Planning Inspectorate

Appeal Decision

Inquiry held on 8-11 and 15-18 October 2024

Site visit made on 16 October 2024

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2024

Appeal Ref: APP/M1005/W/24/3343782
Land west of Chesterfield Road, Alfreton DE55 7AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
- The appeal is made by Gladman Developments Ltd against the decision of Amber Valley Borough Council.
- The application Ref: AVA/2023/0764, dated 3 October 2023, was refused by notice dated 28 March 2024.
- The development proposed is Outline planning for the erection of up to 177 dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDs) and vehicular access. All matters reserved except for access.

Decision

1. The appeal is allowed and outline planning permission is granted for up to 177 dwellings including affordable housing, with public open space, landscaping, sustainable drainage system, (Suds), and vehicular access (all matters reserved for access) at Land north of Land west of Chesterfield Road, Alfreton DE55 7AH in accordance with the application Ref: AVA/2023/0764, dated 3 October 2023, and the plans submitted with it, subject to conditions set out in the schedule in attached Annex A.

Preliminary Matters

2. The figure of up to 177 dwellings, as shown in the development description in the banner heading above, was confirmed by the appellant at the Inquiry. This figure is a reduction from the up to 185 dwellings that was applied for. This reduced figure does not fundamentally alter the proposed development, and so I take the appeal proposal to be for this lower number of dwellings.

3. The planning application was submitted in outline with all matters of detail reserved for future consideration, save for the access. I have assessed the proposal on this basis and treated the illustrative drawings as simply helping to inform how the proposal could ultimately be configured.

4. As well an accompanied site visit on 16 October, I made unaccompanied visits to the area on 3 September and 31 October 2024. My observations on these visits help inform my decision.

5. The appellant has submitted an executed Section 106 Agreement (S106). The main parties agree that the S106 makes satisfactory provision for affordable housing, local infrastructure and services, which I accept. I shall deal with the S106 further, in more detail later in this decision.

6. The Council is preparing an emerging Local Plan in the form of the Amber Valley Local Plan 2022-2040 (the ELP). While the ELP has advanced to submission for examination in Summer 2024, it has yet to be subject to examination hearings, Inspector interim findings, consultation on any main modifications, Inspector's report or adoption. As such, the ELP is a considerable way from being finalised and I attach limited weight to this emerging plan. For the purposes of this decision, I take the saved policies and proposals of the Amber Valley Borough Local Plan Adopted 2006 (LP) to constitute the local development plan.

Main Issues

7. The main issues in this case are:

- Whether the proposal would preserve:

  (a) The setting of: the Grade II* listed Church of St. Martin and the Alfreton Conservation Area in which it is situated; and the Grade II listed Alfreton Hall; and

  (b) The heritage significance of the Alfreton Park non-designated heritage asset, in which the aforementioned listed buildings, part of the Conservation Area and the appeal site are located;

- The effect of the proposed development on the character and appearance of the area, with particular reference to landscape and visual effects, and local tree cover;

- Whether the proposed development would adequately provide for biodiversity, with particular regard to the effect on habitats including adjacent Local Wildlife Sites, watercourses, grassland, tree cover, green corridors and habitat margins;

- The effect of the proposal on highway safety, with particular regard to the proposed access; and

- Whether the proposed development's location is suitable, with particular reference to the Borough's sustainability criteria.

Reasons

The site and its context

8. The appeal site is not an allocated housing site in the adopted local development plan. It mainly comprises two agricultural fields, one pasture and one arable, with its wooded southern tip just overlapping into the Alfreton Conservation Area (CA).

9. The site is located in countryside, a short walk to the north-west of the town centre of Alfreton, which is one of the four market towns in Amber Valley. Alfreton's locational credentials are reflected in the description in the draft ELP Settlement Hierarchy Policy SS3 of its good accessibility to strategic transport networks and public transport and it being one of the places in the Borough where the greatest potential exists to maximise accessibility to job

opportunities, shops, services and other facilities, and to create new neighbourhoods with supporting infrastructure.

10. Countryside lies to the south-west, west and north of the appeal site. This countryside includes public rights of way footpaths FP18 and FP19, which converge in a node near a stile at the end of the path along the western side of St. Martin's churchyard. To the east of the appeal site is the A61 Chesterfield Road, and beyond that is existing residential development. To the south of the appeal site lies the churchyard of the Grade II* listed Church of St. Martin, which is within the CA, and some residential development. Further to the south-west is the Grade II listed Alfreton Hall, which is outside the CA. The appeal site and these designated heritage assets, in the form of the listed buildings and part of the CA, are included within the Alfreton Park non-designated heritage asset (NDHA), which covers the parkland area of the former estate of Alfreton Hall.

Solar park comparison

11. In this appeal, there has been a range of comments from various parties about the potential applicability of findings in another appeal decision[1] in 2022. The 2022 decision dismissed an appeal for a proposed photovoltaic solar park and associated infrastructure, on an area of countryside to the west of the housing development that is proposed in the current case. These two appeal cases differ in several ways. The current appeal site is located beyond the solar proposal site. The current appeal proposal is for a housing development and not a solar park. Compared to the site of the dismissed solar scheme, the current appeal proposal would take up much less area of countryside, and would not incorporate a substantial extent of existing local public rights of way network. Also, the current appeal's housing proposal would extend much less further across the rural valley landscape than the solar park would have.

12. These differences limit the equivalence of the dismissed solar park scheme to the current housing appeal proposal. That said, where relevant to the current appeal case, I refer below to a number of points of comparison with the solar park appeal decision.

Heritage assets

13. As the appeal proposal relates to the setting of listed buildings and a Conservation Area, this analysis has had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Church of St. Martin

14. The listed Church of St. Martin is situated off the northern limb of Church Street, towards the north-western end of the Alfreton CA, and within the Alfreton Park NDHA.

15. Judging by its long-standing linkage to Alfreton's old market square crossroads[2], and the contemporary volume of traffic to and from various buildings including the leisure and health centres, Church Street is and has likely been a well-used route for a long time. Also, the church is only a few

[1] Appeal Ref: APP/M1005/W/22/3299953, Land north west of Hall Farm.
[2] As shown in various historic maps contained in Appendix 1-Figures of the Council's heritage consultant's Proof of Evidence.

minutes walk from the heart of Alfreton town centre. Given this combination of factors, I consider that the listed church is and has long been in an edge of settlement location, which is not isolated.

16. The church has ashlar stone walls and a mix of leaded, slate and tile roofing. It was reportedly built, and evolved during the medieval period, under the patronage of the lordship of Alfreton manor. Also, the church was restored, altered and extended and in the Victorian period to the design of architect T.C. Hine. Commemoration of parishioners includes inscriptions and tablets to previous lords of the manor and the Morewood family in the church, and a fine eighteenth century stone wall memorial to the Turner family.

17. The listed church also includes a fifteenth century west tower with stepped diagonal buttresses, embattled parapets to each side with crocketed corner pinnacles, and a large three-light Perpendicular window. This tower emphasises the church's promontory position within the Alfreton Park NDHA, towards the top of the rural valleyside landscape that rolls out to the north-west of Alfreton. This helps articulate the church's historically prominent role as a spiritual, community facility in the area.

18. The church's architectural elements also include a porch with ogee headed niche with statue, hoodmoulds with carved head stops, and nineteenth century north aisle and south chancel bay. Its windows display tracery of variously Perpendicular, cusped, geometric and flowing styles. A scene from D.H. Lawrence's novel Sons and Lovers alludes to the church's architectural allure and sense of place, citing, among other things its windows, and evocation of 'the strange fascination of shadowy religious places'. Also, the Church of St. Martin has group value with the listed chest tomb and sundial in its churchyard, and Alfreton Hall and its associated former stableblock, dovecote and lodge listed buildings.

19. Consequently, the listed Church of St Martin embodies evidential, historical, and communal values. The above contributes to both the special architectural and historic interest of this listed building, and the significance of the Alfreton CA in which it is located.

20. Having regard to the above, the special interest of the Church of St. Martin listed building, insofar as is relevant to this appeal proposal, is primarily associated with the legibility of a) its evolved medieval to nineteenth century church architecture, and b) its prominent historic position and role in local community life, as a place of worship.

21. Within its setting, the listed church building is revealed as follows. Travelling from Alfreton town centre, it draws the eye looking from Church Street down its northern limb, and from the churchyard and the footpath to the west. There is a noticeable stillness within the churchyard, which derives in part from its commemorative architectural function and character, with its gravestones and other memorials that include the Palmer-Morewood family mausoleum.

22. The low height of the churchyard's northern perimeter wall, and the historic mapping indicate that views from the churchyard to the countryside to the north were likely more open in the past than the present. That said, the churchyard's sense of stillness also comes from its visual containment by the combination of the church building, boundary walling, and established perimeter trees which illustrate a later phase of ornamented parkland tree

planting. The presence and growth of these perimeter tree groups has further been encouraged over the last half century by the protection of tree preservation order (TPO)[3]. The resultant tranquillity of the churchyard, within which the listed church building is more closely viewed, provides some contrast with the 'hustle and bustle' of the nearby town centre.

23. Looking from the northern part of the former estate's parkland area, in which the appeal site is located, St. Martin's Church and churchyard are largely screened by the substantial mass of established perimeter and churchyard trees, which includes some evergreen foliage.

24. Whether or not the alignment of the route of public right of way FP19 evolved from a 'desire line' up and down the valleyside, or was specifically designed with a terminating vista of the church tower in mind is open to question. In any case, the top of the church tower can be seen in its promontory position, from various viewpoints, including coming up the valleyside along the south-eastern stretch of FP19, between the southern end of Pond Wood and the junction with FP18. The sound of the church clock's quarter-hour bell further announces the listed church's presence within its setting.

25. Regarding whether or not there is a historically important designed view towards the Church of St. Martin from the Chesterfield Road across Alfreton Brook and the appeal site, I find as follows. A central line of trees stretching approximately north to south up the field to the north of the appeal site comes and goes in various mapping between the 1830s and 1930s. On the Ordnance Survey map of 1880[4], which appears particularly comprehensive in its illustration of tree cover, or subsequent maps, such a central tree line is not depicted on the field north of the appeal site. Also, on the 1880 map a couple of lines of trees run obliquely across the aforementioned theoretical central line.

26. Moreover, on both the 1880 map and the post-opencast-restoration Sale Particulars map of 1965[5], trees are clearly depicted on the north bank of the brook in the vicinity the north-eastern corner of the northern field. Also, given the dynamic nature of such a brookside location, with waterside trees typically susceptible to cycles of growth and decline, and watercourse bank stability unpredictable, this location does not stand out as an obvious place to easily consistently control tree cover, for vista design purposes. Furthermore, as I saw on my visits, even with the current gap in tree cover at this location, there is a strong safety and linear directional draw for road users travelling southwards downhill towards the valley-bottom dip on the Chesterfield Road, to keep their eyes on the road, and not focus on more oblique views beyond to the appeal site and the ridgeline to the south of it.

27. Together these evidential indicators militate against the likelihood of an enduring tree line having been designed and deployed to direct views from Chesterfield Road, north across Alfreton Brook and the appeal site towards the church tower. Thus, I am not satisfied that there is an important historic designed view on this alignment.

[3] Derbyshire County Council Tree Protection Order No.64.
[4] Appendix 1-Figure 22 of the Council's heritage consultant's Proof of Evidence.
[5] Appendix 1-Figure 33 of the Council's heritage consultant's Proof of Evidence.

28. That said, given the identified promontory position of the church, the openness, and relative lack of development in the northern part of the former estate's parkland area contributes to the rural character of this part of the listed church's setting. This contributes to opportunities to appreciate the presence of the church, through the visual conduit of its tower top, in its promontory position towards the top of the valleyside landscape. Thus, the south-eastern and northern approaches to the listed Church of St. Martin contribute positively as part of its setting, to appreciation of the significance of this designated heritage asset.

29. The appeal proposal would insert new residential development into an area of countryside to the north of the churchyard. Judging by its illustrative layout[6] this would, among other things, have the following impacts. It would reduce the openness and verdancy of much of two fields, towards the upper end of the approximately north-facing valley slope, atop which the listed church sits. Also, some of the undulating topography of the appeal site would likely change to more terraced landform. Thus, the buildings and outdoor spaces of the development would have an urbanising impact on the immediate surroundings of St. Martin's churchyard, and reduce the countryside character of the northern part of the setting of the listed church.

30. Together, the above would result in the proposed development distracting from some views of the top of the listed church's tower that appear above and, in winter through, tree cover in the vicinity. This would be most noticeable at various points travelling up the southern-eastern part of public right of way FP19, approaching the church yard from the north-west. While not of such magnitude as to overwhelm important views of the church, this would distract from appreciation of part of the church's historic architecture in its distinctive promontory position. In turn, this would distract from the architectural articulation of the listed church's historic prominence in local community life.

31. That said, the proposed development's impact on the setting of the listed church would be moderated by the following factors. The church would remain in a promontory position at the top of the valleyside, and this would be noticeable in various dynamic views, moving around its setting. Also, the church would remain very close to countryside to the north-west, including the junction of public rights of way FP18 and FP19. Moreover, the large majority of the existing countryside that is a short walk to the north and north-west of Alfreton town centre would continue to be rural in character. This would be readily noticeable travelling towards and away from the listed church, on FP18 and FP19.

32. Furthermore, judging by the illustrative layout, I anticipate that there would be an approximately 100m wide distance between the Church of St. Martin building and dwellings on the proposed development. Also, given the TPO protection, I expect that much of the substantial mass of established tree cover in the vicinity of the churchyard, including that within the aforementioned buffer zone, would continue to endure.

33. Given this combination of factors, the northern edge of the churchyard would continue to be enclosed by existing substantial tree cover, and the church would continue to perceptibly have an edge of settlement presence.

[6] Drawing 10588-FPCR-XX-XX-DR-L-0004 issue P10 Development Framework.

34. Also, there would, at most, be limited intervisibility between the church/churchyard and the proposed development. The substantial mass of tree cover along the edges of the churchyard, and in the woodland stretching south-east from the intersection of FP18 and FP19, would continue to draw the eye. Together, this tree cover would form part of the foreground and backdrop to the upper part of the proposed residential development. Combined with scope for new structural planting within the development, this would go some way to visually soften the appearance of the development, both in the daytime and at night, and increasingly so over time as trees and other vegetation grow.

35. Together these factors would help moderate the cumulative urbanising impact of the proposed development on the character of the immediate surroundings of St. Martin's churchyard.

36. Regarding noise from the proposed development, this would be experienced in the context of the churchyard's immediate environs to the south already being close to a) Alfreton town centre, b) business and residential property and associated noise on Church Street and c) regular traffic movements on Church Street to and from nearby busy leisure and health centres. Also, as I observed on my visits, in countryside in and to the north and west of the churchyard's environs, background traffic noise from the direction of the A61 and/or A38 roads is noticeable at various times of the day. Thus, part of the appeal site's existing context is that appreciation of the church's significance, and the distinctive stillness of its churchyard is noticeable even with the combined background noise from nearby town centre, business, residential and vehicular activity.

37. Also, while it would generate some noise from, for example, vehicle movements and residents' use of garden and other outdoor spaces, I see no reason to expect that the proposed residential development would be especially noisy. And the anticipated buffer zone separation gap between the nearest new housing and the Church of St. Martin would help moderate transmission of additional noise from one to the other.

38. Therefore, while the proposed residential development would increase noise in the vicinity of the churchyard, I anticipate that it would integrate with the locality's established noise conditions, sufficiently for the stillness and tranquillity of the church and churchyard to remain clearly perceptible. Thus, the proposed development would not materially distract acoustically from appreciation of a) the listed church's historic architecture, and b) its prominent historic position and role in local community life, as a place of worship.

39. Taking the above together, I find as follows. Much of the setting and special interest of the listed Church of St. Martin would endure. However, that said the proposed development would distract from some views of the upper part of listed church's tower, from various viewpoints within the countryside area to the north and west. This would distract, to a limited degree from appreciation of a) the listed church's distinctive presence in its promontory position, and b) articulation of the listed church's historic prominence in local community life, as a place of worship.

Alfreton Conservation Area

40. The Alfreton Conservation Area (CA) covers an area of Alfreton that stretches north-west from the Old Market Square and town centre crossroads to the

churchyard of the listed Church of St. Martin. Church Street runs as a spine through the CA. While listed buildings associated with Alfreton Hall, and the site of the former home farm for the earlier pre-listing incarnation of Alfreton Hall are included within the CA, the listed hall itself is not. Other listed buildings, that are in the south-eastern part of the CA, which is outside the Alfreton Park NDHA, include a variety of barn, hotel and church buildings, a war memorial and milestone. Given the above, I consider that the heritage significance of the Alfreton CA, insofar as it relates to this appeal, is primarily associated with its range of historic architecture and townscape, reflecting its evolution from the medieval period to the early twentieth century.

41. The CA's setting provides opportunities to appreciate some of its historic architecture and townscape. This includes various views in the vicinity of the Old Market Square and crossroads, approaching on the A61 Chesterfield Road and High Street. Also, within the countryside to the north, the CA's setting includes approaches from various parts of the identified public rights of way in the locality. These provide opportunities to appreciate the presence of the listed Church of St. Martin. Thus, these various approaches to the CA contribute positively as part of its setting, to appreciation of its heritage significance.

42. In terms of impact, judging by the illustrative layout, the very small proportion of the CA at its north-western tip which sits within the appeal site, would remain part of the tree belt that adjoins the churchyard's northern edge. As the fabric and function of this small part of the CA would not materially change, the appeal proposal would not adversely impact its character or appearance. Thus, under the first main issue, the focus in relation to the CA is the effect on its setting, which I turn to now.

43. Given the separation of much of the CA's area from the appeal site, opportunity for appreciation of the CA's historic architecture and townscape in various views in the vicinity of the Old Market Square and crossroads, approaching on the A61 Chesterfield Road and High Street, would endure. However, as identified earlier, the appeal development would distract, to a limited degree from appreciation of the distinctive promontory presence and historic prominence in local community life, as a place of worship, of the Grade II* listed Church of St. Martin, which is located in the north-western end of the CA.

44. Thus, while much of the setting and significance of the Alfreton CA would endure, the identified distraction from the special interest of the listed Church of St. Martin, as a result of the proposed development, would distract, to a very limited degree, from the CA's range of historic architecture and townscape.

Alfreton Hall

45. The two-storey Alfreton Hall listed building is situated towards the end of the southern limb of the 'wishbone' split of Church Street. Dating from the Victorian period, the listed Hall building is an extension that was attached to a much larger Georgian country house which was demolished, reportedly due to subsidence, in the 1960s after purchase by Alfreton Urban District Council.

46. The main body of the listed, remaining Alfreton Hall building has ashlar stone walls. A red brick rear wing extends towards southern limb of Church Street. It has hipped slate roofing. Its historic architectural detailing includes rusticated

full height pilasters, balustrade with square piers and vase shaped balusters, a loggia with triglyphed frieze and semicircular arches supported by Tuscan columns to it ornate main elevation, which faces south. These elements contribute to the architectural charisma of this listed building, in particular its ornate southern elevation.

47. The southern elevation of the Alfreton Hall listed building also includes a datestone from 1898, inscribed with Palmer-Morewood family initials. And the building includes high-status reception rooms and bedrooms, and domestic ancillary accommodation in the service ranges. These elements help illustrate the historic functionality of the Alfreton Hall listed building, and its association with Palmer-Morewood family.

48. This family association with the period from the late Victorian construction of the remaining, listed Alfreton Hall building helps link back to earlier Morewood family lineage, and occupation of a manor then hall at Alfreton from the seventeenth century. Together with the Alfreton Hall listed building's original extension 'raison d'etre', this helps point back to the occupation of the existing and earlier hall buildings and related estate land by Derbyshire gentry from the seventeenth to the twentieth centuries. Also, Alfreton Hall has group value with the associated church, and former stableblock, dovecote and lodge listed buildings in its vicinity.

49. Consequently, Alfreton Hall listed building embodies evidential, historical, aesthetic and communal values. The above contributes to the architectural and historic interest of this listed building. Having regard to the above, the special interest of the Alfreton Hall listed building, insofar as is relevant to this appeal proposal, is primarily associated with the legibility of a) its Victorian country house architecture, and b) its family, architectural and functional associations with former occupation of a historic hall and its estate parkland in this locality by Derbyshire gentry, over the centuries.

50. Within the listed hall's setting, a substantial cluster of modern municipal-style development has evolved in recent decades along the southern limb of Church Steet, on the approach from Alfreton town centre. This cluster includes a group of large, colourful flat-roofed modern health and leisure centre buildings that catch the eye, located within the immediate environs to the west of the listed Hall building. Travelling on past the listed Victorian hall, towards the countryside to the north in which the appeal site is located, the Polygon Centre further manifests evolved modern development character in the vicinity of the listed hall.

51. Within this context, after a period around the late twentieth century as an education centre in a public parkland setting, which for a time included a lido, Alfreton Hall listed building has more recently been used as a wedding and conference venue, and hotel. The combination of existing modern facilities in the vicinity of the listed hall building has also resulted in a substantial amount of associated surface car parking.

52. As I saw on my visits, the aforementioned combination of modern built elements, together with a substantial mass of established tree and shrub growth within the hall's evolved environs, result in the listed Alfreton Hall reading 'on the ground' as follows. In sequences of views moving between Alfreton town centre and the environs of the hall, it appears as a visually contained 'island' of Victorian country house architecture. Judging by archive

photographs, drawings and plans, this is much reduced from the long since gone landmark that was the hall's larger, earlier incarnation.

53. Within its evolved environs, the existing 'island' of Victorian country house architecture is noticeable at close quarters, particularly in its ornate southern facade, while its connection with its wider former estate's parkland is less easily perceptible. Unlike the nearby listed church, the Alfreton Hall listed building is not included within Alfreton CA.

54. The more distant section of the journey towards the listed hall, through and from countryside that adjoins the northern edge of Alfreton, includes the following. Relatively open countryside, with locally distinctive historic parkland elements such as plantation woodlands and gaps between them, prevails. Also, there are remains of the ha-ha and estate railing, albeit these are not easily noticeable from much of the public routes in the locality. Together these elements contribute to the sense of historic estate parkland landscape, that is likely to be perceptible to residents and visitors, particularly those who are knowledgeable about the history of the area, including through reading local history interpretation signage.

55. The above factors, together with the stretch of journey past the listed Church of St. Martin and its churchyard, and the combination of associated listed lodge, stableblock and dovecote help form a sequence of historic estate elements that resonates with the significance of the listed Hall.

56. For the above combination of reasons, I find that the more immediate part of the listed Alfreton Hall's setting makes a modest contribution to appreciation of this designated heritage asset's significance. Also, the wider part of its setting, including the kinetic experience of countryside to the north and north-west, and the listed church and its churchyard, combine with the associated group of listed buildings to make a further positive contribution to appreciation of the listed Hall's heritage significance.

57. At its nearest point, the site of the proposed housing development is around 120m north-east of the Alfreton Hall listed building. Given this separation, together with the visual draw of aforementioned modern built elements, and substantial mass of established tree and shrub growth in the vicinity of the Hall, the appeal proposal would not distract from appreciation of the Victorian country house architecture of the Alfreton Hall listed building.

58. However, the proposed development would urbanise the appeal site**,** and likely reduce the visual autonomy of Pond Wood Plantation. These changes would be visible in dynamic views moving north from Alfreton Hall, and approaching it from this direction. By so reducing the rural character of part of the area of countryside, a short walk to the north and north-west of Alfreton town centre, the appeal proposal would result in the following. Among some local residents, and visitors, who are knowledgeable about the history of the area, it would likely distract from appreciation of this listed building's associations with former occupation by Derbyshire gentry of a historic hall at Alfreton and its estate parkland.

Alfreton Park

59. Alfreton Park covers the parkland area of the former estate of Alfreton Hall. Informed by the parkland's inclusion in the Derbyshire Historic Environment

Record (HER), the solar park appeal decision considered Alfreton Park to be a non-designated heritage asset (NDHA), which I accept. Alfreton Park's HER entry indicates that its function over time has included an area of deer park from around the medieval to Georgian periods, and an area of ornamental garden in Stuart and Victorian periods.

60. As I saw on my visits, Alfreton Park comprises the following mix of character areas. An evolved parkland feel mainly characterises its southern part. Here, an area of scattered trees within a large grassed area, set within a swirling sylvan frame, stretches out mainly to the south of the Alfreton Hall listed building. Much of this area, which is more recognizably illustrative of a formal historic parkland, functions as public park, in which some modern municipal facilities are set.

61. Also, as established earlier, the part of Alfreton Park NDHA near its convergence with the stretch of Church Street leading from the town centre has a more mixed, developed character. Within these environs in the NDHA, Alfreton Hall listed building appears as an 'island' of Victorian country house architecture that is noticeable at close quarters. The listed hall's connection with the wider former estate's parkland, including the nearby ha-ha are less easily perceptible. That said, the listed hall derives part of its heritage significance from its associations with former occupation by Derbyshire gentry of hall and estate in this locality.

62. While the listed Church of St. Martin and its tranquil churchyard are largely screened from countryside to the north by the established mass of perimeter and churchyard trees, the top of this church's tower in its promontory position can be seen from various viewpoints in Alfreton Park. This remaining visibility contributes to appreciation of the church's architecture and prominent historic position as a place of worship. Also, the church and hall listed buildings have group value with various associated listed buildings, within the NDHA. And, the part of Alfreton CA that is within the NDHA illustrates a range of historic architecture and townscape from the medieval period to the early twentieth century.

63. Countryside characterises the NDHA's larger, northern part. Travelling from Alfreton town centre, the earlier identified node where the stile near St. Martin's church and the public rights of way FP18 and FP19 converge, is the emergence point into this countryside. Here and at various subsequent viewpoints along FP18 and F19, the following elements draw the eye. Views of the combined mass of Wren Wood and Pond Plantation woodlands snake gently across the valleyside within spacious grass field foregrounds. And, in various long distance views north and north-west, hills rise above tree canopy tops beyond these plantations.

64. The historic mapping shows blocks of woodland plantations, including Pond Wood and Wren Wood, to be recurring elements over a number of centuries. Pond Wood may well have been a designed 'wilderness' element in the NDHA's landscape, in the Georgian period. This woodland now exhibits a parkland plantation mix of yew and oak, with rhododendron understorey. Thus, together these plantation woodlands, and the gaps and views revealed between and above them, are among enduring distinctive characteristics of the former estate's parkland area. Also, perimeter tree planting, for example alongside the

Chesterfield Road corridor, is a characteristic of the NDHA that recurs over time, including in various historic maps.

65. Contrastingly, while a scattered pattern of trees which stretched south-west from FP19 across the valleyside was a distinctive characteristic of part of the NDHA in the late nineteenth and early twentieth centuries, such a pattern was not reintroduced to this part of the NDHA after opencast mining in the 1950s. This further illustrates the evolution of the NDHA.

66. The route of FP19 is believed to date from medieval times, linking Alfreton and Shirland, via the site of a former mill that was located alongside Alfreton Brook. In the early 1900s, DH Lawrence depicted characters walking between Alfreton and Wingfield in his novel Sons and Lovers. This depiction further points to, among other things, the longstanding rural character, and attraction for walking of the countryside beyond Alfreton, which includes Alfreton Park NDHA.

67. Thus, the northern part of the NDHA is characterised by its combination of gently rolling valleyside with views out to countryside beyond, relative openness and absence of development, plantation woodlands and gaps/views between them, tree belts, hedgerows and long-established walking routes. Remains of the ha-ha and stretches of estate railing survive as less prominent pointers to the Alfreton Park's past. The fields, plantation woodlands and longstanding routes through the northern part of Alfreton Park together help illustrate Alfreton Park's history of use for farming, hunting, walking, riding and birdwatching. This reflects both association with previous occupation of the former estate's parkland by Derbyshire gentry, and what the Council's landscape consultant described at the inquiry as subsequent 'democratisation' of this type of landscape for recreational use in more modern times.

68. As reflected above, I agree with much of the baseline characterisation of Alfreton Park NDHA that was in the solar park appeal decision. Also, informed by what I have seen on my site visits, and read and heard in the current appeal case, I make the following supplementary observations about the NDHA's baseline character.

69. The remains of the ha-ha and estate fencing, together with the likely evolved desire line nature of FP19 along the old rural route via the former brookside mill, and the hunting and timber-producing plantations articulate the following. A design identity has come together over time through a combination of elements that have evolved, to make up the distinctive and attractive rural landscape in the northern part of the NDHA. This includes various distinctive short and middle distance views, framed between plantation woodlands. These provide a sense of 'conceal and reveal' of the historic rural landscape of the northern part of the NDHA, which is particularly pleasing walking uphill and downhill on FP19, in the vicinity of the south-western tip of Pond Wood. From here, a satisfying combination of plantations and hedgelines with handsome hedgerow oaks unfolds across the gently undulating landscape.

70. Also, in this part of the NDHA, on the modest ascent past this south-western tip of Pond Wood, and on past the appeal site, a sense of anticipation can be experienced approaching the Church of St. Martin's promontory point. Also, a simpler but still satisfying sense of expectation of revealing of the landscape can be found in the dynamic sequence of views walking along the flatter stretch, along FP19 towards the gap between Highfield and Beech's Plantations.

71. Thus, some cohesive historic design is perceptible in the northern, countryside part of the Alfreton Park NDHA, particularly for those with knowledge of its history. That said, while the solar park appeal decision referred to 'designed vistas' as being one of the distinctive characteristics of the Alfreton Park NDHA, it did not specifically identify any designed vistas across the current appeal site or in its immediate vicinity. Also, for reasons established earlier, I consider that there is not a historically important designed view from the A61 Chesterfield Road, north across Alfreton Brook and the appeal site towards the church tower.

72. Nor am I satisfied that gaps in tree planting on the eastern perimeter of the appeal site, adjacent to the Chesterfield Road, indicate historically important designed views across the NDHA. This is because of the following factors. While a couple of such gaps exist on various historic maps, they provide westerly and south-westerly views into the NDHA that are approximately at right angles or oblique to the main safety and directional draw for road users travelling uphill or downhill on the Chesterfield Road. Thus, these gaps do not appear as likely locations for important viewpoints into the Alfreton Park NDHA to have been designed alongside the Chesterfield Road. Neither is substantive evidence presented of such aesthetic design intent at these locations, before the construction of the turnpike road in the eighteenth century.

73. Drawing the above strands together, I find that Alfreton Park embodies evidential, historical, aesthetic and communal values. This contributes to the heritage significance of this NDHA. Given the above, I consider that the heritage significance of the Alfreton Park NDHA, insofar as it relates to this appeal, is primarily associated with the legibility of its evolution as a historic estate park from the medieval period to the twentieth century, through a combination of a) the historic architecture and role of its listed buildings, b) its historic landscape character, and c) its association with former occupation by Derbyshire gentry. Given this combination of local and county interest, I consider the Alfreton Park NDHA to be of local to regional significance. Based on my above analysis, this differs from the regional significance finding in the solar park appeal decision.

74. The appeal site is located mostly within the north-eastern quarter of the NDHA, and mainly comprises two fields on the approximately north-facing slope of the valleyside. As identified earlier in this decision, various urbanising impacts of the proposed modern residential development on the appeal site and its environs, would occur within Alfreton Park. This would, to a limited degree, distract from appreciation of the distinctive promontory presence and historic prominence of the Grade II* listed Church of St. Martin. Also, it would distract, to a very limited degree, from Alfreton CA's range of historic architecture and townscape. And it would distract from some longer distance panoramic views to the north and north-west, from the appeal site and its vicinity.

75. Also, the proposed new junction off the Chesterfield Road and widened access opening within the roadside tree belt would further draw some attention to the change of character of the appeal site and its host part of the NDHA.

76. Furthermore, by reducing a) the rural character of part of the area of countryside that is a short walk to the north and north-west of Alfreton town centre, and b) the visual autonomy of Pond Wood Plantation, the appeal development would erode the historic landscape character and cohesiveness of

Alfreton Park. In the above ways, the proposal would likely distract from association of this NDHA with former occupation by Derbyshire gentry of the historic hall and estate parkland, among residents and visitors who are knowledgeable about the history of the area.

77. That said, the following combination of factors would help moderate the impact on the heritage significance of Alfreton Park. The majority of this NDHA would not be developed by the appeal proposal. Unlike in the appeal decision finding for the much more extensive solar park proposal, the current appeal proposal would not 'erase' a large proportion of the open part of the NDHA. Also, the northern part of the NDHA's distinctive combination of rolling valleyside landform, plantation woodlands and gaps between them, tree belts and hedgelines would continue to draw the eye in a range of views within and into the NDHA. And these elements would help screen parts of the development from some viewpoints in the locality. Furthermore, given its separation by intervening built form, topography and vegetation, the appeal development would have a neutral effect on the NDHA's southern part, in heritage terms.

78. Given the established presence of the substantial mass of tree cover in the vicinity of the northern perimeter of St. Martin's churchyard, and the long-standing protection and recognition of their amenity value by TPO, I anticipate that this is likely to remain, and continue to have a substantial screening effect between the churchyard and NDHA beyond.

79. Also, as established earlier, the stillness and tranquillity of the church and churchyard would remain clearly perceptible. And, within the evolved context of a largely undeveloped area of countryside near a busy market town, in the northern part of Alfreton Park, where I observed on several site visits that background highways noise is noticeable at various times of day, I expect that the scale of residential development proposed would not acoustically distract from appreciation of the NDHA's historic character. Furthermore, the area's extensive public rights of way network of recreational routes, including FP18 and FP19 would endure.

80. As indicated by the appellant's arboricultural evidence[7], the appeal proposal would provide opportunity for the fresh vigour of new, replacement tree planting of greater quantity than existing, in the vicinity of the proposed site access. Thus, the eastern perimeter of the appeal site alongside the Chesterfield Road would continue to have a predominantly sylvan character.

81. The change from agricultural fields to residential development on the appeal site would erode the historic landscape character of Alfreton Park. In creating a more complex palette of landscape elements within the countryside part of this NDHA, the envisaged soft landscape/ecological buffer strip free from buildings along much of the perimeter of the appeal site, could potentially perceptibly contribute to this erosion of historic landscape character.

82. However, that said, landscaping and layout are among matters to be finalised at a later Reserved Matters application stage. I anticipate that the more detailed landscape/ecological design stage that is yet to come would provide opportunity for a holistic design team approach to strike a careful balance between the objectives of softening the appearance of the development, ecological enhancement and minimising distraction from the NDHA's distinctive

[7] As per FPCR Proof of Evidence: Arboricultural Matters, Section 5.0 Replacement Tree Planting.

characteristics, including the listed church's tower and Pond Wood. The suggested planning conditions for a Landscape and Biodiversity Enhancement and Management Plan, with its express aim of combining both ecology and landscape disciplines, and a Landscape Environmental Management Plan would help achieve this holistic design balance.

83. Given the above, I anticipate that even with the proposed appeal development, Alfreton Park, including its northern part, would retain much of its attraction for local people and visitors, as a place in which to, among other things, appreciate its historic architecture, landscape and townscape character, and its association with former occupation of hall and estate by Derbyshire gentry. Together, the identified moderating factors would limit the degree and extent of adverse impact on the heritage significance of the Alfreton Park NDHA. Therefore, I find that the appeal proposal would result in moderate harm to the heritage significance of the Alfreton Park NHDA.

Summary of harm to heritage assets

84. For the above reasons, I find that the proposed development would impact on the designated heritage assets under the first main issue in this case, as follows. It would impact negatively on the setting and significance of the Grade II* listed Church of St. Martin Church to a limited degree. It would impact negatively on the setting of the Grade II listed Alfreton Hall to a limited degree. And it would impact negatively on the setting of the Alfreton Conservation Area (CA) to a very limited degree.

85. In reaching these findings, and my findings under the second main issue, I have taken into account, among other things, the current appeal proposal's greater permanence and proximity to the listed church, compared to the solar park appeal proposal.

86. Given the above described relationship of the proposed development proposal to them, I find that the harm to the Church of St. Martin listed building, the Alfreton Hall listed building and the Alfreton CA would be at the lower end of the scale of less than substantial in this instance.

87. In conclusion, the proposed development would not preserve the setting of the Grade II* listed Church of St. Martin, Alfreton Conservation Area and the Grade II listed Alfreton Hall. As such, the proposal would conflict with Policies EN24 and EN27 of the Amber Valley Borough Local Plan (Adopted 12 April 2006) (the LP), which together seek to ensure that development helps preserve listed buildings and their settings, and preserve or enhance conservation areas.

88. I shall return to this matter of harm to designated heritage assets, to weigh it against public benefits of the proposal as required by Framework paragraph 208, later in this decision.

89. Regarding the non-designated heritage asset in this case, the appeal proposal would result in moderate harm to the heritage significance of the Alfreton Park NHDA. This would conflict with LP Policy EN24.

Character and appearance

90. The appeal site is located within farmland that is part of the Coalfield Estatelands Landscape Character Type (LCT). This LCT is summarised in The Landscape Character of Derbyshire (2014) study as a heavily industrialised and

urbanised landscape with gently undulating landform, in which pasture, parkland and woodland contrast with built-up elements. Topographically, the site generally falls from south to north on the mid to higher southern slopes of the Alfreton Brook valley.

91. Within this context, characteristics identified in my analysis of Alfreton Park under the first main issue, earlier in this decision contribute to the distinctive character of the area of countryside to the north and north-west of Alfreton, in which the appeal site is located. Within this area, distinctiveness and perceptual qualities derive from elements that include the area's gently rolling valleyside with views out to countryside beyond, the relative openness and absence of development, plantation woodlands with gaps/views between them, tree belts, hedgerows, and long-established walking routes. Also, cultural heritage interest and/or recreational value are articulated by elements including the open fields, wooded plantations and longstanding routes through the northern part of Alfreton Park, and the association with previous occupation of the former estate's parkland by Derbyshire gentry, and subsequent 'democratisation' of this type of landscape for recreational use.

92. Various of these elements are noticeable from viewpoints travelling through the landscape. These include the emergence point around the stile near the north-western corner of the churchyard of the Church of St. Martin, and various points walking through the countryside in the vicinity of the appeal site, on public rights of way FP18 and FP19.

93. There is some variation in landscape condition on and in the vicinity of the appeal site. Nevertheless, given the above combination of factors, I consider the countryside area north and north-west of Alfreton, of which the appeal site is part, to be a valued landscape, the protection and enhancement of which is thus sought under paragraph 180a) of the Framework.

94. As identified under the first main issue, the proposed modern residential development would result in various urbanising impacts on the appeal site and its surroundings. These would be perceptible in the landscape from various viewpoints within Alfreton Park and beyond. Also, the resultant lower end of the scale of less than substantial harm to the setting of the listed church and hall, and CA, and moderate harm to the heritage significance of Alfreton Park would have landscape dimensions in terms of distracting from Alfreton Park's historic landscape character.

95. That said, the following combination of factors would help moderate the proposed development's impact on the area's landscape character. The vast majority of the countryside area north and north-west of Alfreton would remain undeveloped, under the terms of the appeal proposal. Also, the substantial mass of TPO-protected tree cover in the vicinity of the northern perimeter of St. Martin's churchyard is likely to provide a visually softening backdrop to the development, in various views from the north and north-west.

96. Within this context, locally distinctive characteristics of rolling valleyside landform with scenic views beyond, plantation woodlands and gaps between them, tree belts and hedgelines would continue to draw the eye in many views within the area. And they would help screen and/or visually soften parts of the proposed development, from some viewpoints in the locality. Furthermore, limitation of dwelling heights to no more than two storeys high, to be secured by planning condition, would help moderate the development's built mass.

97. Also, within the context of this area of countryside near a busy market town, where background highways noise is noticeable at various times of day, the scale of residential development proposed would likely not acoustically distract from appreciation of the local landscape. Furthermore, the area's extensive public rights of way network of recreational routes, including FP18 and FP19 would endure.

98. Thus, even with the proposed development in place, opportunities to enjoy various satisfying landscape experiences would likely endure. These include a) the combination of wooded plantations and hedgelines with handsome hedgerow oaks, unfolding across the gently undulating landscape, viewed from west of Pond Wood, b) the sense of expectation in the dynamic sequence of views walking towards the gap between Highfield and Beech's Plantations, surrounded by attractively ochre-tinged valleyside grassland, and c) the remaining visual connection of long distance hillside views to the north and north-west.

99. Thus, traveling much of the length of this public rights of way network, for example away from the proposed development and/or where plantations intervene in views, would likely still be enjoyed. And, while landscaping and layout would be among matters to be finalised at Reserved Matters stage, the illustrative layout indicates the possibility of a substantially wide soft landscape buffer strip, free from buildings alongside FP19.

100. Given the above combination of factors, I expect that recreational use of the landscape by local residents and visitors to the area would not materially reduce as a result of the appeal development. Regarding some local people's fears that the appeal proposal would 'open the floodgates' to greater erosion of countryside character beyond the appeal site, each case is to be determined its own merits, and no such substantive wider development proposal or concept is before me. Also, the appeal proposal provides opportunity for new tree planting of greater quantity than existing. And, the eastern perimeter of the appeal site alongside the Chesterfield Road would continue to have a predominantly sylvan character.

101. Therefore, I conclude that the proposed development would result in moderate harm to the character and appearance of the area. As such, it would conflict with saved LP Policies LS1 criterion c), LS3 criteria a) and b), and EN7 which together seek to ensure that, among other things development complements local character and distinctiveness. Also, it would conflict with saved LP Policies EN8 and EN9, which together seek to ensure that development safeguards significant landscape features, or mitigates for harm to them.

Biodiversity

102. Given the improved grassland monoculture of much of the appeal site, it mainly has relatively low existing nature conservation value. In the light of the comments of the Council's ecological advisor, the Derbyshire Wildlife Trust, on the development proposal, the appellant has, since the refusal of the planning application, undertaken some further protected species surveys and biodiversity net gain assessment work. The Technical Note: Additional Ecological Information (FPCR), BNG Technical Note (FPCR) and Statutory Metric Calculation Tool provide further information on these matters.

103. Also, the appellant has provided an updated illustrative layout which indicates that, among other things, an ecological buffer zone located between housing on the appeal site, and the adjacent Pond Wood Local Wildlife Site. This buffer is to be secured by planning condition. Furthermore, there would be opportunity at subsequent detailed design stage, including in finalisation of a) habitat types and planting configuration, and b) exact location of dwellings and public open space facilities, to strike a careful balance between ecological enhancement and identified heritage and character and appearance considerations.

104. In the light of the ecological and biodiversity evidence presented to the Inquiry, the Council considers that the appeal development can provide in excess of 10% biodiversity net gain for habitats and hedgerows. Subject to planning conditions covering wildlife, habitats, construction management and lighting, the Council considers that this third reason for refusal concerning biodiversity and ecology has been resolved. For the above reasons, I agree on these points.

105. Therefore, I conclude that the proposal would adequately provide for biodiversity. As such, it would not conflict with the biodiversity elements of paragraphs 180(a), 180(d), 186(a) and 186(d) of the Framework, which together seek to ensure that development conserves and enhances biodiversity.

Highway safety and access

106. The proposed access to the appeal development would be off a stretch of the A61 Chesterfield Road which is on the approach to Alfreton town centre's Market Place crossroads. In the light of the comments of the Local Highway Authority (LHA) on the development proposal, the appellant has, since the refusal of the planning application, undertaken further traffic and road safety assessment/survey work, and amendment of the junction design. The appellant's transport and highways consultant's Response Notes RN02, RN03 and RN04 with Stage 1 Road Safety Audit, the Statement of Common of Ground on Highway Matters, and updated Proposed Site Access Plan drawing 2995-09 Rev.G provide further information on these matters.

107. Informed by additional traffic survey work in spring 2024, it is now demonstrated[8] that a suitable junction design for access to and from the proposed residential development can be achieved with or without a speed limit change in its vicinity on the A61.

108. The new signal-controlled junction for the proposed development would add a right turn lane on the southbound side of the A61 Chesterfield Road. Both this right turn lane, the ahead southbound ahead lane at the junction, and the northbound approach would include Advanced Cycle Stop lines, thus providing safe space for cyclists at the junction. Also, a new stretch of footway would link the proposed development's access to existing footway on the west side of the A61. Furthermore, a pedestrian crossing with refuge island would be provided from near the new junction to the eastern side of the A61. And a new pedestrian and cycle link between this side of the A61 and Hardy Street, secured by the Section 106 Agreement, would further provide for access

[8] As set out on page 2 of the highways Response Note RN04 by the appellant's transport and highways consultant Eddisons.

between the proposed residential development and Alfreton town centre, by non-car active travel modes, including walking and cycling.

109. Furthermore, a planning condition with flexibility to, if necessary, further update the junction design before commencement of development, provides a further layer of reassurance as to the robustness of its final design detail.

110. Thus, realistic opportunities for 'active travel' by non-car modes would be safely provided for and promoted, to cater for the likely popularity among future residents of the proposed development of walking and/or cycling into nearby Alfreton town centre, with its range of facilities that include a variety of onward public transport connections to destinations including Mansfield, Chesterfield and Derby. This would complement the provision for vehicular access to and from the proposed development.

111. Also at the Inquiry, the LHA confirmed their view that the highways assessments clearly indicate that the increase to existing traffic flows in the locality, resulting from the proposed development of up to 177 new homes would be quite modest and have minimal impact on the local highway network.

112. In the light of the highways and transport evidence presented to the Inquiry, the LHA have confirmed their view that the appellant's 'very comprehensive response' has resolved highways matters, enabling them to remove their objection to the proposed development, which the Council accept. I find no reason to disagree with the highway witnesses' expert view that a) the appeal proposal would not have an unacceptable impact on highway safety, nor would it result in severe residual cumulative impacts on the road network, thus according with paragraph 115 of the Framework, and b) the proposed development would provide safe and suitable access, thus according with paragraph 114 of the Framework.

113. Therefore, I conclude that the appeal proposal would provide safe and suitable access, and would not harm highway safety. As such, it would accord with saved LP policy TP1 which seeks to ensure that there is satisfactory access between development and the transport network, and that development can be satisfactorily accommodated on the transport network. Thus, I accept that this fourth reason for refusal has been resolved.

Whether a suitable location

114. The proposed residential development would be particularly sustainably located in terms of its close proximity and short walking and cycling distance to the centre of the market town of Alfreton. This would provide access both to shops and facilities in the town centre, and regular bus and/or train connections to a substantial range of onward destinations both within Amber Valley Borough, and further on to, for example, Nottingham, Derby, Sheffield, Manchester and Liverpool. In these respects, the appeal proposal would be well-related to Alfreton's existing pattern of development, minimise the need for its residents to travel between home, work and other activities, and would provide opportunities for journeys other than by car. In these ways, the proposed development would accord with criteria a) and c) of saved LP Policy LS1.

115. That said, the proposed development would not be on previously developed land, thus conflicting with criterion b) of saved LP Policy LS1. Also, as identified

under the first and second main issues, the proposal would result in some harm to the local environment, and so would conflict with criterion d) of saved LP Policy LS1. Also, the proposal would not meet the dwellings extensions/replacement or rural necessity exceptions criteria for development outside the built framework of settlements, in saved LP Policy H5. Nor would it meet the rural necessity and improvement criteria of saved LP Policy EN1, for development outside the built framework of settlements.

116. In conclusion, the proposed development's location is partly suitable and partly unsuitable, with particular reference to the Borough's sustainability criteria, as assessed against the above development plan policies. I shall return to the weight I attach to these suitability findings later in this decision,

Other Matters

117. Some local residents have expressed other concerns about the proposed development that go beyond the reasons for refusal, which I address as follows. The Flood Risk and Outline Surface Water Drainage Statement prepared by the appellant's flood risk and drainage consultant indicates the following. With its drainage strategy including detention basins to accommodate climate change-related rainfall, the development would reduce surface water run-off from the appeal site. While this would not eliminate existing flooding issues in the area, given the water runoff entering the wider Alfreton Brook catchment from land other than the appeal site, the proposed development would reduce surface water run-off from the appeal site, and so provide a betterment compared to existing conditions.

118. Also, the Lead Local Flood Authority has not objected to the proposed development, subject to detailed design and an associated management and maintenance plan of the surface waste drainage for the site, which are to be secured by planning conditions. On this basis, the proposal is acceptable in relation to flood risk.

119. Regarding traffic noise, within the context of the quite modest scale of increase in traffic flows arising from the proposed development, as established earlier under the fourth main issue, I anticipate that the proposal would not likely result in significant noise effects on existing residents in the locality. Therefore, a planning condition for further noise assessment, as suggested by the Council, is not necessary.

120. Regarding some local residents' concerns about the additional residents at the proposed development putting future strain on local health, education and other services, the Section 106 Agreement summarised below secures among other things, adequate financial contributions for local healthcare, education, sports and library facilities.

Section 106 Agreement

121. The S106 secures up to 53 affordable housing units. It secures contributions towards local medical practices, improving local sports facilities and stock at Alfreton Library. Also, the S106 secures provision of on-site public open space including a multi-use games area and play area, and a sustainable urban drainage system for the development. It secures contributions towards infant, junior and secondary education, and special educational needs and disabilities provision. Also, it secures a new pedestrian link between Hardy Street and the

A61, and contributions towards travel plan monitoring and potential local speed limit provision. Together, this Section 106 obligation accords with saved LP Policies H10, H12, LC1, LC2, LC12, LS5 and TP1. In combination, these policies require necessary infrastructure provision, affordable housing and access to the transport network.

122. I have considered the S106 against the requirements in Regulation 122 of the CIL Regulations and paragraph 57 of the Framework. I consider that all the measures as detailed in the S106 are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore, I find that the submitted S106 complies with the CIL Regulations and the Framework, and I have taken it into account in coming to my conclusions in this appeal.

Conditions

123. The below conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been found to be reasonable and necessary in the circumstances of this case. I have made modest drafting changes for clarity. Conditions relating to the submission and implementation of reserved matters and associated time limits, and approved plans, are necessary to provide certainty. Conditions relating to levels, landscaping, building height and tree protection are required to safeguard the character and appearance of the area. A condition is attached to safeguard archaeological assets. Condition relating to mining and land contamination are attached to safeguard public health and safety. Also, conditions regarding water management and drainage are necessary to ensure sustainable water management.

124. I attach conditions relating to bin storage, junction details, construction traffic management), site access details, highway survey and remediation) to safeguard highway safety. Conditions regarding wildlife, habitats, construction management and lighting are required to safeguard biodiversity. A condition regarding a travel plan is required in the interests of sustainable transport. A condition relating to noise mitigation is necessary to safeguard residents' living conditions on the development.

Planning Balance and Conclusion

125. It is undisputed that Amber Valley Borough has more than four years supply of deliverable housing sites, which for the purposes of my decision I take to be around 8.7 years supply. That said, and within the context of the most acute national housing crisis in living memory[9], four-year supply is a floor not a ceiling. Also, provision of new affordable housing is an important matter in Amber Valley Borough, which has a notable need for affordable housing. This local need for affordable housing is further indicated by the presence of more than 2,000 households on the Council's Housing Register, of who more than 1,400 are in overcrowded or unsuitable accommodation, and more than 300 specify Alfreton as their preferred location.

126. Within this context, the proposed development would contribute up to 177 dwellings to local housing supply, providing new homes conveniently close to Alfreton town centre for up to around 400 people. This would include up to 124

[9] As identified in the Building the homes we need Written Ministerial Statement (WMS) made on 30 July 2024.

market homes. Also, it would include up to 53 affordable homes which would provide a mix of first homes, rented and intermediate housing. These affordable homes would contribute to meeting the area's notable affordable housing need. Also, the proposed housing would help tackle the acute national housing crisis aspects, identified in the WMS, of home ownership being out of reach for too many, the shortage of houses driving high rents, and too many people being without access to a safe and secure home.

127. Also, the Council and appellant agree that the appeal site is in a sustainable location for new development in terms of its accessibility to Alfreton town centre and associated amenities. The proposed development would be situated a short walk, cycle or drive to Alfreton town centre and regular bus and train connections to a substantial range of onward destinations both within Amber Valley Borough and further on to, for example, Nottingham, Derby, Sheffield, Manchester and Liverpool. Moreover, the development's socio-economic benefits to the area during and after construction would include patronage of local facilities, businesses and services in the town, which would contribute towards sustaining them.

128. Thus, in these ways the appeal proposal would be particularly well located in terms of proximity and accessibility to a) the town centre of Alfreton market town, which would benefit from such new development to help sustain and rejuvenate it, and b) onward connections to destinations that together would provide a range of potential employment, business and lifestyle opportunities to future residents of the proposed development.

129. Also, the development's walkability appeal includes good access to the attractive historic landscape on its doorstep via the local public rights of way network, for residents of Alfreton living on the development in the future. And, the new pedestrian and cycle link between the eastern side of the A61 Chesterfield Road and Hardy Street, secured by the Section 106 Agreement, would enhance access for some existing residents in the northern part of Alfreton by non-car active travel modes including walking and cycling, to the northern part of Alfreton Park. Together, the above factors would provide socio-economic and health and wellbeing benefits to the local area.

130. Furthermore, the proposed development would achieve in excess of 10% biodiversity net gain, and provide additional tree planting with associated environmental benefits. Additional public open space provision, including a local equipped play area and a multi-use game area would result in the locality. And the proposal would reduce surface water run-off from the appeal site, with associated flood risk reduction benefit. The above together amounts to a substantial and significant combination of public benefits.

131. The less than substantial harm to the setting and heritage significance of the Grade II* listed Church of St. Martin, Alfreton Conservation Area and the Grade II listed Alfreton Hall, as identified under the first main issue, is of considerable importance and weight. Nevertheless, given the lower end of the scale of the less than substantial harm to these designated heritage assets, and the substantial and significant combination of public benefits of the appeal scheme, I find that the public benefits of the proposal outweigh the less than substantial harm to the significance of these designated heritage assets. Thus, there would be clear and convincing justification for this harm.

132. Having regard to the moderate harm to the Alfreton Park NDHA, and its local to regional significance, the harm to its significance is of moderate weight.

133. The totality of harm to the significance of heritage assets carries considerable weight. The harm to the character and appearance of the area is of moderate weight. And the partial unsuitability of location of the proposed development is of limited weight. The resultant conflict with the development plan as a whole carries moderate weight.

134. Having regard to the main issues, I take the following development plan policies to be those most important for determining this application. These are saved LP Policies EN1 Countryside, EN7 Landscape Character, EN8 and EN9 Landscape Features, EN24 Listed Buildings, EN27 Conservation Areas, H5 Housing Outside Settlements, LS1 Sustainable Development Location, LS3 Design and TP1 Transport.

135. The Council has a current lack of a plan-based strategy for the delivery of housing[10]. Within this context, in applying a more restrictive approach to major residential development outside the built framework of settlements, saved LP Policies EN1 and H5 are inconsistent with the Framework.

136. Given my earlier finding that the public benefits of the proposal outweigh the less than substantial harm to the significance of the designated heritage assets in this case, policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the proposed development.

137. Given the above, Framework paragraph 11d)ii is engaged, which tells us that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

138. The totality of adverse impacts on the significance of heritage assets is of considerable weight. The adverse impact in the character and appearance of the area carries moderate weight. And the adverse impact in terms of partial unsuitability of location is of limited weight. This combination of adverse impacts would not significantly and demonstrably outweigh the substantial and significant combination of public benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole.

139. As such, the proposal benefits from the presumption in favour of sustainable development. I find that this consideration is of sufficient weight to indicate that planning permission should be granted, notwithstanding the conflict with the development plan. I therefore conclude that the appeal succeeds.

William Cooper

INSPECTOR

[10] As set out in paragraph 55 of the Council's Closing Submissions.

ANNEX A: SCHEDULE OF CONDITIONS

1) Reserved matters for the development shall be submitted before the expiration of three years from the date of this permission and the development shall be begun before the expiration of five years from the date of this approval.

2) No development shall commence until details of appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.

3) The development shall be carried out in accordance with the approved drawings listed below: 10588-FPCR-XX-XX-DR-L-0008 issue P01 Location Plan; 2995-F09 Rev G Proposed Site Access Plan.

4) Existing and proposed land levels and finished floor levels up to and including the boundary shall be submitted as part of each of the reserved matters.

5) a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority.

   The scheme shall include an assessment of significance and research questions, and:
   i) The programme and methodology of site investigation and recording;
   ii) The programme for post-investigation assessment;
   iii) Provision to be made for analysis of the site investigation and recording.
   iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
   v) Provision to be made for archive deposition of the analysis and records of the site investigation; and
   vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

   b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 5a).

   c) The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 5a), and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

6) Prior to the submission of any reserved matters application seeking approval of layout, a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity, including that posed by past opencast extraction and shallow

mining. These works shall be carried out in accordance with authoritative UK guidance.

7) Any reserved matters application seeking approval of layout, shall be accompanied by: the findings of the intrusive site investigations (required by condition 6 above), and a proposed layout plan which identifies the alignment of any buried highwalls present within the site and defines appropriate 'no build' zones over these features.

8) Prior to commencement of development, any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented in full in order to ensure that the site is made safe and stable for the proposed development. These works shall be carried out in accordance with authoritative UK guidance.

9) Prior to the first occupation of the development, a verification report for the approved development carried out by a suitably qualified independent engineer shall be submitted to the local planning authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

10)

a) No development shall commence until:
i) The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the 'Assessment') has been carried out;
ii) A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the local planning authority; and
iii) A Remediation Method Statement (the 'RMS') to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted to and approved in writing by the local planning authority.

b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.

c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the local planning authority and the works shall then be carried out in accordance with the revised RMS.

d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.

e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the local planning authority.

f) All investigations, assessments and reports must be carried out by a suitably qualified competent person and in accordance with the Environment Agency publication Land contamination: risk management (LCRM).

11) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

i) Enzygo Environmental Consultants. (2023). NPPF: Flood Risk Assessment. Ref: SHF.1132.281.HY.R.001.A (Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team)
ii) And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015)

have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

12) Prior to commencement of the development, the applicant shall submit for approval to the local planning authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the local planning authority, before the commencement of any works which would lead to increased surface water run-off from site during the construction phase.

13) Prior to the first occupation of the development, a verification report carried out by a suitably qualified independent drainage engineer must be submitted to and approved by the local planning authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company, and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

14) Details to be submitted as part of reserved matters shall include arrangements for the storage of bins and collection of waste. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

15) Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken, which then shall be submitted and approved in writing by the local planning authority. The results and any appropriate mitigation/licensing requirements shall be submitted to the local planning

authority Such approved measures must be implemented in full and adhered to throughout the construction works.

16) Prior to the commencement of development, there shall have been submitted to and agreed in writing by the local planning authority a plan showing details for habitat creation within a minimum 15m buffer to Pond Wood Local Wildlife Site. The habitat creation scheme shall be implemented as approved.

17) No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
i) Risk assessment of potentially damaging construction activities;
ii) Identification of "biodiversity protection zones";
iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on species and habitats during construction;
iv) Details of offset gullies, or suitable alternative, and drop kerbs in the road network to safeguard amphibians;
v) The location and timing of sensitive works to avoid harm to biodiversity features;
vi) The times during construction when specialist ecologists need to be present on site to oversee works;
vii) Responsible persons and lines of communication;
viii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
ix) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

18) Prior to the installation of lighting fixtures, there shall have been submitted to and approved in writing by the local planning authority a detailed lighting strategy, to safeguard bats and other nocturnal wildlife and to minimise any light pollution on the countryside to the west and north of the development. This shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such measures as approved shall be implemented in full.

19) Prior to the commencement of the development, there shall have been submitted to and approved in writing by the local planning authority a Landscape and Biodiversity Enhancement and Management Plan (LBEMP). The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development and should clearly demonstrate a measurable net gain for biodiversity. The plan should also show the positions, specifications and number of features

intended for notable protected species. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. The plan shall include the following details:

The position and specification of:
i) Universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022;
ii) Integrated bat boxes in 10% of dwellings;
iii) 15 external bat boxes;
iv) Insect bricks in 30% dwellings and / or towers in public open space; and
v) Fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

a) Description and location of features to be retained, created, enhanced and managed.
b) Details of the 15m minimum habitat buffer to Pond Wood Local Wildlife Site.
c) Habitat management aims and objectives.
d) Appropriate management methods and practices to achieve aims and objectives.
e) Prescriptions for management actions.
f) A work schedule, including a 30-year work plan capable of being rolled forward in perpetuity).
g) Details of the body or organization responsible for implementation of the plan.
h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
i) Monitoring reports to be sent to the local, planning authority at each of the above intervals.
j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
k) Detailed specifications for open water habitats to provide biodiversity benefits.

Requirement for a statement of compliance upon completion of planting and enhancement works. The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan and its details shall be implemented as approved.

20) a) A Landscape Environmental Management Plan (LEMP) to be submitted as part of any reserved matters submission shall include a detailed landscape scheme for the structural planting, street planting, areas of proposed public realm, the LEAP and the MUGA. Structural planting/general landscaping shall have regard to the advised planting palettes of Landscape Character Type, Coalfield Estatelands, with an allowance for exotic/ornamental trees characteristic of the non designated heritage asset Alfreton Park. The LEMP shall include but not be limited to the following:

i) measures to gap up the hedgerows and to re-establish hedgerow trees within the development site, where evidence survives specifically within the north hedgerow and central hedgerow/green corridor;
ii) re-establish/enhance the historic woodland belt beside the A61 within the development site. This to include the repair/reinstatement of historic park rail and, the replanting of mixed hedgerows along the west edge of the woodland belt while respecting historic views experienced from the A61 towards the church.
iii) At the south-west corner of the appeal site within Alfreton Conservation Area, all beech and oak trees in poor health and dead shall be replaced with a mix of beech and oak in the same location.
iv) Any replanting ratio for the loss of existing trees shall be provided at a ratio of one new tree for each tree lost, of suitable stature and using native broadleaf species and shrub species according to the Landscape Character Type or appropriate to the historic character of Alfreton Park. This could be accommodated within the proposed on-site planting in the areas of public open space or beside the main roads of paths.

b) Following the approval of reserved matters the planting shall be carried out in accordance with the approved details.

c) Any plants or trees in the planting scheme that are removed, die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

21) Any reserved matters submission shall be supported by the submission of an Arboricultural Report in the format of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. This shall include an up-to-date Arboricultural Impact Assessment, tree protection plans and appropriate method statements (as per section 5 & 6 of BS5837:2012). As a minimum the Arboricultural Report shall include but not be limited to:
i) A survey of all trees which are likely to be impacted upon by the proposed development, with details and categorisation results provided in an appropriate schedule (as per BS5837:2012 sections 4.4-4.6);
ii) Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which extend onto the site);
iii) Clear specifications for all proposed management works to retained trees;
iv) A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4);
v) Root protection areas (RPA) and construction exclusion zones;
vi) Exclusion zone protective barriers, giving precise locations and specification;
vii) The position of all new underground services in relation to RPAs;
viii) Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs;
ix) Method statements for all other construction operations which impact on trees;
x) Positions and specification (following BS8545:2014 'Trees: from nursery

to independence in the landscape - Recommendations' as appropriate) for all new tree planting;
xi) Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

22) Notwithstanding the details submitted, the development hereby permitted shall not commence until drawings of the signal-controlled junction on the A61 Chesterfield Road/Site Access and associated connections have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until such works have been completed in accordance with the approved details.

23) The development hereby permitted shall not be occupied until a Travel Plan ('the Plan') submitted to and approved in writing by the local planning authority that promotes sustainable forms of access to the development site. The Plan shall thereafter be implemented and updated where necessary.

24) Prior to commencement of the development hereby permitted details of a Construction Management Plan ('the CMP') shall be submitted to and approved in writing by the local planning authority. Thereafter the approved CMP shall be adhered to throughout the demolition/construction works. The CMP shall include but not be restricted to:
i) Parking of vehicle of site operatives and visitors, including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction;
ii) Advisory routes for construction traffic;
iii) Any temporary access to the site;
iv) Locations for loading/unloading and storage of plant, waste and construction materials;
v) Method of preventing mud and dust being carried onto the highway;
vi) Arrangements for turning vehicles;
vii) Arrangements to receive abnormal loads or unusually large vehicles;
viii) Highway Condition survey;
ix) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

25) All construction activities shall comply with the following:

- Operating hours: No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours.

- Noise and vibration: All activities shall comply with the guidance in British Standard BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites - Part 1: Noise' (Section 8 and Annex B) and Part 2: Vibration' (Section 8);

A health and safety risk management system shall be designed and implemented to eliminate or minimise reversing and the use of high-pitched reversing alarms;

No piling, blasting, dynamic compaction or use of vibrating rollers shall occur on the site before notifying the Borough Council's Pollution Control Team.

- Dust/Particulate emissions: No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective.

  Site roads shall be hard-surfaced and regularly cleaned, at least once daily. Any mechanical road sweepers shall use an adequate filtration system and water supply to minimise the emission of dust/mud off-site - under no circumstances shall a sweeper be operated dry, without an adequate water supply. A drive-through bath/wash shall be provided, on a suitable area of hardstanding, to clean the wheels of all vehicles before leaving the site;

- Waste: No unwanted materials shall be disposed of on site by burning.

- Lighting/Security cameras: Any temporary site lighting shall be positioned on site to minimise light trespass and glare. Temporary site lighting operating between 22:00 and 07:00 hours the following day shall be agreed with the local planning authority. No site security cameras shall operate an audible warning alarm.

26) All noise-sensitive dwellings/plots on the site shall be protected from road traffic noise in accordance with the advice in the 'Noise Impact Assessment' (GM12334_001_v1.1, Wardell Armstrong, September 2023), or any subsequent agreed amendments to it, such that the following noise levels are not exceeded:
    - 55dB LAeq,16hour (free field) in outdoor living areas between 07:00 and 23:00 hours;
    - 35dB LAeq,16hour inside living rooms and bedrooms between 07:00 and 23:00 hours;
    - 40dB LAeq,16hour inside dining rooms/areas between 07:00 and 23:00 hours;
    - 30dB LAeq,8hour, and 45dB LAmax,fast more than 10 times a night, inside bedrooms between 23:00 and 07:00 hours; and

Development shall not begin until the individual noise-sensitive dwellings/plots have been identified and details of the site layout, internal layout of the dwellings and noise mitigation measures necessary to comply with the above have been submitted to, and approved in writing by the local planning authority. The development shall be carried out and maintained in accordance with the approved details, and the noise mitigation works completed under the supervision of an acoustic engineer. In dwellings where windows must be closed to achieve the above levels, adequate acoustically treated ventilation and cooling must be provided.

Should proposals for the site design alter from that on which agreed noise mitigation measures are based, a further audit of the noise assessment and proposed mitigation measures shall be submitted to, and approved in writing by the local planning authority before the proposed amendments are implemented.

A further acoustic report verifying compliance with the above shall be submitted to, and approved in writing by the local planning authority before the occupation of any of the acoustically treated dwellings/plots.

The developer shall notify prospective occupants of the dwellings of the standard of sound insulation installed and, where necessary, of the need to keep windows closed and use the alternative ventilation provided to obtain its full benefit.

27) Notwithstanding the submitted information, the building height of any dwellings shall not exceed two storeys.

ANNEX B: CORE DOCUMENTS REFERENCED IN THIS DECISION

CD 1.1	Drawing 10588-FPCR-XX-XX-DR-L-0008 Location Plan
CD 7.3	The Landscape Character of Derbyshire (2014) study - Extracts
CD 8.7	Appendix 1 Figures of the Council's heritage consultant's Proof of Evidence
CD 10.1	Appeal Decision Ref: APP/M1005/W/22/3299953 Land north west of Hall Farm
CD 12.4	Building the homes we need Written Ministerial Statement made on 30 July 2024
CD 13.3	Drawing 10588-FPCR-XX-XX-DR-L-0004 issue P10 Development Framework
CD 13.6	Technical Note: Additional Ecological Information (July 2024)
CD 13.8	Transport and highways Response Note RN04 (Eddisons)
CD 13.10	BNG Technical Note (September 2024)
CD 13.11	The Statutory Metric Calculation Tool (05.09.24)
CD 13.12	Transport and highways Response Note RN02 (Eddisons)
CD 13.13	Transport and highways Response Note RN04 (Eddisons)
CD 14.6	Statement of Common of Ground on Highway Matters
GDL-4-P	Proof of Evidence: Arboricultural Matters (FPCR)
	Closing Submissions on behalf of the Local Planning Authority

ANNEX C: DOCUMENTS SUBMITTED AT THE INQUIRY

1. Opening Statement on behalf of the Appellant
2. Opening Statement on behalf of the Local Planning Authority
3. Statement of Richard Marsden
4. Closing Statement on behalf of the Appellant
5. Closing Submissions on behalf of the Local Planning Authority

ANNEX D: DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Planning Obligation by Deed of Agreement, dated 31 October 2024, received 31 October 2024.

ANNEX E: APPEARANCES

FOR THE APPELLANT

Richard Kimblin of King's Counsel

He called

Kathryn Fitzgerald *MRTPI*	Planning Director, Gladman Developments Ltd
Kurt Goodman *MCIEEM*	Director, FPCR Environment and Design Ltd
Timothy Jackson *CMLI*	Senior Director FPCR Environment and Design Ltd
Helen Kirk *MArborA MICFor*	Director, FPCR Environment and Design Ltd
Gail Stoten *FSA MCIfA*	Heritage Executive Director Pegasus Planning Group
Matthew Travis *CEnv CSci MCIWEM C.WEM*	Managing Director, Enzygo Ltd
Phil Wooliscroft	Eddisons

FOR THE LOCAL PLANNING AUTHORITY (AVBC)

Ned Westaway of Counsel

He called

Nigel Atkinson *CMILT MCIHT*	Assistant Director, Regulatory Services - Economy and Regeneration - Place, Derbyshire County Council
Deborah Evans *CMLI IHBC*	Director, DE Landscape & Heritage Ltd
Kieron Huston *CIEEM*	Head of Biodiversity Planning, Derbyshire Wildlife Trust
Melanie Morris *IHBC MRTPI*	Mel Morris Conservation
Amanda Olley *MRTPI*	Managing Director, Summit Planning Associates Ltd
Rodney Whiteman	Countryside Project Officer (Woodlands), Derbyshire County Council

INTERESTED PARTIES

Karen Bradley	Local resident
Kate Jones	Local resident
Richard Marsden	Save Our Countryside Action Group and Alfreton and District Footpaths Society
Peter Milner	Alfreton Town Council
Caz Moon	Local resident
Ryan Morgan	CPRE Derbyshire
Clare Price-Dowd	Local resident
Liz Scott	Local resident
Jamie Selby	Save Alfreton Countryside
Colin Wilkins	Local resident