

Matter 3: Green Belt

i) **Should a full Green Belt boundary review have been undertaken as part of the evidence base for the Local Plan?**

Yes.

Having concluded that exceptional circumstances exist to alter the Green Belt boundaries (as there is in sufficient developable land outside the Green Belt on sustainable sites in sustainable locations to meet its housing and employment land requirements over the plan period) then AVBC should have carried out a full Green Belt boundary review.

Indeed that is what the NPPF implies in paras 84 and 85. Para 84 states that *'when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.'*

Para 85 states inter alia that when defining Green Belt boundaries authorities should:

- *'ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development';*
- *'where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period'*
- *'to satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period'.*

With regards to the Local plan strategy policy states that *'Most of this growth will take place in and surrounding the four urban areas of Alfreton, Belper, Heanor and Ripley and on the edge of Derby and as part of a comprehensive mixed use development on land north of Denby Bottles...'*. However given that the four urban areas are surrounded by Green Belt which extends right up to the built up boundaries of these urban areas, one would have expected AVBC to have undertaken a Green Belt Review which takes into account land around these urban areas as well as on land north of Denby. This would then at least have provided a level playing field for assessing strategic options for growth and for a proper comparative assessment to have been undertaken to determine whether land north of Denby is more sustainable and deliverable than a portfolio of smaller sites located around the edge of the main urban areas. Instead what we have is a Local Plan which proposes major development on a site which is not sustainable and not deliverable.

With regards to the provision of safeguarding land we note that AVBC has proposed deleting land comprising 80ha from the Green Belt to the north of Denby as safeguarded land for development beyond the Plan period i.e. after 2028. However if as I believe that the proposed allocation site to the north of Denby will not come forward for development during the plan period, then it will be impossible to develop the safeguarded land after the plan period expires. In other words the safeguarded land will not provide AVBC with a long term reserve to accommodate further development after 2028. As such the provision of safeguarded land in this location is pointless.

It will therefore be necessary to undertake another review of Green Belt boundaries before the end of the development plan period which is contrary to the guidance in the NPPF, or to go back to the drawing board and undertake a wider Green belt Review as part of this Local Plan.

The Borough Council acknowledges the need to undertake a comprehensive review of the Green Belt boundary within Amber Valley, in the context of a subsequent review of the Local Plan.

It also seems to recognise that there maybe a requirement to undertake a wider Green Belt Review if further sites need to be considered as part of this Local Plan. At para 6.2.25 it states: *'Subject to there then being a need to consider further sites, i.e. if sufficient suitable and deliverable sites outside the Green Belt could not be identified, an assessment would then be undertaken in relation to any potential sites within the Green Belt which would otherwise be considered to be suitable for development and capable of being delivered by 2028, to see whether any 'exceptional circumstances' could be demonstrated to justify amending the Green Belt boundary, having regard to the purposes of Green Belt as set out in the NPPF.'*

ii) Have exceptional circumstances been demonstrated to enable the alteration of Green Belt boundaries?

Yes.

AVBC cannot meet its development requirements for housing and employment on sustainable sites in sustainable locations and which are deliverable and viable and which are not in the Green Belt.

AVBC is a predominantly rural District. International and national heritage and environment designations together with large areas of unstable land, land liable to flooding, topography the remoteness of many smaller settlements combined with poor accessibility limit the opportunities to identify potential areas for large scale development to the main urban areas and a number of other settlements which are surrounded by Green Belt and also to the edge of Derby.

iii) On what basis has the Council concluded that, other than in relation to the land north of Denby, there are no other locations in the Borough where exceptional circumstances have been demonstrated?

It has demonstrated that there are exceptional circumstances to justify alterations to the Green Belt boundary but it has not demonstrated that these exceptional circumstances only exist on land north of Denby.

Indeed in my opinion the land north of Denby is not a sustainable site in a sustainable location and it is not deliverable and viable. As such the exceptional circumstances to remove land from the Green Belt in this location do not exist.

In making recommendations to alter Green Belt boundaries it should have explored other alternative locations, particularly around the edge of the main urban areas where Policy SS2

states that new development will be concentrated. By acknowledging that it will need to undertake a wider green belt Review as part of the next Local plan, and also that a wider green belt Review may be justified as part of this Local Plan if more sites need to be identified, then AVBC is effectively stating that exceptional circumstances can be demonstrated to enable the alteration of Green Belt boundaries.

iv) Should land be removed from the Green Belt in Amber Valley to meet part of the unmet housing need in Derby?

AVBC has to meet a significant unmet housing need from Derby. I recognise that some developable land can be found to the west of Derby which is not in the Green Belt, but there are also significant constraints including heritage (Mackworth SAM and Conservation Area, Grade 1 Listed buildings including Kedleston Hall and Mackworth Church), significant archaeological areas of importance including along the A52 corridor and in and around Mackworth village itself etc.

Consequently some of this unmet requirement will need to be met in sustainable locations elsewhere in the Borough. Having regard to accessibility to Derby the only suitable locations lie to the north of Derby within and adjoining the four main urban areas and other settlements which are all in the Green Belt.

This it will be clearly necessary to alter Green Belt boundaries to meet a significant proportion of Derby's unmet housing need. This fact was recognised by the three authorities comprising the Derby HMA when they were apportioning the distribution of Derby's unmet housing need to South Derbyshire and Amber Valley.

v) Should the loss of Green Belt land be compensated for?

It is not necessary to compensate for the loss of Green Belt. The NPPF does not specifically require authorities to compensate for the loss of Green Belt.

However, if it is determined that land north of Denby is not a suitable, achievable and sustainable location for development, then there would no need to remove 80 ha from the Green Belt. Further, it could also return land to the Green Belt which was removed from the Green Belt in that location at the last Local Plan Review.

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