

AMBER VALLEY BOROUGH LOCAL PLAN
EXAMINATION HEARINGS
HEARING POSITION STATEMENT
ON BEHALF OF AMBER VALLEY BOROUGH COUNCIL

Matter 3 – Green Belt

- i) *Should a Green Belt boundary review have been undertaken as part of the evidence base for the Local Plan?*
1. The Council considers that it has not been appropriate or necessary to undertake or commission a Green Belt boundary review, as part of the evidence base for the Local Plan.
 2. The Council has acknowledged paragraph 83 of the National Planning Policy Framework (NPPF), which states that *once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.*
 3. In its response to question 17 of the Inspector's Initial Questions To The Council (INS/01), the Council has set out the background to its consideration as to whether or not to undertake or commission a Green Belt boundary review, as part of the preparation of the Local Plan.
 4. This response refers to the initial consideration of this matter by the Council in July 2016 and to the reasons why it was concluded that a Green Belt boundary review should not be undertaken or commissioned at that time. This conclusion and the reasons for it are set out in the report to the Full Council meeting dated 13 July 2016 (Agenda Item 11(a)).

5. The response also refers to the subsequent position reached by the Council in June 2017, following the publication of the Draft Local Plan in March 2017 and the receipt of representations on the Draft Local Plan. This position was set out in the report to Full Council dated 5 June 2017 (Agenda Item 10 (a))
6. In summary, the Council considered that there was no need to consider the inclusion of further housing sites in the Local Plan, including any sites within the Green Belt. This followed the assessment of those potential sites within the Green Belt that had been put forward through representations on the Draft Local Plan and the conclusion reached, in each case, that the inclusion of those sites in the Local Plan would not be consistent with the Council's preferred development strategy and/or national planning policy guidance. The Special Full Council meeting dated 5 June 2017 (Agenda Item 10(a))

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

1. The Council considers that exceptional circumstances have been demonstrated to enable the alteration of the Green Belt boundary at land north of Denby, in conjunction with proposals for a comprehensive mixed-use development scheme (see Matter iii) below).

iii) What are the exceptional circumstances which justify an amendment to the Green Belt boundary at land north of Denby? Has its removal from the Green Belt been considered based on clear criteria?

1. In its response to question 18 of the Inspector's Initial Questions To The Council (INS/01), the Council has referred to its conclusions in relation to this matter, having regard to a) the purposes of including land within the Green Belt and b) the range of economic, social and environmental benefits that could be provided through a large-scale, comprehensive mixed-use development scheme on land north of Denby.

2. The Council's conclusions in relation to this matter are set out as set out in paragraphs 6.10.10 to 6.10.12 of the Local Plan (CD01).
3. In summary, the Council considers that the proposed removal of the land north of Denby would not compromise any of the purposes of including land within the Green Belt, as it would:-
 - Not compromise the preservation of the setting and character of any historic town, as the Listed Buildings and the Conservation Area within Belper do not relate to the eastern side of the town
 - Not result in the unrestricted sprawl of any large built up area, by maintaining a suitable distance between the proposals and existing urban areas and through the comprehensive mixed use development proposals, provide additional landscaping to reinforce the new Green Belt boundary (between the site and Ripley) and create a new defensible Green Belt boundary, through the provision of a link road and reinforce this boundary through additional landscaping (between the site and Belper)
 - Only result in limited encroachment into the countryside, much of which comprises land subject to former opencasting of coal and which is not of high environmental quality
 - Enable development which can contribute to regeneration through the remediation of derelict and contaminated land.
4. The Council considers that the extensive range of economic, social and environmental benefits that would be delivered through a comprehensive mixed use development scheme on land north of Denby constitute 'exceptional circumstances' to justify the proposed amendment to the Green Belt boundary in this location. In summary, the proposals would:-

- Deliver a new A38 junction, providing a direct access to the strategic highway network which would make the site more attractive for new business and industrial development and thereby increase job opportunities
- Provide a new link road between the new A38 junction and the A609, which would improve connectivity for local residents and businesses and also help to relieve existing traffic movements on the A6 between Belper and Derby
- Secure 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
- Secure the remediation of derelict and contaminated land within the site and create the opportunity for improvements to biodiversity.

iv) *Should the area of land to be removed from the Green Belt be allocated as Safeguarded Land, given that it is not proposed to be developed in the Plan period?*

1. The Council does not consider that the area of land to be removed from the Green Belt at Denby should be allocated as Safeguarded Land.
2. In its response to question 20 of the Inspector's Initial Questions To The Council (INS/01), the Council has acknowledged paragraph 85 of the NPPF, recognising that the purpose of 'Safeguarded Land' is to identify land to meet longer-term development needs beyond a Plan period and that in such circumstances, that land would not be allocated for development at that time and would need to be reconsidered in a subsequent Plan review.

3. The Council's response to question 20 refers to paragraph 6.10.8 of the Local Plan (CD01) and the emphasis in that paragraph as to the reasons why the extent of the area of land identified in the Local Plan for comprehensive mixed-use development needs to be identified at this time, namely that the need to generate sufficient land value to meet the abnormal costs associated with development in this location (including the remediation of contaminated land and necessary improvements to transport infrastructure) and to provide the necessary return to enable any scheme to be commercially viable.
4. The Council's response to question 20 therefore recognises that given these reasons, it would be neither appropriate or necessary to maintain any reference in paragraph 6.10.8 to the scale of development within the Plan period (1,100 dwellings and 12 hectares for business and industrial development) being wholly contained within that part of the site that is not currently within the Green Belt.
5. The Council's response to question 20 therefore suggests amendments to the wording of paragraphs 6.10.8 and 6.10.13 of the Local Plan (CD01) and that these amendments be considered by the Inspector within any Main Modifications to the Local Plan. The suggested amendments have been included within the Draft Schedule Of Main Modifications (AV/08).

v) *Have reasonable alternatives outside the Green Belt been considered?*

1. The Council's position is that it has considered reasonable alternatives, outside the Green Belt, in seeking to identify sufficient land to meet housing requirements and business and industrial land requirements.
2. This has included an assessment of potential sites for housing or mixed use development that were put forward by or on behalf of landowners/prospective developers, in response to the Council's 'call for sites' issued in January 2016, together with an assessment of other potential sites put forward through representations on the Draft Local Plan.

3. The assessment of potential housing or mixed use sites, prior to the publication and receipt of representations on the Draft Local Plan, was set out in a series of individual site appraisals, which were included as Appendix 6 of the Draft Sustainability Appraisal Report Technical Appendices, published in March 2017 alongside the Draft Local Plan. A summary of the assessment and the reasons why each site was preferred or not preferred were set out in section 7 of the Draft Sustainability Appraisal Report published in March 2017 alongside the Draft Local Plan
 4. The subsequent Pre-Submission Sustainability Report Technical Appendices, published in November 2017 alongside the Pre-Submission Local Plan, included additional site appraisals for those potential sites put forward through representations on the Draft Local Plan, as well for any other potential sites which had otherwise been identified since March 2017. A updated summary of the assessment and the reasons why each site was preferred or not preferred were set out in section 7 of the Pre-Submission Sustainability Appraisal Report published in November 2017 alongside the Pre-Submission Local Plan
 5. The assessment summary and the site appraisals, referred to in paragraph 4 above, are set out in the submitted Sustainability Appraisal Report (CD02) and Appendix 6 of the submitted Sustainability Report Technical Appendices (CD02a), respectively.
 6. The Council's conclusions in relation to the potential sites for housing, mixed use or business and industrial development that were put forward through representations on the Draft Local Plan, are also set out in the Regulation 22 Statement Of Consultation (CD06), within the 'Summary Of Main Issues & Responses' on the Draft Local Plan at paragraph 2.3 and the following table, which provided comprehensive summary of the main issues raised by the representations on the Draft Local Plan and how these had been addressed.
- vi) *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?*

1. The basis of the Council's conclusions 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, is set out in its responses to questions 17 and 19 of the Inspector's Initial Questions To The Council (INS/01).
2. Although the Council has not undertaken or commissioned a comprehensive Green Belt review, it has considered whether any of the other locations within the Green Belt where the Council received submissions through the 'call for sites' in 2016 and/or subsequently through representations on the Draft Local Plan, in association with potential development sites, have demonstrated exceptional circumstances to justify an amendment to the Green Belt boundary in those locations.
7. The assessment of potential sites referred to in response to Matter 3 v) above has included a site appraisal for each of the potential sites within the Green Belt, as put forward in response to the Council's 'call for sites' in 2016. As stated, these site appraisals were included in Appendix 6 of the Draft Sustainability Appraisal Report Technical Appendices and a summary of the assessment and the reasons why each site was preferred or not preferred was set out in section 7 of the Draft Sustainability Appraisal Report.
8. Similarly, the conclusions of the assessment, including for the additional potential sites put forward through representations on the Draft Local Plan and for any other potential sites identified since March 2017, were subsequently set out in the Pre-Submission Sustainability Report Technical Appendices and the Pre-Submission Sustainability Appraisal Report.

9. The Council's conclusions in relation to the potential development sites within the Green Belt that were put forward through representations on the Draft Local Plan are set out in the Regulation 22 Statement Of Consultation (CD06), within the 'Summary Of Main Issues & Responses' on the Draft Local Plan at paragraph 2.3 and the following table, which provided comprehensive summary of the main issues raised by the representations on the Draft Local Plan and how these had been addressed.

10. As set out in the response to Matter 3 v) above, the assessment summary and the site appraisals are set out in the submitted Sustainability Appraisal Report (CD02) and Appendix 6 of the submitted Sustainability Report Technical Appendices (CD02a).

11. In summary, the Council's position is that there are no other locations within the Green Belt, where it has received any compelling information to demonstrate that there are 'exceptional circumstances' to justify amendments to the Green Belt boundary.

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

1. The Council does not consider that the requirement to meet part of the unmet housing need arising in Derby, within Amber Valley, is in itself a reason to justify the removal of land from the Green Belt.

2. The Council accepts that its agreed contribution to meeting Derby's unmet housing need will, all other things being equal, be best met by development adjacent to or otherwise well related to the Derby urban area.

3. In this respect, the Council considers that on the edge of the Derby urban area, the proposed Housing Growth Sites identified at Radbourne Lane (North), Mackworth (600 dwellings) and at Radbourne Lane (South), Mackworth (70 dwellings), together with development either already completed or committed at Radbourne Lane (530 dwellings), will make a significant contribution towards Derby's unmet housing need.
4. The proposed Housing Growth Site at land north of Denby (1,100 dwellings in the Plan period) is considered to be well related to Derby and thus able to make an effective contribution towards its unmet housing need.
5. The Council's assessment of other potential sites in the Green Belt has included sites in locations within the south of Amber Valley, where development could be considered to be well related to Derby. However, the assessment of these sites has not concluded that there are any exceptional circumstances to justify any removal of land from the Green Belt.

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

1. The Council does not consider that it would be appropriate or necessary to include any additional land within the Green Belt, as compensation for the proposed removal of land from the Green Belt to the north of Denby, either within the immediate vicinity of that land, or elsewhere within Amber Valley. This reflects the Council's view that there are no other locations within the Borough which would merit land being included within the Green Belt, having regard to the stated purposes of Green Belt as set out in the NPPF.