

Statement Drafted with the Support of Nina Pindham, Barrister at No 5 Chambers

1. This is part of Save Duffield Green Belt (a community organization representing the views of the residents of Duffield) consultation response to Amber Valley Borough Council's ("AVBC") published changes to the policies and supporting text proposed within the Submission Local Plan. This document relates to amendments to the existing Green Belt boundary and the allocation of additional Housing Growth Sites only. We note the deadline for representations to be received has now been extended to 4:30pm on Thursday 2 May 2019.
2. Save Duffield Green Belt strongly objects to the removal of Green Belt protection from two parcels of land in Duffield: Cumberhills Road and Wirksworth Road. The Cumberhills Road site is proposed to be allocated as a Housing Growth Site under draft policy HGS26 (175 dwellings). The Wirksworth Road site is proposed to be allocated as a Housing Growth Site under draft policy HGS30 (70 dwellings).
3. There are significant impediments to the delivery of housing on either of these sites. The revised Sustainability Appraisal notes that Duffield is "subject to multiple constraints" (page 14), including areas of high landscape sensitivity and a very high number of designated heritage assets which partly derive their significance from their wider rural setting. This is an area of the most significant environmental and historic importance, not only nationally but internationally. Its development therefore requires the utmost care.
4. Save Duffield Green Belt considers the "exceptional circumstances" needed to find the Submission Local Plan sound do not exist in relation to the Cumberhills Road and Wirksworth Road sites for the reasons set out below. These two sites should not, therefore, be removed from the Green Belt.

Cumberhills Road (draft policy HGS26)

5. This is not a suitable site for housing. The revised Sustainability Appraisal concludes the development of the site requires "significant mitigation measures" (emphasis added, page 110). Even if significant mitigation is secured, however, the benefits derived from developing the site for housing do not outweigh the environmental, social and economic harms that would be caused.
6. Commencing with social and economic sustainability, the Green Belt Amendments and Additional Site Allocations version of the Submission Local Plan notes this site is "reasonably accessible to local services and facilities and employment opportunities" (paragraph 6.10.42). The community disagrees with this. The site is approximately 1.6km to the nearest bus stop and 1.8km to the Duffield train station which only has 1 train per hour. It is 1.9km to one of the primary schools. Employment in the village is very limited and is restricted to a small number of village type shops (eg hairdresser, newsagent) and pubs.

7. It follows that this is not a sustainable location for housing and the social and economic benefits of locating housing on this site are very limited.
8. On the environmental impact of developing this site, including the stated potential to “provide environmental improvements and enhanced public open space/recreation provision”, it has to be noted that the Green Belt Review Stage 2 assessment concludes that the impact of development of this site is categorized as “high” in nearly every respect. Any environmental improvements, therefore, come at the predominately “high” cost of developing this Green Belt site.
9. These “high” costs include the loss of the “critical” function of the site with respect to Purpose 1 of the Green Belt (Green Belt Review Stage 2 App. 1 page 5). The Green Belt Review concludes “the proposed site would result in definite sprawl into the countryside.”
10. In terms of a conflict with Purpose 2, there is intervisibility with Quarndon, and the development would reduce the gap between the two settlements. Distance “as the crow flies” is not considered to be a useful metric to determine impact on the purposes of including land in the Green Belt. What matters is perception on the ground. The site is of major importance with respect to Purpose 2. Because of the intervisibility between the two settlements (it matters not whether trees or buildings can be seen because the “purposes” must be viewed over a very long time frame and trees may well die and/or be replaced with buildings in the long term) there will be a high degree of conflict with Purpose 2 because of the increased *perception* of neighbouring towns merging into one another.
11. It is agreed there would be a “high” degree of conflict with Purpose 3. There are “little in the way of meaningful boundaries to encroachment if released” and so the release of the site would encourage rather than assist in safeguarding the countryside from encroachment. The site boundary appears to follow field boundaries rather than the physical features on the ground. It is not clear why the boundary chosen is “defensible” in Green Belt terms. In light of the Green Belt Review’s conclusion that there would be a high degree of conflict with Purpose 3 it is considered there is no defensible boundary feature on the ground. The Green Belt Review acknowledges that the development of the site would “weaken” the existing “strong” Green Belt boundary in this location.

In terms of Purpose 4, whilst Duffield itself is not a “historic town”, it contains a very large number of designated and non designated heritage assets (the setting of the latter would be affected directly by the development of the site: revised Sustainability Appraisal, page 110). This site comprises a “substantial block of ancient landscape” (Historic Environment Assessments of Potential Sites) which undoubtedly contributes to the special character of the settlement. These fossilised strip fields would be totally lost if the site was developed. The Green Belt Review has failed to take account of the fact that this is an area of “high” historic landscape value. The Amber Valley

Landscape Sensitivity Study says:

“The field either side of Cumberhills Road are of medium sensitivity. All remaining land surrounding the settlement is of high sensitivity” (paragraph 6.3.45).

12. The proposed area includes an area of medium sensitivity but extends well into the area of high landscape sensitivity.
13. Finally, with respect to Purpose 5, it is not noted specifically in the Green Belt Review. It should have been: the purpose of including land within the Green Belt is to increase the pressure on brownfield land, encouraging the recycling of derelict and other urban land, in order to assist in urban regeneration.
14. The site is also within a Source Protection Zone 3, (an area of groundwater where there is a particular sensitivity to pollution risks due to the close proximity of a drinking water source) (revised Sustainability Appraisal, page 110).
15. As the Green Belt Review significantly underestimates the importance of the site with regards to the purposes of including land within the Green Belt there are no exceptional circumstances to justify this amendment to the Green Belt boundary. The site should not be proposed as an additional Housing Growth Site in the Local Plan.

Wirksworth Road (draft policy HGS30)

16. This site fares even worse than Cumberhills Road in terms of the sustainability of its location. The Green Belt Amendments and Additional Site Allocations version of the Submission Local Plan notes it is “some distance from local services and facilities” (paragraph 6.10.48). This is contrary to the revised Sustainability Appraisal, which lists parcel PHS187 as “non-preferred” because it is “not reasonably accessible to local services and facilities” (page 69). The Wirksworth Road site (parcel PHS188) is located 1.9km to Duffield train station and 1.7km to the nearest bus stop. It is 1.9km to one of the primary schools in the village (William Gilbert). And as noted previously, there is very limited employment opportunities in the village beyond small shops and pubs.
17. In relation to the environmental impact of developing the site, similarly to the comments regarding the Cumberhills Road site, the Green Belt Amendments and Additional Site Allocations version of the Submission Local Plan says the site “offers the potential to provide environmental improvements”. Again, the environmental improvements which would result from developing the site come at the “high” cost of developing this Green Belt site.
18. These “high” costs include the “high” impact developing the site would have with respect to Purpose 1 of including land within the Green Belt (Green Belt Review Stage 2 App. 1 page 7). The proposed development would create a 'U' shape of development “which would create a perception of sprawl/poorly

contained sprawl.”

19. It is accepted that there would not be a perception of neighbouring towns merging into one another if the site was developed.

20. The conflict with Purpose 3 of including land within the Green Belt is the highest possible degree:

“High Impact - Parcel 6 was rated as critical in respect of purpose 3 because the parcel possesses a strong rural character comprising of open agricultural fields with little in the way of meaningful boundaries within the parcel to prevent encroachment should sections of the parcel be released for development. The proposed development site has inadequate screening and contained purely by low hedgerows. Existing field boundaries are low hedges and would weaken existing boundary in some places but there are no stronger boundaries that could be used. There are significantly long views across the countryside from Wirksworth Road towards Coxbench and Holbrook and development in this location would have an impact on the strong rural character of the parcel and wider cross-countryside views.”

21. There is therefore a countervailing need for a very strong justification to develop this site.

22. We note the same omission in terms of Purpose 4 as with the Cumberhills Road site. The Green Belt Review has failed to take account of the fact that this is an area entirely consisting of “high” historic landscape value (Amber Valley Landscape Sensitivity Study).

23. Finally, with respect to Purpose 5, it is again not noted specifically in the Green Belt Review.

24. The Wirksworth Road site is subject to additional environmental constraints. It includes areas at fluvial and pluvial flood risk and there is inadequate evidence that these can be adequately resolved by way of condition. The expected level of housing delivery which is used to justify removal of the site may not, in the end, be realised.

25. As with the Cumberhills Road site, the Green Belt Review significantly underestimates the importance of the site with regards to the purposes of including land within the Green Belt. There are accordingly no exceptional circumstances to justify this proposed amendment to the Green Belt boundary. The site should not be proposed as an additional Housing Growth Site in the Local Plan.

Housing Need

26. It is accepted that the starting point is that AVBC should plan to meet its requirement for 9,770 new dwellings between 2011 and 2028. However, this is a

policy *aim*. Moreover, the duty to cooperate is, amongst other things, intended to result in new housing development being located in the least environmentally sensitive areas within the wider Derby Housing Market Area (“the HMA”). AVBC is one of the most environmentally sensitive areas within the HMA, consisting of a large percentage of Green Belt land and containing a very large number of designated historic assets, some of the highest possible importance being Grade I / World Heritage Site status. These heritage assets are important not only for their own sake but also for their important role in the economy, serving as crucial draws for the important tourism industry in the area. Tourism is of particular importance to Duffield, being located close to Kedleston Hall which draws some 120,000 people to the area annually. A visit to a heritage asset such as a country house consists of the entire experience within the area, and an undeveloped verdant landscape is very closely associated with that experience.

27. Though AVBC has agreed to accommodate a proportion of Derby City’s unmet housing need, this must be balanced against the social, environmental and economic impacts of accommodating that growth. Where the social, environmental and economic harm of accommodating that growth on a specific site are not outweighed by the benefits of providing housing on that site it should not be allocated. Such is the case in relation to Cumberhills Road and Wirksworth Road for the reasons set out above.

Participation at Hearing Sessions

28. If Inspector Barker is of the opinion that further hearing dates are required, Save Duffield Green Belt would very much wish to participate in the sessions concerning the allocation of Cumberhills Road and Wirksworth Road as Housing Growth Sites.