Development of 80 Affordable Dwellings

Land West of Crosshill, Crosshill, Codnor

Supporting Planning, Design and Access Statement

April 2026

Quality Control

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1.0 Introduction

1.1 This Supporting Planning, Design and Access Statement has been prepared by Planning and Design Group ("P&DG") on behalf of Wheeldon Brothers Limited ("the applicant") in support of an outline planning application for the residential development of 80 affordable dwellings, together with associated landscaping, public open space and access infrastructure, on Land West of Crosshill, Crosshill, Codnor.

1.2 The application site lies outside the settlement boundary and within the Nottingham-Derby Green Belt. The proposal is therefore advanced on the basis that it constitutes inappropriate development in Green Belt terms and must be assessed against the test of whether very special circumstances exist. This statement does not proceed on the basis that the proposal benefits from the paragraph 155 route under the National Planning Policy Framework. Rather, it candidly addresses the proposal as one which conflicts with the development plan when read as a whole, but which is supported by a combination of material considerations of sufficient force to justify continued positive determination.

1.3 That approach reflects the fact that Amber Valley Borough Council has now adopted the Amber Valley Borough Local Plan 2022-2040. The adopted plan confirms a five-year housing land supply position, but it also recognises important continuing housing pressures within the Borough, including a substantial affordable housing shortfall and the need to commence work on a further new Local Plan. The Inspectors also expressly concluded that, even if all allocations in the adopted plan come forward, Amber Valley will not meet all of its affordable housing need over the plan period.

1.4 The principal case advanced in this statement is therefore that, although the proposal is inappropriate development in the Green Belt and does not accord with the development plan when read as a whole, the actual extent of Green Belt harm in this instance would be limited, the site occupies a contained and sustainable edge of settlement location, the scheme would deliver 80 affordable dwellings in a Borough with acute affordable housing needs, and the Council's own historic evidence has previously identified the site as having a low impact on the wider strategic Green Belt function. Those considerations, taken together with the social, environmental and economic benefits of the scheme, amount to very special circumstances which clearly outweigh the harm by reason of inappropriateness and any other identified harm.

1.5 The purpose of this statement is to explain the site context, describe the proposed development, assess the application against the adopted development plan and other material considerations, and set out the very special circumstances relied upon by the applicant. It concludes that, whilst the proposal does not accord with the development plan when read as a whole, the cumulative weight of the identified very special circumstances is such that the application warrants continued detailed consideration and, subject to the satisfactory resolution of access and other technical matters, planning permission should be granted.

2.0 The Site

2.1 The application site comprises of a rectangular parcel of land approximately 2.22ha in size, which lies to the west of the A6007 in the settlement of Crosshill, Codnor, as shown on the Site Location Plan (see Appendix 1).

2.2 The site has most recently been in agricultural use (ALC Grade 4 – Poor quality) with an existing disused single-storey outbuilding within the eastern extents of the site. There is an existing farm-track access taken directly from the A6007.

2.3 The application site is bordered by the established residential properties associated with Middleton Avenue (to the north) A6007 Crosshill (to the east) and Highfield Close (to the south). To the west of the site lies pastoral land and linear residential development that extends along Codnor-Denby Lane.

2.4 The application site lies outside of the settlement boundary of Crosshill, Codnor and is within an area of open countryside that falls within the Nottingham-Derby Green Belt.

2.5 The application site lies in a highly sustainable location within close proximity to the main urban areas of Ripley (including Codnor and Waingroves) and Heanor (including Loscoe).

2.6 The local centre of Codnor is approximately 1.2km (10-minute walk) to the north of the site and contains a wide range of services and facilities including a food retail (Tesco Express and Farmfoods), a pharmacy, hot food takeaways, pubs, sports facilities, and a primary school.

2.7 Likewise, the local centre of Heanor is approximately 2.5km to the south of the site and contains a wide range of higher order services and facilities including a number of supermarkets (Tesco, Home Bargains and Aldi), sport and leisure facilities (PureGym) as well as pubs, cafes and hot food takeaways.

2.8 The site is well-connected by established public transport connections with regular services to the surrounding area including Codnor, Heanor and Langley Mill. This includes services Rainbow One and H1. The bus service H1 provides a connection to Derby.

2.9 There are no listed buildings located within the site or within the immediate surrounding area that would be affected by the proposed redevelopment. The site is also not located within a Conservation Area.

2.10 The site is located within Flood Zone 1, and is therefore, considered to be at low risk of fluvial flooding. The site is also at a very low risk of surface water flooding, as per Environment Agency Flood Risk data.

2.11 There are no Public Rights of Way that run through the site itself. However, a Public Right Way (ref: Codnor-AV32 5/1) runs to the south west of the site providing a pedestrian connection from Codnor-Derby Lane to Brook Street. A further Public Right of Way (ref: Heanor and Loscoe-AV10 23/3) runs to the south west of the site that provides a connection from Codnor-Denby Lane to Ford Avenue (Lescoe).

Proposed Additional Housing Growth Site

2.12 The application site was previously identified as a proposed additional Housing Growth Site for 81 dwellings (ref: PHS075, Crosshill Codnor) as part of the preparation of the Council's previous emerging Local Plan that was withdrawn in May 2019.

2.13 The justification for the proposed allocation of the site is set out in the Assistant Director's report to Full Council on 4th March 2019, which is enclosed at Appendix 2 of this statement for full reference.

2.14 The report states:

'The Green Belt Stage 2 assessment of this site concludes that development would have a low impact on parcel 39 and that the impact of development on the wider strategic Green Belt function would be low'

2023 Strategic Housing Land Availability Assessment

2.15 The application site was assessed as part of the Council's 2023 Strategic Housing Land Availability Assessment known as 'Land West of Cross Hill, South of Middleton Avenue, Codnor' ref: AVBC-2013-0006.

2.16 The only reason that the site was not considered suitable for residential development was its location within the Green Belt. The site was otherwise recognised as being available and achievable.

Planning History

2.17 There is no relevant planning history relating to the site available on the Council's records.

3.0 Proposed Development

3.1 Outline planning permission with all matters reserved except access is sought for the residential development of up to 80 affordable dwellings on Land to the west of Crosshill, Crosshill, Codnor.

3.2 The application site comprises of approximately 2.2ha and it is proposed that the residential development would be delivered at a density of 36 dwellings per hectare, along with provision of public open space, green infrastructure and structural landscaping.

3.3 The proposed development will be accessed via an improved vehicular access new priority junction on to Crosshill (A6007) via the existing farm track, which will be formalised, enhanced and extended.

3.4 The proposed development would include a broad range of housing types including 1 to 4-bed properties to meet the identified local affordable needs of the Borough. The final mix and layout of the proposed development will be subject of future reserved matters.

4.0 Planning Policy Context

4.1 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with an application for planning permission: *'The Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material consideration'.*

4.2 Similarly, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.3 The statutory development plan for Amber Valley is comprised of the Amber Valley Borough Local Plan 2022-2040 that was recently adopted on 2nd March 2026 and replaces the 2006 Amber Valley Local Plan.

4.4 There is no adopted Neighbourhood Plan for the Parish of Codnor, and therefore, there are no relevant neighbourhood plan policies.

4.5 The relevant policies contained within the development plan are as follows:

4.6 **Policy SS1 – Presumption in Favour of Sustainable Development** states that when considering development proposals, the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

4.7 **Policy SS2 – Spatial Strategy for Housing and Economic Growth** states that the plan makes provision for a minimum of 7,656 additional homes in sustainable locations between 2024 and 2040. The policy continues to state that this growth will take place within and immediately adjacent to other villages and settlements, such as Crosshill, in accessible and sustainable locations that promote the vitality and viability of communities, maintain their rural character and individual settlement identities and meet the needs of local communities.

4.8 **Policy SS3 – Settlement Hierarchy** states that in *'Other Villages and Settlements'* development will be limited to a smaller scale of development, whilst any development in the countryside will be restricted so as to be consistent with the type of development envisaged by national policy and the other policies in this plan.

4.9 **Policy SS8 – Green Belt** states that within the Green Belt, as defined on the Policies Map, planning permission will only be granted for development in accordance with National Policy and other policies in this plan.

4.10 **Policy H2 – Housing Development within and Adjacent to Other Villages & Settlements** supports the development of new dwellings adjacent to the built framework of Other Villages and Settlements in certain circumstances including the conversion of existing dwellings, replacement of existing dwellings or new dwellings of infilling of small gaps or proposals for affordable housing on 'rural exception' sites.

4.11 The policy supports such on the basis that it is demonstrated that the proposals are of a scale and character that would be reflective and proportionate to the settlement, it would constitute sustainable development by being accessible to a range of services and facilities; and there will be sufficient infrastructure capacity, either existing or proposed to support the level of development.

4.12 **Policy H4 – Housing Types, Mix & Choice** states that proposals should provide a mix of new housing on development sites which reflect the most up-to-date evidence of local housing needs.

4.13 **Policy H5 – Affordable Housing** states that proposals for housing development for ten or more dwellings will be expected to include provision of affordable housing based on defined Housing Value Zones. Crosshill is within a Lower Value Zone requiring 20% affordable housing provision.

4.14 **Policy EN1 – Climate Change** states that all development proposals will be required to maximise opportunities to reduce emissions and meet the Government's net zero target.

4.15 **Policy EN3 – Flood Risk** sets out the Borough Council's approach to managing flood risk as part of all future developments, which includes exploring opportunities to provide reductions in flood risk to the site.

4.16 **Policy EN7 – Landscape Character & Features** states that development will be permitted where it would protect or enhance the character, quality and the local distinctiveness of the landscape, including the contribution the landscape makes to the character of individual settlements or hamlets and would protect or enhance existing landscape features that make a positive contribution to landscape character.

4.17 **Policy EN8 – Biodiversity** states that all development should protect, manage, enhance and extend the ecological network of habitats, species, and sites of international, national and local importance; minimise impacts on biodiversity and features of geodiversity value; and deliver measurable and proportionate net gains in biodiversity.

4.18 **Policy EN9 – Biodiversity Gains** states that all development proposals will be required to achieve at least 10% biodiversity net gain using the Government's Biodiversity Metric.

4.19 **Policy EN15 – Quality and Design of Development** sets out the design principles that the Borough Council will assess all development proposals against.

4.20 **Policy IN1 – Transport** states that development proposals will be supported where they prioritise sustainable and inclusive transport (including public transport, walking and cycling), do not adversely affect local traffic, access or parking arrangements, ensure the highway network can safely accommodate generated traffic, comply with parking standards, follow best practice in transport assessment and travel planning, and, where necessary, provide or contribute to off-site transport improvements.

National Planning Policy Framework (NPPF) (December 2024)

4.21 National policy is defined by the relevant paragraphs of the National Planning Policy Framework (NPPF) (published December 2024) and Planning Practice Guidance ('NPPG').

4.22 The NPPF is a material consideration in planning decisions. Among other things, it provides for several objectives relevant to the proposal. Additionally, given that the development plan pre-dates the NPPF, there are a number of Saved Local Plan policies that do not fully accord with the NPPF, and as such, are considered to be out of date.

4.23 The NPPF recognises that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). In achieving sustainable development, the planning system has overarching social, economic, environmental objectives that are interdependent and need to be pursued in mutually supportive ways.

4.24 At the heart of the NPPF is the presumption in favour of sustainable development which for decision-taking means: *'approving development proposals that accord with an up-to-date development plan without delay'* (Paragraph 11c).

4.25 It also means (Paragraph 11d.) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

"The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable housing, individually or in combination."

4.26 **NPPF Paragraph 61** states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is need, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

4.27 **NPPF Paragraph 124** states that planning policies should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

4.28 **NPPF Paragraph 125c** states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.

4.29 **NPPF Paragraph 125d** states that planning policies and decision should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

4.30 **NPPF Paragraph 155** states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
b) There is a demonstrable unmet need for the type of development proposed;
c) The development would be in a sustainable location with particular reference to paragraphs 110 and 115 of this Framework; and
d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

4.31 **NPPF Paragraph 156** states that where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

a) affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;
b) necessary improvements to local or national infrastructure; and
c) the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

4.32 **NPPF Paragraph 157** states that before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%.

4.33 **NPPF Paragraph 158** states that a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission.

NPPF Consultation 2025

4.34 The Government has recently consulted on a revised version of the NPPF, which closed on 10th March 2026. Regard has been given to the emerging 2025 policy proposals in the preparation and assessment of this application. However, whilst these policy proposals introduce a number of significant changes at a national level, they do not materially alter how this application would be considered.

Housing Land Supply Position

4.35 The Council's latest Housing Land Supply Position demonstrates that it has a supply of 7.39 years of housing land for the period 1 April 2025 to 31 March 2030 (as set out in Appendix 1 of the adopted *Amber Valley Local Plan 2022–2040*). This is based on a five-year requirement of 2,279 dwellings, derived from an annual requirement of 434 dwellings calculated using the Standard Method set out in the NPPF (2023), plus a 5% buffer to ensure choice and competition in the housing market. Against this requirement, the Council can demonstrate a supply of 3,370 dwellings.

4.36 It should be noted that the recently adopted Local Plan was prepared under transitional arrangements following the introduction of a revised NPPF and an updated method for calculating housing need. The revised Standard Method would result in a significant increase in local housing need within the Borough, from 351 to 615 dwellings per annum.

4.37 The Council is therefore required, under Policy MR1 (Monitoring and Review) of the adopted Local Plan, to prepare and submit a new Local Plan in accordance with the plan-making provisions set out in the Levelling Up and Regeneration Act 2023. This will include provision for a level of housing growth consistent with the revised Standard Method, as well as addressing any unmet housing need within the Derby Housing Market Area.

Affordable Housing Evidence

4.38 The Amber Valley Local Housing Needs Assessment (published in December 2023) sets out the Council's latest position with regards to the need for affordable housing within the Borough.

4.39 Table 3.20 (Page 14) confirms that the Council have an affordable housing need for 542 affordable dwellings per annum, which is comprised of 401 social/affordable

rented dwellings and 141 affordable home ownership dwellings. The assessment, therefore, concludes that the Council should aim to maximise the delivery of affordable homes when the opportunity arise (see Paragraph 3.43).

4.40 The assessment also confirms that the affordable housing needs of the Borough are increasing year-on-year with the 2022 Local Housing Need Assessment previously identifying a need for 480 dwellings per annum. Given it has been 18 months since the previous update that figure is likely to have increased further.

4.41 In addition to the above, there are according to the Future Housing Group in Amber Valley there were 1,932 households on the waitlist for social housing with only 502 new social housing lettings available for the period 2022 to 2023. As such, if no new households joined the list it would take over 3.85 years before every household on the waiting list can move into a home.[1]

4.42 The Inspector's Report on the examination of the Amber Valley Borough Local Plan 2022-2040 recognises that the Council's affordable housing needs will not be met over the plan period. It states (Paragraph 72):

'Even if all the allocations in the Plan come to fruition, and deliver the required element of affordable housing, the Borough will not meet all of its affordable housing need over the Plan period.'

4.43 There is, therefore, a significant affordable housing need within the Borough, which is a material consideration that weighs in favour of the grant of planning permission for 80 affordable dwellings in the overall planning balance.

[1] https://futureshg.co.uk/about-futures/newsroom/latest-news/2024/social-housing-waiting-lists-could-take-almost-four-years-to-clear

5.0 Planning Assessment - Principle of Development

Introduction

5.1 This section considers the principle of the proposed development.

5.2 The application site lies immediately adjacent to the built framework of Crosshill, which is identified in the adopted Local Plan as an 'Other Village and Settlement'. However, the site itself lies outside the settlement boundary and within the Nottingham-Derby Green Belt. The proposal must therefore be assessed having regard to the adopted spatial strategy, the settlement hierarchy, the specific housing policies relating to development within and adjacent to Other Villages and Settlements, and national Green Belt policy.

5.3 It is acknowledged that in the current Plan context, that the proposal is inappropriate development in the Green Belt. In addition, whilst the site occupies a sustainable edge of settlement location, the proposal does not accord with the development plan when read as a whole. Specifically, there is conflict with the Green Belt policy approach in the adopted plan.

5.4 The principal question for the Council is therefore not whether the proposal accords with paragraph 155 of the Framework, but whether the harm to the Green Belt by reason of inappropriateness, together with any other identified harm, is clearly outweighed by other material considerations so as to amount to very special circumstances.

5.5 In answering that question, it is necessary to assess, first, the actual extent of Green Belt harm arising from the development in this particular location and, second, the weight to be given to the material considerations that support the proposal. Those considerations include the Borough's acute affordable housing need, the exceptional weight that should be given to a scheme delivering 100% affordable housing where the adopted policy requirement is materially lower, the site's contained relationship to the existing settlement, the Council's own historic evidence regarding the site's limited Green Belt impact, the sustainable location of the development, and the wider social, environmental and economic benefits of the scheme.

5.6 The assessment below therefore addresses the principle of development under two broad headings: the effect of the proposal on the Green Belt, and the very special

circumstances which, taken cumulatively, are relied upon to justify the grant of planning permission in this case.

1. Impact of the Proposed Development on the Green Belt

5.7 Paragraph 143 of the NPPF sets out the five purposes of the Green Belt, which are as follows:

a) To check the unrestricted sprawl of large-built up areas';
b) To prevent neighbouring towns merging into one another;
c) To assist in safeguarding the countryside from encroachment;
d) To preserve the setting and special character of historic towns; and
e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.8 The site's contribution to the purposes of the Green Belt has been considered as part of a number of studies undertaken by the Council in recent years. These include the following:

- Green Belt Review (2018);
- Stage 2 Green Belt Assessment (2019); and
- Landscape Sensitivity Study (2016).

5.9 Each of these studies and their assessments of the site are considered, as follows:

<u>Green Belt Review (2018)</u>

5.10 A Green Belt Review was undertaken in 2018 by DLP Planning Ltd on behalf of Amber Valley Borough Council to inform the preparation of the previously withdrawn Local Plan. The purpose of the review was to assess parcels of land against the purposes of the Green Belt to identify potential land that could be allocated for residential development.

5.11 The application site forms part of Parcel 39 within the Green Belt Review, which is described as: *"Includes a number of properties of Codnor Breach, pastures and a brook which runs down the middle. Boundaries include Codnor Denby Lane to the north/west, the extent of the property boundaries of properties associated with Cross Hill and Loscoe (edges of settlements) to the east and Loscoe Denby Lane/the extent of those properties of Codnor Breach (edge of settlement) to the south."*

5.12 Parcel 39 was assessed against purpose (a-d), the review did not consider purpose (e) as this is a contribution that the Green Belt makes as a whole rather than any individual parcel.

5.13 Overall, the assessment concluded that Parcel 39 performed a critical contribution to the Green Belt, and as such, that the parcel has little/no capacity for change (by way of new development). A breakdown of the assessment for Parcel 39 is as follows:

- Purpose A - Major
- Purpose B - Critical
- Purpose C - Moderate
- Purpose D – N/A

5.14 The application site, however, only forms a small part of the eastern extents of Parcel 39, and as such, it can be argued that the conclusions of the Green Belt Review do not apply wholly to the application site. As such, if the site was assessed independently it would have a much lower contribution to the Green Belt purposes.

Stage 2 Green Belt Assessment (2019)

5.15 Subsequently, a Stage 2 Green Belt assessment was undertaken by DLP Planning Ltd on behalf of the Council that assessed a number of potential development sites against the functions of the Green Belt should a portion of the identified Green Belt parcel be removed from the Green Belt.

5.16 Following the Stage 2 Assessment, the site was identified as a draft housing allocation for 81 dwellings (ref: PHS075, Crosshill Codnor). As set out in Appendix 2 of this statement, the Officers highlighted (paragraph 6.45) that:
"The Green Belt Stage 2 assessment of this site concludes that development would have a low impact on parcel 39 and that the impact of development on the wider strategic Green Belt function would also be low"

5.17 Additionally, that:

"Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 39 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this

location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan. It is proposed that the area of land to be deleted from the Green Belt should extend beyond the southern boundary of the site, to include a small area of additional land that would no longer perform any Green Belt function and to provide a stronger and more defensible Green Belt boundary."

5.18 The previous evidence, therefore, demonstrates that the site has previously been assessed as being suitable to be released from the Green Belt to deliver new residential development.

5.19 It is recognised that the wider Green Belt performs a function in encouraging the regeneration and recycling of derelict brownfield land in urban areas. However, there is limited brownfield land available within Amber Valley to meet its identified housing needs. This is recognised within the emerging Local Plan, which proposes a significant number of residential allocations on greenfield land, as well as employment allocations on Green Belt land.

5.20 Notwithstanding this, the application site comprises of a very small area of Green Belt land, which would not undermine the overall intention of the Green Belt.

Landscape Sensitivity Study (LSS) (2016)

5.21 A Landscape Sensitivity Study (LSS) was undertaken in 2016 on behalf of the Council by the Wardell Armstrong that assessed the sensitivity of the landscape surrounding settlements to development to inform the preparation of the previously withdrawn Local Plan.

5.22 The application site was assessed as part of that study as having a low sensitivity to new development, which is illustrated on Map 8 of Ripley and Cross Hill within the drawings appended at the back of the study.

5.23 Indeed, the study highlights that there is a parcel of land comprising of four fields to the centre of Cross Hill, which includes the application site, that are enclosed by existing development to the north, south and east, along with trees and hedgerows to the west. The study states that owing to the nature of the enclosed pattern the visual prominence of this land is low.

5.24 The study concludes, therefore, that development in this area (and therefore the application site) would not be likely to adversely affect the form of the settlement and with appropriate masterplanning, incorporating appropriate planting, development would not likely affect the character of this area.

Overall – Green Belt Conclusion

5.25 On the basis of the above, it can be concluded that the application site makes a limited contribution to the purposes of the Green Belt, and that whilst by definition, harm would arise this would be limited as the site is less sensitive within the landscape and is well contained within its boundaries. Additionally, the limited harm is outweighed by other considerations, as considered below.

2. Very Special Circumstances

The Acute affordable housing need and exceptional affordable housing delivery

5.26 The most substantial consideration weighing in favour of the proposal is the acute and acknowledged need for affordable housing within Amber Valley. The Council's latest evidence identifies a very substantial annual affordable housing requirement, and the adopted Local Plan examination confirms that, even if all allocations in the plan come forward and deliver the required policy compliant proportion of affordable housing, the Borough will not meet all of its affordable housing need over the plan period.

5.27 That point is critical in the present case. This is not a market housing proposal seeking to rely on a generalised housing benefit. It is a scheme for 80 affordable dwellings. The weight to be given to that benefit is therefore very substantial. It would make a direct and immediate contribution towards meeting a form of housing need which the Council accepts is acute and which the adopted Local Plan does not fully resolve.

5.28 The weight of that benefit is increased further by the fact that, under adopted Policy H5, development in this location would ordinarily be required to provide 20% affordable housing. The proposed development would deliver 100% affordable housing and would therefore go very materially beyond the level of provision required by policy. In planning terms, that is an exceptional public benefit which should be afforded very substantial weight in the overall planning balance.

Limited actual Green Belt harm and site specific context

5.29 Whilst it is acknowledged that in the current plan context, the proposal is inappropriate development in Green Belt terms, the actual extent of Green Belt harm in this particular location would be limited.

5.30 The site occupies a contained edge of settlement position adjacent to the existing built framework of Crosshill, with existing residential development to the north, east and south. The Council's own earlier evidence is important in this regard. The Stage 2 Green Belt Assessment previously concluded that development of this site would have a low impact on parcel 39 and a low impact on the wider strategic Green Belt function. The site was previously identified as a proposed additional Housing Growth Site for 81 dwellings, and the Council's 2023 Strategic Housing Land Availability Assessment also identified the site as available and achievable, with Green Belt designation being the reason why it was not treated as suitable.

5.31 These are not determinative matters, but they remain important material considerations. They show that the proposal does not concern a highly sensitive or strategically critical Green Belt location, but rather a site which the Council has itself previously regarded as capable of development with limited wider Green Belt consequences. That significantly tempers the weight to be attributed to actual Green Belt harm in this case, beyond the definitional harm arising from inappropriateness.

Sustainable location and ability to accommodate development

5.32 The site also occupies a sustainable location immediately adjacent to the existing settlement and within convenient reach of services, facilities and public transport connections serving Codnor, Ripley and Heanor. The proposal would therefore deliver affordable housing in a location where future residents would have realistic access to shops, schools, services and public transport, rather than in a remote or isolated countryside location.

5.33 That locational sustainability is also a material consideration of weight. It means that, if development is to be justified in Green Belt terms at all, this is a location where the social benefits of new affordable housing can be realised in a practical and sustainable way.

5.34 In addition, the planning application is supported by the usual suite of technical work and there is no in principle evidence before the Council to indicate that the site is incapable of accommodating residential development. The applicant continues to engage positively in relation to access and other technical matters. In that context, the application should continue to be considered on its planning merits, rather than being treated as a proposal that ought to be dismissed at principle stage without full and careful determination.

Adopted plan context and need for early review

5.35 The applicant recognises that the adopted Local Plan is now the statutory starting point for decision making and that the Council can presently demonstrate a five year housing land supply. No contrary case is advanced in this statement.

5.36 However, the adopted plan also contains a clear acknowledgment that it is not the final word on the Borough's long term housing needs. Policy MR1 requires the Council to prepare and submit a new Local Plan under the Levelling Up and Regeneration Act 2023. The supporting text explains that the revised method for calculating housing need increased the Borough's local housing need from 351 dwellings per annum to 615 dwellings per annum, and that the Council is expected to begin work on a new plan to address that shortfall.

5.37 That is not relied upon as a substitute for a present five year housing land supply argument. It is, however, a relevant contextual consideration. It demonstrates that the adopted strategy is transitional in nature, that further strategic choices about housing growth will be required in the near future, and that additional opportunities to meet housing and affordable housing needs will have to be considered. In that context, the substantial public benefits of this proposal should not be dismissed lightly simply because the Council has now secured adoption of its plan.

Other public benefits

5.38 In addition to the exceptional affordable housing benefits of the scheme, the proposal would deliver a broad mix of dwellings, public open space, structural landscaping, biodiversity enhancements, modern energy efficient homes, and economic benefits arising through construction activity and future household expenditure. Those are all material benefits in their own right.

5.39 The scheme would therefore deliver a package of social, environmental and economic benefits that extends materially beyond the simple provision of housing numbers. When taken together, those benefits reinforce the case that the application deserves continued positive and detailed determination.

Overall conclusion on Very Special Circumstances

5.40 The proposal is acknowledged to be inappropriate development in the Green Belt and to conflict with the development plan when read as a whole. However, the case for very special circumstances is compelling.

5.41 The combination of an acute and acknowledged affordable housing shortfall, the delivery of 80 affordable dwellings in a location where policy would ordinarily require only a significantly lower proportion of affordable housing, the limited actual Green Belt harm arising from this specific site, the Council's own earlier evidence regarding the site's low wider Green Belt impact, the sustainable location of the development, the absence of any identified in principle technical impediment to development, and the wider social, environmental and economic benefits of the scheme, together amount to very special circumstances.

5.42 Those considerations are collectively of such weight that they clearly outweigh the harm to the Green Belt by reason of inappropriateness, together with any other identified harm. On that basis, the principle of development is capable of being accepted, subject to the satisfactory resolution of the application's technical and detailed matters.

6.0 Planning Assessment – Technical Matters

6.1 This section considers the proposed development in respect of the key technical matters relevant to and the potential impacts of the proposals, assessing these against and considering their consistency with local and national planning policy guidance.

6.2 In taking account of the site and its environs, the technical matters relevant to the determination of this application are:

- Ecology & Biodiversity;
- Flood Risk & Drainage;
- Access & Highway Safety;
- Coal Mining Risk; and
- Design (see also Section 7).

Ecology & Biodiversity

6.3 A Preliminary Ecological Appraisal (PEA) has been undertaken by Elton Ecology in support of the planning application that assesses the ecological potential of the site and provides recommendation with regards to potential mitigation and enhancement opportunities in accordance with national guidance.

6.4 The PEA confirms that the site does not form part of any international or national designated or non-designated sites for nature conservation. The nearest Local Nature Reserve, known as Red River, is located approximately 1km away to the south east of the site. The proposed development will not, therefore, have any impact on any designated ecological sites.

6.5 The PEA sets out a number of recommendations to ensure that the proposed development is acceptable in terms of ecological impact. This includes undertaking further Reptile Surveys and the implementation of Artificial Lighting Mitigation to protect commuting bats.

6.6 The PEA also recommends that precautionary methods are implemented during construction works to protect foraging and commuting badgers, amphibians, hedgehog and brown hare.

6.7 On the basis that the proposed development proceeds in accordance with the recommendations set out in the PEA, it is considered that the proposed residential development is acceptable in ecology terms.

Biodiversity Net Gain

6.8 A Biodiversity Net Gain Report undertaken by Elton Ecology has also been submitted in support of the planning application that provides an initial assessment of whether the proposed development can deliver the 10% biodiversity net gain requirements.

6.9 Given that the application is only made in outline and in absence of a detailed layout, the report and associated metric is based on assumptions required in the metric user guide.

6.10 The report confirms that utilising the statutory Biodiversity Metric tool the proposed development would result in a total net loss post-development of -6.94 habitat units (-77.19%), which equates to a deficit of 7.83 habitat units below the biodiversity net gain target of 10%.

6.11 The report concludes that the proposed development would not be able to achieve a 10% gain in habitat area. As such, it recommends that off-site habitat compensation options are explored, such as via off-site habitat creation, enhancement or a third-party habitat bank.

6.12 There is scope to incorporate more biodiversity gains on to the site as part of the future detailed design considerations, which will minimise and mitigate against the loss of habitat units. However, any gain not achieved on site will be provided as an off-site contribution to meet the 10% requirement.

Flood Risk and Drainage

6.13 A Flood Risk Assessment & Drainage Strategy Report undertaken by Armstrong Stokes & Clayton Limited has been submitted in support of the planning application that assesses the flood risk associated with the proposed development.

6.14 The assessment confirms that the site is located in Flood Zone 1 and, therefore, at the lowest risk of fluvial/tidal flooding. Additionally, there is no evidence to suggest

the site is at flood risk from ground water, surface water, existing sewers or reservoirs, canals and other artificial sources.

6.15 It is proposed that the disposal of surface water will be managed through the implementation of an attenuation based sustainable surface water drainage strategy, as outlined in Section 5 of the report. This will ensure that there is a reduction in flood risk to surrounding areas resulting from the disposal of surface water run-off as a result of the proposed development.

6.16 The proposed development is, therefore, considered to be acceptable in terms of flood risk and drainage considerations.

Access and Highways Safety

6.17 A Transport Statement prepared by Armstong Stokes & Clayton Limited has been submitted in support of the planning application that considers the access and highway impact of the proposed development in accordance with local and national guidance.

6.18 The statement confirms that a suitable vehicular access for the proposed development can be provided via a new priority junction to Crosshill with a layout that complies with the relevant DCC design requirements and Manual for Streets design standards for a residential development of 80 dwellings.

6.19 The statement also confirms that the proposed residential development will not have a detrimental impact on the operation of the local highway network. The assessment predicts that the development will result in a maximum of 21 peak hour vehicle movements at any one point on the network beyond the site access, which falls below the accepted traffic assessment thresholds.

6.20 It also confirms that the development traffic will not impact on junctions along the A6007 route or A610 between Codnor and the A38. Consequently, the local highway network, in its existing form will be able to accommodate the additional traffic generated by the proposed development.

6.21 The proposed development of 80 affordable dwellings is, therefore, considered to be acceptable in terms of impact on the surrounding highway network.

Coal Mining Risk

6.22 A Coal Mining Risk Assessment undertaken by Geo-Matters Limited has been submitted in support of the planning application that provides an assessment of the coal mining risk to the site and any associated impact on land stability that may affect the proposed residential development.

6.23 The assessment confirms that a coal seam (1st Ell) is inferred to outcrop in the north of the site. Additionally, there are 2no. faults inferred to be present within 250m of the site, 1no. is recorded 97m to the north-east and 1no. is recorded 244m west.

6.24 The assessment concludes that with reference to all records, coal bearing strata likely to influence foundations are possible at shallow depths and potential risks to future site users/structures from working within these materials is considered to be medium.

6.25 Based on the above, the 1st Ell Seam is likely to be within influencing distance of the surface to warrant an initial concern, therefore, the site would need to undergo intrusive site investigations that include mine probing works in order to fully assess the risks from historical mine working beneath the site.

Design and Appearance

6.26 Section 7 of this statement gives specific consideration to the design and access principles that underpin the proposed development.

6.27 The surrounding residential areas host a broad mix of house types that a varied in character and vernacular, such that the introduction of new dwellings on to the site would not appear out of context.

6.28 The proposals are, therefore, considered to be acceptable in terms of relevant local and national design policies.

Assessment Summary

6.29 The supporting evidence submitted with this application has not identified any significant external impacts arising from the development that would preclude the grant of planning permission.

6.30 The proposal has been reviewed in the context of national and local planning policy and the respective weight that must be given to each policy and other material considerations. It is clear that the proposal represents a sustainable form of development that generally accords with relevant provisions of the development plan. There is no technical justification for the withholding of permission.

7.0 Design and Access Statement

7.1 This section of the statement is prepared in response to the requirement to provide a Design and Access Statement in accordance with Section 42 of the Planning and Compulsory Purchase Act 2004 and guidance set out within the National Planning Practice Guidance (NPPG).

7.2 This section appraises the site and surrounding context and explains the design and access principles that have been applied to the proposed residential development of Land West of Cross Hill, Cross Hill, Codnor.

7.3 This section of the statement also sets out the relevant design and access policies and how the proposed development has taken these into consideration.

7.4 This section is structured as follows:

- Design Policy Context
- Site Appraisal
- Design Principles (Use, Amount, Layout, Scale, Landscaping, Appearance)
- Access Principles
- Overall Summary

Design Policy & Guidance

7.5 The relevant planning policy and guidance is considered in greater detail in Section 4 of this Statement. This section, however, focuses on matters of relevance to design and access. The relevant local and national design and access policies are summarised below:

National Policy

7.6 The National Planning Policy Framework (NPPF) supports the delivery of high-quality design within new development. Paragraph 131 states that: *"The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

7.7 NPPF Paragraph 137 states that design quality should be considered throughout the evolution and assessment of individual proposals.

7.8 NPPF Paragraph 109 states that transport issues should be considered from the earliest stages of plan-making and development proposals. Paragraph 110 states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

7.9 The objectives of the NPPF are supported by the National Design Guide, which is a design planning tool that sets out principles for good design and encourages placemaking to create well-designed places.

7.10 The Government have priorities 10 characteristics to form well-designed places:



National Model Design Code

7.11 NPPF Paragraph 134 promotes the use of design guides and codes to help provide guidance to inform decisions on applications. There is no locally produced design code or guide for Crosshill, and as such, in accordance with the NPPF the National Design Guide (as above) and National Design Code must be taken into account.

7.12 The National Model Design Code sets out design considerations which local planning authorities will be expected to take into account when developing local design codes and guides, and when determining applications. It sets a baseline standard of quality and practice to guide the following:

- The layout of new development, including street pattern;
- How landscaping should be approached including the importance of streets being tree-lined;
- The factors to be considered when determining whether façades of buildings are of sufficiently high quality;
- The environmental performance of place and buildings ensuring they contribute to net zero targets;
- That developments should clearly take account of local vernacular and heritage, architecture and materials.

Local Policy

7.13 **Policy EN15 – Quality and Design of Development** sets out the design principles that the Borough Council will assess all development proposals against.

7.14 **Policy IN1 – Transport** states that development proposals will be supported where they prioritise sustainable and inclusive transport (including public transport, walking and cycling), do not adversely affect local traffic, access or parking arrangements, ensure the highway network can safely accommodate generated traffic, comply with parking standards, follow best practice in transport assessment and travel planning, and, where necessary, provide or contribute to off-site transport improvements.

Site Appraisal

7.15 Upon review of the site and surrounding context the following observations can be made:

- The site comprises of pastoral land that is located to the west of the A6007 Crosshill. The site is undeveloped and contains a small outbuilding in the west extents of the site.
- The site is well contained within its boundaries by existing trees and hedgerows with unmown scrubland along the site perimeters.

- There are limited defining features within the site itself that would influence the proposed development.
- The site has an existing farm track access that is taken from the A6007 to the east of the site.
- The site is bordered on three sides by existing residential properties including Middleton Avenue to the north, the A6007 Crosshill to the east and Highfield Close to the south.
- The local centre of Codnor is within close proximity to the site (10-minute walking distance) that contains a wide range of services and facilities to serve future residents of the site.

Design

Use & Amount

7.16 The application site comprises of approximately 2.2ha of undeveloped agricultural land that lies to the west of the A6007, Crosshill, Codnor.

7.17 The proposed development includes the construction of 80no. affordable dwellings along with associated landscaping, public open space and access infrastructure.

7.18 The development proposals will be delivered at a density of 36 dwellings per hectare, which is appropriate within the context, reflects the density of the surrounding area, and represents effective use of the site.

7.19 The surrounding area is largely residential in character, and as such, the introduction of additional residential dwellings is considered to be appropriate. The site is sustainably located, and therefore, suitable for residential purposes given the proximity of a wide range of services and facilities available in the settlement of Crosshill, as well as those available in the wider neighbouring areas of Codnor, Heanor and Waingroves.

Layout

7.20 The exact layout of the proposed residential development is a reserved matter for future consideration. However, the aim will be to deliver a high standard of residential development that seamlessly integrates into the established built form of Crosshill.

7.21 The layout will be informed by the need to balance the provision of housing and effective use of the site alongside the delivery of ecological enhancements, public open spaces and sustainable drainage systems as well as access and parking requirements

Scale

7.22 The exact scale of the proposed residential dwellings is also a reserved matter for future consideration. However, the intention will be to predominately deliver 2 storey dwellings, which is reflective of the size and scale of dwellings within the immediate surrounding residential area of Crosshill. There will also be some 1-storey bungalow dwellings to meet the elderly/disabled needs of the District.

7.23 The scale of the proposed dwellings is considered to be acceptable given the context of the site and surrounding area.

Appearance

7.24 The exact details relating to the appearance and materials used is a reserved matter. However, it is proposed that the site will be finished using materials and architectural details to reflect the existing residential dwellings in the surrounding area. The surrounding area is varied in character and hosts a wide range of house types, finishes and vernacular. As such, there is the opportunity to introduce a range of house types, finishes and detailing on the site.

Landscaping

7.25 The exact detail of landscaping is subject to further consideration as part of the determination of the application. This will include details of boundary treatments, and hard and soft landscaping. There is opportunity to add further interest within the streetscene through the provision of low-level shrub and native planting.

Access

7.26 The proposed development will be accessed via a new priority junction to Crosshill, which essentially comprises of the enhancement and formalisation of the existing agricultural access into the site.

7.27 The exact layout of the proposed residential development is a reserved matter for future consideration. However, this will include internal access arrangements within a logical road hierarchy to serve each of the dwellings. Each dwelling will also benefit from the provision of adequate off-street car parking spaces, which will be provided in accordance with Derbyshire County Council highways guidance.

7.28 The site is located in a highly sustainable location between the two main urban areas of Codnor (approximately 1.1km to the north) and Heanor (approximately 2.5km to the south). These areas provide a wide range of higher order services and facilities including, schools, supermarkets, pubs, leisure facilities, cafés and hot food takeaways.

7.29 The site also benefits from its location along established public transport routes, which provide regular public transport services to Codnor and Heanor and beyond. This includes the Rainbow One and H1 services.

8.0 Summary & Overall Planning Balance

8.1 This Supporting Planning, Design and Access Statement has been prepared on behalf of Wheeldon Brothers Ltd in support of an outline planning application with all matters reserved except access for the proposed residential development of 80 affordable dwellings on Land West of Crosshill, Crosshill, Codnor.

8.2 The proposed development is located within the Green Belt to the west of Crosshill, Codnor. The proposal is therefore inappropriate development in Green Belt terms and does not accord with the development plan when read as a whole. In particular, the application conflicts with the Green Belt policy approach in the adopted Local Plan and, by reason of its scale and location, cannot properly be characterised as policy compliant development under the settlement hierarchy and housing policies for Other Villages and Settlements.

8.3 That is not, however, the end of the matter. The planning balance in this case is not a conventional one. The scheme would deliver 80 affordable dwellings in a Borough where the affordable housing need is acute and where the Inspectors have expressly recognised that the adopted Local Plan will not meet all affordable housing needs over the plan period. The significance of that benefit is heightened by the fact that the adopted policy requirement for affordable housing in this location is only 20%, whereas the proposal would provide 100% affordable housing.

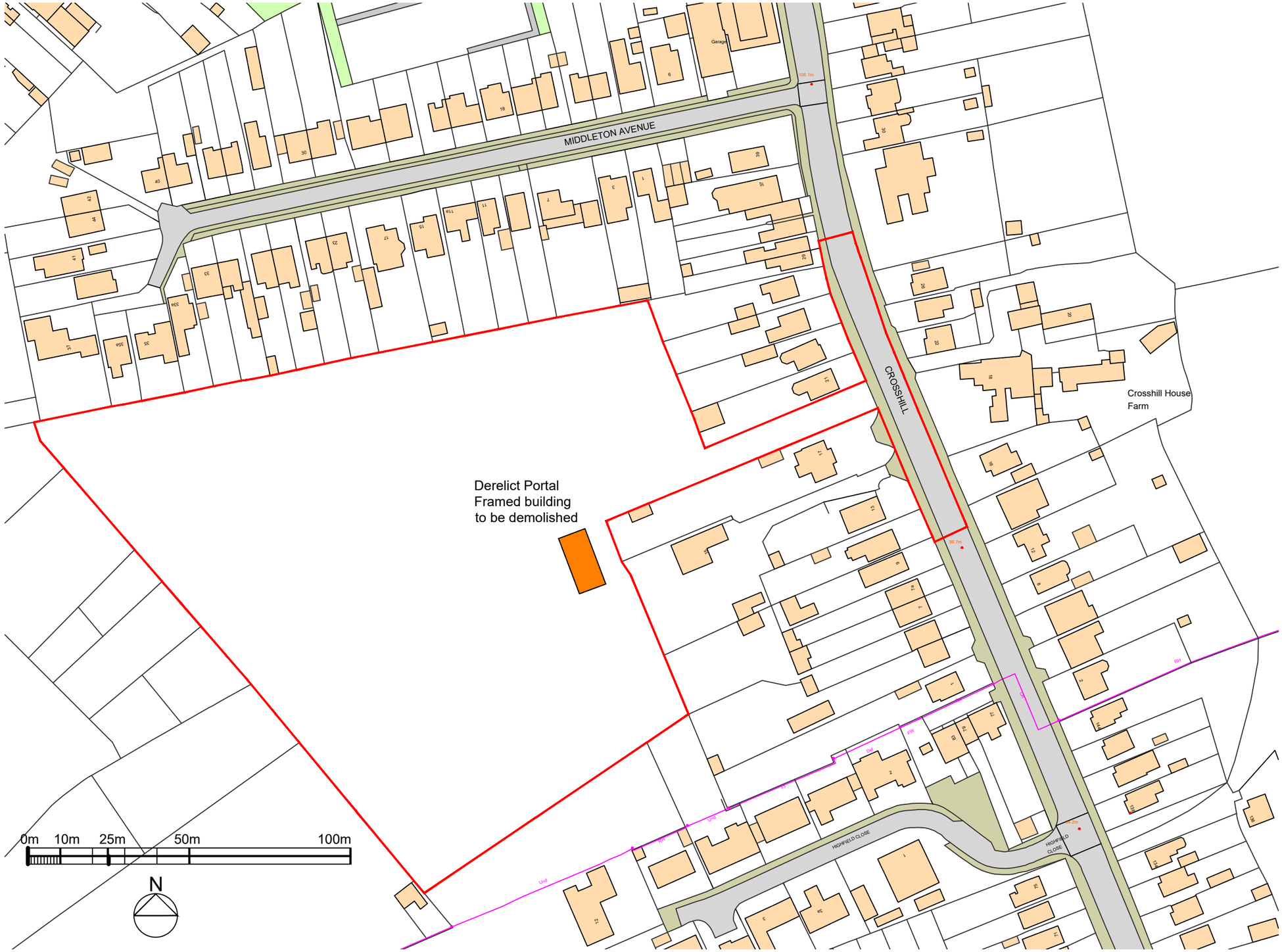
8.4 In addition, the actual harm to the Green Belt arising from this particular proposal would be limited. The site occupies a contained edge of settlement location and the Council's own previous evidence has identified the site as having a low impact on the wider strategic Green Belt function. The site is also sustainably located and the proposal would deliver wider public benefits, including housing choice, public open space, biodiversity enhancement, landscaping, modern energy efficient homes, and economic activity associated with construction and occupation.

8.5 The adopted Local Plan and five-year housing land supply position are acknowledged. Nevertheless, the adopted plan also confirms that further plan making will be required, reflecting the fact that the Borough's long term housing needs extend beyond those presently addressed by the adopted strategy. That is a relevant contextual consideration which adds further support to the careful and continuing determination of this application on its merits.

8.6 Taking all matters together, the applicant considers that the very special circumstances in this case clearly outweigh the harm to the Green Belt by reason of inappropriateness, together with any other identified harm. The application should therefore continue to be positively progressed and, subject to the satisfactory resolution of access and other technical matters and the completion of any necessary planning obligations, planning permission should be granted.

Appendix 1
Site Location Plan

Planning and Design Group
Midlands Office: Pure Offices Lake View Drive Sherwood Park Nottingham NG15 0DT tel 01623 726256
London Office: 5 St John's Lane London EC1M 4BH tel 020 7549 2858
Oxford Office: Bee House 140 Eastern Avenue Milton Park Oxfordshire OX14 4SB tel 01235 854008
Planning and Design Group is the trading name of Planning and Design Group (UK) Limited, Unit 1, Poplars Court, Nottingham, England, NG7 2RR
Registered in England No 8329904 VAT No 155486191



Notes

Please refer to figured dimensions only.

All dimensions to be checked on site.
Report any discrepancy immediately to the Design Department before proceeding.

All FFL's are subject to alteration to site conditions within maximum ± 0.5m

Rev	Date	Amendments	By

WHEELDON

Wheeldon House, Prime Parkway, Derby DE1 3QB
email: design@wheeldon.co.uk
Tel: (01332) 388 400 Fax: (01332) 388 401

Type

Areas

Site
Land at Crosshill, Codnor. Derbyshire.

Drawing
Location Plan.

Checked	PS	BS	QS

Date	Scale
24.06.25	1-1250@A3
DWG CHC/PL/01	Rev

Appendix 2
Report to Council - AVBC Local Plan (4th March 2019)

Planning and Design Group
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Amber Valley Borough Council		Status	Final	Agenda Item No	11(a)
Report To	Full Council	Date	4 March 2019		
Report By	Assistant Director (Planning)				
Report Title	Amber Valley Borough Local Plan				
Portfolio	Regeneration				

1. Purpose of Report

1.1 This report provides an update on the work undertaken by the Council in relation to the Amber Valley Borough Local Plan since 10 July 2018, when the Inspector appointed by the Secretary of State to examine the Submission Local Plan paused the Examination process.

1.2 The report sets out specific recommendations to Full Council for Proposed Changes to the Submission Local Plan, comprising proposed amendments to the existing Green Belt boundary, proposed additional Housing Growth Sites/Economic Growth Sites and a proposed site for Gypsy and Traveller accommodation.

1.3 The report also recommends that Full Council authorises the Leader of the Cabinet to agree the detailed format and content of the Proposed Changes document, an Addendum to the Submission Local Plan Sustainability Report and other supporting documents, prior to their publication and consultation and to agree the arrangements for publication and consultation, in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2. Recommendations

2.1 That the following be agreed as Proposed Changes to the Submission Local Plan:-

i) The allocation of a proposed additional Housing Growth Site at Outseats Farm, Alfreton, as shown at Appendix B

ii) Proposed amendments to the existing Green Belt boundary to delete land from the Green Belt and the allocation of proposed additional Housing Growth Sites, in the following locations and as shown at Appendix B:-

- Far Laund, Belper
- Alfreton Road, Codnor
- Crosshill, Codnor
- Cumberhills Road, Duffield
- Wirksworth Road, Duffield
- Chesterfield Road, Heage
- Ilkeston Road, Heanor
- Peatburn Avenue, Heanor
- Newlands Road, Riddings
- Derby Road, Ripley
- Heage Road, Ripley *
- Nottingham Road, Ripley *
- Pear Tree Avenue, Ripley
- Upper Marehay Road, Ripley

*including allocation of a proposed additional Economic Growth Site

iii) A proposed amendment to the existing Green Belt boundary to delete land from the Green Belt and the allocation of a proposed site for Gypsy and Traveller accommodation at Alfreton Road, Codnor, as shown at Appendix B.

iv) Proposed amendments to the existing Green Belt boundary to delete land from the Green Belt at Mapperley and Marehay villages, to be 'inset' within the Green Belt, as shown at Appendix B

2.2 That the publication of the Proposed Changes to the Submission Local Plan, together with an Addendum to the Submission Local Plan Sustainability Appraisal Report and with other supporting documents, be approved, along with the arrangements for publication and consultation in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012

2.3 That the function of making any minor amendments thereto be an executive responsibility which is exercisable by the Leader of the Cabinet.

3. Reasons for Recommendations

3.1 To enable the Council to address the matters set out in the Inspector's Note dated 10 July 2018 and to maintain progress towards securing the adoption of an up to date Local Plan for the Borough as soon as possible.

4 Consultation

4.1 Local Plan Member/Officer Working Group – meeting held on 12 February 2019.

4.2 Executive Director (Operations) and Leader of the Council - meeting held on 15 February 2019.

4.3 Executive Director (Resources) – by email on 18 February 2019.

5 Strategic (making a difference)

5.1 Securing an up to date adopted Local Plan for Amber Valley has been identified as a key priority by the Council.

6 Background Information and Options

Summary of Inspector's Note on the Way Forward for the Examination – 10 July 2018

6.1 On 10 July 2018, the Inspector appointed by the Secretary of State to undertake the Examination into the submitted Amber Valley Borough Local Plan, published a Note on the Way Forward for the Examination. This Note set out the work that the Inspector expected the Council to undertake during a pause in the Examination process.

6.2 The Inspector's Note acknowledged the Council's decision to undertake a comprehensive Green Belt boundary review (Executive Decision taken by the Leader of the Cabinet on 21 June 2018). This decision was taken in order to inform the process of identifying and proposing additional housing sites for allocation in the Local Plan, to ensure that the Council can demonstrate a 5 year housing land supply on adoption of the Local Plan and meet the minimum target provision for 9,770 additional dwellings between 2011 and 2028.

6.3 The Inspector's Note stated that the Council would need to take into account the relevant paragraphs of the National Planning Policy Framework (NPPF), which state that existing Green Belt boundaries should only be altered in exceptional circumstances and which would need to be clearly set out and evidenced in each case.

6.4 The Inspector's Note stated that the process of identifying and proposing additional sites for housing and other uses should be carried out in an open and transparent way, using an appropriate methodology which objectively considers and assesses the reasonable alternatives, that the Council should set out clearly its reasons for which of those reasonable alternatives it chooses and that this could best be achieved by producing an Addendum to the Sustainability Appraisal (SA) Report.

6.5 In respect of the SA Report that accompanied the Submission Local Plan, the Inspector asked the Council to revisit its assessments of the reasonable alternatives in respect of housing sites, to ensure that these have been subject to equal examination. The Inspector asked that the results of this exercise be published in advance of any decisions taken by the Council to identify and propose additional housing sites.

6.6 The Inspector's Note also referred to the need for the Council to revise the housing trajectory for the Local Plan period, along with an updated 5 year housing land supply calculation, taking into account relevant evidence heard at the Examination Hearing sessions, along with any further information during the pause in the Examination. The Inspector asked the Council to prepare a document, setting out clearly the assumptions on which the revised trajectory is based, as well as referring to a number of matters which should be addressed within that document. The Inspector asked that the document be published in time to enable it to be taken into account in any further statements that she will invite from participants in Examination Hearing Sessions on any proposed changes to the Local Plan.

<u>Revisiting The Assessment Of Potential Housing Sites</u>

6.7 Officers have undertaken this work and have made amendments to a number of the site appraisals, as set out in Appendix 6 of the Sustainability Appraisal Report: Technical Appendices, which accompanied the Submission Local Plan. Subject to these amendments, officers are content that the assessment of those potential housing sites, as reasonable alternatives, has been undertaken on an equal basis. Officers have concluded that despite the amendments to site appraisals, none of those potential sites (outside the Green Belt) that were previously assessed, but were not preferred, should now be proposed as additional Housing Growth Sites. It is noted however that some of those sites have subsequently been granted planning permission for housing development.

<u>Housing Land Supply Update</u>

6.8 The Council has undertaken a further update of the housing land supply position in the Borough, as at 1 October 2018.

6.9 This update takes into account the matters set out in the Inspector's Note on 10 July 2018, namely:-

- Whether or not the site is in the control of a housebuilder and if not, the anticipated timescale for a housebuilder to be in place

- Assumptions made regarding the lead in times for development to commence on site, including the implications of any Section 106 Agreement
- Anticipated build out rates, including, where appropriate, specific thresholds above which a particular build out rate would be considered appropriate
- Market strength, based on past completions data, viability information and professional judgment
- The impact of two or more developers on site and the size of sites above which this is anticipated to happen
- The record of delivery by developers on previous/current development schemes
- How sites with planning permission are assessed where no response has been received from the developer/landowner
- For each site above the threshold for affordable housing, an assessment of the anticipated level of affordable housing likely to come forward as part of any development, having regard to viability and any other constraints.

6.10 Table 1 at Appendix A to this report shows that taking into account net completions since 1 April 2011, net planning permissions and resolutions as at 1 October 2018, a revised windfall allowance (based on annual rate of completions on small brownfield sites between 1 April 2011 and 30 September 2018) and sites already allocated in Neighbourhood Plans, the remaining housing requirement to meet the minimum Local Plan target provision of 9,770 additional dwellings between 2011-2028 is 1,565 dwellings. Table 1 shows that the revised estimate for the number of dwellings expected to come forward by 2028 on the proposed Housing Growth Sites already included in the Submission Local Plan is now 3,014 dwellings.

6.11 In relation to the 5 year housing land supply requirement, Table 2 at Appendix A shows a requirement for 5,561 additional dwellings over the 5.5 year period from 1 October 2018 to 31 March 2024. This equates to a 5 year requirement of 5,055 dwellings. Table 2 at Appendix A shows a total supply of 5,594 dwellings between 1 October 2018 and 31 March 2024, which equates to 5,085 dwellings over 5 years and would represent a supply of 5.03 years.

6.12 Officers consider that the revised housing land supply position for those sites with planning permission or resolutions to grant permission as at 1 October 2018, those sites already allocated in Neighbourhood Plans and the sites already proposed as Housing Growth Sites in the Submission Local Plan, represents a more robust assessment of the anticipated number of dwellings expected to come forward, to contribute to meeting the 5 year supply requirement up to 31 March 2024 and/or within the remaining Plan period up to 31 March 2028.

6.13 However, despite this more robust assessment of housing land supply, officers consider that the Council would continue to be vulnerable at the resumed Local Plan Examination hearings with a 5 year supply figure of 5.03 years, which is only marginally above the minimum requirement in accordance with the NPPF. It is therefore essential that the Council identifies additional sites for housing development in the Local Plan, to ensure a sufficient level of supply that can withstand any changes in circumstances that could reduce expected delivery rates.

6.14 As set out in paragraph 6.7 of this report, following the process of revisiting the assessment of potential housing sites, officers have concluded that none of those potential sites, outside the Green Belt, should now be proposed as additional Housing Growth Sites. However, the Council has subsequently identified land at Outseats Farm, Alfreton, which is not within the Green Belt. This land, which is immediately adjacent to a site with planning permission for housing development and which is already under construction, is considered to be suitable for development and to be deliverable within the Plan period. Officers anticipate that the site will come forward after 31 March 2024 and would therefore not contribute towards a 5 year housing supply up to that date.

6.15 It has therefore been necessary to consider the proposed allocation of additional housing sites currently within the Green Belt, having regard to the conclusions of the Green Belt Review.

Green Belt Review

6.16 Following the Executive Decision by the Leader of the Cabinet on 21 June 2018 and the Inspector's Note of 10 July 2018, the Council prepared and agreed, in consultation with the other Derby Housing Market Area (HMA) authorities (Derby City Council, South Derbyshire District Council and Derbyshire County Council), a brief for the Green Belt Review, for the purposes of inviting prospective consultants to submit tenders.

6.17 The agreed brief set out a number of objectives for the Review, as follows:-

i) To draw on best practice from other Green Belt Reviews (including those elsewhere within the Nottingham-Derby Green Belt & neighbouring authorities) in order to demonstrate a robust methodology for a Green Belt review that may also be appropriate for undertaking similar Green Belt Reviews to inform future Plans for Derby City and South Derbyshire District given that these local authority areas share a common area of Green Belt within the Derby Housing Market Area

ii) To have regard to the conclusions of the 2012 Technical Assessment of the Derby Principal Urban Area Green Belt Purposes, in respect of that part of the Green Belt within Amber Valley that was covered by the Technical Assessment

iii) To identify and delineate logical and justified parcels of Green Belt land for assessment; review each land parcel against the five Green Belt purposes; evaluate and score the individual land parcels and present clear, comprehensive and fully justified (i.e. understandable & defendable) conclusions on the performance of each land parcel

iv) To assess the suitability of a range of potential sites for housing and/or other development, which are currently within the Green Belt (including those submitted through the 2016 'call for sites' or otherwise included in the 2017 update of the Amber Valley Strategic Land Availability Assessment (SHLAA), as well as any other potential sites that have been identified since the publication of the 2017 SHLAA update in March 2018. The assessment should include an appraisal of whether the original Green Belt purposes remain relevant and applicable and if so, to what extent, together with a boundary assessment

v) To consider the current position in relation to villages and other settlements within ('washed over' by), or excluded from, the Green Belt and to make any recommendations for changes to the current position, as appropriate

vi) To consider whether any land currently outside the Green Belt fulfils Green Belt purposes and whether there is justification for including such land within the Green Belt, having regard to the advice in the NPPF and the need to define precise boundaries

vii) To identify any anomalies in the current Green Belt boundary, including those caused by cartographic errors or changes in physical features or structures on the ground (such as new highways infrastructure), and to consider whether there is any justification for amending the boundary, for these reasons

viii) To consider the requirements for defining long term defensible boundaries, particularly in relation to the amount and location of safeguarded land, as set out in the NPPF

ix) To consider and assess the implications of any changes on the overall effect on the Green Belt around Derby.

6.18 Prospective consultants were invited to set out how they would undertake the Review, consistent with the above objectives, as well as taking into account any other relevant evidence undertaken or commissioned to inform the preparation of the Local Plan.

6.19 Following the receipt and consideration of tenders against the agreed brief, the Council selected and appointed the Strategic Planning & Research Unit within DLP Planning Ltd, supported by Liz Lake Associates, to undertake the Green Belt Review.

6.20 Following an inception meeting between officers and DLP, it was agreed that two of the key objectives included in the tender brief, namely:-

- objective iv) - relating to the assessment of potential sites for housing and/or other development

and

- objective ix) - the consideration and assessment of the implications of any changes on the overall effect on the Green Belt around Derby

could be satisfied through other work.

6.21 The methodology for the assessment of the Green Belt, which was agreed by officers and DLP following consultation with a number of key stakeholders, involved:-

- identifying land parcels within the Green Belt, along with any land parcels as potential extensions to the Green Belt

- assessing each parcel for its performance against the purposes of Green Belt, as set out in the NPPF

- assessing whether existing ‘washed over’ Green Belt villages (i.e. villages which lie wholly or partly within the Green Belt) should remain ‘washed over’, or should be excluded from (i.e. ‘inset’ within) the Green Belt.

6.22 As the Local Plan has been submitted for and is currently under Examination, the previous version of the NPPF (2012) applies for 'plan making' purposes, under transitional arrangements. In any event, the 5 purposes of Green Belt, as set out in paragraph 80 of the 2012 NPPF, have been transposed as paragraph 134 in the new NPPF (2019). These 5 purposes are as follows:-

1. to check the unrestricted sprawl of large built-up areas
2. to prevent neighbouring towns from merging into one another
3. to assist in safeguarding the countryside from encroachment
4. to preserve the setting and special character of historic towns
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

6.23 The Review identified a number of suitable and clearly defined parcels of land, having regard to the NPPF, which makes it clear that Green Belt boundaries should be robust and permanent. Strong boundaries, using physical features on the ground that are readily recognisable and likely to be permanent, were therefore used to define the parcels.

6.24 Each of the identified land parcels was subject to assessment, initially on a desk-top basis and then through site visits, against purposes 1-3 of Green Belt. In addition, in the case of those land parcels around Belper, assessment was also undertaken against purpose 4, in recognition that Belper should be regarded as a historic town. The individual land parcels were not assessed against purpose 5, on the basis that it is the overall restrictive nature of Green Belt that encourages regeneration, not the restriction it places on specific areas of land.

6.25 In addition to the identification and assessment of land parcels within the Green Belt, the Review also considered the extent to which land outside the Green Belt should be assessed as to whether it should be included within the Green Belt. This consideration was restricted to the internal boundaries of the Green Belt within Amber Valley i.e. those areas around the towns, villages and other settlements. The potential extension of the outer boundaries of the Green Belt within the Borough was not considered, as this would be a matter for a future strategic review of the wider Nottingham-Derby Green Belt, of which the area of Green Belt within Amber Valley is only a part.

6.26 The Review concluded that to the south east of the Belper urban area, where land immediately adjacent to the built up area was originally excluded from the Green Belt to allow for future growth, the subsequent designation of the Derwent Valley Mills World Heritage Site and Buffer Zone meant that it would be now be appropriate to reassess that land, including against purpose 4 in recognition of Belper being a historic town.

6.27 The conclusions of the assessment of the land parcels are set out in Appendix 2 of the Green Belt Review document, using a matrix which rates each parcel as 'Critical', 'Major', Moderate' or 'Slight', in relation to their contribution to the various Green Belt purposes.

Green Belt Review – Stage 2

6.28 Following the completion and publication of the Green Belt Review and further discussion with DLP, officers revisited the two objectives originally included in the tender brief, but which were then excluded from the Review. Officers concluded that in order to fully consider the range of potential housing sites within the Green Belt, it was necessary for further work to be undertaken, as Stage 2 of the Review process. DLP were therefore asked to consider the implications of potential sites on the function of the Green Belt for individual land parcels and for the wider strategic function of the Green Belt within Amber Valley, as originally set out in the 1983 South and South East Derbyshire Green Belts Local Plan, should part or all of a parcel be deleted from the Green Belt. The Stage 2 work has also considered whether new Green Belt boundaries could be formed in conjunction with any development proposals on land deleted from the Green Belt and if so, whether any mitigation measures would be necessary to achieve this.

6.29 The agreed methodology for the Stage 2 work involved the assessment of a number of the potential sites submitted to the Council, including those submitted after March 2017 and which were therefore not subject to previous assessment through the Sustainability Appraisal (SA) process. Officers selected 47 of the potential sites for the Green Belt Review Stage 2 assessment. The selected sites were those:-

a) that having regard to their form and/or scale and /or location, officers considered to be capable of providing sustainable development, consistent with the spatial strategy set out in Policy SS2 of the Submission Local Plan

and/or

b) where officers had not established any other significant technical or other constraints to development that they considered could not be addressed.

6.30 The conclusions of the assessment of the 47 potential sites are set out in the Green Belt Review Stage 2 document. This includes a matrix which rates each of the potential sites on its likely impact on:-

a) the parcel within which it is located, as ‘High’, ‘Medium’ or ‘Low’ impact, against the various purposes of the Green Belt set out in the NPPF
b) the wider strategic function of the Green Belt within that part of the Borough within which it is located, as set out in the 1983 South and South East Derbyshire Green Belts Local Plan.

6.31 For each potential site, the assessment then concluded whether if the site was proposed to be deleted from the Green Belt and allocated for development, a long-term Green Belt boundary could be established and if so, what mitigation might be needed.

6.32 Following the completion of the Green Belt Review and the subsequent Stage 2 assessment of potential sites, officers have considered which of the potential sites should be deleted from the Green Belt and proposed as additional sites in the Local Plan. Having regard to paragraph 83 of the 2012 NPPF, this process requires the Council to consider whether ‘exceptional circumstances’ can be demonstrated to justify any amendments to the Green Belt boundary, to remove land from the Green Belt.

6.33 Officers have concluded that there are 15 sites where exceptional circumstances can be demonstrated. A summary of the conclusions for each of these 15 sites is set out below.

Land north of Denby

6.34 Paragraphs 6.10.10 to 6.10.12 of the Submission Local Plan set out the reasons why the Council has previously concluded that there are 'exceptional circumstances' to justify amending the Green Belt boundary in this location, having regard to the purposes of including land within Green Belt, as set out in paragraph 80 of the 2012 NPPF and having regard to the extent of economic, social and environmental benefits that could be provided through a large-scale, comprehensive mixed-use development scheme.

6.35 However, the Council's decision in June 2018 to undertake a comprehensive Green Belt boundary review has required further consideration to be given to the position set out in the Submission Local Plan.

6.36 The proposals for this have been revisited by the promoter. Whilst the potential number of dwellings (3,000) and land for new business and industrial development (12 hectares) remain as per the Submission Local Plan, the promoter now anticipates that a reduced number of dwellings (700) could be delivered within the Plan period, with 200 of those 700 dwellings being delivered by 31 March 2024 and which would therefore contribute towards meeting the 5 year supply requirement. The promoter also now anticipates that the 12 hectares of business and industrial land will come forward beyond the Plan period. However, the promoter has reiterated that this scale of housing and business and industrial development could only be delivered by including the wider area of land in the Local Plan. This position is based on the need to generate sufficient land value to meet the abnormal costs associated with development in this location and to provide the necessary return to enable any scheme to be commercially viable. The promoter has referred in particular to the costs of remediating the tar pits, as well as the improvements that would be required to existing transport infrastructure to address the additional traffic movements generated by new development, including the provision of a new junction on to the A38, which the promoter considers to be an essential element of any necessary improvements.

6.37 It is acknowledged that the Green Belt Review Stage 2 assessment of this site concludes that development would have a high impact on parcels 56 and 57, in respect of some of the purposes of the Green Belt within these parcels and that it would have a high impact on the wider strategic Green Belt function in this area of the Borough. However, the proposals would not compromise the need to preserve the setting and special character of Belper as a historic town and the majority of the site, comprising the area to the east of the A38, would not lead to any coalescence of settlements. The proposed provision of a new link road between a new A38 junction and the A609, to the west of the A38, could provide a strong defensible Green Belt boundary, reinforced by additional landscaping, as appropriate. However, to the east of the A38, there would need to be significant mitigation measures to establish a strong defensible boundary to the Green Belt.

6.38 The provision of a comprehensive mixed-use development scheme in this location would deliver a significant range of economic, social and environmental benefits, including:-

- the remediation of the tar pits and other derelict and contaminated land within the site, as well as having the potential for improvements to biodiversity.

- the delivery of a new A38 junction, which (together with other improvements to transport infrastructure) would not only reflect the need to address an increase in traffic movements associated with new development, but would also provide a direct access to the strategic highway network, thus making the site more attractive for new business and industrial development and therefore increasing potential job opportunities, as well as improving connectivity for local residents and businesses in Belper and helping to relieve existing traffic movements on the A6 between Belper and Derby, through the provision of a link road between a new A38 junction and the A609

- securing a range of new social and community infrastructure, including new and/or expanded schools and new sports and recreational facilities and/or improvements to existing facilities

6.39 Having regard to the conclusions of the Green Belt Review in relation to parcels 56 and 57 and the Stage 2 assessment of the potential site, together with the range and extent of economic, social and environmental benefits that could be provided through a large-scale, comprehensive mixed-use development scheme in this location, officers consider that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the proposed allocation of the site as a Housing Growth Site/Economic Growth Site in the Submission Local Plan should be maintained.

6.40 Given the revised trajectory for the site and the requirements for mitigation to establish strong defensible Green Belt boundaries, the relevant policies and supporting text in the Submission Local Plan would need to be amended.

<u>Nottingham Road, Ripley</u>

6.41 This site is readily accessible to local services and facilities and employment opportunities and offers the potential, as a strategic site, to provide significant economic, social and environmental benefits through a comprehensive form of development, including new business and industrial uses, environmental improvements and enhanced public open space/recreation provision, as well as new housing development. The site has potential for 520 dwellings, of which 355 are anticipated to come forward in the Plan period, with 155 of those dwellings expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement. The site also has the potential to deliver 2.5 hectares of new business and industrial land within the Plan period.

6.42 It is acknowledged that the Green Belt Review Stage 2 assessment of this site concludes that development would have a high impact on parcel 75, but this is due to the fact that the site largely corresponds to this parcel. In contrast, the Stage 2 assessment concludes that the impact of development on the wider strategic Green Belt function would be low and that development could provide the opportunity to create stronger, more defensible Green Belt boundaries than at present.

6.43 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 75 and the Stage 2 assessment of the potential site, together with the range and extent of economic, social and environmental benefits that could be provided through a comprehensive mixed-use development scheme in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site/Economic Growth Site in the Local Plan. It is proposed that the area of land to be deleted from the Green Belt should extend beyond the western boundary of the site, to include small areas of additional land that would no longer perform any Green Belt function.

Crosshill, Codnor

6.44 This site is readily accessible to local services and facilities and employment opportunities. It has potential to provide 81 dwellings, which are expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement. The promoter has highlighted the potential for development to be in the form of specialist accommodation to meet specific needs.

6.45 The Green Belt Stage 2 assessment of this site concludes that development would have a low impact on parcel 39 and that the impact of development on the wider strategic Green Belt function would be also be low.

6.46 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 39 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan. It is proposed that the area of land to be deleted from the Green Belt should extend beyond the southern boundary of the site, to include a small area of additional land that would no longer perform any Green Belt function and to provide a stronger and more defensible Green Belt boundary.

Chesterfield Road, Heage

6.47 This site is reasonably accessible to local services and facilities and offers the potential for a comprehensive form of development, including new business and industrial uses as well as new housing development. The site, which partly comprises previously developed or brownfield land, has potential to provide 180 dwellings within the Plan period, with 120 of those dwellings expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement. It is expected that 30% of the total housing provision can be delivered in the form of affordable housing. The site also has the potential to deliver 3.05 hectares of new business and industrial land within the Plan period.

6.48 The Green Belt Stage 2 assessment of this site concludes that the impact of development on parcel 65 would vary from low to high and that the impact of development on the wider strategic Green Belt function would be medium to high. There would need to be significant mitigation measures to establish strong defensible boundaries to the Green Belt to the north and east of the site, where the impact of development would be likely to be highest.

6.49 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 65 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site/Economic Growth Site in the Local Plan.

Far Laund, Belper

6.50 This site is readily accessible to local services and facilities and employment opportunities and offers the potential, as a strategic site, for a comprehensive form of development, including environmental improvements and enhanced public open space/recreation provision, as well as new housing development. The site has potential for 350 dwellings, of which 345 are anticipated to come forward in the Plan period, with 165 of those dwellings expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement. It is expected that 30% of the total housing provision can be delivered in the form of affordable housing. The site would also enable a strategic development to be provided immediately adjacent to the Belper urban area, consistent with the spatial strategy in the Submission Local Plan, recognising that given the range of heritage and other constraints, there are no other suitable locations for this form and scale of development in and around Belper.

6.51 It is acknowledged that the Green Belt Review Stage 2 assessment of this site concludes that development would have a medium to high impact on parcel 59 and that it would have a high impact on the wider strategic Green Belt function in this area of the Borough. However, the proposed site area would provide the opportunity for significant mitigation measures to be provided and enable strong defensible boundaries to the Green Belt around the edges of the site. It is proposed that the area of land to be deleted from the Green Belt should extend beyond the boundary of the site, to include a small area of additional land that would no longer perform any Green Belt function.

6.52 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 59 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site/Economic Growth Site in the Local Plan.

Alfreton Road, Codnor

6.53 This site is readily accessible to local services and facilities and employment opportunities. The site, which comprises previously developed or brownfield land, has potential to provide 12 dwellings, which are expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement.

6.54 The Green Belt Stage 2 assessment of this site concludes that development would have a low impact on parcel 43 and that the impact of development on the wider strategic Green Belt function would be medium. Development would provide a strong defensible Green Belt boundary to the north of the site.

6.55 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 43 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site be proposed as an additional Housing Growth Site in the Local Plan.

Peatburn Avenue, Heanor

6.56 This site is reasonably accessible to local services and facilities and employment opportunities and offers the potential for environmental improvements and enhanced public open space/recreation provision, as well as new housing development. The site has potential for 140 dwellings within the Plan period, with 85 of those dwellings expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement

6.57 The Green Belt Stage 2 assessment of this site concludes that development would have a low to medium impact on parcel 31 and that the impact of development on the wider strategic Green Belt function would be medium. Some mitigation measures would be required to establish a strong defensible Green Belt boundary around the edges of the site.

6.58 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 31 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan. It is proposed that the area of land to be deleted from the Green Belt should extend beyond the southern boundary of the site, to include an existing playing field, in order to create a stronger, more defensible Green Belt boundary. The playing field will however continue to be protected against built development in accordance with national and local planning policies.

Pear Tree Avenue, Ripley

6.59 This site is readily accessible to local services and facilities and employment opportunities. The site has potential for 146 dwellings within the Plan period, with 86 of those dwellings expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement.

6.60 The Green Belt Stage 2 assessment of this site concludes that the impact of development on parcel 58 would vary from low to high and that the impact of development on the wider strategic Green Belt function would be low. However, there would need to be significant mitigation measures to establish a strong defensible boundary to the Green Belt on the western boundary of the site.

6.61 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 58 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan. It is proposed that a small area of land beyond the south eastern boundary of the site should also be deleted from the Green Belt, which would no longer perform any Green Belt function and which would allow a stronger, more defensible Green Belt boundary to be established.

Derby Road, Ripley

6.62 This site is readily accessible to local services and facilities and employment opportunities. The site, which comprises previously developed or brownfield land, has potential for 73 dwellings, which are expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement.

6.63 The Green Belt Stage 2 assessment of this site concludes that the impact of development on parcel 38 would be low to medium and that the impact of development on the wider strategic Green Belt function would be low. Development would provide a strong defensible boundary to the Green Belt.

6.64 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 38 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan. It is proposed that a small strip of land to the west of the site should also be deleted from the Green Belt, comprising the B6179 Derby Road and which that would no longer perform any Green Belt function.

Heage Road, Ripley

6.65 This site is readily accessible to local services and facilities and employment opportunities and offers the potential to provide environmental improvements, as well as new housing development. The site has potential for 200 dwellings in the Plan period, with 125 of those dwellings expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement.

6.66 It is acknowledged that the Green Belt Review Stage 2 assessment of this site concludes that development would have a high impact on parcel 66, but this is due to the fact that the site relates to a large part of this parcel. In contrast, the Stage 2 assessment concludes that the impact of development on the wider strategic Green Belt function would be low and that development could establish strong, defensible Green Belt boundaries.

6.67 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 66 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan. It is proposed that a wider area of land be deleted from the Green Belt, beyond the site, to include additional land that would no longer perform any Green Belt function and to enable the establishment of a strong, defensible Green Belt boundary along the A38.

Cumberhills Road, Duffield

6.68 This site is reasonably accessible to local services and facilities and employment opportunities and offers the potential to provide environmental improvements and enhanced public open space/recreation provision, as well as new housing development. The site has potential for 175 dwellings in the Plan period, with 160 of those dwellings expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement. It is expected that 30% of the total housing provision can be delivered in the form of affordable housing. The site is also well located to make an effective contribution towards meeting the unmet housing need within Derby City, a proportion of which has been agreed by the Council within the minimum target provision in the Local Plan for the Plan period.

6.69 The Green Belt Review Stage 2 assessment of this site concludes the impact of development on parcel 3 would vary from low to high and that the impact of development on the wider strategic Green Belt function would be low. There would be a need for mitigation measures to a establish a strong, defensible Green Belt boundary.

6.70 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 3 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan.

Upper Marehay Road, Ripley

6.71 This site is readily accessible to local services and facilities and employment opportunities. The site, which in part comprises previously developed or brownfield land, has potential for 15 dwellings, which are expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement.

6.72 The Green Belt Stage 2 assessment of this site concludes that development would have a low impact on parcel 58 and that the impact of development on the wider strategic Green Belt function would be low. Development would provide a strong defensible Green Belt boundary to the north and west of the site.

6.73 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 58 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan. It is proposed that a small area of land beyond the south western boundary of the site should also be deleted from the Green Belt, which would no longer perform any Green Belt function, given officers' conclusions elsewhere in this report (paragraphs 6.85 to 6.88) that land at Marehay village should be deleted from the Green Belt.

Wirksworth Road, Duffield

6.74 Although this site is some distance from local services and facilities, it is well related to the existing pattern of development within Duffield and offers the potential to provide environmental improvements, as well as new housing development. The site has potential for 70 dwellings, which can be expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement. It is expected that 30% of the total housing provision can be delivered in the form of affordable housing. The site is also well located to make an effective contribution towards meeting the unmet housing need within Derby City, a proportion of which has been agreed by the Council within the minimum target provision in the Local Plan for the Plan period.

6.75 The Green Belt Review Stage 2 assessment of this site concludes the impact of development on parcel 6 would vary from low to high and that the impact of development on the wider strategic Green Belt function would be low. There would be a need for mitigation measures to a establish a strong, defensible Green Belt boundary.

6.76 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 6 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan.

Newlands Road, Riddings

6.77 This site is reasonably accessible to local services and facilities and employment opportunities. The site has potential for 38 dwellings, which are expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement.

6.78 The Green Belt Stage 2 assessment of this site concludes that development would have a low to medium impact on parcel 51 and that the impact of development on the wider strategic Green Belt function would be low. Development would need to retain existing trees around the majority of the site, as this would provide a strong defensible Green Belt boundary.

6.79 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 51 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan.

Ilkeston Road, Heanor

6.80 This site is readily accessible to local services and facilities and employment opportunities. The site has potential for 35 dwellings, which are expected to be delivered by 31 March 2024 and therefore contributing to the 5 year supply requirement.

6.81 The Green Belt Stage 2 assessment of this site concludes that the impact of development on parcel 34 would be low to medium and that the impact of development on the wider strategic Green Belt function would be medium. Development would need to retain existing field boundaries as these would provide a strong defensible Green Belt boundary.

6.82 Officers therefore consider that having regard to the conclusions of the Green Belt Review in relation to parcel 34 and the Stage 2 assessment of the potential site, together with the benefits that could be provided through development in this location, that there are 'exceptional circumstances' to justify an amendment to the Green Belt boundary to delete land from the Green Belt and that the site should be proposed as an additional Housing Growth Site in the Local Plan. It is proposed that a small area of land beyond the south western boundary of the site should also be deleted from the Green Belt, which would no longer perform any Green Belt function.

6.83 In total, the 14 additional sites that officers propose to be deleted from the Green Belt and allocated as additional Housing Growth Sites/Economic Growth Sites in the Local Plan, have potential for 2,010 dwellings within the Plan period, of which 1,220 dwellings can be expected to be delivered by 31 March 2024 and thus contribute towards the 5 year supply requirement. Table 3 at Appendix A includes the additional 2,010 dwellings in the housing land supply and shows an overall housing provision of 13,252 additional dwellings within the Plan period. Table 4 at Appendix A includes the additional 1,220 dwellings up to 31 March 2024, within the 5 year supply, showing an overall total of supply of 6,814 for that period. This equates to 6,195 dwellings over 5 years, representing a supply of 6.13 years, some 23% over the minimum requirement and which allows for changes in circumstances that could reduce expected delivery rates.

6.84 In respect of the range of other potential sites within the Green Belt for housing or other development, officers do not consider that there are exceptional circumstances that can be demonstrated to justify the amendment to the Green Belt boundary to delete land from the Green Belt and to propose the allocation of those sites in the Local Plan.

Appraisal Of Villages

6.85 In response to objective v) in the brief for the Green Belt Review, 9 villages wholly within or 'washed over' by the Green Belt were assessed as to whether they should be excluded, either wholly or in part, from the Green Belt. The Review proposed that such villages should be excluded from the Green Belt in the following circumstances:-

- where both the open character and the contribution to the openness of the Green Belt are assessed as 'Minor/Negligible'
- where either the open character or the contribution to the openness of the Green Belt are assessed as 'Moderate' and where the other is assessed as 'Minor/Negligible'.

6.86 The Review concluded that for 2 of the 9 'washed over' villages, namely Mapperley and Marehay, 'exceptional circumstances' can be demonstrated to delete them from the Green Belt, to be 'inset' within the Green Belt and proposed a defined Green Belt boundary around each village.

6.87 Officers are content with the conclusions of the Green Belt Review in relation to Mapperley and Marehay villages and therefore propose that the Green Belt boundary is amended to delete land from the Green Belt in each location, with a proposed new Green Belt boundary around each village as 'insets' within the Green Belt. The proposals are shown on the relevant plans at Appendix B to this report.

6.88 The exclusion of Mapperley and Marehay villages from the Green Belt, to be 'inset' within the Green Belt, will enable the Council to be more consistent in applying national and local planning policies to the determination of planning applications for development within these villages. In practice, however, it is unlikely that the exclusion of these two villages from the Green Belt will result in any material increase in development in either location, with the expected opportunities within each village being limited to small-scale development of any vacant plots or the extension, alteration or redevelopment of existing properties.

Potential amendment to Green Belt boundary to include land within the Green Belt to the south-east of Belper

6.89 It is acknowledged that the Green Belt Review concludes that parcels 77 and 78, which are located immediately to the south east of the built up area of Belper, perform well in relation to the various purposes of including land within Green Belt.

6.90 However, in considering whether or not 'exceptional circumstances' can be demonstrated to justify an amendment to the Green Belt boundary to include those parcels of land within the Green Belt, officers have also taken into account whether any existing national and local policies can provide effective control over built development within those parcels.

6.91 Parcels 77 and 78 are both wholly within the defined Buffer Zone for the Derwent Valley Mills World Heritage Site. Policy EN29 of the Adopted Amber Valley Borough Local Plan requires all development proposals within the Buffer Zone to preserve or enhance the setting of the World Heritage Site, whilst paragraphs 184 to 202 of the 2018 NPPF set out national policy regarding proposals affecting heritage assets and the consideration of the potential impact of development on the significance of those assets.

6.92 The effectiveness or otherwise of these policies has recently been tested at a public inquiry into the Council's refusal of two planning applications for housing and mixed use development respectively on land at Bullsmoor, Belper, which lies within parcel 78. In dismissing these appeals, the Inspector gave considerable weight to the conflict that he considered to arise between the proposals and policy EN29, The Inspector also concluded that the harm to the significance of the heritage assets outweighed any benefits of the proposals, in applying the balancing exercise under paragraph 196 of the 2018 NPPF. This suggests that in this location, the Council could expect national and local policies in relation to heritage assets to be effective in preventing built development within this location.

6.93 Officers therefore consider that exceptional circumstances cannot be demonstrated to justify the inclusion of parcels 77 and 78 within the Green Belt, given the national and local policies already in place to protect heritage assets and their significance and the weight that the Council can expect to be given to those policies in determining planning applications for development in this location.

Green Belt Anomalies

6.94 In accordance with objective vii) of the brief for the Green Belt Review, 81 locations have been identified where there are anomalies in the existing Green Belt boundary. The Review has established that these anomalies have arisen as a result of one or more of the following:-

- Differences between the Borough boundary and the Green Belt boundary as currently mapped
- Differences between the Green Belt boundaries of neighbouring local planning authorities as currently mapped
- Developments which have taken place within the Green Belt or which have crossed the current Green Belt boundary
- Where the current Green Belt boundary no longer follows a suitable boundary.

6.95 The anomalies are identified on plans in Appendix 4 of the Green Belt Review document.

6.96 The Review has concluded that there are exceptional circumstances to make changes to the Green Belt boundary in these locations, to ensure that the boundary in each case is easily identifiable on the ground.

6.97 Officers are content with the conclusions of the Review in respect of Green Belt boundary anomalies and therefore propose that minor amendments to the Green Belt boundary be made in these locations to rectify the anomalies.

Gypsies & Travellers

6.98 As set out by the Council in a further update to the Inspector at the Local Plan Examination, in relation to Matter 8 'Gypsies and Travellers', officers have undertaken further steps to identify one or more suitable sites within the Borough for Gypsy and Traveller accommodation. It was anticipated that one or more of the potential sites within the ownership of Derbyshire County Council could have been identified as suitable and able to come forward to meet this requirement, but unfortunately this has not been possible. The Council has therefore revisited, as part of the Green Belt Stage 2 assessment, the two potential sites within its ownership at Lee Lane, Heanor and at Alfreton Road, Codnor. These sites were not previously taken forward for further consideration, given their location within the Green Belt.

6.99 Having regard to the conclusions of the Stage 2 assessment, in relation to the impact of provision on the land parcels within which the sites are located and the impact on the wider strategic Green Belt function, as well as taking into account other potential constraints, officers consider that the land at Alfreton Road, Codnor is the more suitable location to meet this requirement. To meet the requirement for 10 pitches, a minimum area of 0.5 hectare needs to be identified. The plan at Appendix B to this report shows a site of this size within the wider area of land within the Council's ownership. Officers consider that there are exceptional circumstances to justify an amendment to the Green Belt boundary to delete this site from the Green Belt and to propose the site for Gypsy and Traveller accommodation.

Objectively Assessed Housing Need

6.100 During the pause in the Local Plan examination, the Inspector has asked the Council to consider whether there are any issues arising from the 2016-based household projections that might impact on the current figure for the objectively assessed housing need within Amber Valley and the minimum target provision set out in the Submission Local Plan.

6.101 Officers have asked consultants Iceni (specifically a consultant formally employed by GL Hearn and who has previously advised the Council and its Derby HMA partners in relation to housing need) to advise on this matter. Having regard to this advice, officers consider that it would not be appropriate or necessary to adjust the minimum target for housing provision in the Submission Local Plan (9,770 dwellings between 2011-2018), to meet the housing need within Amber Valley and to make an appropriate contribution to Derby's unmet need, over that timescale.

Addendum to the Submission Local Plan Sustainability Appraisal (SA) Report

6.102 The Council will need to publish an Addendum to the Sustainability Appraisal (SA) Report, alongside the Proposed Changes to the Submission Local Plan, to include amended and additional site appraisal and to cover the range of matters in respect of the work undertaken by the Council following the Inspector's Note of 10 July 2018 and the conclusions reached in relation to those matters.

The Next Steps

6.103 Subject to the Council's decisions in respect of Recommendations 2.1, 2.2 and 2.3 in this report, the Council will need to publish the Proposed Changes to the Submission Local Plan for a period of 6 weeks, to enable representations to be made on them, alongside the publication of related supporting documents. Any representations received on the Proposed Changes would be forwarded directly to the Inspector for her consideration as part of the Local Plan Examination.

6.104 The documents to be published alongside the Proposed Changes to the Submission Local Plan will include:-

- An Addendum to the Submission Local Plan Sustainability Appraisal Report
- Any other relevant supporting documents, including amendments to the Infrastructure Delivery Plan.

6.105 The Council will also need to publish a statement in accordance with the 'statement of the representations' procedure. In accordance with Regulation 20 of the 2012 Regulations, this will include specifying the date by which representations about the Local Plan must be received by the Council. This date must be not less than 6 weeks from the day on which the statement is published.

6.106 The Council will also need to publish any further relevant evidence in support of the Proposed Changes.

7 Implications

7.1 Legal

7.1.1 The Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to prepare a Local Plan.

7.1.2 The function of approving for the purpose of its submission to the Secretary of State for independent examination under section 20 (independent examination) of the 2004 Act, of a development plan document and to making any changes thereto is a matter for the Full Council under Regulation 4 of and Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Such actions cannot be delegated to any officer under section 101 of the Local Government Act 1972 (see regulation 4(8)(a) of the Regulations 2000).'

7.1.3 There is an exception to this to facilitate the implementation of any such decision by Full Council. Regulation 4(4)(a)(iii) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that the function of any amending etc. shall be an executive responsibility to the extent that the making of the amendment etc. is authorised by the determination made by the Full Council when approving the relevant plan or strategy.'

7.2 Resources

7.2.1 A net provision of £65,000 (excluding staffing costs) is made in the Draft 2019/20 Revenue Budget for the Local Plan. The latest spending plan for 2018/19 totals £84,400 (excluding staffing costs) so a £19,400 drawdown from the Operational Reserve from monies earmarked for the Local Plan will be required at the level of spend forecasted. The balance of earmarked monies held in the Operational Reserve at 1 April 2018 was £219,795.

7.2.2 New Homes Bonus (NHB) – The Local Government Finance Settlement for 2019-20 includes individual authority allocations of NHB. In determining individual allocations, the Government has maintained the 'baseline' growth threshold above which NHB is calculated. For 2019-20 this has remained at 0.4% and the Council will receive £434,290 in respect of housing growth since October 2017 (554 properties) and £1,054,578 in respect of legacy payments.

7.2.3 It should be noted that 2019-20 represents the final year of (NHB) funding agreed through the Spending Review 2015. The Government's future intention is to explore how to incentivise housing growth most effectively. This may include using the Housing Delivery Test results to reward delivery or incentivise plans that meet or exceed local housing growth.

7.2.4 It is understood the Government intends to consult widely on any changes prior to the implementation of any revised methodology. However, the results of the Spending Review 2019 are not expected until Autumn 2019, which means it is likely to be late 2019 before individual allocations of NHB are notified, assuming they continue to be made in 2020-21 and future years.

7.2.5 Currently the Council is using its NHB to support the General Fund Revenue Budget whilst its ongoing budget deficit is addressed. Clearly, without greater certainty over the continuation of NHB and until there is greater clarity over the basis of award, this presents a financial risk for the Council as the flexibility offered by NHB in managing the budget deficit is lost.

7.2.6 Personnel - None arising from this report.

7.3 Human Rights

7.3.1. None arising from this report.

7.4 Equality Impact Assessment

7.4.1 None required as a result of the recommendations contained within this report. In conjunction with the consultation response form available either to complete on-line or to otherwise complete and return either by email or by post, the Council will request the completion of personal data about respondents. This reflects the Council's commitment to ensuring that its services are accessible and designed to meet the diverse needs of Amber Valley communities. The completion of this information helps the Council to meet this commitment. The analysis of the information received will not be linked to individual respondents.

7.5 Risk Identification and Management

7.5.1 The risk is assessed as high.

Strategic Risk	Risk Detail	Action	Rating
Strategic	No up to date Local Plan – inability to resist proposals for major housing development through planning applications, or to successfully defend any refusal of planning permission for such proposals through the appeal process	Secure a Local Plan as soon as possible	High
Operational	Extended demand on staff resources	Ensure sufficient staff resources are in place to deliver to timetable	High
Regulatory	Failure to demonstrate that the Council has taken properly into account any representations received from statutory and other consultees and from any other individuals and organisations, in agreeing the content of the Local Plan The Town and Country Planning (Local Planning) (England) Regulations 2012	Ensure that the Council demonstrates that any representations have been properly taken into account in agreeing the content of the Local Plan	High High
Financial	Without an up to date Local Plan the costs of defending planning decisions at appeal would be significant	Secure a Local Plan as soon as possible	High
Reputation	The Local Plan being determined to be unsound following Examination	Ensure that the policies and proposals in the submitted Local Plan will meet the test of soundness	High
Information	None	None	Low
People and Management	None	None	Low

7.6 Sustainability Impact Assessment

7.6.1 All policies contained within the Local Plan are required to be the subject of a Sustainability Appraisal.

7.7 References

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Documents used in Preparing this Report	As set out in the report			
Members' Services Officer	Alison Steeples Democratic Services Officer (Cabinet and Council)		Ext	1636
Index of Appendices	Appendix A - Updated Summary Of Housing Land Requirement & Supply As At 1 October 2018 Appendix B Plans showing proposed amendments to Green Belt boundary, proposed additional Housing Growth Sites and proposed site for Gypsy and Traveller accommodation			
Forward Plan Reference	**Ref No:**	535	**Contact:**	
Forward Plan Description	Local Plan – Identification of Additional Sites (following the Green Belt Review)			