



Ministry of Housing,
Communities &
Local Government

Our Ref: APP/M1005/W/18/3204843

Mike Wood
ADDC Architects
The View
Hazelwood Hill
Belper
DE56 4AD
mikewood@addc-architects.co.uk

19 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
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**

1. The Secretary of State is considering the report of the Inspector, Helen B Hockenhull BA (Hons) B.PI MRTPI, who held a hearing on 6 February 2019, into the above planning application.
2. Further to his letter of 3 June 2019, the Secretary of State has received the attached correspondence from Amber Valley Borough Council which seeks 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 2019**. The Secretary of State will then circulate any responses he receives as a result of the above.
3. The Secretary of State considers that he will not be in a position to reach a decision on the above appeal by 25 July 2019, as previously notified. Therefore, in exercise of the power conferred on him by paragraph 6(2) of Schedule 2 to the Planning and Compulsory Purchase Act 2004, the Secretary of State hereby gives notice that he has varied the timetable for his decision which was previously set, and he will now issue his decision on or before 15 August 2019.

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

4. A copy of this letter is also being sent to Historic England, the DVMWHS Partnership, Belper Town Council, and to the Protect Belper Group.
5. If these parties wish to submit further comments in response to the Secretary of State's letter of 3 June, they should do so within the timescale set out above.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf

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.

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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

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clerk

From: Christopher Bazley-Rose <Christopher.Bazley-Rose@communities.gov.uk>
Sent: 19 June 2019 15:26
To: Christopher Bazley-Rose
Subject: FW: Further views sought - APP/M1005/W/18/3204843 - Land Fronting Crich Lane

From: Valerie Pickard <val_pickard@hotmail.com>
Sent: 11 June 2019 21:20
To: PCCUSER <PCC@communities.gov.uk>
Subject: Re: Further views sought - APP/M1005/W/18/3204843 - Land Fronting Crich Lane

For the attention of the Secretary of State

Thank you for allowing us to respond to your letter dated 3rd June 2019 regarding any impact from the recent withdrawal of the Amber Valley Local Plan with the above planning appeal. Our response is as follows:

The withdrawal of the AVBC local Plan is irrelevant to the decision maker in this appeal. The question there was whether an up to date Local Plan existed or not. This is a binary consideration and the answer was and still is no. The revised NPPF of February 2019 covers this point very clearly. The NPPF title of 'The presumption in favour of sustainable development' reads;

"11d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless,

i) the application of policies in the framework that protect areas or assets of particular importance provide clear reason for refusing the development proposed, or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole."

This is the 'tilted' balance which is in favour of development when a 5 year housing supply cannot be demonstrated. It seems clear to Protect Belper that both the out of date plan and the lack of a 5 year housing supply were accepted common ground between the parties at this planning appeal.

The Appellants completely understand this point within their Statement of Case,

"3. The Amber Valley Borough Local Plan (2006) at policy EN2 relates to proposed development within the Green Belt. Reference to this policy is made in reason 1 of

the decision notice of refusal dated 21 December 2017. The Amber Valley Borough Local Plan – Submission Local Plan, March 2018 was submitted to the Secretary of

State for Examination on 2 March 2018. Nevertheless, it is submitted that significant weight cannot be afforded the emerging Plan because it has not yet been examined."

The Appellants again recognise the planning significance associated by the lack of the plan and a 5 year housing supply within their Statement of Case,

"5. Amber Valley Borough Council acknowledges that it only has, at best, a 3.3 years supply of housing land, a shortfall which is significant and justifies the considerable weight that should be attached to the proposed development as per the judgement in Phides Estates (Overseas) Ltd the Secretary of State for Communities & Local Government (2015) EWHC 827 (Admin)".

The Appellant identifies the lack of an AVBC plan and the accepted planning advantage it affords. There can be no additional advantage associated with the withdrawal of an emergent plan with no status. The judgement handed down in *West Oxfordshire District Council v (1) Secretary of State for Housing Communities and Local Government (2) Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin)* further amplifies the position. Here a Local Plan was within a whisker of completing a successful examination, with only minor conditions left, but was afforded little weight. The AVBC plan was still well short of satisfying the Inspector at the time of this Planning Appeal hearing. The plan was under examination but no final judgement regarding its positive preparation, justification, effectiveness, or consistency with national policy had been determined.

It requires an element of assumption to assess how much further back Amber Valley are now in forming their plan. The newly elected Council have stated they intend to strengthen green belt and heritage protection. The withdrawal of the Plan recognised the spatial imbalance between the 3 Derby Housing Market Partners (Amber Valley, Derby City & South Derbyshire). The jointly aligned core strategies differed over the Amber Valley proposed use of 14 green belt sites. The new Local Plan process could be speedy. Prior to the withdrawal of the Amber Valley Plan, Derby City's unmet need of 2375 houses had passed to AVBC. All of these houses were planned to be satisfied from green belt land in the region following the review and rather implies a constrained land supply within Amber Valley. Protect Belper anticipate that Derby Council & South Derbyshire, with inner city housing numbers currently exceeding target and with an additional windfall 'garden village', will pick up the 2375 houses that Derby City could not 'meet' previously. This 'duty of cooperation' between the 3 parties could make for a much smoother and 'fast tracked' Local Plan for Amber Valley. This is optimistic conjecture on our part and this is why a maturing Local Plan can carry little weight until it is officially in place. If this is not the case then Protect Belper would point towards the Neighbourhood Plan for Belper which has just completed its consultation phase and is heading towards completion this Autumn. This plan prioritises local brownfield options and cautions against greenbelt and buffer zone options. This is a plan formed by the local people of Belper. The weight afforded to this plan should have increased since the application hearing as it is maturing to completion however, Protect Belper understand that, similar to the Local Plan, this is not the case and the plan is afforded 'little weight' regardless of maturity. These plans (Local & Neighbourhood) require to be passed at examination before they can be afforded weight.

The two main points for this appeal were the harm arising from the loss of green belt and the loss of rural landscape of the Derwent Valley Mills World Heritage Site buffer zone. The 'green belt' review that precipitated the withdrawal of the Amber Valley plan found that the appeal site sat in a very well performing piece of green belt. It performed highly against the 5 purposes of green belt. Protect Belper is content that the site's green belt credentials were covered at the appeal hearing. Equally the DVMWHS and its 18th century intact rural setting was adequately covered. There is no tension created by the withdrawal of the Local Plan. The tension is with the balancing of the benefit of additional housing against the clear harm to both the DVMWHS & to the local green belt. We draw your attention to our submission to the appeal that covers this harm in greater detail. The decision maker(s) can safely decide the case solely upon the merit of all the evidence gathered at the hearing from all participants. Protect Belper remain content with that process.

Best Regards
Val Pickard
Secretary, Protect Belper Group

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

Dear Sir/Madam,

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LAND FRONTING CRICH LANE, BETWEEN HOUSE NO. 202 AND 204, BELPER, DERBYSHIRE DE56
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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**

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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 Mike Wood on behalf of ADDC Architects in relation to APP/M1005/W/18/3204843, for land fronting Crich Lane, Belper, DE56 1EP.

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 3rd June 2019.
2. This was the second 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/17/3188009 and APP/M1005/W/18/3198996, Whitehouse Farm, 153 Belper Lane, Hilltop, Belper. 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.

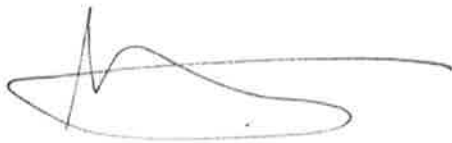
“The cumulative effect of small losses to the surviving ‘relict’ landscape poses one of the most significant threats to the OUV of the Derwent Valley Mills WHS and could lead to the site being placed on UNESCO’s World Heritage in Danger List or even to deletion from the World Heritage List.”

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 application 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 Crich Lane site, and the Bessalone Reservoir which abuts it, contribute to the OUV of the DVMWHS.
7. It is difficult to see how the Crich Lane 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; Bessalone Reservoir was paid for by the Strutt family who built the mills, to ensure provision of clean piped water to homes in the town; 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 an appreciation of how 18th/19th century workers, walking to work in the industrial centre of Belper, would have interacted with the rural landscape. 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, Historic England has highlighted the adverse impacts that the proposed development will have on the OUV of the World Heritage Site.
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 Belper Lane 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 proposal set out in APP/M1005/W/18/3204843 because of the harm it 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

clerk

From: Walsh, David <David.Walsh@HistoricEngland.org.uk>
Sent: 18 June 2019 11:47
To: PCCUSER; Christopher Bazley-Rose
Subject: Land fronting Crich Lane, between house no. 202 and 204, Belper, Derbyshire DE56 1EP. Appl. ref. AVA/2017/0322

Dear Chris,

Thank you for your email of 4 June 2019 concerning the appeal related to the above application. For the avoidance of doubt we have no further representations to make and our advice remains as set out in our previous letters on the application.

Kind regards

David

David Walsh | Principal Adviser - Development Advice
Phone: 07833 239469

Historic England | The Axis
10 Holliday Street | Birmingham | B1 1TF
www.HistoricEngland.org.uk

Please note that Historic England's East Midlands and West Midlands offices have merged and our Northampton office is now closed. Our Midlands office is based in Birmingham and full contact details can be found on our Midlands Regional Office webpage [here](#).



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clerk

From: Christopher Bazley-Rose <Christopher.Bazley-Rose@communities.gov.uk>
Sent: 19 June 2019 15:15
To: Christopher Bazley-Rose
Subject: FW: Crich Lane Appeal - AVA/2017/0322
Attachments: NP4B Crich Lane Appeal Submission.docx

From: clerk <clerk@belpertowncouncil.gov.uk>
Sent: 18 June 2019 21:11
To: PCCUSER <PCC@communities.gov.uk>
Subject: Crich Lane Appeal - AVA/2017/0322

Dear Sirs

I attach the Council's previous submission. The Council reiterates the comments in this submission.

Kind Regards

Emma Smith
Town Clerk
Belper Town Council, St John's Chapel, The Butts, Belper, DE56 1HX
01773 822116
www.belpertowncouncil.gov.uk

The Council's Privacy Statement can be viewed at
<https://www.belpertowncouncil.gov.uk/uploads/general-privacy-notice-2018.pdf>

Appeal Reference: APP/M1005/W/18/3204843

Site Address: Land between Crich Lane and Far Laund, Crich Lane, Belper, Derbyshire.

Description of Development: Outline Planning Permission for Development of 185 houses together with associated works.

22nd November 2018

**Representation by the 'Neighbourhood Plan for Belper Civil Parish'
Working Group (referred to as NP4B WG)**

The NP4B WG supports the decision by Amber Valley Borough Council (AVBC) to refuse planning permission as it is on Green Belt land AND in the Derwent Valley Mills World Heritage Site Buffer Zone (DVMWHS BZ).

The emerging NP4B is at a fairly advanced stage of preparation and the Draft Plan is available to view publicly on the Belper Town Council Website.

Assessment of the Proposals/Appeal Case against the NP4B

1. Given that **Para 29** of the revised **NPPF** states that a NP "gives communities the power to develop a shared vision for their area" and that approx. 350 individual objections were received to these proposals, the Land at Crich Lane, which is in Green Belt and in the DVMWHS BZ, is considered not to meet the fundamental principles/objectives of the NP4B.
2. The **NP4B** prioritises the use of Brownfield Sites. The Plan has allocated 8 Sites in the Town which will meet Belper's Housing Need for the Plan period up to 2033: ALL of these sites are Brownfield Sites. (3 of which are identified in the Submission Local Plan as Mixed Use developments).
These sites are identified as they reflected the "community's clear desire that was expressed consistently throughout- that building should be on brownfield sites before greenfield". (Foreword by the Chair of the WG on Page 5)
3. The Community and WG understand the need for housing and employment land, but also recognise that Belper has a significant number of constraints and protected areas: (green belt, DVMWHS and its BZ, conservation area, flood risk, areas of special landscape interest and heritage buildings).
4. Because of the Community's desire and in spite of the inherent difficulties within the Belper Parish, these Brownfield Sites were identified and allocated, negating the need to build on Green Belt/Green field. These sites have been assessed to be suitable and viable by AECOM in 2 reports commissioned by the WG in 2017/18.

5. It is of note the **NP4B** is promoting MORE development than the strategic policies for the area by the LPA.
6. The land/housing at Crich Lane is not included in the submission Local Plan (2018) or the **NP4B** because of its sensitivities/protectations; nor was it in the Local Plan (2006).
7. The proposed dwelling numbers to contribute to the Borough Housing Land Supply figure can be met elsewhere in the Town as the AECOM Reports on the Brownfield Sites testify. (See also Point 22 on Page 5)

Specific assessment against applicable NP4B Policies:

8. For a major development in the Parish it did not meet **NPP1** (page 43) as no pre application Public Consultation took place.
9. It does not respond to elements of **NPP2** Sustainable Development (page 46). It causes 'loss of significance' to the WHS by harming its Outstanding Universal Value. (See submissions by the DVMWHS Partnership and Historic England.) It is outside the built framework of the Town, as shown on Map11, page 45.
10. It is difficult to assess the proposals against **NPP11** Mix of Housing Type (page 62) but the following information is of relevance:
 - a) One of the main principles of the **NP4B** is that future housing developments meet the needs of the Town. As such the NP4B have a Housing Need Assessment Report (2017) available on the Town Council Website.
To summarise: Para 176 on Page 61 of the Draft NP4B states the evidence is that much of the new housing will need to accommodate 'younger and older people' and that there is a marked lower demand for larger 'market dwellings' of 4 or more bedrooms: 80% of provision should be for 2 and 3 beds.
 - b) In the Appellants Design and Access Statement submitted as part of the Planning Application, there is little 'detail' that defines the house type/no of bedrooms: simply that there is an intention to provide a 'mix' across the whole site (page 14).
On page 13 of this document it says:
"The application proposals would provide for 185 dwellings of a range of sizes for family homes and importantly would include up to 30% of the units as affordable homes or social housing."
To meet **NPP11** the housing mix would need to 'reflect the demonstrable need as identified in the most recent Belper Housing Need Assessment' (page 62 1a).

There is some concern that:

- Whilst accepting the benefit that is derived from the proposed 'Affordable Housing': as these proposals are 'Outline', the number of these dwellings may be reduced once 'Full' details are submitted.
- Whilst the Appeal relates to 185 dwellings, in 23 j of the Grounds for Appeal it says: "this site would have the capacity to deliver 300-350 houses". This raises the possibility/probability that if planning permission, in principle, is achieved, expansion is envisaged.

11. Belper retains its largely rural, agricultural setting where coalescence with nearby settlements has been prevented due to Green Belt Policy. On Page 18 of the **NP4B** it says that the Green Belt in Belper along the Derwent Valley “helps to define distinct settlements and preserve their settings while protecting the open countryside from encroachment and preserving the historic assets within the World Heritage Site”. (Source: the Technical Assessment of the Derby Principal Urban Area Green Belt Purposes 2012)
The Green Belt at this location on Crich Lane prevents Belper coalescing with the village of Heage and settlement of Nether Heage.
12. For information: 2 Planning Applications (totalling 205 dwellings) on a Brownfield Site (presently part of a Factory and car park) in Heage are pertinent to this Appeal. These Sites are adjacent to each other at the opposite end of Crich Lane (3 fields away from the Appeal site).
Application AVA/2018/0999 for 30 dwellings was approved by the Planning Board, after ‘Officer Recommendation for Permission’, on 12th November 2018.
A decision on application AVA/2018/0895 for 175 dwellings is ‘anticipated by 30th November by the Planning Board’.
The siting of these 2 proposals would mean the built environment of Heage would creep towards Belper in this location, and hence lessen the distinction between the 2 settlements.

Other Significant Considerations for the Appeal

13. In reference to **Para 11** of the revised **NPPF** and the presumption in favour of Sustainable Development, there ARE ‘material considerations that indicate otherwise’ for these proposals. According to Footnote 6, the exceptions noted include Green Belt and designated Heritage Assets: the latter being the DVMWHS BZ.
14. In reference to this land’s Green Belt status:
- a) At the time of refusing the proposals NO reassessment of Green Belt was planned and so AVBC could only assess the Proposals against Green Belt Policy.
 - b) A Borough wide Green Belt Review has taken place in the last 3 months with the results published on the Examination Library for AVBC’s Submission Local Plan webpage. (The Report is dated November 2018 and is Document Number AV/38. Documents AV/38 (a) to (e) are the Appendices for the Report). In 3 of the 4 purposes of Green Belt (revised **NPPF Para 134**), the land being considered for this Appeal Case (land parcel number 63 in the report) is designated as ‘CRITICAL’; critical being ‘land that is fundamental to the purpose, justifying its continued retention and protection within Green Belt’. The other purpose is given a ‘MAJOR’ classification; major is ‘land that is of considerable importance to the Green Belt purpose and where development would conflict substantially with it’. (It is to be noted NO parcel of land received a ‘critical’ designation for all 4 areas: highlighting the importance of this Land continuing to receive ‘Green Belt’ protections under National and Local Planning Policy.)
As this independent Report shows, there is clearly NO evidence to warrant this land’s removal from the Greenbelt, as argued by the Appellant. In fact, far from it,

the evidence is CLEAR: for Belper it is CRITICAL that the land at Crich Lane remains as green fields and free from development.

- c) To reject the Appeal would set further precedent and urge developers to use Belper's Brownfield Sites first; following another of the key purposes of Green Belt which is 'to assist in urban regeneration by encouraging the recycling of derelict and other urban land' **NPPF 134 e**.

15. Even if the land was not designated Green Belt, it would be against saved Local Plan Policy **EN1**. It does not meet the 3 listed exemptions given in Policy **EN1** that permits development in the countryside, outside the built framework of settlements. **EN1** is broadly consistent with **NPPF** as the **NPPF** reflects the need to recognise the intrinsic character and beauty of the countryside which is a core planning policy of the Framework.
16. Much is made by the Appellant throughout their 'Summary Grounds of Appeal' that the harm to the DVMWHS is negligible.
They state in Para 4 that the site "does not, it is submitted, form part of the World Heritage Site's obvious landscape setting". There is an implicit distinction here, as elsewhere, between the WHS and its BZ and yet it is of note that the Buffer Zone has complementary legal restrictions placed on its use and development to give an added layer of protection (UNESCO Operational Guidelines).
17. It is key that the Appellant does not acknowledge the importance and significance that Historic England OBJECTED to the Proposals in their Statutory Consultee Response dated 4th December 2017 citing the following:
"In our view, the site is sensitive to change and in principle development for housing would result in the loss off this rural character and further encroachment. From this, the change to the overall character and the experience of views, both static and cumulative, will be compromised and result in harm to the OUV of the DVMWHS....
It is our view that this proposed housing development both within and experienced from the buffer zone will harm the outstanding universal value of the World Heritage site.....In our view the proposals do not seek to sustain and conserve the OUV of the Derwent Valley Mills World Heritage Site....We consider that the application does not meet the requirements of the **NPPF**, in particular paragraph numbers 128, 129, 131, 132 and 134."
18. In terms of consideration on the effects on the DVMWHS BZ with regard to Local and National Planning Policies there is recent Planning Precedent which is of great significance. On 11th October 2018, the Secretary of State dismissed an Appeal for land in Belper known as Bullsmoor which included outline planning permission for a maximum of 150 dwellings as well as employment space (Ref: APP/M1005/W/17/3183493). This Appeal took the form of a Public Inquiry and there is much in the Inspectors Report and Secretary of State's decision that is of direct relevance to this Appeal.
19. Para 30 of the Summary Grounds of Appeal makes reference to "the parallels with and the published assessments" in relation to an application for land at Whitehouse Farm, Belper Lane which the Appellant says was "eventually approved in 2017". However, this Site was itself subject to a Hearing on 3rd July 2018 (References: APP/M1005/W/18/3198996 and APP/M1005/W/17/3188009). On the day of the Hearing

due to concerns re its impact on the DVMWHS, the Secretary of State 'called in' the decision itself for 3198996 which the Appellant misleadingly cite as "approved". The result of an Appeal and the actual decision on the planning proposals is expected by the end of 2018.

20. One of the key reasons for AVBC refusing the development was its harm to the 'Outstanding Universal Value of the WHS as the development would result in the erosion of the rural landscape of the arrested industrial landscape.' It would be pertinent to mention here that as well as being against saved policy **EN29** of the Adopted Local Plan (2006) it is against the current DVMWHS Management Plan. Page 65 states in Policy P1.5 'Development which would impact adversely on the DVMWHS, BZ its OUV or its setting should not be permitted.'
21. In a training session in April 2018 to Belper Town Council on the OUV of the DVMWHS, it was stated that the Partnership had identified 4 categories of threat to the Derwent Valley Mills: Neglect, Lack of Funding, Flooding and Development. The Partnership had agreed that the greatest threat presently came from development. As such, the BZ is critical to upholding the integrity of the DVMWHS: "the landscape is vulnerable in some parts to threats from large scale developments that would impact adversely on the scale of settlements." (DVMWHS Management Plan Statement of Integrity)
This is a large scale development that Historic England says: 'in principle development for housing would result in the loss of this rural character and further encroachment'.
22. With respect to the provision of housing and the associated economic benefits, two points are of note:
- a) The revised **NPPF** strengthens and emphasises utilising Brownfield land first. **Para 38** states that Local planning authorities should "use the full range of planning tools available, including the use of Brownfield Registers", in their decision making. AVBC's Brownfield Register contains 4 sites in Belper: 1 of which is presently being 'built out'. The other 3 sites total a possibility of 189 dwellings; being on the Brownfield Register designates that these sites are already deemed 'suitable, available and achievable'.
The revised **NPPF** states in **Para 118 (c)** that Planning Policies and decisions should: "give substantial weight to the value of using suitable brownfield land within settlements for homes".
We simply wish to make it clear the availability of existing alternative Brownfield sites in Belper that would bring the majority of the same Economic benefits with regard to house building as those at the Crich Lane site.
- b) There are two further sets of proposals which indicate that Belper is presently able to meet its strategic responsibility as one of the 4 key Towns in the Borough. In principle both sites are in accordance with the **NP4B** Objectives and are encouraged by the WG.
Both sites are on Brownfield, in the DVMWHS, but which do NOT harm the OUV (the removal of the rural setting) of the World Heritage Site, unlike the Appellants proposals.
- There is a current 'live' application to provide 117 flats by conversion of Belper's iconic East Mill (AVA/2018/018): one of the Mills that is an integral part of the DVMWHS.

- Public Consultation took place at the beginning of November on land at North Derwent Street to build 60 Retirement Flats; the developers say they will submit their formal plans this December. The provision of Retirement flats meets the **NP4B** Housing Need Assessment Report 2017; this indicates the need to provide dwellings for an increasing ageing population in the Parish and these proposals are welcomed.

The **NP4B WG** respectfully request that these points are fully considered and that the Appeal is dismissed.