

Town and Country Planning Act 1990

(As Amended)

**Representations to the Amber Valley Borough
Submission Local Plan Green Belt Amendments and
Additional Site Allocations Consultation**

Site: Land off Cumberhills Road, Duffield (HGS26)
and Land off Wirksworth Road, Duffield (HGS30)

Client: Save Duffield Green Belt Representing Local
Residents of Duffield

Our Ref: SAV269/1/Rep

Document date: April 2019

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1. INTRODUCTION

- 1.1 This representation is submitted on behalf of Save Duffield Green Belt (herein referred to as "SDGB") representing the local residents of Duffield.
- 1.2 SDGB is a community action group which represents a large group of residents from the village of Duffield who wish to preserve the character and setting of their village, which is located on the edge of the Derwent Valley Mills World Heritage Site and is also inset within the Green Belt.
- 1.3 The submission version of the Amber Valley Local Plan originally did not propose any significant release of land in the Green Belt, and in particular, did not propose to release greenfield land from the Green Belt for allocation.
- 1.4 Following the initial hearing sessions and a need to ensure a robust 5 year housing land supply position upon adoption of the plan, Amber Valley Borough Council ("the Council") has undertaken a further Green Belt review in order to accommodate the objectively assessed housing need and those needs arising from neighbouring authorities under the Council's Duty to Co-operate.
- 1.5 In response to the need to meet the Full Objectively Assessed Needs (FOAN) across the housing market area, the proposed release of land from the Green Belt across the district now includes two proposed allocations around Duffield.
- 1.6 At this stage, it is important to note that this is the first time that sites around Duffield have been proposed for release through the Local Plan, and it is therefore the first opportunity that residents have been able to prepare a response.
- 1.7 This submission will focus on the following planning policy and technical matters and will raise a number of shortcomings in response to the proposed allocations:
 - (a) Green Belt policy;
 - (b) Heritage;
 - (c) Landscape;
 - (d) School Capacity;
 - (e) Other environmental considerations.
- 1.8 This submission will therefore seek to demonstrate that the proposed allocations around Duffield are unsound, and should therefore be removed from the amended Draft Local Plan.

2. GREEN BELT

2.1 Section 9 of the 2012 National Planning Policy Framework against which the Local Plan is being examined upon sets out Government Policy in terms of protecting the Green Belt. The sites in Duffield are both currently located within the Green Belt and therefore exceptional circumstances are required to be demonstrated to justify their release. Paragraphs 83 - 85 set out national policy in terms of considering any changes to Green Belt boundaries.

2.2 LPAs must have considered all other reasonable alternatives before allowing the release of Green Belt sites that best promote sustainable patterns of development. This may include, for example, all sites within existing towns and villages, bringing empty homes back into use, considering the extent to which housing densities can be maximised, allocating other land beyond the Green Belt in addition to considering whether or not other authorities within the HMA can help to meet unmet needs under the Duty-to-Co-operate.

2.3 In this case, it is acknowledged that under the Duty-to-Co-operate, that Amber Valley and South Derbyshire Council have agreed to meet the unmet needs of Derby City. Therefore, in accommodating its own needs and the unmet needs of Derby City, Amber Valley needs to fully consider all reasonable alternatives before considering the release of Green Belt sites.

2.4 In terms of considering alternative sites, the Council has published its SHLAA and it will be for the Inspector to consider, in light of the evidence, whether all other potential “non-Green Belt” sites have been fully considered for allocation.

2.5 In terms of whether densities can be maximised upon proposed allocations, there appears to be limited evidence within the submitted plan and evidence base to fully consider whether or not opportunities to maximise the densities of other allocations has been fully considered in terms of potentially reducing the need to allocate a significant amount of Green Belt land. It is therefore suggested that the Council present evidence to the examination in relation to this matter in order to establish whether more housing could be delivered on non-Green Belt allocations before potential Green Belt release is considered.

2.6 The proposed density of housing for the Cumberhills Road site is 12 houses per hectare which is exceptionally low when compared to other similarly sized sites which are typically over 20 to 30 houses per hectare (See Table 1 below). The next closest is the land at Nottingham Road, Ripley at 15 per hectare but this is a mixed-use scheme comprising both housing and employment opportunities. The submission does not give any explanation of this exceptionally low density but the reasons could include:

- Type of housing (e.g. skew toward large family houses);
- Provision of land for defensible boundaries;
- Provision of land for other on site infrastructure, such as roads and footways, public open space and flood attenuation measures.

2.7 Any removal of Green Belt designation should be the minimum to meet the housing requirements of the local plan. Any provision of land for defensible boundaries should remain

within Green Belt in order to best protect the boundaries and remaining Green Belt. The local plan provision of the Cumberhills Road Site can be considered both unsound and ineffective given that it does not optimise the density of housing, minimise the loss of Green Belt and best defend what remains.

	Area of plot (Hectares)	No of Houses	Density (Houses per Hectare)
	1.94	73	38
Crosshill, Codnor	2.22	81	36
Ilkeston Road, Heanor	0.99	35	35
Alfreton Road, Codnor	1.28	30	23
Cumberhills Road, Duffield	14.78	175	12
Pear Tree Avenue, Ripley	5.95	146	25
Upper Marehay Road, Ripley	0.6	15	25
Heage Road, Ripley	6.74	225	33
Peatburn Avenue, Heanor	6.74	225	33
Land at Nottingham Road, Ripley	34.6	520	15
Chesterfield Road, Heage	2.88	70	24
Newlands/Taylor Lane, Heanor	22.6	500	22
Wirksworth Road, Duffield	3.2	70	22
Far Laund, Belper (PHS157)	0.5	12	24

Table 1: Housing densities for sites within the Local Plan

There is a very relevant and specific example of AVBC's failure to maximise housing density in Duffield. When the old council depot in Duffield was first proposed for housing, the plan was to build 38 homes on the site (Amber Valley Planning Reference AVA/2016/1257). As the photo below shows, this has now been reduced by the developer to just 15 large "prestigious" houses on a site ideally located next to a bus stop with frequent services to Derby.



Photo 1: 1.09 hectare site on former Council depot in Duffield, ideally located next to public transport, being developed with just 15 houses.

2.8 In terms of bringing empty homes back into use, the Council's SHMA has failed to fully consider this matter. A request has been made to the Council by our client to obtain empty homes data from the Council and a copy of the response is provided at Annex 4

2.9 The data shows that there is an average of 933 homes per annum that are empty for more than 6 months compared to a total housing stock of 57,817. This is an unoccupied rate of 1.6% which is significantly above the national average. Moreover, as can be seen in the FOI data, the number of unoccupied houses has also been increasing over the last few years.

2.10 The Council's emerging Local Plan and its evidence base does not address whether or not long term empty properties could be brought back into use to help meet housing needs, nor have any strategies been considered for doing so, such as the imposition of Empty Dwelling Management Orders, use of compulsory purchase powers or the use of enforced sales. It is therefore considered that the Council should undertake this work in accordance with paragraph 51 of the Framework.

2.11 In light of the above considerations, it is considered that more work needs to be undertaken by the Council to demonstrate that other reasonable alternatives have been fully explored in order to justify the potential release of land from the Green Belt.

2.12 In terms of the sites in Duffield specifically, none of the sites in Duffield were identified in earlier iterations of the emerging Local Plan, so the updated Stage 1 and Stage 2 Green Belt Review (Examination Library document AV/37 - AV/39a) seeks to demonstrate exceptional circumstances for the release of land from the Green Belt before seeking to justify the release of a range of specific sites, including two proposed allocations in Duffield.

2.13 The site at Cumberhills Road (Policy HGS26) is located within Parcel 3, and the site at Wirksworth Road (Policy HGS30) is located within Parcel 6.

2.14 In terms of the higher-level parcel assessment, Parcels 3 and 6 scored the following in terms of their contribution towards the 5 purposes of including land within the Green Belt:

Green Belt Purpose	Contribution - Parcel 3	Contribution - Parcel 6
1. To check the unrestricted sprawl of large urban areas	Critical	Slight
2. To prevent neighbouring towns from merging into one another	Major	Slight
3a. To assist in safeguarding the countryside from encroachment	Major	Critical
3b. Landscape character and sensitivity to change criteria to inform purpose 3	Little / None ¹	Little / None
4. To preserve the setting and special character of historic towns	Not assessed	Not assessed

2.15 With regard to checking the unrestricted sprawl of large urban areas, and to the same extent, to prevent neighbouring towns from merging into one another, one cannot underestimate the

¹ Appendix 1 to the Green Belt Assessment (Examination Library AV/38a) confirms that the "Little / None" contribution for purpose 3a means that the landscape has a strong rural character that is highly sensitive to change.

importance of Green Belt parcels 3 and 6 (and other surrounding Green Belt parcels), located just to the north of the Derby urban area. The Green Belt just to the north of Derby, encircling the settlements of Quarndon, Duffield and Little Eaton performs a very important role in preventing these villages from being engulfed by any potential expansion to the north of Derby. Conversely, any expansion around these villages in particular would also erode the Green Belt, and by extension would reduce the sense of openness, both between these villages, as well as eroding the sense of openness of the land to the north of Derby. This therefore provides a strong case in itself to prevent any further loss of openness from occurring in this area and within these identified Green Belt parcels.

We would also note here that the Green Belt immediately to the north of Derby (between Duffield and Quarndon) was described as “narrow” within the Technical Assessment of the Green Belt Purposes in the Derby Principal Urban Area 2012², however the latest Green Belt Assessment states that the Green Belt in this location is “so wide” that developing the land at Cumberhills Road would have a low impact regarding purpose 2 of including land within the Green Belt. Figure 1 shows the Duffield Growth sites and the two other sites included in Reasonable Alternatives and the resulting further reduction of already narrow section of Green Belt.

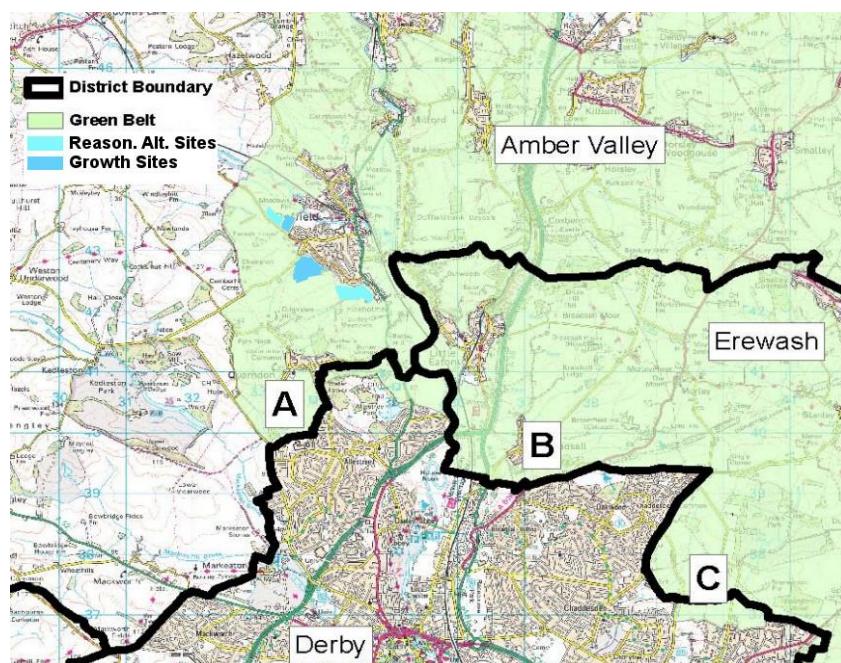


Figure 1. Duffield Growth Sites and Encroachment on Derby.

2.16 In particular paragraph 4.26 of the above assessment stated that:

Overall, this area of Green Belt was ranked as being of high importance in meeting Green Belt purposes, scoring equally highly in checking unrestricted sprawl of large built up areas; preventing neighbouring towns from merging into one another; assisting in safeguarding the

² Examination Library Document ED/19

countryside from encroachment; and preserving the setting and special character of historic towns.

2.17 No evidence has been submitted to justify the above change in position provided within the evidence base, and we therefore robustly challenge the latest position of the Council. It is our professional opinion that the gap in the context of the wider Green Belt is narrow and therefore the gap between Duffield and Quarndon plays a pivotal role in both maintaining openness and preventing towns and villages from merging into one another. In particular, the intervisibility between Duffield and Quarndon is relevant and any further development would reduce the sense of separation and openness. As the photo below shows Duffield is clearly visible from the direction of Quarndon and so the site plays a key role in separation



Photo 2: As the photo shows, Duffield is clearly visible from the direction of Quarndon and so the site plays a key role in separation.



Photo 3: As the photo shows, Quarndon housing is visible from Cumberhills Road on the ridge line and so the site plays a key role in separation

2.18 With regard to preserving the setting and special character of historic towns, the assessment of parcels 3 and 6 appears to have completely ignored the fact that Duffield is situated adjacent to the Derwent Valley Mills World Heritage Site (and within the setting of other conservation

areas), with the historic core of the village running in a north-south linear pattern along the A6 and following the general direction of the River Derwent around which the World Heritage Site designation (and buffer zone) exists.

2.19 Whilst the remainder of development in the village to the west of the main historic core comprises later development the wider character of the Green Belt parcels is made up of agricultural land with historic (Medieval) field patterns which encircle the village and form an integral part of the setting of the World Heritage Site. The Derbyshire County Archaeologist has stated that both Duffield sites are in *“an area of high historic landscape value (a substantial block of ancient landscape – fossilised medieval strip fields)”*

2.20 In addition to the above, Duffield was historically the site of a castle, which had the second largest keep in the country – second only to the Tower of London. The castle was destroyed by King Henry III in 1266. Only its foundations remain but they are a scheduled monument which is managed by the National Trust. The presence of the castle further demonstrates human occupation and interaction with the River Derwent in this location over many hundreds of years.

2.21 It is therefore concluded that whilst Duffield itself may not be considered to be a historic town/village in its entirety, its relationship with the World Heritage Site, its setting in the context of nearby conservation areas, and the surrounding historic field patterns around it means that heritage matters carry significant weight as part of assessing the contribution of these parcels to the purposes of including land within the Green Belt.

2.22 The above conclusions reflect paragraph 4.22 of the Green Belt Review dated November 2018 which states that:

The original purposes for Green Belt around the town of Belper, did not make reference to purpose 4 of Green Belts. Since the Green Belt boundaries were identified, the Derwent Valley Mills UNESCO World Heritage Site has been designated, of which Belper is one of the associated settlements. As we set out in Chapter 3, we consider it appropriate that purpose 4 of Green Belts is relevant to the assessment of Green Belt around Belper, as the rural landscape provides the setting for the historic town.

2.23 Therefore, in light of the above assessment for Belper, given that Duffield is considered to be an associated settlement of the World Heritage Site, then the same tests that are applied to Belper should also apply to Duffield, i.e. purpose 4 of national Green Belt policy should also be applied.

2.24 Heritage matters for both of the proposed new allocations in Duffield will be explored in more detail in section 3.

2.25 With regard to landscape matters, these are considered in more detail in section 4, however as the Green Belt parcel assessment suggests, the landscape in parcels 3 and 6 are **highly sensitive** to change.

2.26 In terms of the site specific assessments in the Green Belt Stage 2 Site Assessment (AV/39a), the table below illustrates the outcome of the assessment in terms of each site's affect upon

the five Green Belt purposes and other criteria for removing sites from the Green Belt in accordance with national policy.

Green Belt Purpose	HGS26	HGS30
1. To check the unrestricted sprawl of large urban areas	High Impact	High Impact
2. To prevent neighbouring towns from merging into one another	Low Impact	Low Impact
3. To assist in safeguarding the countryside from encroachment	High Impact	High Impact
4. To preserve the setting and special character of historic towns	Not Assessed	Not Assessed
Impact on Strategic Function of Green Belt	The strategic function of the Green Belt in this area was to prevent coalescence of settlements. Of relevance is the “Derby” area of the Green Belt.	The strategic function of the Green Belt in this area was to prevent coalescence of settlements. Of relevant is the “Derby” area of the Green Belt.
Can long term Green Belt boundaries be established?	Existing Green Belt boundaries are strong in this location and would be weakened if the site is developed. The boundaries comprise low/medium hedgerows that would need strengthening and the existing boundary is inadequate and would need serious mitigation.	There are no strong boundaries along the proposed development site. The boundaries comprise of low/medium hedgerows which would require strengthening.

2.27 In response to the above, we would agree that the field boundaries to both of the proposed allocations are very weak.

2.28 Table 2 of the Green Belt Review dated November 2018 provide the following criteria for strong boundaries: None of the boundaries to either of the proposed allocations contain the type of boundaries that would meet the criteria for a “strong” boundary.

Table 2. Criteria for Strong Boundaries

Strong Boundaries	Moderate to Weak Boundaries
Motorway Main road, particularly with hedgerow alongside	Minor or private road with open edge to countryside
Railway line (in use) Rivers, streams and canals Protected or dense woodland Protected or tall hedgerows	Disused railway lines Brooks and culverted watercourses Non-protected woodlands, trees and hedges Field or open space boundaries not well defined by mature vegetation
Residential, employment or other development with strong established boundaries (such as tall walls, mature vegetation)	Residential, employment or other development with weak or intermediate established boundaries (such as low walls, timber fences, open boundaries or immature vegetation)
Prominent topography Public footpath	Power lines

2.29 With regard to HGS26, the B5023 Broadway and the properties that run along it form a very strong and definitive boundary to the south of Duffield. The proposed allocation would severely compromise that defensible boundary with no detailed proposals before the examination as to how the boundary would be strengthened to endure beyond the plan period. If the allocation were to succeed, then there would be pressure for further “rounding off” to the south of the settlement, given that the boundary would be weakened as a result of the proposed allocation. This could therefore have an adverse impact upon Green Belt purpose 2 because development to the south of Duffield would encroach towards Quarndon and would reduce the sense of openness between these two settlements.

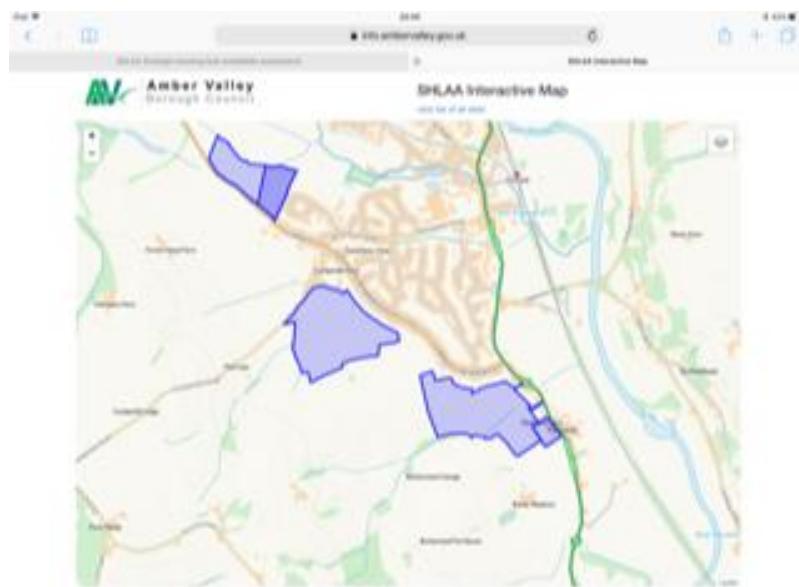


Figure 2: Chart shows that without strong boundaries on both sites there will be strong pressure for “rounding off” as additional sites are being promoted.

2.30 By way of example of this, other land to the south of Duffield is being promoted through the SHLAA as set out at figure 2 above. Therefore, if the site were to be allocated, then there would be future pressure to release sites to the south east of Duffield that is currently being promoted, and there may then be subsequent pressure to release the land in between in.

2.31 With regard to the Wirksworth Road Site (HGS30), there are no strong boundaries to the north or west of the site that would endure beyond the plan period. If the site were to be released, then there may be further pressure to infill or “round off” the settlement to the north when any further review of the Local Plan is prepared. In addition, figure 2 above also shows that land further to the west of the proposed Wirksworth Road allocation is also being promoted for development. This site has previously been promoted for housing development and so there may be further pressure to release this site when the local plan is next reviewed. The proposed allocation here therefore would not provide a strong defensible boundary to the Green Belt that would endure beyond the plan period.

2.32 The draft policies for both allocations requires the need for significant mitigation measures to establish a strong defensible Green Belt boundary around the edges of the site, however the nature and extent of such potential boundaries has not been established. For example, if a

landscaping buffer was proposed, then such a landscape buffer would need to be significantly wide, and provide substantial belts of large trees to meet such a requirement. Such landscaped boundaries would take a number of years to establish and may not be sufficiently established by the time the next review of the Local Plan takes place. Furthermore, the ability to provide landscape buffers to proposed development sites equally applies to any site in the open countryside, whether or not they are located within the Green Belt, and therefore, **the ability to establish a landscaped boundary to the Green Belt is not considered to be an exceptional circumstance to justify the release of the two sites in Duffield.**

2.33 In light of the considerations provided within this section of our representation, it is not considered that exceptional circumstances have been demonstrated to justify the release of the two proposed allocations on the edge of Duffield from the Green Belt.

3. HERITAGE

- 3.1 AVBC has published Historic Environment Assessments (“HEA”) of potential sites dated 2016-17 (ED32) and 2018 (ED32a).
- 3.2 The proposed allocation to the South of Cumberhills Road (HGS26) is assessed as part of the 2018 document (PHS165).
- 3.3 The assessment, however states that the World Heritage Site and the World Heritage Site Buffer Zone would not be affected without substantiating that view further with robust and detailed evidence.
- 3.4 The site is located approximately 470 metres to the west of the boundary of the Buffer Zone and 490 metres to the west of the boundary of the World Heritage Site at the nearest point. Whilst the site is not within the buffer zone, it can still be considered to be part of the wider setting of the World Heritage Site.
- 3.5 Whilst there is not a clear uninterrupted view of the World Heritage Site from this proposed allocation, the site forms part of the wider landscape, and views across the site towards the east from Cumberhills Road allows road users and users of the public right of way to gain views of the wider landscape setting of the World Heritage Site and Buffer Zone, which rises up either side of the Derwent.
- 3.6 The justification document submitted to UNESCO when the World Heritage Site designation was proposed states that the primary significance of the designation is as a cultural landscape. The wider setting of the World Heritage Site is therefore a material consideration of substantial weight.
- 3.7 The above is recognised within the Derwent Valley Mills World Heritage Site Management Plan at page 86 (Aim 1) where the action plan states that:

*Development which would impact adversely on the DVMWHS, its OUV **or its setting** should not be permitted.*
- 3.8 It is therefore our professional opinion that the proposed allocation to the South of Cumberhills Road is subject to a more robust heritage assessment in the context of the World Heritage Site. The HEA does not determine whether or not the allocation would result in substantial or less than substantial harm to the setting of the World Heritage Site under paragraphs 133 or 134 of the Framework.
- 3.9 Until the level of harm on the setting of the World Heritage Site is established, be it substantial, or less than substantial, then this allocation should not be considered further.
- 3.10 As already set out, Duffield was previously the site of a Norman Castle which was destroyed in 1266 by King Henry III, and this evidence clearly demonstrates that the area has been a historic human settlement for many hundreds of years. Prior to this, it is likely that Roman and Saxon settlement existed in this location, and the Derbyshire Historic Environment Record suggests that there have been some finds in the area, including Roman coins and pottery. It is therefore

a possibility that a Roman road could have existed in the area (Examination Library document ED32a p206) Therefore, the presence of such activity must be investigated and evidenced.

- 3.11 The HEA suggests that the site at Cumberhills Road has value because it has a substantial block of fossilised medieval strip fields which provides information about how the medieval countryside worked around Duffield. The fact that a Norman castle previously stood in Duffield adds credence to the importance of this historic evidence. The HEA clearly states that the site is within an area of high historic landscape value. The HEA is then explicit in stating that the remains of the strip farm system could be lost by the development of this site and it would remove their significance.
- 3.12 It is particularly noteworthy on the above point that the Sustainability Appraisal confirms that the impact upon heritage assets and their setting has been assessed as uncertain, and the Council has therefore failed to pay due regard to heritage matters when considering the proposed allocations around Duffield.
- 3.13 In light of the above considerations, it is considered, as a minimum, that less than substantial harm would arise from the proposed allocations in heritage terms and this carries significant weight against the proposed allocations in Duffield.

4. LANDSCAPE

- 4.1 As set out in the heritage section, Duffield and its environs either falls within or forms part of the setting of the World Heritage Site, which was designated, in part, because of its cultural landscape.
- 4.2 The Council's Landscape Sensitivity Study dated October 2016 identifies the majority of the land surrounding Duffield as having a high sensitivity. All of HGS30 is of high landscape sensitivity. The northern half of HGS26 is classed as having a medium sensitivity, with the southern half of the proposed allocation identified as having a high sensitivity.
- 4.3 Whilst time constraints have prevented the commissioning of a Landscape Sensitivity Survey, SDGB would challenge the designation of the land on both sides of Cumberhills Road as being of 'medium sensitivity' (ED30, Amber Valley Landscape Sensitivity Study 2016)
- 4.4 Section 6.3.41 of the Council's Landscape Sensitivity Study states the "land either side of Cumberhills Road has lower visual prominence, where the land slopes more gently from the settlement edge and is partially enclosed by trees and hedgerows." This appears to be highly subjective as the slope of the site from the settlement edge is not sufficiently different to that of the rest of the land in parcel 3 and it is open and visually prominent as an entryway into Duffield – see photo 4. Beyond two young trees, only the last 20m of the 'medium sensitivity' section as you exit Duffield are bounded by trees on the left hand side only, the right hand side and the initial 200m on the left are bounded by a low hedge allowing views across the open countryside on either side – see photo 5 and photo 6. These give views of 'medium sensitivity' landscape to left and right of Cumberhills Road on entry to the village.



Photo 4: View of the Cumberhills Road site as exiting Duffield on Cumberhills Road. Notice the land is open and visually prominent



Photo 5: View over low hedge allowing views across the open countryside on the left hand side of Cumberhills Road as entering Duffield via Cumberhills Road



Photo 6: View over low hedge allowing views across the open countryside on the right hand side of Cumberhills Road as entering Duffield via Cumberhills Road

4.5 Section 6.3.41 also states “development has extended up Cumberhills Road and so the adjacent settlement edge is not so well-defined.” The furthest development extends 60m beyond the remainder of the settlement edge, which has been taken as the road turning into Cumberhills Grange – the photo below shows the distance between the last property and the remainder of the settlement. The area designated as ‘medium’ sensitivity however extends a further 160m into the Green Belt, well beyond the curtilage of this property. Photo 8 shows the view towards the settlement fringe from the edge of the area designated as ‘medium’ sensitivity.



Photo 7: Exit from Duffield on Cumberhills Road showing the extent of the last property



Photo 8 shows the view towards the settlement fringe from the edge of the area designated as ‘medium’ sensitivity.

4.6 Section 6.3.41 further states 'enhancement of the existing planting on the boundaries of these fields could reduce the visual prominence of this land, and create a stronger, vegetated settlement edge.' This statement in itself therefore implies that the site is visually prominent. Development of the site with a landscape buffer to screen it from the wider landscape should not be seen as a means to enhance what is an existing open and historic agricultural landscape.

4.7 As already set out in Section 3 of this submission, the Council's own evidence base states that the landscape is highly sensitive to change in this location. Section 4 also sets out the historical context of the landscape around Duffield. Indeed, following an FOI request, Derbyshire County Council (DCC) have also confirmed they believe both sites have "major landscape constraints". See Annex 5 8ES 7958 390 19 - FOI EIR Response

4.8 In particular, from closer vantage points, there would be substantial changes to the character and appearance of the area from the presence of dwellings. This would be particularly stark and apparent to users of the footpath through HGS26, and the sense of openness and views of the surrounding historic landscape would be lost.

4.9 Of particular note would be the impact on views from surrounding vantage points, when taken both within and outside of the WHS. In particular, roof tops of any proposed residential development, which is likely to comprise two storey dwelling houses with pitched roofs, would be a new and prominent feature within the landscape. Such a change would have a severe adverse effect on the character and quality of the historic rural landscape.

4.10 It is therefore our professional opinion that the allocation of land around Duffield would cause serious harm to the historic countryside, which is considered to comprise a valued rural landscape.

4.11 As the Inspector in Bullsmoor, Belper decision³ noted at paragraph 135 of his decision letter, *"The significance of the WHS thus lies not just in the historical, cultural and evidential value of the early industrialisation of the Derwent Valley, but also in the survival, almost intact, of the contemporary rural landscape into which it was set. The ability to appreciate the mills and settlements in their original landscape contributes hugely to the significance of the WHS as a heritage asset".*

4.12 Because of the historical evidence provided within the evidence base confirming that the field patterns are largely medieval and that they form part of the wider landscape setting of the WHS, it is considered that the landscape around Duffield, which is highly sensitive to change, should be considered a valued landscape in the terms of paragraph 109 of the Framework. This landscape should therefore be protected and enhanced.

³ PINS references 3183493 and 3194115

5. SCHOOL CAPACITY

5.1 The draft policies for both of the proposed Duffield allocations require the provision of financial contributions towards the enhancement of existing primary and secondary school provision in the locality.

5.2 Table 5 of the Sustainability Appraisal Addendum⁴ suggests that:

Sites at Duffield would be served by Duffield Meadows Primary or William Gilbert Primary and the Ecclesbourne School. It is understood that these are capable of expansion.

5.3 However, there is no evidence submitted with the latest consultation to assess existing capacity or deficiencies in education provision, nor is there evidence to suggest what enhancements are required. Whilst a sum of money may be secured for education provision, it must serve a clear purpose to address any deficiencies, and such enhancements, such as additional classrooms must be clearly deliverable, otherwise any existing issues in terms of education provision won't be addressed, and additional development in the area may exacerbate any problems with capacity or other deficiencies further.

5.4 There are currently two primary schools and one secondary school in Duffield. These schools are as follows:

- (a) Duffield Meadows Primary School
- (b) William Gilbert Endowed School (primary)
- (c) The Ecclesbourne School

5.5 Duffield Meadows Primary School admits 45 children to its reception class for each academic year. The published admissions criteria for this school (which is a local authority school) is as follows:

1. Looked after children and children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order).
2. Children living in the normal area served by the school at the time of application and admission who have brothers or sisters attending the school at the time of application and admission.
3. Children living in the normal area served by the school at the time of application and admission.
4. Children not living in the normal area served by the school but who have brothers or sisters attending the school at the time of application and admission.
5. In the case of voluntary controlled church schools, children whose parents request a place on religious grounds.***

⁴ Examination Library Document AV/42

6. Other children whose parents have requested a place.

Where, in the case of 2, 3, 4, 5 or 6 above, choices have to be made between children satisfying the same criteria, those children living nearest to the school (measured by straight line) will be given preference. ****

- 5.6 The school has a maximum capacity of 315 pupils and has 309 students currently. Duffield Meadows has increased in size over the last 16 years and has had split classes in a number of years to cope with the number of students as there were insufficient classrooms. In one year, the students in one cohort were split across 3 separate classes and this led to a number of complaints. Correspondence from the Head of the school states that 'expansion could only happen if more land was added to our school.' Adding classrooms 'without expanding all shared areas such as dining hall, playground, toilets' would not be sufficient. We would therefore argue that there is no room for expansion of this size on the current footprint of the site due to the restrictions mentioned in paragraph 5.8.
- 5.7 The school is accessed via Park Road, which is a narrow residential estate road. The school is then accessed via a narrow single access driveway between two existing dwellings, with insufficient width available to allow for two-way vehicle movements. Any increased student numbers at this school are therefore likely to have highway safety implications that are unlikely to be addressed by an education contribution. The school has had an unofficial one-way system in place on Park Road for over ten years after complaints from local residents.
- 5.8 In terms of potential expansion of the school, there is a presumption against the loss of playing fields in accordance with paragraph 74 of the Framework, and in any event, parts of the existing playing fields to Duffield Meadows fall within flood zones 3a and 3b which therefore restrict any scope for expansion.

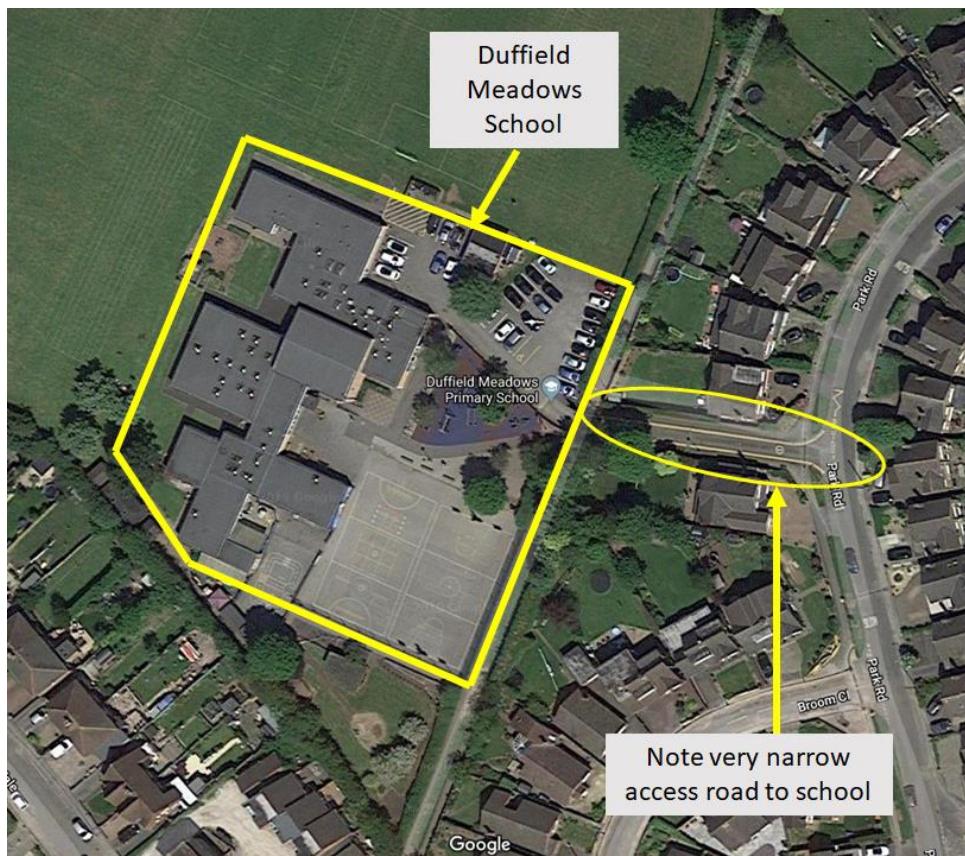


Photo 9: Google earth photo of Duffield Meadows school. Note that access to the school is via a small access road off a residential estate.

- 5.9 The access constraints of the school, in addition to the presence of surrounding playing fields are illustrated at Photo 9 above.
- 5.10 With regard to William Gilbert Endowed School, it follows the same admissions policy as that observed by Duffield Meadows School, but admits 35 pupils into the reception cohort each year.
- 5.11 This school is located within the village to the north. The school is located at the junction of King Street and Vicarage Lane, and the school is tightly constrained by surrounding residential development. See Photo 10 below. The school has a total of 9 classrooms including the nursery class. The school has no playing field and has to make use of nearby recreation grounds for PE lessons.
- 5.12 Correspondence received from this primary school confirms that William Gilbert Endowed School is very popular and over-subscribed, with waiting lists for all year groups. The school currently has 248 pupils attending, plus a nursery class. The school has a net capacity of 236 pupils, so is already operated 12 pupils above its capacity.
- 5.13 This year, 76 applications were received from parents applying for their children to attend the school and it was only able to offer 34 places to its reception class.

5.14 The correspondence from the school confirms that there is no capacity for this school to expand at all, and therefore, no amount of Section 106 money would alleviate this problem. The school would therefore be unable to accommodate any further pupils that any potential new housing development would generate, although any children under the age of 5 would still be able to apply for future places as part of the new intake into the reception class. This would not, however, deal with additional demand from older primary age children.



Photo 10: William Gilbert school is totally surrounded by houses and so has no physical space to expand

5.15 The Ecclesbourne School provides secondary education and for 1 September 2020, the intended admissions for the year 7 entry will be 240 pupils. The school admissions policy is as follows:

1. Children in public care as defined
2. Children who have a sibling⁽ⁱⁱ⁾ at The Ecclesbourne School at the time of application and admission and who live in the normal area served by the School at the time of application and admission.
3. Children living in the normal area served by the School at the time of application and admission.
4. Children who have a sibling⁽ⁱⁱ⁾ at The Ecclesbourne School at the time of application and admission and who do not live in the normal area served by the School.
5. Children of members of staff with a minimum of two years' service at the school at the time of application.
6. All other children not eligible under the above criteria.

5.16 As is the case with William Gilbert Endowed School, there is limited capacity for further expansion of the Ecclesbourne School. It only has one large playing field and a smaller sports pitch. The northern boundary of the site is formed by a river, and other land surrounding the school is constrained by existing housing development.

5.17 On 22 October 2018, a planning application was refused for an extension to the existing sixth form centre at the school to provide a flexible sixth form study and to extend the sixth form café kitchen under application reference AVA/2018/0255.

5.18 A copy of the decision notice is provided at **Annex 6**, which demonstrates that the application was refused for two reasons as follows:

1. There is inadequate provision for parking in the application proposal and it is considered that the proposal does not take account of the school's large catchment area or increased car ownership (particularly amongst sixth form students), and would result in additional on-street parking to the detriment of the best interests of highway safety, contrary to Paragraphs 102 and 105 of the revised National Planning Policy Framework (NPPF), which state that transport issues should be considered from the earliest stages of development proposals so that patterns of movement, and parking are integral to the design of schemes and that local parking standards should take into account (amongst others) the accessibility of the development, the type use of development, and local car ownership levels.
2. The footprint of the proposed extension would result in a permanent loss of usable playing field to the detriment of the school's facilities contrary to Saved Policy LC3 of the Local Plan in that it has not been demonstrated that there is no demand for continued use of the playing field either currently or in the foreseeable future, and no alternative facilities are proposed, and, contrary to revised NPPF paragraph 97 which states that existing sports and recreational land, including playing fields, should not be built on unless an assessment has clearly shown the land to be surplus to requirements, or the loss would be replaced by equivalent or better provision or the development is for alternative provision.

5.19 The intention of the planning application was to increase the capacity of sixth form facilities in order to accommodate an additional 20 students.

5.20 Sport England objected to the application on the grounds of a loss of playing fields and that is reflected in reason for refusal number 2.

5.21 The site is also located in Flood Zone 2 which may be a further constraint to additional expansion of the school in this location.

5.22 The school currently has a capacity limit of 1603 pupils, which is set by Derbyshire County Council and there are currently 1483 pupils attending this school. There have been 503 applications for pupils to attend this school in the next academic year.

5.23 Whilst the figures above suggest that there is some capacity for additional attendees of the school, it is anticipated that the capacity of the school of 1603 pupils will be reached by September 2021 when the current year 10 reach year 13. Taking into account lead times for housing development of approximately 2-3 years from pre-planning stage to delivery of the first homes on site, then it is likely that any new homes that are occupied in Duffield after completion would coincide with a period where there is no capacity to accommodate additional pupil numbers at Ecclesbourne School. Further opportunities to physically expand the school to accommodate increased student numbers are limited as shown at Photo 11 below:



Photo 11: Google photo of Ecclesbourne School shows expansion potential for the school is very limited.

5.24 In addition to the above considerations, the catchment area for Ecclesbourne School is provided at figure 3 below⁵.

⁵ Source: <http://www.ecclesbourne.derbyshire.sch.uk/catchment>



Figure 3: Ecclesbourne catchment area map sourced from the Ecclesbourne School website - <http://www.ecclesbourne.derbyshire.sch.uk/catchment>

5.25 As shown in Figure 3, the catchment area covers a wide area, including Mackworth, where two substantial allocations are proposed for a combined total of 670 dwellings. In addition, planning permission for 400 dwellings also exists at Kedleston, which was allowed on appeal⁶, which according to the Council's trajectory will start to deliver completed homes towards the end of the 2019/20 monitoring year. A contribution towards secondary education provision was sought from this development, although it is not clear what specific secondary education project the contribution was directed towards. Notwithstanding, it is anticipated that the Kedleston approval will result in a substantial number of additional students attending the secondary school in Duffield. Policy HGS12 (Radbourne Lane (North), Mackworth) of the draft plan allocates 600 dwellings and requires the provision of a primary school on site, but only requires a financial contribution towards the enhancement of existing secondary school provision in the locality.

5.26 There would undoubtedly be residents that choose to send secondary school age pupils to Ecclesbourne School in Duffield, and the cumulative effect of the Mackworth allocations along with the newly proposed Duffield allocations are highly likely to result in a shortfall in secondary school places with an increased likelihood that pupils may have to travel longer distances elsewhere to access secondary education, particularly at a time when the school is expected to be at capacity by September 2021, after which some of the proposed allocations within the school catchment are likely to start delivering completions.

5.27 The Local Plan does not have any specific, detailed plans to improve and expand secondary school provision. Whilst the policies for the proposed allocations at Mackworth and Duffield

⁶ Application reference AVA/2014/0928 / appeal reference 3132791

include a requirement to provide contributions towards secondary education provision, there are no specific details as to which schools any contributions would be targeted towards, and what specific enhancements would be delivered as a result. The evidence provided within this representation clearly demonstrates that there is no physical capacity to expand existing school provision in Duffield, and there is no specific improvement to existing schools identified to address existing and anticipated deficiencies in provision.

- 5.28 Derbyshire County Council (Education) has also commented as follows. The Ecclesbourne School is "*already operating at their full potential in terms of pupil intake. It is not possible to extend the school further to accommodate additional pupils*" - See Annex 7 FOI 191\19
- 5.29 In light of the above conclusions, and with no robust and credible proposals to accommodate increased student numbers then the proposed allocation and the request for financial contributions are considered to be unsound.

6. OTHER ENVIRONMENTAL CONSIDERATIONS

- 6.1 Duffield is located within a SSSI Impact Risk Zone for the Kedleston Park SSSI.
- 6.2 The SSSI citation by Natural England states that the main interest of Kedleston Park is the rich and diverse deadwood invertebrate fauna.
- 6.3 Natural England has also published a document which lists operations that are likely to damage the special interest of the SSSI. This includes the release into the site of domestic animals, changes to the water table and recreational or other activities likely to damage the biological interest of the site.
- 6.4 The SSSI designation surrounds Kedleston Hall (a National Trust property that is open to the public) and a golf course. The additional households that would be generated within the area are therefore likely to increase visitor pressure in terms of increased footfall through Kedleston Park, and increased vehicle movements which may generate additional emissions and pollutants as a result. This could therefore have an impact upon the special interest of the SSSI.
- 6.5 The Council in this case has a statutory duty to take reasonable steps to further the conservation and enhancement of the special interest features of SSSIs. Local plans must be prepared in accordance with this duty.
- 6.6 In discharging its statutory duty, local planning authorities should apply strict tests when carrying out any functions within or affecting SSSIs to ensure that they avoid or at least minimise any adverse effects and to take appropriate action to prevent damage by third parties.
- 6.7 As part of the evidence base for the latest consultation, there does not appear to be any evidence to demonstrate that this matter has been adequately addressed in the Sustainability Appraisal when assessing the new proposed sites.
- 6.8 Appendix 5 to the Sustainability Appraisal Addendum states in third column to S01 that where the site is within a SSSI impact zone, negative effects will be assigned where there is a clear pathway to impact the site.
- 6.9 The Sustainability Appraisal Addendum suggests in the Biodiversity column at Table 5.6 that the two sites in Duffield would deliver biodiversity gain, including the delivery of new habitats, however there has been no clear evidence submitted that biodiversity gain would be achieved or how it would be achieved, nor is there any text within the draft policy requiring a detailed ecological enhancement scheme.
- 6.10 The sustainability appraisal and the draft policy have failed to properly address any potential impact upon the Kedleston Park SSSI in terms of potential activities that could have an adverse impact on the SSSI.
- 6.11 It is certainly not the case that a positive score in terms of biodiversity can be attributed to the proposed Duffield allocations given the limited availability of robust and credible evidence to suggest otherwise.

6.12 The Council has therefore failed in undertaking its statutory duty to further the conservation and enhancement of the special interest features of the SSSI. Until the council does so, the proposed allocations around Duffield, and indeed other proposed allocations that may fall within the impact risk zone would be unsound.

7. OTHER CONSIDERATIONS

Drainage and Flood Risk

7.1 SDGB and local residents have expressed concerns that the proposed allocations, particularly the land to the south of Cumberhills Road (HGS26) and land at Wirksworth Road (HGS30) are susceptible to ground and surface water flooding as shown in the Council's supporting plans within the Strategic Flood Risk Assessment.

7.2 In addition, during extreme storm events, localised flooding is known to occur throughout Duffield. This is reflected in comments from Derbyshire County Council (Lead Local Flood Authority - LLFA) with regard to the Cumberhills Road site which state that "*the LLFA are aware of a number of watercourses on the site known to cause flood risk to the Broadway area*"

7.3 Due to funding constraints, SDGB and local residents have been unable to commission their own drainage reports, however flooding and drainage matters are raised here in order to make the Inspector aware of drainage issues that have been recorded in Duffield in recent years.

7.4 To the north of the proposed Cumberhills Road allocation is a recent residential development known as Cumberhills Grange. To the south of the access road and to the north of northern site boundary is a flood attenuation pond that was constructed as part of that development in recognition of the flood risk to properties from surface water run-off. A series of watercourses also flow through the proposed allocation as shown at figure 4 below.

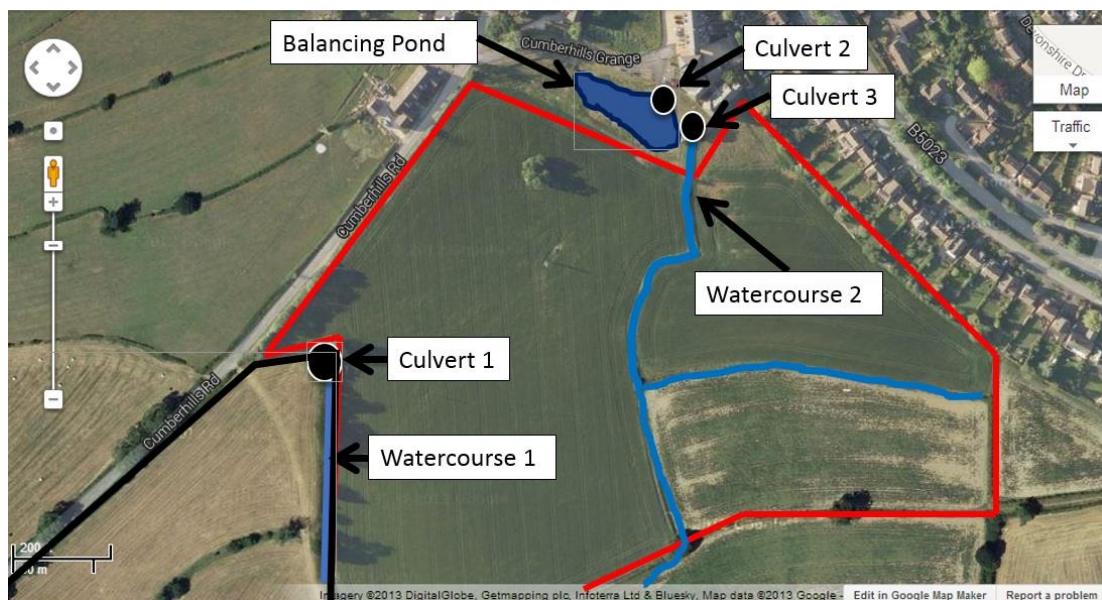


Figure 4. Layout of Surface Water Drainage on the Cumberhills Site.

7.5 The approved surface water attenuation pond at Cumberhills Grange is shown at figure 5 below. The facility was a requirement of the Planning Permission granted to allow the construction of the Cumberhills Grange. A management company was established to maintain this facility in line with the original design standards.

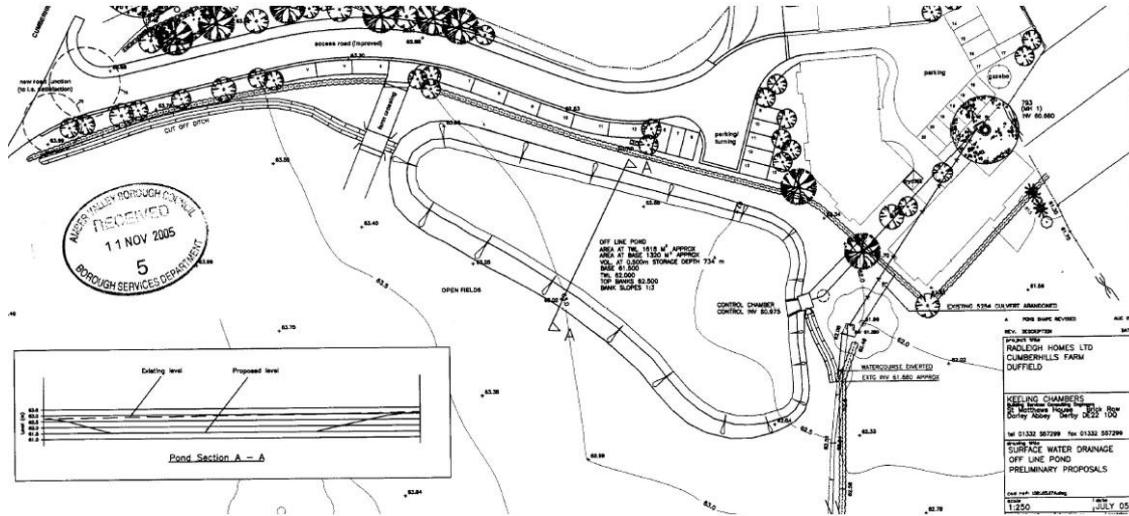


Figure 5

7.6 During periods of heavy rainfall, Watercourse 1 and 2 have to carry the surface water run off from a large area to the rear of Broadway which stretches up to Quarndon.

7.7 It is accepted that on most occasions water flows freely along these watercourses, however during periods of heavy rainfall, the volume of water is significant. When water volumes become excessive during storm events, the trash screens quickly become blocked and surface water is unable to flow through the underground culverts. Therefore, the only route for excess surface water discharge is over ground, across the fields and towards the balancing pond facility. See Photo 12 below



Photo 12: Photo taken by a resident showing significant water flow across the field towards to the balancing pond.

7.8 Video evidence taken during heavy rainfall shows that even when the trash screens are clear of debris, the underground rainwater drainage system which was constructed in the 1960's is barely able to cope with the volume of water. See the video file called "November 2016.mov" which shows the 2 underground pipes at full capacity. Video file: <https://www.dropbox.com/s/9kdlf9ytsydb4m1/November%202016.MOV?dl=0> (this file can be provided on a CD if requested).

7.9 Whilst the attenuation pond was designed to handle a 1 in 100 year rainfall event, in the time since it's construction in 2003, it has filled and overflowed on a number of occasions See photos 13 and 14 below.



Photo 13 & 14: Photos taken by residents showing evidence of the attenuation pond overflowing on different occasions.

7.10 As a result, excess water from the flood attenuation pond runs across the farmland and into the gardens of private properties on Broadway. Photos of flooding of private homes is shown at photos 15 and 16 below. Flooding is recorded dated back to 1986, 1992, 2001 and more recently in 2008.



Photo 15 & 16: Photos taken by residents showing flooding in the back garden of houses on Broadway, Duffield on different occasions.

7.11 In light of the above, residents are therefore concerned that in addition to existing greenfield run off, surface water run off during storm events would be exacerbated by hard surfacing from roads, roofs, patios, footpaths and driveways from the proposed allocation.

7.12 There does not appear to be any evidence that the above has been addressed as part of the evidence base to justify the proposed allocations in Duffield, and there is no text within the allocations policy that requires flood risk and drainage matters to be fully addressed as part of those allocations.

7.13 Until the above matters are properly addressed, residents do not consider that the proposed allocations are sound on the basis of flood risk and drainage and that these sites should not be allocated until it is demonstrated that such matters can be properly resolved. In addition, the need for mitigation measures may affect the deliverability of this site, particularly if there is a need to upgrade the current inadequate storm drain system which takes rainwater to the river Derwent.

8. CONCLUSION

8.1 This representation has been prepared for Save Duffield Green Belt (herein referred to as "SDGB") and local residents of Duffield (a list of additional local residents party to this representation are provided at **Annex 2**).

8.2 SDGB is a large group of residents from the village of Duffield who wish to preserve the character and setting of their village, which is located on the edge of the Derwent Valley Mills World Heritage Site and is also inset within the Green Belt.

8.3 This submission has focussed on the following planning policy and technical matters and has raised a number of shortcomings in response to the proposed allocations in Duffield (site references HGS26 and HGS30) in terms of the following matters:

- (a) Green Belt policy:
 - (i) It is not considered that all reasonable alternatives to releasing Green Belt land have been fully investigated, including the extent to which empty homes could be brought back into use and whether or not densities could be maximised on other proposed non-Green Belt allocations;
 - (ii) Both sites fall within wider Green Belt parcels that provide a critical importance to the 5 purposes of including land within the Green Belt, in particular preventing urban sprawl, preventing towns and villages from merging into each other and preserving the setting of historic towns (and in this case the World Heritage Site);
 - (iii) Neither of the proposed allocations in Duffield have strong defensible boundaries that would endure beyond the plan period and the evidence of other sites being promoted suggests that there would be further pressure to "round off" the settlement as part of the next review of the Local Plan;
- (b) Heritage:
 - (i) Duffield and the proposed allocation sites are considered to form part of the wider landscape setting of the World Heritage Site;
 - (ii) The site is also within the setting of nearby conservation areas;
 - (iii) The Historic Environment Record contains records of Roman finds in the area and the Council's own evidence suggests that a Roman Road may run under the proposed Cumberhills Road allocation;
 - (iv) The site at Cumberhills Road has value because it has a substantial block of fossilised medieval strip fields which provides information about how the medieval countryside worked around Duffield;
 - (v) The proposed allocations would therefore, as a minimum, result in less than substantial harm to designated heritage assets and the extent of such harm has not been properly assessed or balanced against any public benefits.

- (c) Landscape:
 - (i) The field patterns surrounding Duffield are largely medieval and that they form part of the wider landscape setting of the World Heritage Site;
 - (ii) The landscape around Duffield is highly sensitive to change and should be considered a valued landscape in the terms of paragraph 109 of the Framework. This landscape should therefore be protected and enhanced.
- (d) School Capacity:
 - (i) The evidence provided within this submission demonstrates that existing schools are at or nearing capacity;
 - (ii) Both primary schools and the secondary school have no or very little capacity for physical expansion of the school buildings to accommodate increased pupil numbers;
 - (iii) The provision of section 106 contributions from the proposed allocations are unlikely to be able to improve the capacity of the existing schools.
- (e) Other environmental considerations:
 - (i) The proposed allocations are located within the Kedleston Park SSSI Impact Risk Zone and the implications of this have not been properly considered or assessed within the evidence base;
 - (ii) The council has not discharged its statutory duty to further the conservation and enhancement of the SSSI;
 - (iii) There is no evidence submitted with the plan to demonstrate how the proposed allocations will deliver biodiversity net gain;
 - (iv) The flood risk to homes in Duffield has not been recognised or addressed despite evidence from the Lead Local Flood Authority highlighting this risk.

8.4 This submission has demonstrated that the proposed allocations around Duffield (both at Cumberhills Road and Wirksworth Road, and the evidence presented that seeks to justify the proposed allocations are unsound. The proposed allocations should therefore be removed from the amended Draft Local Plan.

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Knights plc
April 2019