals the danger of cumulative erosion on the World Heritage Site's setting.
4. This goes against the National Planning Policy Framework (NPPF), and previous planning appeal decisions made by the Inspectorate, including most recently at Bullsmoor, Belper in 2018 (APP/M1005/W/17/3183493 and APP/M1005/V/18/3194115). The inspector's report includes (from paragraph 75):

¹ From UNESCO's Statement of Outstanding Universal Value for the Derwent Valley Mills (2010).

² Ibid.

“The cumulative effect of small losses to the surviving ‘relict’ landscape poses one of the most significant threats to the OUV of the Derwent Valley Mills WHS and could lead to the site being placed on UNESCO’s World Heritage in Danger List or even to deletion from the World Heritage List.”

5. Also (from paragraph 141): “The appellants argue that the loss of a relatively small site, in itself, would not seriously jeopardise the significance of the WHS as a whole. However, the degree of local harm identified above should not be underestimated. Such reasoning could be used to justify similar proposals elsewhere in the buffer zone, and a proliferation of similar, relatively minor schemes throughout the WHS could, on a cumulative basis, result in very significant harm to the relict landscape setting of the WHS.”
6. The DVMWHS Partnership still holds that the proposed applications will harm the setting of the World Heritage Site and attributes that are functionally important to the World Heritage Site’s Outstanding Universal Value. In NPPF terms, the Partnership believes this harm constitutes ‘less than substantial harm’, as with the Bullsmoor appeal. This level of harm is not acceptable to UNESCO and in terms of the English planning system needs to be offset by public benefits that outweigh the harm. World Heritage Sites, as identified by the NPPF, are heritage assets of the highest significance. The more important the asset, the greater weight should be given to the asset’s conservation. In terms of a WHS this means conserving its Outstanding Universal Value (OUV). The Whitehouse Farm site contributes to the OUV of the DVMWHS.
7. It is difficult to see how the Whitehouse Farm application delivers sufficient public benefits to outweigh the less than substantial harm when it appears to deliver less benefits than the Bullsmoor application, which was refused.
8. The DVMWHS Partnership believes that the cumulative erosion of the relict landscape, proposed through the above appeals, conflicts with recent planning inspectorate decisions, the NPPF, UNESCO’s Operational Guidelines and the World Heritage Convention, to which HM Government is a signatory.
9. The Site is part of the rural setting into which the pioneer industrial system was inserted and is therefore an attribute in itself; Whitehouse Farm was acquired by the Strutt family as part of its farm network to feed the rapidly expanding mill workforce in Belper and Milford; the site forms part of the rural setting that can be seen as the backdrop to particularly significant attributes within the WHS; and there are footpaths across the relatively unchanged landscape that today allow a clear appreciation of how 18th/19th century workers, walking to work, would have seen the industrialised areas from the countryside. It informs an understanding of the remarkable imposition of industrial development on the valley landscape. This is clearly referenced in paragraph 2.7.3 of the current DVMWHS Management Plan which is produced for HM Government by the DVMWHS Partnership so that HM

Government can fulfil its commitment for a comprehensive management system to be in place for each of the WHSs on its territories, as required by UNESCO.

10. In addition to the DVMWHS Partnership, both Historic England and ICOMOS (International) have highlighted the adverse impacts that the proposed developments will have on the OUV of the World Heritage Site. ICOMOS (International) was requested to comment on the Whitehouse Farm applications by UNESCO as its cultural heritage advisory organisation.
11. Whilst the lack of a current Local Plan for Amber Valley is regrettable, the DVMWHS Partnership believes a further review will provide an opportunity for the setting out of stronger and clearer policies for the protection of the World Heritage Site and its setting, which comply with the NPPF and HM Government's commitments to UNESCO.
12. As can be seen from these recent responses by the two applicants who are awaiting decisions from hearings, relating to proposals that would negatively impact on the DVMWHS's setting, there is a real danger, as identified by the inspector for the Bullsmoor inquiry, that "a proliferation of similar, relatively minor schemes throughout the WHS could, on a cumulative basis, result in very significant harm to the relict landscape setting of the WHS."
13. For the reasons set out above, the DVMWHS Partnership believes that the Amber Valley Local Plan withdrawal should not indicate to the Secretary of State that the development of the Whitehouse Farm site is in any way appropriate. To meet its commitment to UNESCO and comply with the NPPF, the DVMWHS Partnership recommends HM Government should dismiss the proposals set out in APP/M1005/W/17/3188009 and APP/M1005/W/18/3198996 because of the harm they would cause to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

Yours sincerely



Adam Lathbury
Head of Conservation, Heritage and Design – Derbyshire County Council
On behalf of the Derwent Valley Mills World Heritage Site Partnership

**Appeal Ref: APP/M1005/W/17/3188009
APP/M1005/W/18/3198996**

FAO:

Jean Nowak
Decision Officer
Ministry of Housing, Communities & Local Government
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London
SW1P 4DF

Christopher Bazley-Rose,
Planning Casework Manager
Planning Casework Unit
5 St Philips Place
Colmore Row
Birmingham
B3 2PW

6th June 2019

**Response to 'Further views sought' in the e mail of 28th May 2019
from the Secretary of State: Withdrawal of the Local Plan**

By the Belper Lane Community Group

In terms of this Appeal, the only information of relevance is that none of the policies in the emerging Local Plan can now be given any weight as it has been withdrawn. Belper Lane's inclusion as a Housing Growth Site now carries no weight. All the other weightings in this case remain extant.

This would have been our only comment.

However, the representation by the Appellant of 23rd May makes assertions which we wish to refute.

The whole tone of the Appellants representation is about the 'serious and pressing shortfall' in meeting housing need.

Using Minutes from the AVBC Plan Boards held since Jan 2018, the following applications in the Borough for NEW dwellings have been given permission, which total up to **1094** new homes (not including individual dwellings or sites less than 5 dwellings).

Ranked newest to oldest:

Plan Board Date: March 11 th 2019	Nether Heage	No.: 175
	South Wingfield	35
Feb 18 th 2019	Heanor	20
Dec 17 th 2018	Ripley (Outline)	400
	Crich	71
Nov 12 th 2018	Nether Heage	30
Oct 15 th 2018	Belper	6
June 18 th 2018	Somercotes (Outline)	200
March 12 th 2018	Swanwick	157

This is NOT including the 3 'live' applications in **Belper** currently for:
East Mill for 117 dwellings,
North Derwent Street for 69 dwellings
Former 'ABRU' site for 139 dwellings

This latter Brownfield site is being developed by the Appellants (jointly with Tapton Estates) and already has outline planning permission. And yet.... the Appellant made substantial representation at the Hearing on 3rd July 2018 that there were NO Brownfield Sites viable in Belper and it was their opinion why development on the Green Field Buffer Zone of the Derwent Valley Mills World Heritage Site MUST be allowed.

All three of the above 'live' sites in Belper are on Brownfield and the planning applications show they ARE viable. Green Field in the BZ of the WHS is therefore not the necessity the Appellant has consistently asserted throughout this Appeal process. Not to mention the fact this (65/118) small number/proportion of dwellings makes very little impact on housing supply.

Additionally, the Governments own Housing Delivery Test Measurement (published Feb 2019 and with submissions previously made) indicates a 145% delivery of houses in the period 2015-2018 and that 'no action' towards AVBC as an LPA is deemed necessary by the Government.

This, along with the Resolutions to Grant Planning cited earlier, would indicate lack of housing delivery is not such an acute issue as appears in the Appellants representation.

The Appellants assertion about the "*fundamental importance which weighs heavily in favour of allowing the appeals*" is referring to the absence of a strategic policy. The Housing Needs of the Borough, (as evidenced again by the Resolutions to grant Planning Permission shown previously and the HDTM), in terms of sites coming forward and getting permission in the last few years has seemingly not caused a significant problem so far without an 'up to date' strategic policy.

Specifically, this Appeal is determined on the Local and National Policies as they are at the time, NOT on the absence of a strategic policy in the future.

We strongly take issue with the Appellants statement which finishes the sentence quoted above: *“fundamental importance which weighs heavily in favour of allowing the appeals in the absence of significant harm”* (our highlight). This is purely their opinion.

The opinion of the statutory consultees including Historic England and the Partnership has consistently argued that the development of this green field site in the buffer zone of the DVMWHS **does** cause harm. It is contrary to the NPPF and the Governments International commitment to UNESCO to protect World Heritage Sites, their settings and the BZ.

This was confirmed to the Secretary of State in the ‘ICOMOS International’ report in December:

“the proposed development would have a significantly negative impact on the OUV of the Derwent Valley Mills World Heritage property and should not proceed” (their highlight).

UNESCO’s covering letter to the DCMS for the ICOMOS document, requested that the Government adhere to their commitment to protect the DVMWHS in the case of Belper Lane. This commitment is reflected in Paragraph 2 of the NPPF where planning policies and decisions should reflect International obligations.

We would also like to challenge the Appellants comment:

“Despite the recommendation of the Local Plan Inspector to identify the potential for Green Belt sites....” In fact it was not the Inspector who asked for this to happen; she simply recommended further Housing Growth Sites needed to be considered. The decision to undertake a Green Belt review was taken by the ex-leader of the Cabinet/Council, advised by the Officers.

This is made clear in the Minutes of a Full Council Meeting of 25th June 2018:

As a result of needing to find other HGS’s, *“Officers advised that a comprehensive Green Belt boundary review should be carried out as soon as possible..... A decision relating to whether or not a Green Belt review was required fell entirely within the remit of the Executive..... The key decision was made by the Leader of the Cabinet, Councillor **** following agreement from Councillor ****, in his role as Chairman of the Improvement & Scrutiny Committee, on 21 June 2018”*. (Names redacted by ourselves)

The Appellants statements *“it is inevitable that the Council is now unable and unwilling to meet its objectively assessed housing needs”* and *“The Council clearly has no intention of planning strategically to meet its immediate housing obligations”* have no basis when the following evidence is considered:

According to the Minutes of the 22nd May Full Council meeting, as well as resolving to withdraw the Local Plan, , it was additionally resolved:

- *“That a further report be presented to the next available Full Council meeting to seek agreement for the necessary resources and to set out, in broad terms, the programme and anticipated timetable for the new Local Plan; and*
- *That it be noted that, subject to the necessary budget being subsequently agreed to take the new Local Plan forward, the Cabinet will submit their recommended proposals for a new Local Plan which delivers the right homes*

in the right places, protecting our heritage and Green Belt sites, as soon as practicable to the Full Council.”

(The phrase ‘*protecting our heritage*’ refers to the Council stating their intention to “*not use land in the World Heritage Site Buffer Zone*”, as evidenced also in the Minutes for this meeting).

This is far from the Appellants statements that the Council is “*unwilling*” and “*clearly has no intention of*”.

We feel the Appellants unsubstantiated comments and general tone in the penultimate paragraph is derogatory and disingenuous to an elected body which is inappropriate for this Appeal.

Paragraph 11d of the 2019 NPPF means that a council should grant permission for new housing development, **unless...** and continues to describe the exact criteria that are applicable for this Appeal.

The Appellant argues that the tilted balance in 11d is applied because of the lack of a 5 year HLSF under footnote 7. He has completely disregarded the rest of Paragraph 11 “*unless any other policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or that any adverse impacts of approving proposals would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as whole.*”

Significant argument has been made at the Appeal, and since to the Secretary of State, to show this ‘proviso’ IS applied and the ‘tilted balance in favour of development’ is NOT applicable. (For the sake of brevity, we will not re state our argument here; please simply refer to our previous submissions.)

Jean Nowak
Decision Officer
Ministry of Housing Communities & Local Government
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London
SW1P 4DF

Our Ref: 16.015
11th June 2019

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 APPEALS MADE BY
WHELDON BROTHERS LTD WHITEHOUSE FARM, 153 BELPER LANE, HILLTOP,
BELPER DE56 2UJ APPLICATION REF: AVA/2016/1020 & AVA/2017/1128**

Dear Jean

I write on behalf of the appellants Wheeldon Brothers following the withdrawal of the Amber Valley Submission Local Plan by the Council mid-examination.

The withdrawal of the plan will now trigger the need to commence a new local plan, from scratch, whether by the Council itself or intervention by the Secretary of State. The Council has not yet agreed as to whether it will commence a new Local Plan. What is absolutely clear is that the controlling administration has made its position plain, and it will not sanction any change to the Green Belt boundary in order to accommodate its HMA wide agreed, objectively assessed, housing needs. This, despite the Local Plan Inspector recognising the need for Green Belt release in order to meet the Borough's obligation to house its communities. Further, the preparation, consultation and examination of a new Local Plan will take a number of years. Notably the now withdrawn Local Plan was 10 years in the making.

With the Local Plan now withdrawn, the Council has absolutely no strategic mechanism or policy to address the very serious and pressing shortfall in its five year housing land supply. It is vitally important to note that despite the withdrawal of the plan, the smaller of the appeal sites was proposed for allocation in the plan. The policy allocating the site was examined by the inspector who did not question the soundness of the proposed allocation in her initial response to the plan. All of the

background evidence, including Sustainability Appraisal of the site, remains relevant and robust and is a material consideration.

The absence of a strategic direction or policy for meet housing needs in the Borough weighs heavily in favour of allowing the appeals in the absence of significant harm.

It is inevitable that the Council is now unable and unwilling to meet its objectively assessed housing needs in direct conflict with National Planning Policy. Notably, para 15 of the Framework states that 'The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs'. In Amber Valley, the Council clearly has no agreed intention to plan strategically to meet its immediate housing obligations. The situation is serious, significant and directly contrary to National Policy.

Taking into account the severity of the housing supply shortfall, and the absence of any strategic resolution in the foreseeable future, the wider public benefits of housing delivery, including 30% affordable housing, from the site are clear and significant and must be given appropriate, very substantial weight in the planning balance.

On the basis of the absence of a Paragraph 74 compliant five year housing land supply, the policies which are most important for determining the application are out-of-date in the context of paragraph 11, footnote 7, of the NPPF. The tilted balance in favour of development applies in the absence of clear harm to the OUV of the World Heritage Site. As such, it is clear that planning permission should be granted where there are no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Bob Woollard', is written over a horizontal line.

Bob Woollard, BA(Hons) MA MRTPI
Director

clerk

From: Wendy Mitchell <wendymm@yahoo.co.uk>
Sent: 16 June 2019 10:27
To: Christopher Bazley-Rose
Subject: New Information - APP/M1005/W/17/3188009 & APP/M1005/W/18/3198996,
Whitehouse Farm, 153 Belper Lane, Hilltop, Belper

Dear Christopher,

New Information pertinent to this Appeal:

On Friday 14th June 2019 Amber Valley Borough Council published a document that states their latest 5yr Housing Land Supply Figure is 5.42 years as at April 1st 2019.

Best Wishes,

Wendy Mitchell
Belper Lane Community Group

Response from Belper Town Council to the Secretary of State re: Withdrawal of the Local Plan and its relevance to the Belper Lane Appeal

The Withdrawal of the Local Plan on 22nd May has one point of significance for this Appeal:

In the Planning balance, no weight can be given now to Belper Lane's inclusion as a Housing Growth Site in the emerging Local Plan as the Plan has been withdrawn. All other arguments remain unchanged.

However, due to the Appellant making further representation/argument in his letter of 23rd May, the Town Council wishes to rebut comments he has made.

The Appellants representation makes much of the 'serious' shortage, and therefore need, for new housing in the Borough. Because of this, he argues that the withdrawal of the Local Plan means the "*absence of a strategic direction or policy for meeting housing needs in the Borough is an issue of fundamental importance which weighs heavily in favour of allowing the appeals in the absence of significant harm*".

Two things to rebut in his statement here:

1. An Appeal is decided on Local and National (decision taking) Policies as they are at the time, not the lack of a strategic policy going forward.
2. "*... in the absence of significant harm*" is the Appellants opinion. This is NOT the opinion of ICOMOS International and UNESCO (as per their submissions in December 2018). Nor is it the opinion of the Derwent Valley Mills World Heritage Site Partnership who, through their Management Plan, have sole responsibility for ensuring the Government meet its responsibility to protect the DVMWHS and adhere to the World Heritage Convention. All these parties state there is 'less than substantial' harm to the Outstanding Universal Value of the DVMWHS. ICOMOS stated: "*the proposed development would have a significantly negative impact on the OUV of the Derwent Valley Mills World Heritage property and should not proceed*" (their highlight).

UNESCO, in their submission of December 2018 to the Secretary of State and referencing the ICOMOS Review, states: "*Meanwhile, I remain confident that your authorities will take all the necessary measures to protect the Outstanding Universal Value of this World Heritage Property. Thanking you for your continuous collaboration and support in the implementation of the World Heritage Convention*". (Mechtild Rossler, Director)

Paragraph 2 of the NPPF states policies and decisions should reflect International obligations; UNESCO could not be clearer in its statement to the Government regarding its obligation with specific reference to Belper Lane.

The premise of the Appellants representation is of the 'serious' housing need in the Borough and that the delivery of 65/118 houses is of such significance it should outweigh everything else.

The Governments own Housing Delivery Test Measurement published February 2019 (submissions have already been made on this) showing at Column L a 145% delivery figure for 2015-2018 AND in Column M 'none' is quoted as a consequence for the HDTM indicates the Appellants premise can be called into question.

The Appellant states *"Despite the recommendation of the Local Plan Inspector to identify the potential for Green Belt sites.."*. This is not correct. The LP Inspector asked the Council to identify ways to secure additional Housing Growth Sites. In her letter of 10th July to AVBC the LP Inspector states *"The Council proposes to undertake a Borough wide Green Belt Review..."* This is further evidenced by the Minutes of the Full Council Meeting of 25th July 2018: as a result of questioning whether enough sites had been identified for housing development *"Officers advised that a comprehensive Green Belt boundary Review should be carried out as soon as possible."* And later *"A decision relating to whether or not a Green Belt Review was required fell entirely within the remit of the Executive.... This meant that Full Council had no jurisdiction over the decision..... The key decision was made by the Leader of the Cabinet following agreement with the Chair of the Improvement and Scrutiny Committee"* (a new leader of the Cabinet and Chair of the Committee are now in place).

"It is inevitable that the Council is now unable and unwilling to meet its objectively assessed housing needs in direct conflict with National Planning Policy."

The Neighbourhood Plan Working Group (NPWG) and Belper Town Council recognise that there will be significant change up to 2035 in the parish. This is needed to meet Borough housing and other land use requirements. It also presents an opportunity, as the economy and population grow, to bring forward new users for former industrial sites within the parish. (quote from section 4.1 of Belper Town Council Neighbourhood plan)

"The Council clearly has no intention of planning strategically to meet its immediate housing obligations against its own professional Officers advice."

At the Annual Council meeting held on 22 May 2019, members resolved to withdraw the Submission Local Plan, to enable the Spatial Vision, Strategic Objectives and Spatial Strategy Policies to be totally reviewed, for the reasons laid out at paragraphs 6.6 and 6.10 in the officer's report. Members also resolved that a further report be presented to the next available Full Council meeting to seek agreement for the necessary resources and to set out in broad terms the programme and anticipated timetable for a new plan (quote taken from Letter to Inspector, dated 24/05/2019)

"The situation is serious, significant and directly contrary to National Policy."

This Neighbourhood Plan is in general conformity with the National Planning Policy Framework (NPPF), County and Borough Policy, (which are the saved policies in the 2006 Local Plan4). (The NP4B has also been drafted using the evidence base for the Submission Local Plan5). (Quote from 5.14 of NP4B).

The Appellant concludes by arguing that the tilted balance in favour of development applies because of a lack of a 5yr HLSF as per Footnote 7 Paragraph 11 of the NPPF. However, Paragraph 11 has the proviso that the tilted balance applies unless:

“the application of Policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or any adverse impacts of doing so would demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Town Council contends that significant argument has previously been made by Parties at the Hearing and throughout subsequent submissions requested by the Secretary of State, that the proviso IS applicable and the tilted balance in favour of development does NOT apply to Belper Lane.

clerk

From: Christopher Bazley-Rose <Christopher.Bazley-Rose@communities.gov.uk>
Sent: 19 June 2019 14:31
To: Christopher Bazley-Rose
Subject: FW: [OFFICIAL] FW: Further views sought - APP/M1005/W/18/3204843 - Land Fronting Crich Lane

From: Redmond, Alan <Alan.Redmond@ambervalley.gov.uk>
Sent: 18 June 2019 15:06
To: PCCUSER <PCC@communities.gov.uk>
Cc: Planning Appeals <planningappeals@ambervalley.gov.uk>; Brooks, Sarah <sarah.brooks@ambervalley.gov.uk>
Subject: [OFFICIAL] FW: Further views sought - APP/M1005/W/18/3204843 - Land Fronting Crich Lane

Dear Chris,

Further to your email below, the Council is unable to provide further comment at this time. The Council has reviewed its 5 year housing land supply, and as of the 1st of April, (published 14th June 2019) the Council can demonstrate a housing land supply of 5.42 years.

The Council requires further time to consider its position further with regard to this appeal and therefore cannot meet the current deadline. It is considered that the Council will be able to provide comments by the 23rd July 2019.

I trust this is agreeable.

Kind regards
Alan.

Alan Redmond | Planner
Amber Valley Borough Council
Environmental Services Department | Town Hall, Ripley, Derbyshire, DE5 3BT
Email: alan.redmond@ambervalley.gov.uk | Telephone: 01773 841505 Ext: 1505
www.ambervalley.gov.uk

Please note I am not in the office on Thursdays or Fridays.

Making a difference for Amber Valley

Emails larger than 4MB will not be accepted at my personal email address. Larger emails (up to 15MB) may be sent to our development email address development@ambervalley.gov.uk Emails larger than 15MB can be sent to the alternative email address avbctemp@googlemail.com but please email me at my personal email address so I know where to collect your correspondence from. Thank you.

From: PCCUSER <PCC@communities.gov.uk>

Sent: 04 June 2019 14:18

To: mikewood@addc-architects.co.uk; Redmond, Alan <Alan.Redmond@ambervalley.gov.uk>

Cc: Christopher Bazley-Rose <Christopher.Bazley-Rose@communities.gov.uk>

Subject: Further views sought - APP/M1005/W/18/3204843 - Land Fronting Crich Lane

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78. APPEAL MADE BY MESSRS C & K BALL
LAND FRONTING CRICH LANE, BETWEEN HOUSE NO. 202 AND 204, BELPER, DERBYSHIRE DE56
1EP.**

APPLICATION REF: AVA/2017/0322

Please find attached a letter seeking further views on the above appeal, which is currently being considered by the Secretary of State..

You are invited to submit your views to PCC@communities.gov.uk by close of Tuesday 18 June 2019.

Best regards,

Chris Bazley-Rose

Planning Casework Manager | Planning Casework Unit | 5 St Philips Place | Colmore Row | Birmingham B3 2PW

Christopher.Bazley-Rose@communities.gov.uk 0303 444 1853

 **Ministry of Housing, Communities & Local Government**

This email is private. If you are not the intended recipient, please notify the sender by return, destroying the email without disclosing or relying upon it. We may by law have to disclose this email. We monitor both sent and received emails. The attachments are opened at your own risk.