

Amber Valley Borough Local Plan 2022-2040



Pre-Submission
February 2024



Amber Valley
Borough Council

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Contents		
Chapter	Title	Page No.
1	Introduction	1
2	What Have We Done So Far?	3
3	Spatial Portrait of Amber Valley	4
4	Spatial Vision for Amber Valley	5
5	Strategic Objectives	7
6	Spatial Strategy Policies	11
7	Growth Sites Policies	28
8	Housing Policies	34
9	Economic Development Policies	47
10	Environment Policies	53
11	Infrastructure Policies	81
12	The Next Steps	97

Appendices

APPENDIX 1 – SUMMARY OF HOUSING LAND REQUIREMENTS & SUPPLY AS AT 1 APRIL 2022

APPENDIX 2 - LOCAL PLAN 2022-2040 - HOUSING TRAJECTORY

APPENDIX 3 – LIST OF SUPPORTING EVIDENCE DOCUMENTS

APPENDIX 4 – KEY DIAGRAM

APPENDIX 5 – IMPLEMENTATION AND MONITORING TABLE

APPENDIX 6 – HABITAT NETWORK MAP

APPENDIX 7 – GLOSSARY OF TERMS

1 Introduction

- 1.1 This document comprises the Pre-Submission Local Plan, which has been published in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 Regulation 19 states that:
- ‘Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must: -
- (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and
- (b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).
- 1.3 The Pre-Submission Local Plan stage is a statutory requirement under the 2012 Regulations and should be the document that the Borough Council considers ready for examination. It must be published by the Borough Council for a period of 6 weeks, to enable representations to be made on it, alongside the publication of the other proposed submission documents, before the Council can formally submit the Local Plan for examination.
- 1.4 Any representations received on the Pre- Submission Local Plan cannot be considered by the Borough Council and would need to be forwarded to the Inspector appointed to examine the Local Plan by the Secretary of State.
- 1.5 The Pre-Submission Local Plan has been prepared following the consideration of the representations received in response to the public consultation on the Alternative Spatial Strategy Options for Housing and Economic Growth in July 2021.
- 1.6 The Pre-Submission Local Plan includes a spatial portrait of and a spatial vision for Amber Valley and a number of strategic objectives. It sets out a spatial strategy, up to 2040, in relation to the scale and location of housing and economic growth in the Borough and includes a number of site specific proposals for housing development, business& industrial development and mixed-use development, together with policies in relation to a range of issues.
- 1.7 The Pre-Submission Local Plan also sets out how the policies and proposals will be implemented and monitored to assess their effectiveness.

- 1.8 Whilst a number of the policies and proposals in the Submission Local Plan are cross referenced, they need to be read in conjunction with each other to ensure a complete understanding of the Plan.
- 1.9 When the Local Plan has been adopted, the Development Plan for Amber Valley will consist of the following documents:
- Amber Valley Borough Local Plan
 - Derby & Derbyshire Minerals Local Plan
 - Derby & Derbyshire Waste Local Plan
 - Neighbourhood Plans
- 1.10 The Submission Local Plan is accompanied by a Sustainability Appraisal (SA) Report and an Infrastructure Delivery Plan.
- 1.11 The SA Report presents information on the economic, social and environmental effects of implementing the policies and proposals in the Local Plan and the appraisal methodology adopted to identify these effects.
- 1.12 The Infrastructure Delivery Plan sets out the transport, physical, social and green infrastructure which will help support the housing and economic growth which the policies and proposals in the Local Plan are intended to support.

2 What Have We Done So Far?

- 2.1 The preparation of a new Local Plan for Amber Valley follows the Borough Council's withdrawal of the Submission Local Plan in May 2019.
- 2.2 The Local Plan process was also informed by a range of evidence, including that undertaken or commissioned jointly by the local planning authorities within the Derby Housing Market Area (HMA) (Amber Valley, Derby & South Derbyshire). Much of this evidence remains relevant and up to date in the context of the preparation of a new Local Plan, but the Borough Council has undertaken and/or commissioned further evidence to inform the new Local Plan, where appropriate. A list of the all the relevant evidence is set out at Appendix 3.
- 2.3 The process of preparing a new Local Plan has involved the preparation of the Strategic Housing and Economic Land Availability Assessment (SHELAA) for Amber Valley by issuing a 'call for sites', inviting landowners/prospective developers to submit details of sites with potential for housing (or other) development. As well as considering a range of alternative options for a spatial strategy.
- 2.4 The Borough Council undertook engagement with a range of technical and other bodies, in relation to the assessment of potential housing sites identified through the 'call for sites' or otherwise and the responses received from this engagement informed the conclusions as to the sites to be identified for development in the Local Plan.
- 2.5 On 8 July 2021, the Borough Council published the Alternative Spatial Strategy Options for Housing and Economic Growth, for the purposes of public consultation. The Borough Council subsequently consulted on the Preferred Spatial Strategy for Housing and Economic Growth and Draft Policies between 15 July 2022 and 2 September 2022.

3 Spatial Portrait of Amber Valley

- 3.1 Amber Valley covers an area of over 265 square kilometres and is made up of the four market towns of Alfreton, Belper, Heanor and Ripley, as well as many villages and other smaller settlements. The western part of the Borough is primarily rural in nature with villages and the market town of Belper surrounded by attractive countryside.
- 3.2 The eastern part of the Borough is more urban in nature and includes the other market towns of Alfreton, Heanor and Ripley. The majority of the Borough's 126,200 residents (2021 Census) live in the four market towns, all of which have experienced economic and social difficulties as a result of the decline of their traditional industries. However, Belper has benefited from its location within the Derwent Valley Mills World Heritage Site and has seen considerable investment through new housing and environmental improvements, as well as becoming increasingly attractive.
- 3.3 Amber Valley benefits from having good transport connections to other parts of the country. The A38 links the Borough to Derby to the south and to the M1 (junction 28) to the north. The A6 also links to Derby to the south and links to Matlock to the north, whilst the A610 links to Nottingham and the M1 (junction 26) to the southeast. The Borough is also well served by the national rail network, including stations at Alfreton, Ambergate, Belper, Duffield, Langley Mill (serving Heanor) and Whatstandwell with local services to Derby and Nottingham as well as limited direct services to London and other parts of the country.
- 3.4 The Borough's accessibility makes it an attractive location for commuters, as well as opening up opportunities for shopping and leisure activities in other towns and cities. The decline in the Borough's traditional industrial base has also led to former employment sites being redeveloped for housing, particularly in Belper, increasing patterns of out-commuting.
- 3.5 Whilst unemployment levels remain lower than national and regional averages, this masks pockets of higher unemployment, particularly in the eastern wards within Alfreton, Heanor and adjoining settlements.
- 3.6 The Borough's attractive and diverse landscape, architecture and important heritage features enable many of those living and working in Amber Valley to benefit from a high quality environment with a wider range of flora and fauna. However, other parts of the Borough have suffered from the impact of past land uses and activities on the environment and a balance must be struck between encouraging new development and protecting the environment.

4 Spatial Vision for Amber Valley

- 4.1 By 2040, Amber Valley will have healthy, vibrant and sustainable communities with a wide range of quality facilities and services for all sectors of the population. Residents will enjoy an excellent quality of life and the Borough will be an attractive place for people to live, work and visit. These communities will be safe and all will be able to live and visit these areas without the fear of crime.
- 4.2 Most new growth will be concentrated in the most sustainable locations outside the Green Belt, be of a high quality of design, improve the vibrancy of these areas and respect their local distinctiveness.
- 4.3 There will be a network of pedestrian and cycling linkages across the Borough to improve footfall and access recreational areas, improved areas of public open space and a wide range of services. Improvements to the transport infrastructure will have been carried out and all new development will be well served by public footpaths, cycle routes and public transport to reduce dependency on the car and make best use of existing infrastructure.
- 4.4 More affordable housing will be provided with new housing designed to provide for the needs of all sectors of the community. Existing traffic congestion that currently exists within all of the four market town centres will have been reduced and the quality of the environment in the town centres will have been improved.
- 4.5 The Derwent Valley Mills World Heritage Site covers a corridor running through Amber Valley from Derby City to Derbyshire Dales. Belper, the only town in the East Midlands that lies within a World Heritage Site, will have tourist based employment opportunities to replace lost manufacturing jobs based on the textile industry. The character and appearance of the town will have been improved through initiatives to restore historic buildings, improve areas used by the public and ensure that new development is of the highest standard of sustainable design which protects the Outstanding Universal Value of the World Heritage Site, attracting inward investment.
- 4.6 Town and District Centres, local centres, villages and the rural landscape in the Borough will be enhanced and protected from unsustainable and unsympathetic development and access to these areas by means other than the car will be improved. Existing village facilities will be preserved and new development will have been provided where it had assisted in meeting the needs of the community.
- 4.7 A wide range of environmentally friendly businesses will be created and existing businesses will be encouraged to grow. The quality of employment sites will be improved and the Borough will have a lower unemployment rate.
- 4.8 Areas and buildings of architectural or historic interest and their settings, including the Derwent Valley Mills World Heritage Site and the Borough's

Historic Parks and Gardens at Kedleston Hall, Belper River Gardens and Belper Cemetery will be preserved and enhanced and protected from unsympathetic development.

- 4.9 All important green open spaces and areas of nature conservation interest in the Borough, including the Derwent Valley corridor and the Ecclesbourne Valley will be protected and enhanced wherever practical.
- 4.10 All open space, parks, recreational areas, leisure facilities, community facilities and cultural facilities will be of the highest standard and these together with natural greenspace and woodland will be easily accessible by pedestrians and cyclists. These will form part of a network of green infrastructure. As far as possible, all local communities will have access to local facilities without having to use the car. This will include ensuring that new development is located and designed to minimise car journeys to support local communities.
- 4.11 All areas of the Borough will have access to high quality communications infrastructure fit for the 21st century.

5 Strategic Objectives

5.1 The strategic objectives for the Local Plan have been derived through an analysis of local issues and evidence in order to meet the needs of those who live, work and visit the Borough. A table outlining which policies will assist in meeting these objectives can be found in the Policy Objectives Matrix on pages 11-12 of the Local Plan.

- 1) To achieve sustainable design and construction by promoting high quality design and facilitating reductions in resource consumption and waste, whilst maximising opportunities for renewable energy generation and utilisation where appropriate.
- 2) To foster economic development by improving the quality and accessibility of employment land and infrastructure within the Borough, including the regeneration of brownfield land and to reduce socio-economic inequalities through the regeneration of deprived communities.
- 3) To promote the growth and viability of the market towns of Alfreton, Belper, Heanor and Ripley in a way that is consistent with the role and function of these towns.
- 4) To enable the provision of a sufficient number of decent, affordable and well-designed dwellings to meet the housing needs of all local communities.
- 5) To promote the principles of community safety by supporting initiatives that engender reductions in local levels of crime and fear of crime in the Borough.
- 6) To improve the health and wellbeing of local people and promote equality and cohesion within and between communities in the Borough, by increasing opportunities for local people to participate in a range of leisure, cultural, sport and community activities and providing access to the natural environment, particularly for children and young people.
- 7) To protect and enhance the environmental quality and local distinctiveness of spaces and places in the Borough in relation to landscapes and heritage, including, but not limited to, the Derwent Valley Mills World Heritage Site and the Special Landscape Area.

- 8) To protect, maintain, restore, enhance and create areas of nature conservation and woodland in the environment, with a focus upon enhancing wildlife corridors and networks of habitats, preventing further fragmentation and extending the connectivity of habitats.
- 9) To ensure that a network of easily accessible and high quality open spaces, parks, recreational areas, leisure facilities, community facilities, sports facilities, green infrastructure and cultural facilities is maintained and enhanced in the Borough.
- 10) To provide and support improvements to the transport network, including the provision of infrastructure that creates opportunities for non-motorised transport, increases public transport accessibility and mitigates against the creation of traffic congestion.
- 11) To aim to ensure that local services, facilities and employment opportunities in the Borough are accessible to all local communities.
- 12) To ensure that new development is directed away from areas at highest risk of flooding, and to maintain, enhance and where necessary remediate the quality of surface and groundwater resources.

Policy Objectives Matrix

Local Plan Objectives	Local Plan Policies
<p><i>Objective 1</i></p> <p>To achieve sustainable design and construction by promoting high quality design and facilitating reductions in resource consumption and waste, whilst maximising opportunities for renewable energy generation and utilisation where appropriate.</p>	<p>R1, EN1, EN15 - EN17</p>
<p><i>Objective 2</i></p> <p>To foster economic development by improving the quality and accessibility of employment land and infrastructure within the Borough, including the regeneration of brownfield land and to reduce socio-economic inequalities through the regeneration of deprived communities.</p>	<p>SS4 - SS5, SS11, ED1 - ED13</p>
<p><i>Objective 3</i></p> <p>To promote the growth and viability of the market towns of Alfreton, Belper, Heanor and Ripley in a way that is consistent with the role and function of these towns.</p>	<p>SS1, SS5 - SS8, ED9</p>
<p><i>Objective 4</i></p> <p>To enable the provision of a sufficient number of decent, affordable and well-designed dwellings to meet the housing needs of all local communities.</p>	<p>SS2 - SS3, SS11, HGS1 - HGS15, H1 – H8, IN13</p>
<p><i>Objective 5</i></p> <p>To promote the principles of community safety by supporting initiatives that engender reductions in local levels of crime and fear of crime in the Borough.</p>	<p>EN14, EN17, IN13</p>
<p><i>Objective 6</i></p> <p>To improve the health and wellbeing of local people and promote equality and cohesion within and between communities in the Borough, by increasing opportunities for local people to participate in a range of leisure, cultural, sport and community activities and providing access to the natural environment, particularly for children and young people.</p>	<p>IN4 - IN5, IN8 - IN10, IN13</p>

Local Plan Objectives	Local Plan Policies
<p><i>Objective 7</i> To protect and enhance the environmental quality and local distinctiveness of spaces and places in the Borough in relation to landscapes and heritage, including, but not limited to, the Derwent Valley Mills World Heritage Site and the Special Landscape Area.</p>	SS9, SS11, EN2 - EN10, IN3
<p><i>Objective 8</i> To protect, maintain, restore, enhance and create areas of nature conservation and woodland in the environment, with a focus upon enhancing wildlife corridors and networks of habitats, preventing further fragmentation and extending the connectivity of habitats.</p>	EN11
<p><i>Objective 9</i> To ensure that a network of easily accessible and high quality open spaces, parks, recreational areas, leisure facilities, community facilities, sports facilities, green infrastructure and cultural facilities is maintained and enhanced in the Borough.</p>	IN2 - IN5, IN8 - IN9, IN13
<p><i>Objective 10</i> To provide and support improvements to the transport network, including the provision of infrastructure that creates opportunities for non-motorised transport, increases public transport accessibility and mitigates against the creation of traffic congestion.</p>	IN1, IN11 - IN13
<p><i>Objective 11</i> To aim to ensure that local services, facilities and employment opportunities in the Borough are accessible to all local communities.</p>	IN1, IN6 - IN7
<p><i>Objective 12</i> To ensure that new development is directed away from areas at highest risk of flooding, and to maintain, enhance and where necessary remediate the quality of surface and groundwater resources.</p>	EN1, EN11 - EN13

6 Spatial Strategy Policies

6.1 Presumption in favour of Sustainable Development

- 6.1.1 Section 39 of the Planning and Compulsory Purchase Act 2004 requires that planning documents are prepared with the objective of contributing to sustainable development. Paragraph 11 of the National Planning Policy Framework (NPPF Sept. 2023) states that plans and decisions should apply a presumption in favour of sustainable development and sets out what that means for plan making.
- 6.1.2 The Borough Council will take a positive approach by supporting development proposals where these can help to improve the local economy, physical and social infrastructure and protect and/or enhance the environment and where relevant supporting policies are included within neighbourhood plans. This is in keeping with the Government's overall approach to delivering sustainable development and sets out the Borough Council's strategy for bringing forward land in appropriate locations, whilst protecting and enhancing the natural resources and heritage assets of the Borough - minimising the need to travel, and avoiding areas of greatest risk from flooding.
- 6.1.3 It also meets the need for housing and economic development at a level which can be supported by the necessary infrastructure and which recognises environmental limits, seeks to protect mineral resources, prevent pollution and minimise waste, and promotes the delivery of high quality sustainable housing within walkable neighbourhoods, where residents can easily access services to meet their day to day needs, that are designed to protect and enhance the built environment and character of the local landscape.

Policy SS1 Presumption in favour of Sustainable Development

When considering development proposals the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework, provided the application is in accordance with the policies of this Local Plan. It will work proactively with applicants to find solutions, so that proposals can be approved wherever possible, and to secure development that improves the economic, social, cultural and environmental conditions in the Borough. Planning applications that accord with the policies in this Local Plan (and with policies in adopted neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or relevant policies are out-of-date at the time of making the decision, the Borough Council will grant permission unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole or specific policies in that Framework indicate that development should be restricted.

6.2 Spatial Strategy for Housing & Economic Growth

Housing Need & Housing Land Provision & Distribution

National Policy

- 6.2.1 Paragraph 60 of the National Planning Policy Framework (NPPF, 2023) states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.2.2 Paragraph 61 of the NPPF (Sept. 2023) further states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 6.2.3 Paragraph 66 of the NPPF (Sept. 2023) states that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period.
- 6.2.4 Paragraph 68 of the NPPF (Sept. 2023) states that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:-
- a) specific, deliverable sites for years one to five of the plan period and
 - b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
- 6.2.5 Paragraph 73 of the NPPF (Sept. 2023) states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.
- 6.2.6 Paragraph 74 of the NPPF (Sept. 2023) states that strategic policies should

include a trajectory illustrating the expected rate of housing delivery over the plan period and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

- 6.2.7 The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:-
- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

Local Housing Needs

- 6.2.8 In January 2022, Icen Projects consultancy was commissioned to undertake an up- to-date Local Housing Need Assessment (LHNA) for Amber Valley.
- 6.2.9 Consideration was given to the various circumstances where it might be appropriate to plan for a higher level of housing need as highlighted by the Planning Practice Guidance (PPG) advice for housing needs assessment.
- 6.2.10 The Borough Council concluded that there were no exceptional circumstances that warranted an alternative approach to the standard methodology. Using the Governments methodology for calculating housing need resulted in an annual requirement of 376 dwellings per annum in 2022. This was updated in 2023 and the requirement is 364 dwellings per annum. It is anticipated that this Plan will be adopted in March 2025 and includes sufficient sites for 15 years of housing. The Plan period is therefore 2022-2040 and the housing requirement is 6,564 and is made up as follows:

Housing Need 2022-2023 (1year x 376)	376
Housing Need 2023-2040 (17 years x 364)	6,188
Housing Requirement	6,564

Strategic Housing and Economic Land Availability Assessment (SHELAA)

- 6.2.11 The Borough Council has prepared a Strategic Housing and Economic Land Availability Assessment (SHELAA) for Amber Valley in accordance with a methodology consistent with that set out in the national guidance.

6.2.12 The SHELAA has informed the conclusions as to which of the potential sites should be included in the new Local Plan to best support the preferred spatial strategy for housing and economic growth. The Plan allocates land for 2,363 new homes.

Housing Land Supply

6.2.13 The annual update of the housing land supply position in the Borough, as at 1 April 2022, shows that taking into account existing planning permissions of 4,603 dwellings (excluding those on small greenfield and brownfield sites) , together with anticipated development on small greenfield and brownfield sites, the 'windfall' allowance, of 2,070 dwellings (sites under 10 dwellings) , 6,673 dwellings can be expected to come forward in the period up to 31 March 2040.

Employment Land Need & Employment Land Provision

6.2.14 In December 2020, the Borough Council commissioned the BE Group consultancy to undertake an updated Employment Land Review (ELR) for Amber Valley, in order to provide up to date evidence in relation to the demand for, and supply of, employment land in the Borough.

6.2.15 The key findings of the updated ELR, which was completed in May 2021, were as follows:-

- the realistically available land supply for new employment development, as at 1 April 2021, was 34.17 hectares
- in addition to the available land supply, there is a need for a further 8.16 hectares of land for new employment development, to meet an overall identified need for 42.33 hectares between 2021 and 2038 (2.49 hectares per annum)
- the identification of a further 20.61 hectares in addition to the available land supply for new employment development , as a five-year buffer, would help to provide a choice of sites in terms of size, quality and location and to provide a continuum of supply beyond 2038.

6.2.16 The 34.17 hectares of realistically available land supply for employment development, as identified in the updated ELR, comprises sites that were either identified in the Adopted Amber Valley Borough Local Plan 2006 for Proposed Business & Industrial Development (Policy ER3) that have not yet come forward for development (in whole or in part), or which had otherwise been granted planning permission for employment development before 1 April 2021.

6.2.17 In addition to the realistically available land supply identified in the ELR, outline planning permission was granted on appeal in September 2021 for new employment development at Denby Hall, Derby Road, Denby (22 hectares), as an extension to the existing Denby Hall Business Park, Derby Road, Denby. A

reserved matters application was subsequently approved by the Borough Council in June 2022.

- 6.2.18 The realistically available land supply identified in the updated ELR includes land at Lily Street Farm, Derby Road, Swanwick. Outline planning permission was granted by the Borough Council in May 2016 for mixed-use development of this site, including 14.42 hectares for employment development. However, a reserved matters application has been submitted, which relates to a smaller area of land (10.50 hectares) than previously anticipated.
- 6.2.19 When added to the realistically available supply, this additional land at Denby Hall and reduced area of land at Lily Street Farm totals 52.25 hectares which exceeds the identified need in the updated ELR for 42.33 hectares (equivalent to 2.49 hectares per annum) between 2021 and 2038.
- 6.2.20 Based on the proposed end date of 31 March 2040 for the Local Plan, the identified need figure is 44.82ha.

Development needs beyond Amber Valley

- 6.2.21 Amber Valley sits within the Derby Housing Market Area along with Derby City and South Derbyshire. Derby City Council have assessed their capacity for accommodating future housing needs in the city. The combination of a tightly drawn local authority boundary around the existing built-up area of Derby, together with the application of a 35% uplift to local housing need by the Government (on the basis of Derby being one of the top 20 cities and urban areas nationally by population), means that the City Council is unable to fully meet its housing need within the city boundary. The three HMA authorities have been working together for a number of years to address cross-boundary housing matters, and have agreed to undertake further work to help inform future decisions about how unmet need from Derby City could be met. At the point of publication of this plan whilst no conclusions had been reached as to whether Amber Valley was required to plan for meeting any of Derby's unmet need and if so, how much and where, it is considered very likely that some contribution will be required. Therefore, the Council has allocated a site of 2,000 homes (1,320 in the plan period) at Mackworth, close to the urban area of Derby, to meet its needs. It is not anticipated that there will be any other development needs that cannot be accommodated in Derby City.
- 6.2.22 Amber Valley shares a short administrative boundary with Ashfield District Council in the East of the authority. Ashfield District Council is preparing a local plan and in May 2022 asked whether Amber Valley is in a position to accommodate any of Ashfield's development needs. Amber Valley advised that it was unable to confirm at that point in time as work was ongoing on both its own plan, and the Derby HMA position. Ashfield District Council published its Regulation 19 Local Plan for consultation in November 2023 and the strategy was to meet as much need as possible within their own administrative boundary. Ashfield Council has not sought to discuss with Amber Valley Borough Council its meeting any unmet needs.

- 6.2.23 Amber Valley also shares an administrative boundary with Erewash Borough Council. In 2021, as part of their Local Plan Review, Erewash Borough Council asked whether Amber Valley was in a position to accommodate any of their housing needs. Amber Valley advised that it was unable to confirm at that point in time as work was ongoing on both its own plan, and the Derby HMA position. At the point of publication of this plan, Erewash Borough Councils Local plan was in Examination. The plan being examined made provision for all its development needs.
- 6.2.24 Therefore, with the exception of the allocation at Mackworth to meet Derby's needs, Amber Valley has focused on providing development sites to meet its own development needs. The plan provides a surplus of housing sites in order to remain flexible. The Plan contains policies that require a review of the local plan in circumstances where there are insufficient allocated sites to meet development needs for Amber Valley and other authorities.

The Spatial Strategy

- 6.2.25 Taking into account those sites that already have planning permission, as well as the additional proposed sites, both the proposed scale of housing and economic growth, and the proposed distribution of housing growth, will make a positive contribution to achieving a sustainable pattern of development, which will meet identified needs and achieve an appropriate balance between social, environmental and economic concerns. In particular the need to delete land from the Green Belt or propose alterations to its boundary to identify development land has been avoided with the exception of the removal of land at Denby Hall and High Holborn Road to reflect an existing permission and an existing site respectively. Around 30% of the overall provision for 9,036 additional dwellings will also involve development on previously developed or brownfield land.
- 6.2.26 The proposed spatial strategy for housing and economic growth is therefore considered to be consistent with paragraph 35 of the NPPF (Sept. 2023), which sets out the tests of soundness of local plans.
- 6.2.27 Paragraph 66 of the NPPF (Sept. 2023) states that strategic policies in local plans should set out a housing requirement for designated neighbourhood areas, which reflects the overall strategy for the pattern and scale of development and any relevant allocations. This is intended to ensure that when neighbourhood plans are being prepared, any housing requirement would not then have to be considered again as part of a neighbourhood plan examination.
- 6.2.28 A minimum requirement for each parish has been identified, regardless of whether that parish has been designated as a neighbourhood area and/or whether a neighbourhood plan is already in place, or is being prepared or modified. This will avoid the proposed scale of housing provision within any future neighbourhood plan having to be re-examined as part of the neighbourhood plan examination process.

6.2.29 The minimum requirement figures for each parish comprise those dwellings with planning permission within that parish, as at 1 April 2022, together with the dwellings to be provided on any Housing Growth Site(s) within that parish, as identified in policy HGS1 and a share of the windfall allowance. The windfall allowance is an allowance for small greenfield and brownfield sites (under 10 homes) that are likely to come forward over the plan period. For the Borough this is estimated to be 2,070 dwellings. This has been distributed using the settlement hierarchy and the population size of the parish. The allocations (excluding the strategic allocations of Cinderhill and Mackworth) are split approximately 75% in the urban areas, 20% in the key villages, 5% in Other Villages and Settlements. The windfall allowance has been split between these 3 categories. Then, this figure has been split between each parish in each category based on its population size. For example, the parish of Alfreton is a urban area. The windfall allowance for all urban areas is 75% of 2070, which is 1553. Alfretons population is 9% of the total population of all the parishes classed as Urban. Therefore, the windfall allowance for Alfreton is $1553 \times 9\% = 128$.

Policy SS2 Spatial Strategy for Housing and Economic Growth

The Borough Council will support the delivery of new development where it is consistent with the vision and objectives of this Plan and the principles of sustainable development through the following spatial strategy:-

A) Economic Growth

The plan makes provision for a minimum of 82.25 hectares of land for new business and industrial development (Class E (Commercial, Business and Service), B2 (General Industrial) and B8 (Storage & Distribution) between 2022-2040 to support economic growth and future employment needs, including high quality sites. This meets a requirement of 44.82ha, and a five year buffer to reflect a choice of sites by size, quality and location and to provide a continuous supply beyond the end of the forecast period, equating to 57.27hectares in total.

B) Housing Growth

The plan makes provision for a minimum of 9,036 additional homes in sustainable locations between 2022 and 2040. This meets a housing requirement of 6,564 homes, provides 1,320 homes to meet the needs of Derby City located as an urban extension at Mackworth and includes 1,152 homes to maximise affordable housing delivery and provide for flexibility.

This will ensure a range of accommodation which meets the needs of the whole community that the local economy builds on its existing and growing strengths, whilst protecting the Green Belt and areas of the Borough that are sensitive in terms of ecological value, flood risk, pollution, landscape, heritage assets and their settings. This growth will take place in the following locations:-

- within and surrounding the four urban areas of Alfreton, Belper, Heanor and Ripley and**

on the edge of the urban area of Derby.

- within and immediately adjacent to key villages, other villages and settlements (as defined in policy SS3 settlement hierarchy) in accessible and sustainable locations that promote the vitality and viability of communities, maintain their rural character and individual settlement identities and meet the needs of local communities.

In addition to the proposed growth sites and committed development, Neighbourhood Plans will need to make a contribution towards meeting the windfall allowance. The housing requirement for each Parish is set out below

Parish	Type	Number of planning permissions as at 1/4/22 (for sites of 10 homes or more)	Local Plan Allocations	Windfall Allowance	Total requirement 2022-40
Aldercar and Langley Mill	Urban	107	0	86	193
Alderwasley**	Other V&S	0	40	11	51
Alfreton	Urban	190	60	128	378
Ashleyhay	Countryside	0	0	0	0
Belper	Urban	479	0	329	808
Codnor	Urban	0	0	56	56
Crich**	Key Village	67	142	65	274
Denby*	Key Village	45	300	52	397
Dethick, Lea and Holloway	Mixed -Key Village	22	0	22	44
Duffield	Key Village	6	0	106	112
Hazelwood	Other V&S	0	0	7	7
Heanor and Loscoe	Urban	35	254	263	552
Holbrook	Key Village	0	0	30	30
Horsley	Key Village	0	0	21	21
Horsley Woodhouse	Key Village	0	0	26	26
Idridgehay and Alton	Mixed – Other V&S	0	0	7	7
Ironville	Key Village	0	0	39	39
Kilburn	Key Village	0	0	73	73
Kirk Langley	Key Village	118	53	14	185
Mackworth*	Other V&S	621	1,320	24	1965
Mapperley	Other V&S	0	0	6	6
Pentrich	Other V&S	0	0	4	4
Quarndon	Other V&S	350	0	21	371
Riddings (unparished)	Urban	66	0	66	132
Ripley	Urban	889	84	315	1288
Shipley	Other V&S	326	0	15	341
Shottle and Postern	Countryside	0	0	0	0

Smalley	Key Village	100	0	65	165
Somercotes	Urban	500	110	96	706
South Wingfield	Key Village	55	0	31	86
Swanwick	Urban	627	0	76	703
Turnditch	Other V&S	0	0	7	7
Weston Underwood	Other V&S	0	0	7	7
Windley	Other V&S	0	0	3	3
TOTAL		4603	2,363	2070+	9036+

*the numbers for Mackworth and Denby include the strategic allocations

** the allocation at Alderwasley Mills is split between the Parish of Alderwasley (40) and the Parish of Crich (100)

+ column does not add up to rounding

6.3 Settlement Hierarchy

6.3.1 In addition to the identified Housing Growth Sites in the Pre-Submission Local Plan, there is a need to include appropriate policies for the consideration of other proposals for housing development, which would support the presumption in favour of sustainable development and be consistent with the spatial strategy for housing and economic growth as set out in policy SS2.

6.3.2 Over 50% of the resident population of Amber Valley live in one of the four urban areas within the Borough and the range of services and facilities which serve the Borough's population is concentrated in those urban areas and in the urban area of Derby. On this basis, most new development should continue to be provided in and adjoining those urban areas, which are therefore identified as the first or highest tier within the settlement hierarchy.

6.3.3 The scope for villages and other settlements within Amber Valley to accommodate further housing development has been considered through an assessment across those villages and other settlements of accessible services and facilities could make a significant contribution to maintaining or establishing a sustainable community. This reflects paragraph 79 of the NPPF (Sept. 2023), which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 also states that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services and where there are groups of smaller settlements, development in one village may support services in a village nearby.

6.3.4 Those villages which are most accessible in terms of sustainable modes of transport and that either have the most or have the best accessibility to facilities and services, are considered to be most capable in principle of accommodating a higher level of growth in principle and are therefore identified in a higher tier

within the settlement hierarchy. Conversely, only a limited amount of growth would be appropriate in those settlements with more limited access to services and facilities and those settlements are therefore identified in a lower tier in the settlement hierarchy.

- 6.3.5 Those parts of the Borough beyond any of the urban areas, villages and other settlements identified in the settlement hierarchy are regarded as countryside, where new housing and economic growth should be restricted.

Policy SS3 Settlement Hierarchy

The primary focus for new development will be in and around the four urban areas of Alfreton, Belper, Heanor and Ripley (as shown on the key diagram) and adjacent to the urban area of Derby City where accessibility to strategic transport networks and public transport is good and the greatest potential exists to maximise accessibility to job opportunities, shops, services and other facilities, and to create new neighbourhoods with supporting infrastructure.

The secondary focus for development will be in and around the key villages, at a more limited scale, compatible with the more limited range of public transport accessibility, job opportunities, shops, services and other facilities in these locations.

In 'Other Villages and Settlements', development will be limited to a smaller scale of development, whilst any development in the countryside will be restricted so as to be consistent with the type of development envisaged by national policy and the other policies in this plan.

Development that would result in disproportionate growth of any of the settlements, or conflict with the function and position of a settlement within the hierarchy, or that cannot be supported by the necessary infrastructure or would result in a loss of services and facilities which are considered to be key to supporting local communities will be resisted.

The settlement hierarchy is as follows and shown on the key diagram.

Urban Areas:

Alfreton (including Alfreton, Leabrooks, Riddings, Somercotes and Swanwick)
Belper (including Belper and Milford)
Heanor (including Heanor, Langle Mill and Loscoe)
Ripley (including Ripley, Codnor and Waingroves)
Derby (including land within Derby City and within Amber Valley immediately adjoining the boundary with Derby City)

Key Villages:

Ambergate	Denby	Bottles/Rawson	Fritchley
Crich	Green		Heage
Denby Village	Duffield		Holbrook/Bargate

Holloway
Horsley
Horsley Woodhouse
Ironville/Codnor Park

Kilburn
Kirk Langley
Sawmills
Smalley

South Wingfield

Other Villages and Settlements:

Alderwasley
Bullbridge
Cowers Lane
Crosshill
Denby Common
Four Lane Ends
Hazelwood
Idridgehay
Langley Common

Lea
Lower Hartshay
Mackworth
Makeney
Mapperley
Mugginton
Nether Heage
Oakerthorpe
Pentrich

Quarndon
ShIPLEY
Street Lane
Turnditch
Weston Underwood
Whatstandwell
Windley

Countryside:

Any area outside of the Urban Areas, Key Villages & Other Villages & Settlements set out above.

6.4 Other Locations to Support Economic Growth

6.4.1 The Borough's four Town Centres of Alfreton, Belper, Heanor and Ripley are the focus of much of the economic activity in Amber Valley, in addition to existing business and industrial areas.

6.4.2 Paragraph 86 of the NPPF (Sept. 2023) states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It goes on to state that planning policies should:-

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type

of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;

- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

6.4.3 In February 2020, the Borough Council commissioned consultants to undertake a Retail and Town Centres Study for Amber Valley, in order to establish an up-to-date evidence base in relation to retail and town centre issues in the Borough, that would inform the policies to be included in the new Local Plan.

6.4.4 The Study concluded that the Borough's four town centres of Alfreton, Belper, Heanor and Ripley were generally performing well and above average when compared against many of the key indicators of the health of town centres. The Study recommended that the Borough Council should seek to ensure that the town centres continue to provide day-to-day retail and service facilities to their residents and that independent operators should be supported where possible, noting that any loss of national multiple retailers is unlikely to be replaced with other such retailers, such that the retail offer in the town centres would need to be diversified.

6.4.5 However, the Study also stated that the greatest challenge will be to maintain their existing performance levels as the economy starts to recover following the aftermath of the global pandemic and the Borough Council will need to do all that it can to support town centre businesses through this period.

6.4.6 The Study also concluded that the four town centres should be the focus for the majority of comparison (non-food) retail floorspace requirements over the study period, acknowledging that it will be more difficult to accommodate any major development in Belper Town Centre, given heritage constraints.

6.4.7 The Study concluded that opportunities should be sought to increase the number of food and beverage uses within Alfreton and Belper town centres.

6.4.8 The Study concluded that Alfreton, Belper, Heanor and Ripley town centres, as defined in the Adopted Local Plan 2006 should continue to be so defined and that there is no reason for any of the town centres to be ranked higher in the retail hierarchy than the others. The Study did however recommend some minor changes to the existing Town Centre boundaries and Primary Shopping Frontages,

as defined in the Adopted Local Plan 2006 and that the Primary Shopping Frontages be renamed as 'Primary Shopping Areas'.

Policy SS4 Other Locations to Support Economic Growth

Development proposals for retail, office, leisure, entertainment and cultural facilities will be permitted where they would maintain and enhance the vitality and viability of the Borough's Town Centres, District Centre and Local Centres as shown on the key diagram, or any other centres in neighbouring local authority areas.

The four Town Centre's of Alfreton, Belper, Heanor and Ripley as defined on the Policies map will be the preferred location for the provision of the majority of new retail, office and other uses appropriate to a town centre which attract large numbers of people.

Within each Town Centre, as defined on the Policies Map, the Borough Council will seek to ensure that new retail and other town centre uses:-

- a) support a balanced approach to the planned level of housing and employment growth for each town
- b) facilitate improvements to the accessibility of the town centre, including from surrounding rural areas
- c) positively contribute to the mix and diversity of uses within the town centre, without undermining their primary retail function
- d) support the appropriate re-use or regeneration of land and premises
- e) maintain or enhance the quality of the built environment, having regard to local character, townscape and cultural heritage.

The District Centre of Langley Mill will serve its immediate hinterland and the wider service and employment needs of the local community, including through the provision of new retail and other uses which support its economic growth and regeneration.

The Local Centres of Codnor, Duffield, Leabrooks and Somercotes will serve the needs of their immediate hinterlands, including through limited new retail and other community facilities.

In addition to provision within the Town Centres, District Centre and Local Centres, neighbourhood based retail and other provision will be permitted where it would help to consolidate and improve existing provision, or serve new housing development.

Policy SS5 Development in Town Centres

Within the Borough's Town Centres, as shown on the policies map, development will be permitted for uses within classes E (Commercial, Business and Service), F1 (Learning and Non-

Residential Institutions), F2 (Local Community Uses), C1 (Hotels), C2 (Residential Institutions), other Sui Generis uses appropriate within a town centre (including pubs or drinking establishments, take aways, cinemas, concert halls, bingo halls and dance halls) and C3 (Dwelling-houses), where the proposals:-

- a) would sustain or enhance the vitality and viability of the town centre;
- b) can be satisfactorily accessed by both private and public transport, and;
- c) are for C3 (Dwelling-houses) use, and relate to the change of use of vacant retail, office or other floorspace, or are for new development at upper floor level.

The change of use of existing floorspace or new development for C3 (Dwelling-houses) at ground floor level will also be permitted, providing it can be demonstrated that this would not have an adverse impact on the vitality and viability of the town centre.

In the case of proposals within defined Primary Shopping Areas that would result in the loss of an existing use within class E (Commercial, Business and Service), the criteria in the Primary Shopping Areas policy will also need to be satisfied.

Policy SS6 Primary Shopping Areas

In the defined Primary Shopping Areas within Alfreton, Belper and Ripley Town Centres, as shown on the Policies Map, the change of use of existing floorspace within class E (Commercial, Business and Service) will only be permitted where the proposals would not undermine the primary role of the area as the principal shopping location within the Town Centre.

The Borough Council will require any application to be accompanied by a report by an independent consultant that the property has been vacant and actively marketed at a competitive rent as a property for use within class E (Commercial, Business and Service) for at least 12 months.

Policy SS7 Development on the edge of or outside Town Centres

Following a sequential approach to site selection, priority will be given to town centre locations and then edge-of-centre locations for major new retail, leisure and office development and out-of-centre locations will only be considered appropriate if no other suitable sites are available either within, or on the edge of, a town centre.

When considering edge-of-centre and out-of-centre proposals, developments should not have an adverse impact on existing, committed and planned public and private investment in the centre or the vitality and viability of the town centre as a whole.

In respect of the development of retail, leisure and office development outside town centres, planning applications will need to be supported by an Impact Assessment if the development is over 2,500 sq. m. and a Transport Assessment, if it has been requested by the Highway Authority.

6.5 Green Belt

- 6.5.1 The NPPF (Sept. 2023) emphasises the importance of continuing to protect Green Belt from inappropriate development and that established Green Belt boundaries should only be altered in exceptional circumstances. The NPPF (Sept. 2023) also states that when reviewing Green Belt boundaries, local planning authorities should take into account the need to provide sustainable patterns of development.

- 6.5.2 The Borough Council remains committed to protecting the Green Belt within Amber Valley, which largely surrounds the urban areas of Belper, Heanor and Ripley and extends to the southern boundary of the Alfreton urban area. This plan makes two adjustments to Green Belt for accuracy purpose. Firstly, land at Denby Hall Business Park, Denby is removed from Green Belt as a result of a Planning Inspector decision in September 2021 to grant planning permission for employment development. Secondly, land off High Holburn Road, Codnor, is removed from the Greenbelt to reflect the allocation of an unauthorised but tolerated Gypsy and Traveller site.

Policy SS8 Green Belt

Within the Green Belt, as defined on the Policies Map, planning permission will only be granted for development in accordance with National Policy and other Policies in this plan.

Proposals that would enhance the beneficial use of the Green Belt, including by improving access, retaining or enhancing the landscape, visual amenity and biodiversity, or improving damaged or derelict land, will be supported, providing they do not conflict with any other relevant policies in the Local Plan.

6.6 Countryside

6.6.1 The NPPF (Sept. 2023) refers to the need for the planning system to contribute to protecting and enhancing the natural environment. Strict controls are required to control new building development in the open countryside away from existing settlements or outside areas allocated for development in development plans.

6.6.2 Careful control therefore needs to be exercised over development proposals in the countryside outside the built framework of or adjacent to settlements, in order to maintain the openness of the countryside, whilst recognising the need to accommodate development which is necessary to sustain the rural economy, or which is otherwise essential within a countryside location. In relation to housing development, new isolated homes in the countryside will only be permitted where special circumstances can be demonstrated, having regard to the guidance in paragraph 80 of the NPPF (Sept. 2023).

Policy SS9 Countryside

In the countryside, beyond the built framework of Urban Areas & Key Villages and Other Villages & Settlements or land that is not adjacent to the built framework, housing development will be permitted where it:-

- a) **is essential in conjunction with the requirements of agriculture or forestry, or**
- b) **involves sustainable development which will enhance or maintain the vitality of rural communities, or**
- c) **would improve the viability, accessibility or community value of existing services and facilities in settlements remote from service centres provided by the towns and larger villages, or**
- d) **constitutes affordable housing on 'rural exception' sites.**

New isolated homes in the countryside will only be permitted where special circumstances can be demonstrated.

All forms of development in the countryside will be required to be of an appropriate scale or character. Development in the countryside will need to demonstrate that it does not have a

significant adverse impact on the character or amenity of the locality. Development in the countryside should be located within or adjacent to existing buildings to retain the openness of the countryside and minimise visual impact. Where the proposals would result in the loss of a heritage asset (including non-designated assets), it will need to be demonstrated that the public benefits of the proposals would clearly outweigh any harm, in accordance with Policy EN4.

7 Growth Sites Policies

7.1 Housing Growth Sites

- 7.1.1 The following allocated sites are all considered to be suitable for housing development, capable of delivering development within the Plan period and reflect the principles of sustainable development. In total, the sites are expected to provide around additional dwellings up to 2040.

Policy HGS1 Housing Growth Sites

The following sites are proposed for new housing development between 2022-2040:-

Location	No. of dwellings
Brun Lane, Mackworth*	2,000 (1,320 in the plan period)
Land north of Derby Road, Denby (Cinderhill)*	300
Aldreds Lane, Heanor	180
Alderwasley Mills, Ambergate**	140
Birchwood Lane, Somercotes	75
Long Close, Ripley	70
Outseats Farm, Alfreton	60
Whysall Street, Heanor	59
Ashbourne Road, Kirk Langley	53
The Common, Crich	25
Sleetmoor Lane, Somercotes	25
Crich Road, Fritchley	17
Leafy Lane, Heanor	15
Brook Street, Heage	14
Cinder Road, Somercotes	10
Total	3,043 (2,363 within Plan period)

* *Strategic Growth Site- Policy SGS1 & Policy SGS2*

***Part of mixed use economic development site – Policy ED3*

Proposals for housing development will be permitted on these sites, subject to the provision of, or financial contributions towards, necessary physical and social infrastructure and the mitigation of any impact of development on the community and environment, as well as satisfying the criteria set out in other relevant policies in the Local Plan.

This includes ensuring development proposals provide compensation for the loss of any habitat within the site, through the enhancement or creation of suitable habitat at one or more suitable alternative locations, as well as securing an appropriate net gain in biodiversity, in accordance with Policy EN9.

Developers will also be required to provide a suitable area of natural greenspace for the Aldreds Lane, Heanor Housing Growth Site that would be designed and managed to alleviate recreational pressure on the Sherwood Forest prospective potential Special Protection Area.

Strategic Growth Sites

7.1.2 Brun Lane, Mackworth [2,000 dwellings, 1,320 built within the plan period] and Land North of Derby Road, Denby (Cinderhill) [300 dwellings and 30 hectares of business and industrial development] have been allocated as Strategic Growth Sites.

7.1.3 In addition to meeting the criteria in policy HGS1, any proposals for the development of these sites will need to be accompanied by a comprehensive masterplan, demonstrating how the proposals can deliver housing development at a strategic scale alongside a range of physical and social infrastructure required to support this level of housing growth, whilst at the same time protecting landscape, biodiversity and heritage assets and providing environmental improvements.

Brun Lane, Mackworth

7.1.4 Specifically, any proposals will need to provide or contribute towards measures to mitigate the impact of development on the transport network, including the provision of the initial phase of a potential link road between Ashbourne Road (A52) and Radbourne Common/Radbourn Lane (B5020), alongside measures to improve public transport and opportunities for walking and cycling.

Land North of Derby Road, Denby (Cinderhill)

7.1.5 Specifically, any proposals will need to provide or contribute towards measures to mitigate the impact of development on the transport network, heritage assets and Green Belt. Contamination risks of the adjacent tar pits will also have to be adequately resolved.

Policy SGS1 - Brun Lane, Mackworth

Land is identified at Brun Lane, Mackworth as a Strategic Growth Site. The site is estimated to have potential for 2000 homes and related infrastructure with 1,320 dwellings planned for the period up to 2040.

Development across the Brun Lane site will be delivered to create a high quality, distinctive, well connected sustainable neighbourhood to the western edge of Derby, in accordance with the vision, concept plan, key principles and requirements set out below.

Vision

The land at Brun Lane, Mackworth will provide a new western edge to the urban area of Derby and be a sustainable urban extension and new neighbourhood to Mackworth, delivering up to 2000 new homes overall in the form of high quality, distinctive development integrated within the existing strong landscape setting (1,320 homes will be delivered within the plan period up to 2040).

The development will be designed around the existing landscape and provide a range of formal and informal open spaces and uses across the site, respecting the local area's natural assets and features, designations, topography, blue infrastructure and key views in and out of the site. It will also be informed by and respond positively to the wider historic context and setting.

The development will also be informed by and extend upon the adjacent site and previous development of Langley Park, complimenting and adding to the overall urban extension by providing additional infrastructure and facilities to meet the communities' needs, including a new secondary school, new/expanded primary school facilities, a neighbourhood centre providing the opportunity for flexible floorspace to include local retail, community space and local employment.

The new development will be well connected to the existing edge of Langley Park/Mackworth and to the surrounding countryside, utilising existing public footpaths and rights of way, with excellent pedestrian and cycling links and the provision of new/enhanced public transport. The development will prioritise active travel within walkable neighbourhoods and it will contain a clear hierarchy of connected streets and routes throughout the site. This should include the potential for a primary street connecting the B5020 to the south to the A52 to the north of the site.

High quality, distinctive design set within a site wide green and blue infrastructure framework which extends throughout and beyond the new development will provide a new framework of greenways and deliver a strong sense of place and identity as the new urban edge meets the countryside. A framework of formal and informal green spaces, including a centrally located strategic, accessible community park and opportunities for food growth, along with play provision for all ages will be provided.

The development will focus upon achieving high environmental standards, energy efficiency and achieving a net zero carbon community.

Concept Plan



Site requirements

The site must come forward through a strategic and comprehensive approach, ensuring the coordination of development with the delivery of required infrastructure and services to meet the needs of the development and the immediate area of Derby. In addition to the requirements set out in the Housing Growth Sites policy, planning permission for residential led development will be granted where the following site-specific requirements have been met:

A) A site wide masterplan to take forward the design concept diagram to establish an overall co-ordinated approach to include the following:

- **Baseline analysis**
- **Vision and objectives**
- **Spatial Framework**
- **Character areas**
- **Distribution of land uses**
- **Access and movement framework, to include a clear hierarchy of streets and routes**
- **Green/Blue Infrastructure Framework, including landscape and Biodiversity Net Gain**
- **Sustainability and energy strategy**
- **Urban Design Framework**
- **Infrastructure Schedule and delivery**
- **Future stewardship**
- **Planning strategy**

B) A new neighbourhood centre which could accommodate a suitable range of uses to meet day to day needs of the neighbourhood;

C) Structural planting and landscaping to ensure integration with the existing landscape and green infrastructure, responding and respective of any identified key views, landscape designations and sensitivities, including the Local Wildlife Site and sensitive edges to the north and west

D) Measures to mitigate the impact of additional development on the transport network including the potential construction of a highway to the required specification as the initial phase of a potential link road between the A52 and the A516 to the west of Derby, as well as measures to improve public transport and opportunities for walking and cycling along the A52 corridor between Mackworth and Derby. Principal points of access should be from the B5020, A52 and Brun Lane along with measures to improve public transport and active travel connections to the existing/proposed urban area and the wider countryside.

E) Primary and secondary school provision and a 3G playing pitch to meet the needs arising from the development either on site or in the local community

F) Integration of existing rights of way, footpaths and highways within and adjoining the site to provide routes to existing services, facilities and the wider countryside

G) Address existing surface water flood risk issues within and adjoining the site through SuDS and/or other appropriate site wide solutions.

H) Mitigation, compensation and enhancement of key features of biodiversity (including the existing Local Wildlife Site)

I) Sensitive integration of heritage assets including areas of former ridge and furrow, listed buildings and their settings, registered park and garden and the Mackworth Conservation Area.

Policy SGS2 - Land North of Derby Road, Denby (Cinderhill)

Land is identified at Land North of Derby Road, Denby (Cinderhill) as a mixed use Strategic Growth Site. The site is estimated to have potential for 300 dwellings and 30 hectares of business and industrial development in the period up to 2040.

In addition to the requirements set out in the Housing Growth Sites policy, any development proposals will need to be consistent with a comprehensive masterplan, to ensure that any necessary improvements to physical and social infrastructure arising from the development can be provided whilst also protecting landscape, biodiversity and heritage assets and their settings, and providing environmental improvements.

The development proposal should include measures to mitigate the impact on the transport network and maximise the active travel opportunities provided by the Key Cycle Network and the Disused Transport Route (Policy IN2). Adequate mitigation measures should also be provided to ensure any associated contaminated risks are satisfactorily resolved.

7.2 Economic Growth Sites

7.2.1 The Pre-Submission Local Plan proposes a number of areas of land as Economic Growth Sites. These areas include land previously identified for Business & Industrial Development in the Adopted Amber Valley Borough Local Plan 2006 which have not yet come forward for development, other than where the 2021 Employment Land Review concluded that the land should not continue to be identified for this purpose. The areas also include land where planning permission has been granted for mixed-use development, including elements of business and industrial uses (Lily Street Farm, Swanwick and Shipley Lakeside, Shipley) which have not yet come forward for development.

Policy EGS1 Economic Growth Sites

The following sites, as set out on the Policies Map, are identified for new business and industrial development between 2022-2040:-

Location	Area in hectares
Charity Road, Riddings	0.88
Cotes Park Lane (East), Somercotes	12.14
Cotes Park Lane (West), Somercotes	2.09
Hockley Way, Somercotes	1.14
Wimsey Way, Somercotes	1.88
Lily Street Farm, Derby Road, Swanwick	10.50
Slack Lane, Heanor	0.35
Shipley Lakeside, Pit Lane, Shipley	1.27
Denby Hall, Derby Road, Denby	22.00
Land north of Derby Road, Denby (Cinderhill)*	30.00
Total	82.25

**Strategic Growth Site – Policy SGS2*

Development will be permitted for E (Commercial, Business and Service), B2 (General Industrial) and B8 (Storage & Distribution) uses on these sites, providing the proposals satisfy the various criteria set out in other relevant policies in the Local Plan.

8 Housing Policies

8.1 Housing Development Within Urban Areas & Key Villages

8.1.1 The Borough Council has identified sufficient sites to meet its local housing needs. Whilst the majority of the Borough's housing land supply is expected to come forward on allocated sites, there is clear evidence that it is reasonable to make an allowance for windfall development (i.e. proposals that come forward on sites that have not been allocated for housing) over the plan period. This will help with flexibility of supply. Policies H1 and H2 facilitate the delivery of development on windfall (unallocated) sites. Over the plan period there may also be a need for service providers to deliver new facilities to meet the demand arising from communities for new or enhanced service provision. Delivery of windfall sites against the overall housing target will be monitored and if a position of significant oversupply has been reached, after taking in to account any wider HMA needs, the Borough Council will review the implementation of this and any other relevant policies of the Plan.

8.1.2 Those villages with the greatest access to a range of services and facilities are identified as 'Key Villages' in policy SS3. Together with the Borough's Urban Areas, the Key Villages are considered to be the most sustainable locations for housing development, including the conversion of existing dwellings to provide additional dwellings, or of existing buildings to housing from other uses; the extension to or replacement of existing dwellings; new dwellings, where the land is not specifically identified for any other purposes in the Local Plan and proposals for affordable housing on 'rural exception' sites.

8.1.3 In addition to the proposed Housing Growth Sites listed in policy HGS1, housing development should be located within the built framework of the Urban Areas or Key Villages (defined as the limits of continuous or contiguous development forming the existing built up area of a settlement), or adjacent to the settlement, where it can be demonstrated that the scale and nature of the proposals would constitute sustainable development.

Policy H1 Housing Development Within Urban Areas & Key Villages

Housing development will be permitted on land within the built framework of the Urban Areas, Key Villages and the City of Derby as defined in Policy SS3 Settlement Hierarchy.

This includes the following types of development:

- **the conversion of existing dwellings to provide additional dwellings or of existing buildings to housing from other uses,**
- **the extension to or replacement of existing dwellings, and**
- **new dwellings, where the land is not specifically identified for other purposes in the Local Plan or proposals for affordable housing on 'rural exception' sites.**

Housing development in the form of any of the above will also be permitted on land adjacent to the built framework of Urban Areas, Key Villages and the City of Derby, where all of the following can be demonstrated:

- its scale and character would be reflective and proportionate to the settlement it relates to and to the settlement hierarchy as set out in Policy SS3, taking account of the cumulative impact of other proposals;
- it would constitute sustainable development by being accessible to a range of services and facilities or improving the viability, accessibility or community value of existing services and facilities in the settlement;
- there will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
- proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan.

8.2 Housing Development within Other Villages & Settlements

8.2.1 The conclusions of the assessment of the services and facilities identifies those settlements with more limited access to services and these settlements are referred to in policy SS3 in Chapter 6 of the Pre-Submission Local Plan as 'Other Villages & Settlements'.

8.2.2 The provision of new dwellings should therefore be limited to the infilling of small gaps within existing groups of houses, within the built framework of the settlement, or to small scale development adjacent to and proportionate to the settlement, where it can be demonstrated that this would improve the viability, accessibility or community value of existing services and facilities in the settlement.

Policy H2 Housing Development Within Other Villages & Settlements

Housing development will be permitted on land within the built framework of Other Villages & Settlements (as defined in policy SS3 Settlement Hierarchy) where it involves at least one of the following types of development:

- the conversion of existing dwellings to provide additional dwellings or of existing buildings to housing from other uses,
- the extension to or replacement of existing dwellings,
- new dwellings, providing the site is previously developed or development is in the form of infilling of small gaps within existing groups of houses and where the land is not specifically identified for any other purposes in the Local Plan, or proposals for affordable housing on 'rural exception' sites.

Housing development in the form of any of the above will also be permitted on land adjacent to the built framework of Other Villages and Settlements, where all of the following can be demonstrated:

- its scale and character would be reflective and proportionate to the settlement it relates to and to the settlement hierarchy as set out in Policy SS3, taking account of the cumulative impact of other proposals,
- it would constitute sustainable development by being accessible to a range of services and facilities or improving the viability, accessibility or community value of existing services and facilities in the settlement,
- there will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development,
- proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan.

8.3 Housing Development Outside Settlements

8.3.1 Outside the built framework of, or adjacent to, settlements, strict controls are required to control new housing development, to maintain the openness of the countryside, whilst recognising the need to accommodate development which is necessary to sustain the rural economy, or which is otherwise essential within a countryside location; with new isolated dwellings only being provided where particular circumstances can be demonstrated, having regard to the relevant criteria set out in paragraph 80 of the NPPF (Sept. 2023).

Policy H3 Housing Development in Countryside

In the countryside, as defined in Policy SS3 Settlement Hierarchy, beyond the built framework of Urban Areas & Key Villages and Other Villages & Settlements, or land that is not adjacent to the built framework, housing development will be permitted for;

- The conversion of existing dwellings to provide additional dwellings, or of existing buildings to housing from other uses, or the extension to, or replacement of existing dwellings,
- proposals for affordable housing on 'rural exception' sites.

New isolated dwellings will only be permitted where one or more of the circumstances set out in the National Planning Policy Framework can be demonstrated.

Replacement dwellings will be permitted provided that:

- the form and bulk of the new dwelling does not substantially exceed that of the existing dwelling,

- the new dwelling is on substantially the same site as the existing,
- there is no increase in the number of dwelling units,
- the new dwelling would be no more visually obtrusive in the landscape than the existing dwelling and would be compatible with its rural location, in terms of architectural and visual amenity, landscape setting and any existing surrounding development.

8.4 Housing Types, Mix & Choice

8.4.1 Paragraph 62 of the NPPF (Sept 2023) states that an assessment of local housing need should include the size, type and tenure of housing needed for different groups in the community, including (but not limited to) those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.

8.4.2 The 2022 Local Housing Needs Assessment (LHNA) and its 2023 update for Amber Valley includes an analysis of the types, mix and choice of housing that will be required to meet the range of needs of households in Amber Valley up to 2040. It concludes that different mixes and sizes of dwelling would be appropriate for social/affordable rented housing, affordable home ownership and market housing, but that a prescriptive approach should not necessarily be set out in the Local Plan, recognising that demand can change over time, depending on housing supply and wider economic factors and that the precise mix may also be influenced by policy aspirations.

8.4.3 The LHNA concludes that in relation to additional housing development in total, the following mixes of housing would be appropriate for the respective forms of tender:-

	Social rented/affordable rented housing	Affordable home ownership	Market housing
1 bedroom	30-35%	15-20%	5-10%
2 bedroom	35-40%	45-50%	40-45%
3 bedroom	20-25%	25-30%	35-40%
4+ bedroom	5-10%	5-10%	10-15%

8.4.4 The analysis in the LHNA of the potential housing need for older people (aged 75+ years) concludes that in the period up to 2040, in total, around 1,827 additional dwellings would be required to provide some form of specialist accommodation. This consists of 533 homes with support, 892 housing with care, and 724 residential and nursing bedspaces which typically convert to dwellings using a standard multiplier of 1.8, giving 402. The LHNA also concludes that around 652 additional

dwellings suitable for wheelchair users would need to be provided to meet the current and anticipated future needs up to 2040.

- 8.4.5 Based on the LHNA, a policy in the Local Plan is required stating that the Borough Council will seek to secure a mix of new housing on development sites that reflects the most up-to-date evidence of local needs, having particular regard to any imbalance in the existing mix of housing within settlements and, where required, to the needs of elderly and disabled people. The most appropriate mix, on a site-by-site basis would depend on local circumstances, both Boroughwide and in the particular part of the Borough where development is proposed.
- 8.4.6 The LHNA also shows a projected increase in the number of people with disabilities over the plan period, which justifies the need for ‘accessible and adaptable’ homes as defined in Part M4(2) of Building Regulations. This requirement will ensure that new homes make reasonable provision for most people to access the dwelling and incorporate features that make them potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users. It will also limit the need for future alteration and adaptation in this respect, resulting in some carbon emission savings.

Policy H4 Housing Types, Mix & Choice

The Borough Council will seek to secure a mix of new housing on development sites which reflect the most up-to-date evidence of local housing needs, having regard in particular to:-

- a) any imbalance in the existing mix of housing within settlements,**
- b) the housing needs of elderly and disabled people, including for bungalows and suitable flatted accommodation at sustainable locations and through the provision of adaptations, where required,**
- c) the local circumstances relating to the site and viability of the development.**

All proposals for new dwellings will also need to be constructed to Accessible and Adaptable Dwellings Standard M4 (2) of the Building Regulations 2010, as amended.

20% of new dwellings will be expected to meet the needs of wheelchair users with 15% being built to M4 (3) adaptable and 5% built to M4 (3) accessible standards in both market and affordable homes.

8.5 Affordable Housing

- 8.5.1 Paragraph 63 of the NPPF (Sept 2023) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site, unless off-site provision or an

appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

- 8.5.2 The LHNA includes an analysis of the need for affordable housing in Amber Valley in the period up to 2040, which is split between the need for:
- a) social/affordable rented accommodation, based on those households unable to buy or rent in the market, and
 - b) affordable home ownership, including for those households who can afford to rent privately but cannot afford to buy a home, and which will include the market for First Homes, which is the Government's preferred discounted market tenure.
- 8.5.3 As set out in national planning guidance, 10% of all housing on large sites (sites of ten or more dwellings) should be for affordable home ownership, whilst First Homes should account for at least 25% of all affordable housing units secured through the planning process.
- 8.5.4 The LHNA concludes that for social/affordable rented accommodation, around 401 dwellings per annum would be required within the Borough to meet identified need and that for affordable home ownership, although the LHNA recognises that the resale of market homes will provide an additional supply and that the need for affordable home ownership is therefore likely to be more limited.
- 8.5.5 The LHNA emphasises that the evidence indicates that provision of affordable housing is an important and pressing issue but does not recommend a specific target for the percentage of additional dwellings to be provided in the form of affordable housing, recognising that in practice what can be achieved will be subject to viability. The LHNA therefore suggests an approach that seeks to maximise the delivery of affordable housing where opportunities arise.
- 8.5.6 The NPPF (Sept. 2023) states that Plans should set out the levels and types of affordable housing provision required and that policies should not undermine the deliverability of the plan. A Local Plan Viability Assessment has been undertaken to test the cumulative impact of the policies in the plan. The study has reviewed the local market for new build residential sales and development land values and considered a range of typologies of scheme across the Borough. It recommends that there are 3 value zones across the Borough and each is capable of achieving different affordable housing percentages. The Lower Value Zone to the east of the Borough can achieve 10% affordable housing on brownfield sites between 10 and 19 homes and 20% on brownfield sites 20 dwellings or more and on all greenfield sites over 10 dwellings. In the Medium Value Zone, in the central part of the Borough a percentage of 30% affordable housing can be achieved on greenfield and brownfield sites over 10 dwellings. In the Higher Value Zone to the west of the Borough a rate of 40% affordable housing can be achieved on greenfield and brownfield sites over 10 dwellings.

- 8.5.7 Paragraph 78 of the NPPF (Sept 2023) states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. It also states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified needs and to consider whether allowing some market housing on these sites would help to facilitate this.
- 8.5.8 The NPPF (Sept. 2023) also refers to the need for local planning authorities to plan for the provision of affordable housing, including through rural exception sites where appropriate. Such sites will relate to land that would not normally be released for housing development. Exception sites for community-led development will also be supported.
- 8.5.9 Housing on 'exception' sites must meet a genuine local need that would not otherwise be met by the housing market and any proposals will need to demonstrate that such a local need exists. Although it is not possible to identify precisely the nature and extent of current and future local housing needs in rural areas, provision will be particularly appropriate for the following categories of people in housing need:-
- households in the parish/village who are homeless or currently in accommodation which does not meet their needs
 - new households either from the parish/village or with local connections
 - persons who are dependants of households living in the parish/village or adjacent parishes/villages
 - retired or disabled people who have lived and worked in the parish/village
 - households including persons employed in the parish/village and living elsewhere
 - households including persons seeking or about to take up employment or provide a rural service in the parish and who require to live locally
- 8.5.10 The Borough Council will normally require evidence of local need to be established through a parish or village-based survey, in consultation with the relevant parish council.
- 8.5.11 In order to ensure that housing is affordable, the rental level or purchase price will need to be significantly lower than the levels on the open market. Consequently, schemes are only likely to be viable on low value agricultural sites where residential development would not otherwise be permitted. It will also be necessary to ensure that arrangements are made to maintain the dwellings at a low cost in perpetuity, through the control of sale or rent, to ensure continued benefit for subsequent occupiers.

Policy H5 Affordable Housing

Based on the defined Housing Value Zones (shown below), proposals for housing development for ten or more dwellings will be expected to provide the following percentage of the gross number of dwellings, in the form of 'affordable housing':

Higher Value Zone: 40 %

Medium Value Zone: 30%

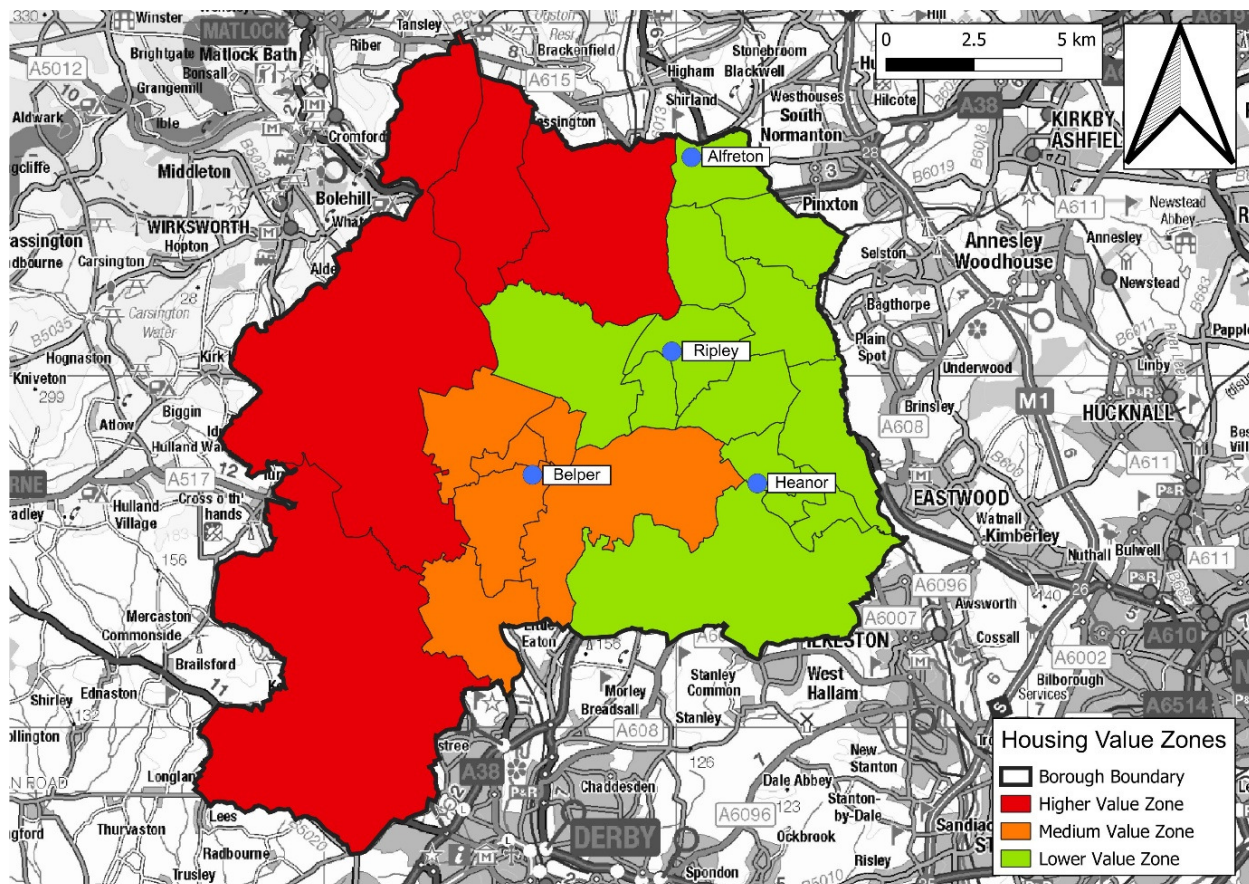
Lower Value Zone: 20%

Small brownfield sites between 10 and 19 units in the Lower Value Zone: 10%

The Borough Council will negotiate with developers in relation to the tenure mix of affordable housing provision for each site, having regard to the most up-to-date evidence of housing need and affordability.

Development will be permitted for affordable housing development on 'rural exception sites' and 'exception sites for community-led developments', providing that:-

- it can be demonstrated that the proposals would meet a genuine local need that would not otherwise be met by the housing market
- arrangements can be made to ensure that the occupancy of such housing can be controlled to secure the benefits for subsequent occupiers



• Source: Aspinall Verdi Limited

Value Zone	Sub Area	Parishes
Higher	Rural Parishes	Alderwasley Ashleyhay Dethick Lea & Holloway Crich Hazelwood Idridgehay & Alton Kedleston Kirk Langley Mackworth Pentrich Quarndon Ravensdale Park Shottle & Postern Turnditch Weston Underwood Windley South Wingfield
Medium	Belper	Belper Duffield Denby Holbrook Kilburn
Lower	Alfreton	Alfreton Ironville Riddings (unparished) Somercotes Swanwick
Lower	Heanor	Heanor & Loscoe Aldercar & Langley Mill Horsley Horsley Woodhouse Mapperley Shipleigh Smalley
Lower	Ripley	Codnor Ripley

8.6 Viability

8.6.1 The NPPF (Sept. 2023) requires local planning authorities to give careful attention to viability in plan-making and states that provision for housing development,

including through identified sites, should not be subject to a scale of obligations and policy burdens, such that the viability of development is threatened. In relation to affordable housing, the NPPF (Sept. 2023) states that policies should be sufficiently flexible to take account of changing market conditions over time and that where planning obligations are being sought or are being asked to be revised, local planning authorities should be similarly flexible, wherever appropriate, to prevent planned development being stalled.

- 8.6.2 The on and off-site contributions secured through planning obligations, in line with local policy requirements, can represent a significant cost to a developer in bringing a scheme forward on the ground. The Borough Council has established a Planning Viability Policy, as a basis to enable a consistent approach to be applied to the consideration of viability issues associated with development proposals.
- 8.6.3 In accordance with paragraph 34 of the NPPF (Sept. 2023), and related Planning Practice Guidance, the Borough Council has commissioned a Strategic Viability Assessment to provide evidence that the policy requirements set out in the Local Plan should not threaten the development viability of the Local Plan as a whole.
- 8.6.4 Whilst the viability of development will be a material planning consideration, the primary consideration remains with the Development Plan. Where viability issues are such that the policy requirements of the Development Plan would make development unviable or undeliverable the Borough Council needs to take a reasonable approach and consider carefully all requests for planning obligations to be varied on their individual merits. This should take in to account local planning policy requirements, the need to deliver the site, the detailed financial situation, the length of time over which the project is planned and any other local circumstances that may affect viability.

Policy H6 Viability

Where an applicant has adequately demonstrated the particular circumstances which justify the need for a viability assessment at the application stage, the Borough Council will require the following key steps to be undertaken, to ensure a robust assessment of the viability of proposals for housing development:-

- a) the submission of a viability assessment in conjunction with planning applications, including sufficiently detailed financial information. The submitted information should be in accordance with the Planning Practice Guidance on Viability.**
- b) the provision of an independent appraisal by or on behalf of the Borough Council, of a submitted viability assessment, including sensitivity testing where appropriate. The cost of the independent appraisal will be met by the applicant.**

Where, following the submission of a viability assessment and an independent appraisal, the Borough Council concludes that the level of affordable housing provision and/or a level of section 106 contributions towards infrastructure and/or community benefits that would be

viable is below that which would be policy compliant, the Borough Council may seek to secure the establishment of an appropriate review mechanism within an agreement under Section 106 of the Town and Country Planning Act 1990.

8.7 Self-Build & Custom Build Dwellings

- 8.7.1 The Government has introduced legislation (the Self-build and Custom Housebuilding Act (March 2015) and subsequent guidance (the Self-build and Custom Housebuilding Planning Practice Guidance (April 2016) to support an increase in self-build and custom housebuilding. Local planning authorities are under a duty to keep a register of individuals and associations that have expressed an interest in acquiring serviced plots for self and custom build. The Housing and Planning Act 2016 places a further duty on local planning authorities to grant suitable development permission in respect of enough serviced plots of land to match demand on their self-build and custom build register.
- 8.7.2 The Local Plan therefore needs to include an appropriate policy in relation to the need to plan for sufficient self-build and custom housebuilding within the Borough.

Policy H7 Self-Build & Custom Build Dwellings

The Borough Council will seek to secure the provision of sufficient opportunities to meet demand for self-build and custom build dwellings, by supporting proposals that would make a proportion of dwelling plots available for sale to self-builders or custom builders.

Proposals for five or more self-build or custom build dwellings in a single site location should be developed in accordance with a set of design principles to be submitted with any application and agreed by the Borough Council.

Where plots have been made available and marketed appropriately for at least six months and have not sold, the plot(s) may either remain on the open market or be built out by the developer.

8.8 Gypsies, Travellers & Travelling Showpeople

8.8.1 Planning Policy for Travellers 2015 requires local authorities to make a robust assessment of need for sites for travellers, and to identify and update annually, a supply of sites to meet pitch targets to meet the identified need.

8.8.2 Having regard to the evidence of need set out in the most up to date Derbyshire Gypsy and Traveller Accommodation Assessment (GTAA), there is a need to provide a minimum number of four permanent pitches within the Borough to meet the specific needs of Gypsies and Travellers.

8.8.3 A need for two pitches results from an unauthorised development which the Borough Council considers a tolerated site. The Borough Council would welcome and support any application to regularise the site.

8.8.4 The Borough Council is aware that there is a need for two further pitches arising from households in housing but with a psychological aversion to housed accommodation and would welcome and support any such planning application to meet this need.

8.8.5 There is a need to include an appropriate policy in the Local Plan, that sets out a range of detailed criteria against which any development proposals to meet the specific needs of Gypsies, Travellers & Travelling Showpeople will be considered and which is consistent with relevant national policy and guidance.

Policy H8 Gypsies, Travellers & Travelling Showpeople

A Site is allocated for meeting the requirement for 2 pitches on an existing unauthorised site off High Holborn Road, Codnor.

Development to meet the specific needs of Gypsies, Travellers & Travelling Showpeople will be permitted, providing the proposals would:-

- **result in a safe and acceptable living environment for its residents by being of a sufficient size to accommodate the proposed number of caravans and by providing adequate on-site facilities for parking (including turning and servicing), storage, amenity area, water and electricity supply, drainage and sanitation.**
- **be readily accessible to local community services and facilities, including shops, health and education.**
- **provide pedestrian and vehicular access to the surrounding highway network, which would not result in an unacceptable impact on highway safety or traffic volumes.**
- **not detract from the amenities of any nearby existing housing development, or those of the proposed development, through the provision of suitable landscaping and boundary treatments.**
- **not involve development within the Green Belt and areas at risk of flooding, or would otherwise not have an unacceptable environmental impact, including in relation to biodiversity, heritage assets and landscape quality/character, water or air quality.**
- **meet the design guidelines as detailed in relevant good practice guidance.**

9 Economic Development Policies

9.1 Development within Existing Business & Industrial Areas

9.1.1 In addition to the provision of new business and industrial development on land identified as Economic Growth Sites in the Local Plan, there will be opportunities for the redevelopment or expansion of existing premises within industrial estates and other existing business and industrial areas within the Borough. There is a need to control the provision of other uses within these locations, in order to prevent a shortfall in land available for E, B2 or B8 uses.

Policy ED1 Development Within Existing Business & Industrial Areas

Development will be permitted for E (Commercial, Business and Service), B2 (General Industrial) and B8 (Storage & Distribution) uses within designated Existing Business and Industrial Areas, as shown on the Policies Map, including the redevelopment of land and buildings or the expansion of existing premises.

Within the designated Existing Business and Industrial Areas, development will only be permitted for uses other than E (Commercial, Business and Service), B2 (General Industrial) and B8 (Storage & Distribution), if the proposals:-

- a) relate to land or premises not currently in E, B2 or B8 use, and**
- b) would not lead to a shortfall in the availability of business and industrial land within the Borough.**

Proposals that would result in a loss of land from Class B uses to another use or uses whether in a designated employment area or not, will only be permitted where:

- a) It can be demonstrated through active, extensive and realistic marketing over a period of three years that the land or premises are no longer required to meet future employment land needs and that there is a lack of demand for the land or premises in that location;**
- b) The proposed use is compatible with neighbouring uses and, where applicable, would not prejudice the continued use of neighbouring land for employment; and**
- c) they provide facilities that are supportive of Class B or Class E(g) uses**

9.2 Other Business & Industrial Development

9.2.1 As businesses grow, they may need to expand their operational requirements which may result in the need for more floorspace. It may not be feasible for every business to relocate to larger premises due to the availability of suitable premises,

location of the workforce, or cost. This may mean that there is a need to expand within their existing site, or utilising adjoining land, to ensure that they can continue to grow and contribute to the development of the local economy. There is a need to ensure, however, that any proposals are provided within, or adjacent to, settlements where there is an appropriate range of local services and facilities, and where the proposals would not have an adverse impact on the environment.

Policy ED2 Other Business & Industrial Development

In addition to development on proposed Economic Growth Sites and on land within designated Existing Business & Industrial Areas, development will also be permitted for uses within classes E (Commercial, Business and Service), B2 (General Industrial) and B8 (Storage & Distribution) elsewhere in the Borough, where this involves:-

- a) the redevelopment or extension of existing premises within any of these uses, or their expansion on to immediately adjacent land, or**
- b) new development within the built framework of the Urban Areas and Key Villages**

providing that there would be no significant increase in traffic movements within residential areas and that there would be no significant adverse impact on amenity, landscape, heritage assets or biodiversity.

9.3 Alderwasley Mills, Ambergate

9.3.1 Alderwasley Mills is a partially active employment area, containing a number of under used and derelict buildings on a large brownfield site in need of regeneration. To facilitate the restoration and enhancement of this semi-derelict site in the World Heritage Site and secure the long-standing future and viability of the site, a wider range of uses has been deemed appropriate.

Policy ED3 Alderwasley Mills, Ambergate

Development will be permitted on land at Alderwasley Mills, Ambergate, as shown on the Policies Map, for around 140 homes and a mix of any of the following uses:- E (Commercial, Business and Service), B2 (General Industrial), B8 (Storage & Distribution), C1 (Hotels), F (Local Community and Learning) providing that the proposals:-

- a) are consistent with a comprehensive masterplan to be prepared by the landowners / promoters, in conjunction with and to be approved by the Council,**
- b) are of a form, scale and design which safeguards the significance of heritage assets and their setting, and the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site, as well as reflecting the character and sensitivity of the landscape on adjoining land immediately to the west of the site,**

- c) **protect the existing Sites of Special Scientific Interest (SSSI) to the west of the site,**
- d) **demonstrate the safety of any residential development and users of the site from identified flood risks, over the lifetime of the development, for example by the provision of upper floor apartments,**
- e) **provide necessary improvements to physical and social infrastructure, including safe pedestrian and cycle links from the site to Ambergate (whilst implementing part of the Proposed Cycle Network), suitable vehicular access, education, leisure and health provision as required,**
- f) **satisfy the criteria set out in other relevant policies in the Local Plan.**

9.4 Rural Employment

9.4.1 Paragraph 84 of the NPPF (Sept. 2023) states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

9.4.2 Paragraph 85 of the NPPF (Sept. 2023) states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Policy ED4 Rural Employment

New development will be permitted for uses within classes E (Commercial, Business and Service), B2 (General Industrial), B8 (Storage & Distribution) and tourism and leisure developments, which would support a prosperous rural economy, providing that the proposals are of a scale and form that reflects the location, that there would be no significant

increase in traffic movements within residential areas and that there would be no significant adverse impact on amenity, landscape, heritage assets and their setting or biodiversity.

9.5 Relocation of Non-Conforming Uses

9.5.1 Within parts of the Borough, there are a number of established businesses that have operated for many years in outdated, unsightly buildings. These buildings and their uses, by virtue of their appearance, noise or smell, can seriously affect the amenities of adjoining residents, as well as contributing to problems of traffic congestion. This can be addressed by promoting the relocation of such businesses to more acceptable locations within either established or new employment areas, including industrial estates and by allowing more appropriate alternative uses or development on their existing sites.

Policy ED5 Relocation of Non-Conforming Uses

Development will be permitted for the re-use or redevelopment of existing land or buildings within classes E (Commercial, Business and Service), B2 (General Industrial) and B8 (Storage & Distribution) uses, where the current use creates unacceptable environmental problems and providing that the existing use can be suitably relocated to an alternative site.

9.6 District & Local Centres, Local Shopping Facilities & Loss Of Retail Uses

9.6.1 Communities across Amber Valley are served by a variety of local shopping facilities, including within Langley Mill (classified as a District Centre) and at Codnor, Duffield, Leabrooks and Somercotes (classified as Local Centres), as well as smaller parades of shops and individual units. Further development of these facilities will help to maintain a range of local shopping opportunities, provided such facilities are not of a scale and type that could undermine the vitality and viability of the Borough's four Town Centres, the District Centre or Local Centres and would not have any unacceptable impact on residential amenity, car parking provision or highway safety. There may also be pressure for the change of use of existing local shops to other uses, particularly in rural settlements and where it can be demonstrated that such facilities provide an important service to the local community, any proposals for change of use should be resisted.

Policy ED6 District & Local Centres, Local Shopping Facilities & Loss Of Retail Uses

Development within class E (Commercial, Business and Service) in District and Local Centres, as shown on the key diagram, will be supported where it is consistent with the scale and function of the centre, providing that the proposals, either individually or cumulatively, having regard to recently completed developments and outstanding permissions, would not materially harm the vitality and viability of existing Town Centres, District or Local Centres.

Outside of Town, District and Local Centres, Development of local shopping facilities within either class E (Commercial, Business and Service) or F2 (Local Community Uses) to serve the day-to-day needs of local communities will be permitted, providing that the proposals:-

- would not lead to unsustainable trip generation or undermine the vitality & viability of any Town Centre, District Centre, Local Centre, or Centre in neighbouring local authority area, and
- would not detract from the amenities of any nearby residential development.

Development proposals that would result in the loss of uses within class E (Commercial, Business and Service) in District & Local Centres will only be permitted where:-

- the current use can be demonstrated to be no longer viable,
- the unit has been sufficiently and actively marketed for a range of retail uses,
- the proposed use would not harm the vitality and viability of the centre as a whole, and
- the proposals would not have any unacceptable impact on residential amenity, car parking provision or highway safety.

9.7 Pubs or Drinking Establishments & Take Aways

- 9.7.1 Proposals for Pubs or Drinking Establishments and Take Aways can have a particular impact on the environment, especially within residential areas. It is therefore essential that all such proposals can be provided without any adverse environmental impact.

Policy ED7 Pubs or Drinking Establishments & Take Aways

Development proposals for pubs or drinking establishments and take aways will be permitted, providing that the proposals would meet the relevant criteria in the Spatial Strategy Policies relating to development within Town Centres, Primary Shopping Areas and on the edge of or outside Town Centres

Conditions may be imposed on planning permissions to limit the hours of opening and/or to require the installation of efficient ventilation systems/ sound insulation, in order to protect residential amenity.

9.8 Tourism

- 9.8.1 The importance of tourism in the economy of Amber Valley has grown significantly in recent years. The increasing range of jobs supported by tourism includes hotel and other tourist accommodation, retailing, catering, leisure attractions and transport services.

- 9.8.2 Particular opportunities for further tourism development are likely to arise in the rural areas of the Borough, as the economy continues to diversify away from a dependency on farming, including the re-use of existing agricultural and other

buildings for tourist accommodation. There is also potential in Belper and the Derwent Valley to further develop the role of tourism in the local economy, linked to the conservation of the area's built heritage, as well as in other parts of the Borough.

9.8.3 Development proposals for tourism development and uses should therefore be supported, providing they are located and designed in such a way as to complement, rather than detract from, the quality of the environment, both in urban and rural areas.

9.8.4 Demand for touring caravan and camping sites within Amber Valley is high, reflecting the attractiveness of both the Borough and adjoining areas. Proposals to either extend existing sites or provide new sites should therefore be supported, subject to ensuring that such development is located where it would not have an adverse environmental impact, particularly in relation to landscape quality and character.

Policy ED8 Tourism

Tourism development, including uses within classes C1 (Hotels) and F1 (Learning and Non-Residential Institutions) will be permitted provided that there would be no significant adverse impact on residential amenity, landscape, heritage assets and their setting, or biodiversity.

10 Environment Policies

10.1 Climate Change

- 10.1.1 The United Nations defines climate change as long-term shifts in temperature and weather patterns. Since the industrial revolution in the mid C19th global temperatures have risen. This rise in the global temperature which is currently believed to be 1.1° C (Celsius) above late 1800 levels, is primarily due to the release of greenhouse gases such as carbon dioxide into the atmosphere. Carbon dioxide concentrations have risen from a pre-industrial 280 parts per million (ppm) in the 1750's, to 300ppm in the 1950's, and over 400 ppm in 2018. The impacts of global warming are wide ranging and include changes to habitats, species distribution and biodiversity loss, which result in detrimental impacts on the human population.
- 10.1.2 It has been recognised that action must be taken to reduce greenhouse gas emissions to limit global warming, and the UK Government has set legally binding targets to help achieve this in the form of 'carbon budgets'. These budgets indicate the amount of carbon that could be released into the atmosphere in a specified period for the target to be reached. In 2019, the Climate Change Act (2008) was amended to introduce a new target to achieve net zero emissions by 2050 meaning that greenhouse gases must be as close to zero as possible by this date, with any remaining emissions removed from the atmosphere through sequestration.
- 10.1.3 The Tyndall Centre for Climate Change Research (a partnership of universities bringing together researchers from the social and natural sciences and engineering to develop sustainable responses to climate change) estimates that at 2017 emission levels Amber Valley's carbon budget will be used by 2027. It therefore recommends a programme to deliver cuts in CO2 emissions averaging a minimum of -13.5% per year.
- 10.1.4 The urgency to reduce greenhouse gas emissions has been recognised by the Borough Council and in 2019 it declared a Climate Emergency. It is therefore vital that planning policies seek to deliver new developments with net zero emissions by minimising energy demand, maximising on-site renewable energy generation and ensuring that adequate provision is made for the transition to low or zero carbon transport. Given the challenges ahead it is also crucial that new development incorporates measures to adapt to the changing climate.
- 10.1.5 Legislation requires documents such as a Local Plan to include policies that secure development which contributes to the mitigation of, and adaptation to, climate change. This approach has been reiterated in the government's National Planning Policy Framework, most recently amended in September 2023.
- 10.1.6 The Derbyshire Spatial Energy Study 2022 was commissioned on behalf of the Derbyshire planning authorities. An assessment of electricity and heat demand, generation and supply within the County was undertaken which provides an understanding of the current and future situation of Derbyshire's energy system. The Study recognises that the largest contributor to carbon emissions in Amber

Valley is from non-domestic sources, followed by transport and then domestic energy emissions. It also identifies the potential within the Borough for energy to be harnessed from renewable sources. The Borough Council therefore recognises the need for new development to be designed to limit carbon emissions and for applicants to be required to demonstrate how their proposals have given full consideration to climate change issues in their design, and for new development to be expected to generate and use energy from renewable sources.

10.1.7 Climate Change and Planning Guidance has been developed by Vision Derbyshire, offering advice on the type of issues and design considerations that should be taken into account when designing development proposals. An assessment tool has also been developed which works as a checklist to assist applicants in this process. The tool should be used by the applicant to demonstrate to the Borough Council what measures have been considered in the design process (as required by policy EN15) and highlights the areas where additional measures may be appropriate. The Guidance and Assessment Tool can be accessed via the following link: <https://www.derbyshire.gov.uk/environment/planning/planning-policy/planning-and-climate-change/planning-and-climate-change-guidance-and-assessment-tool.aspx>

10.1.8 The Borough Council will expect nature-based solutions to have been designed in to schemes from the outset because they are often longer lasting, more cost effective and have multiple benefits to the environment and society. They contribute to biodiversity gain and help to join up and expand existing habitats which will build up resilience to climate change at a landscape scale. Solutions could include green roofs and living walls, street trees, Sustainable Urban Drainage (SuDS), rain gardens, reed beds and wetlands.

10.1.9 The Environment Agency recognises that England's water environment is currently under pressure from increasing water demand and that this is expected to be exacerbated by climate change, with water shortages likely in the UK by 2050. In 2021 the Environment Agency classed the Severn Trent region as 'Seriously Water Stressed'. Serious water stress is defined in the Water Industry (Prescribed Conditions) Regulations 1999 as being where 'the current household demand for water is a high proportion of the current effective rainfall which is available to meet that demand; or, the future household demand for water is likely to be a high proportion of the effective rainfall which is likely to be available to meet that demand'. It is therefore incumbent upon the Borough Council to endeavour to reduce demand on water resources by requiring the tighter Building Regulation efficiency standard of 110 litres of water per head per day to be applied to new developments.

Policy EN1 Climate Change

- 1. All development proposals will be required to maximise opportunities to reduce emissions and meet the Government's net zero target by:-**
 - a) reducing embodied carbon through the reuse of the existing buildings and materials on the site, where possible,**
 - b) demonstrating the use of sustainably sourced materials in construction,**
 - c) using design and location to minimise travel distances and incorporate opportunities for sustainable modes of travel, such as walking and cycling,**
 - d) reducing energy consumption through construction by having regard to landform, layout, building orientation, massing, landscaping and by following the Energy Hierarchy,**
 - e) generating and using energy from renewable or decentralised energy sources - where this is not practical at the time of construction, proposals must demonstrate that the buildings are 'net zero ready' and able to incorporate renewable energy solutions in the future,**
 - f) retaining existing trees and hedges wherever possible,**
 - g) protecting and where possible enhancing land that acts as a carbon sink, such as woodland.**

- 2. All development proposals will be required to incorporate measures to help to mitigate and adapt to the impacts of climate change and to take the opportunity to provide gains for nature, and the health and wellbeing of residents. The following will be sought where appropriate:**
 - a) the provision of multi-functional green infrastructure, with climate change mitigations such as street trees and hedges for shading and rain gardens for surface water drainage,**
 - b) water management solutions such as including natural flood management, green roofs and grey water recycling, and adherence to the Drainage Hierarchy, and to ensure the use of Sustainable Urban Drainage Systems (SuDS) wherever practical,**
 - c) measures to reduce surface and other types of flood risk to the site and beyond and taking the opportunities to improve water quality wherever practical,**
 - d) measures to avoid overheating including through orientation and design.**

3. **All development proposals will need to demonstrate how climate change issues have been considered through the submission of a climate change assessment in conjunction with a planning application.**
4. **All proposals for new dwellings will also need to:**
 - a) **meet the water efficiency standards of 110 litres/person/day as set out in Requirement G2, Part G of Schedule 1 and regulation 36 to the Building Regulations 2010, as amended.**

10.2 Renewable Energy

10.2.1 The NPPF (Sept. 2023) states that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources and to design their policies to maximise renewable and carbon energy development, whilst ensuring that any adverse visual, landscape or other environmental impacts are satisfactorily addressed.

Policy EN2 Renewable Energy

Proposals for renewable energy development, together with any ancillary buildings or infrastructure, will be permitted, providing that:-

- a) **the proposals, either individually or cumulatively with similar development, would not have an unacceptable impact on heritage assets and their setting, landscape or townscape character, biodiversity, geology, hydrology or flooding**
- b) **the proposals would not have an unacceptable impact on local amenity, or give rise to safety concerns, in relation to glare, noise, shadow flicker, electromagnetic interference, emissions to the air or ground, odour, traffic generation and congestion.**

10.3 Flood Risk

10.3.1 The effect of flooding on development and the impact which new development may have on flood risk are important issues in making land use decisions. Flood risk is also expected to increase as a result of climate change. It is therefore important to ensure that new development is not subject to unacceptable levels of flood risk and that it does not increase the risk of flooding elsewhere and that wherever possible, new development can result in a reduction in overall flood risk.

10.3.2 The updated Strategic Flood Risk Assessment (SFRA) for Amber Valley (2020) defines the flood zones for Amber Valley and provides the necessary evidence to support the application of the sequential approach in considering planning applications.

10.3.3 Proposals should demonstrate that a sequential approach has been adopted to ensure that development is located in areas at the lowest probability of flooding having regard to the type of use proposed. Depending on the type of use and proposed location the exceptions test may also need to be satisfied. Where this is the case evidence will be required to show that wider sustainability benefits outweigh the flood risk, that the site is on previously developed land or there are no reasonable alternative previously developed sites, and that development will be safe and will not increase (and where possible reduce) overall flood risk. In such instances the Borough Council will work closely with the Environment Agency in order to ensure that appropriate measures to reduce flood risk locally are secured.

10.3.4 Development proposals will need to be supported by detailed Flood Risk Assessments, where appropriate, identifying and assessing the risks from all forms of flooding to and from the development and how these risks will be managed and where possible reduced, through the design and layout of development.

10.3.5 Development can also help to mitigate and manage flood risk through the incorporation of Sustainable Drainage Systems (SuDS). These systems may include surface water storage areas, flow-limiting devices, infiltration areas or soakaways. Other effective means of reducing surface water run-off include the use of trees, bushes and 'green roofs'.

10.3.6 The Borough Council will seek to support proposals for flood risk management schemes brought forward during the life of the plan which reduce flood risk for local communities and contribute towards other strategic objectives set out within the Local Plan. It will work with the Environment Agency and other stakeholders to identify funding opportunities and develop flood risk management schemes and infrastructure wherever possible.

10.3.7 The Water Framework Directive (WFD) establishes a framework for the protection of inland and groundwater. The environmental objectives of the WFD are:

- To prevent deterioration of the status of surface waters and groundwater
- To achieve objectives and standards for protected areas
- To aim to achieve good status for all water bodies or, for heavily modified water bodies and artificial water bodies, good ecological potential and good surface water chemical status
- To reserve any significant and sustained upward trends in pollutant concentrations in groundwater
- The cessation of discharges, emissions and losses of priority hazardous substances into surface waters
- Progressively reduce the pollution of groundwater and prevent or limit the entry of pollutants.

10.3.8 These objectives are delivered through River Basin Management Planning. The River Basin Management Plan for Amber Valley is the Humber River Basin Management Plan and as a public body the Borough Council must have regard to it and any supplementary plans when making decisions that could affect the

quality of the water environment. The Borough Council will ensure that all development contributes towards the protection and enhancement of water quality.

Policy EN3 Flood Risk

The Borough Council will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. In relation to sites with a greater risk of flooding where it has been demonstrated that the Sequential Test and Exception Test have been satisfied, development must:

- a) be resilient to flooding through design and layout, and/or**
- b) incorporate appropriate mitigation measures, such as raised finished floor levels, or where these are not possible, on-site flood defence works and/or a contribution towards or a commitment to undertake such offsite measures as may be necessary.**

New development shall look at opportunities to provide reductions in flood risk to the site and to others to help to mitigate against the impact of climate change on all types of future flood risk.

Suitable measures to deal with surface water arising from development proposals will be required, to minimise the impact to and from new development.

All developments will be expected to be designed to achieve, where appropriate, a net decrease in surface water run-off rates, including through initiatives such as the planting of native trees and bushes and the consideration of using 'green roofs'.

All developments will be required to manage surface water through keeping the creation of non-permeable areas to a minimum and the incorporation of SuDS, which mimic natural drainage patterns, are appropriate to the existing landscape character, are designed to improve water quality, contribute towards water recharge, improve biodiversity, and offer opportunities for recreation and connect to the existing Green Infrastructure network where possible.

Where appropriate, the Borough Council will require developers to restore culverted or straightened watercourses to a natural state in order to reduce flood risk and provide local amenity and biodiversity benefits.

Proposals for flood management or other infrastructure offering improvements that lower the risk of flooding will be supported.

Development proposals that are likely to impact on surface or ground water should consider the requirements of the Water Framework Directive (WFD). Development proposals should demonstrate that they contribute positively to the water environment and its ecology where possible and do not adversely affect surface and ground water quality in line with the requirements of the WFD.

10.4 Heritage Assets

- 10.4.1 Amber Valley has a rich and diverse past that is still evident today through its numerous and varied heritage assets. The stately home of Kedleston Hall (Grade I listed) by Robert Adam represents a fine example of Palladian architecture and lies in the south of the Borough. The internationally important industrial heritage associated with harnessing waterpower in the Borough was recognised in December 2001 when the Derwent Valley Mills World Heritage Site was inscribed by UNESCO. This includes in Amber Valley former mill buildings adjacent to the River Derwent and parts of the settlements of Lea, Whatstandwell, Ambergate, Belper and Milford, set in a 'relict' rural landscape. The Borough also has a rich history of coal mining in the eastern part of the Borough and the former Cromford Canal, part of which is a scheduled monument, also runs through the Borough.
- 10.4.2 The Borough's four market towns each have distinctive historic characters, which are important to retain. To the east of the Borough lie coal measures and settlements have grown up around the coal mining industry. To the west lies the Peak Fringe and Lower Derwent and to the south-west lies the Needwood and South Derbyshire Claylands, giving rise to villages and hamlets evolving out of the needs of agriculture and other rural industries, resulting in very different characteristics and form. The Borough also has large areas of rural landscape that are of historic interest, such as the enclosure and settlement patterns of the Duffield Frith, those areas identified in Derbyshire County Council's Areas of Multiple Environmental Sensitivity (AMES), the Ecclesbourne Valley and the Derwent Valley. These are very important areas that make up the distinctive character of the Borough and need to be protected from unsympathetic development.
- 10.4.3 Within Amber Valley there are 778 Listed Building records on the National Heritage List for England, amounting to in excess of 1,100 individual buildings or structures. Of these 16 are grade I listed (2%), 49 are Grade II* (6%) and 713 are grade II (92%). A significant number of these Listed Buildings are located within the Derwent Valley Mills World Heritage Site.
- 10.4.4 There are currently 28 buildings on the local Buildings at Risk Register and 9 are on Historic England's Heritage at Risk Register. Listed Buildings are a finite and non-renewable resource. As well as ensuring that development proposals are appropriate to the significance of the listed building, including by ensuring that their use is the most viable use consistent with their conservation, the Borough Council will continue to take action in those cases where Listed Buildings are at risk and there are no realistic proposals to restore the building.
- 10.4.5 There are 29 Conservation Areas within Amber Valley, covering 8.9% of the Borough and none are identified as 'at Risk' as of 2022. There are also some Article 4 (2) Directions in the Borough, the largest of which covers the Belper and Milford Conservation Area, enabling management of development that would otherwise be classified as 'Permitted Development'. Demolition of a building that makes a

positive contribution to the character and appearance of a conservation area will be resisted. Applications for the loss of such buildings will be expected to be accompanied by a structural survey carried out by a conservation accredited engineer, in addition to the information required to satisfy the criteria outlined in the NPPF (Sept. 2023).

10.4.6 The Borough has three Registered Historic Parks and Gardens at Kedleston Hall, Belper River Gardens and Belper Cemetery which are all fine examples of designed landscapes. The registered park and garden at Kedleston was developed by Lord Scarsdale from 1758 with input from his gardener William Emes and architect Robert Adam in the mid C18 and is considered to be of exceptional interest (Grade I). The River Gardens is a public pleasure garden laid out in 1905 by G Herbert Strutt, located within the Derwent Valley Mills World Heritage Site and is recognised as being of more than special interest (Grade II*), Belper Cemetery (Grade II) contains a particularly fine collection of trees and shrubs, many of which date from the mid C19 and were planted by William Barron.

10.4.7 It is important to protect designated assets in the Borough and beyond its boundary but also to recognise the importance of non-designated locally important heritage assets such as buildings and features of historic interest that are not scheduled, listed or protected in any other way. It is also important that new development respects the character of the locality to conserve local distinctiveness.

10.4.8 The Borough Council will identify non-designated heritage assets through the Historic Environment Record, the planning process and the production of a Local List. It will also encourage the identification of potential non-designated heritage assets through the Neighbourhood Planning process.

10.4.9 The Borough Council will require applicants to provide, in conjunction with development proposals, a description of the significance of the asset(s) affected, including any contribution made by the setting of the asset(s) and as appropriate, an assessment of the level of harm proposed and the measures taken to avoid or mitigate the harm. In making this detailed evaluation, applicants will be expected to demonstrate that they have consulted the Derbyshire Historic Environment Record when submitting a planning application.

10.4.10 Where there is evidence of deliberate neglect of or damage to a heritage asset, its condition will not be taken into account in the consideration of development proposals.

10.4.11 The significance of heritage assets can be harmed by small-scale incremental changes such as development within the setting of a listed building. What can be perceived as minor changes to the asset, or its setting may be as harmful as larger scale development. Therefore, the cumulative impacts of development, including those to economic viability now and in the future, will be an important consideration in the decision-making process. Guidance relating to the setting of heritage assets can have been produced by Historic England and can be found their website: <https://historicengland.org.uk/>

Policy EN4 Heritage Assets

The Borough Council will support development proposals which conserve and enhance the significance of the Borough's heritage assets including their settings and will assess them in accordance with case law, legislation, and the National Planning Policy Framework in a manner that is appropriate to the significance of the heritage asset.

Any development proposals that may affect the significance of a heritage asset or its setting should be accompanied by a heritage assessment that clearly sets out the significance of the heritage asset, including any contribution made by its setting. The assessment should identify the level of harm proposed and demonstrate what measures have been taken through the design process to avoid or mitigate the harm.

Proposals that would lead to substantial harm to (or total loss of the significance of) a designated heritage asset will be refused unless it can be demonstrated by the applicant that there are clear and justified substantial public benefits or the proposal meets the criteria set out in the NPPF (Sept. 2023) that outweigh that harm or loss.

Proposals that would lead to less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated by the applicant that there are clear and justified public benefits, including, where appropriate securing its optimum viable use, that outweigh the harm.

Proposals which would remove, harm or undermine the significance of a non-designated heritage asset will be permitted only where a balanced judgement demonstrates that the scale of any harm or loss to the significance of the heritage asset is justified.

To ensure the protection, conservation, and enhancement opportunities of heritage assets the Borough Council will support proposals that:

- a) better reveal the significance of heritage assets,**
- b) make a positive contribution to the character, distinctiveness and appearance of heritage assets having regard to the elements which make up their special interest, including character, appearance, materials, design, original or long-established plan-form, historic fabric and detailing,**
- c) retain features such as walls, hedgerows, trees and important open spaces that make a positive contribution to the character and appearance of heritage assets,**
- d) provide a long-term sustainable future for heritage at risk, whilst retaining the significance of heritage assets,**
- e) retain important views where appropriate,**
- f) retain shop fronts or advertisements of architectural or historic value that make a positive contribution to the character or appearance of heritage assets and ensure new**

shop fronts, security measures and advertisements are of a high-quality design and make a positive contribution to the asset,

- g) avoid cumulative harm to heritage assets.

Where the principle of the loss (or partial loss) of buildings or structures that contribute to the significance of heritage assets has been accepted development proposals will only be permitted where it can be demonstrated that the new development will proceed after the loss has occurred. It will be conditional upon the asset being recorded and the record and commentary deposited with the Local Planning Authority and the Historic Environment Record.

10.5 Derwent Valley Mills World Heritage Site

10.5.1 The internationally important industrial heritage associated with harnessing waterpower in the Borough was recognised in December 2001, when the Derwent Valley Mills World Heritage Site was inscribed by UNESCO. The Site stretches 15 miles from Matlock Bath in the north, to Derby in the south. Approximately 10 miles of the Site lies within Amber Valley. A 'buffer zone' surrounds the Site which includes its immediate setting, important views and other areas or attributes that are functionally important as a support to the Site and its protection.

10.5.2 Following inscription, a Statement of Outstanding Universal Value (SOUV) was agreed in 2010 which explains the Site's significance, and this is contained in the Derwent Valley Mills World Heritage Site Management Plan. Outstanding Universal Value (OUV) is expressed in the authenticity and integrity of the Site's attributes and the elements that manifest these. The attributes can be tangible such as the historic structures or intangible such as large-scale industrial production. It is therefore important to protect the Site's attributes to conserve the significance of the Site. Further details of these attributes and elements can be found in the Management Plan (<http://www.derwentvalleymills.org/about-the-derwent-valley-mills/the-management-plan/>).

10.5.3 The Management Plan, which is a material planning consideration in the decisions-making process for planning applications, sets out seven objectives:

1. Conservation and Planning – Protect and conserve the Outstanding Universal Value of the DVMWHS to ensure its transmission to future generations.
2. Engagement – Promote public awareness and engagement with the DVMWHS by presenting its Outstanding Universal Value through formal/informal learning, volunteering, events, interpretation and encouraging research.
3. Development and Tourism – Promote the sustainable development (Environmental, Economic and Social) of the DVMWHS to provide a world-class destination where people are proud to live, work, visit and

invest.

4. Communities – Enhance the social wellbeing of the DVMWHS communities and maximise the benefits of the site’s cultural value at a local, regional, national and international level.
5. Transport and Accessibility – Develop an integrated and sustainable approach to meeting and promoting the transportation and accessibility needs of the DVMWHS and its users.
6. Spatial Priorities – Promote a cohesive and coherent understanding of the DVMWHS by identifying its differing spatial needs and priorities.
7. Monitoring – Monitor the Derwent Valley Mills World Heritage Site to the standard required by UNESCO, and encourage appropriate site-wide data gathering to support the delivery of the above aims.

10.5.4 The Borough Council will support sympathetically designed schemes that help to achieve these objectives. It will expect applicants to demonstrate that they have understood what impact the proposal could have on the OUV, including having assessed the likely level of harm as well as demonstrating how that harm has been avoided or mitigated. Heritage Impact Assessments (HIA’s) which follow ICOMOS guidance will be requested to support major development proposals and more minor applications where it is considered that there would be harm to the OUV. More information about what to include in Heritage Impacts Assessments can be found on the ICOMOS website at: <https://whc.unesco.org/en/guidance-toolkit-impact-assessments/>

Policy EN5 Derwent Valley Mills World Heritage Site

The Borough Council will support proposals which conserve or reveal the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

For major and significant minor development proposals that are located within the Derwent Valley Mills World Heritage Site and its Buffer Zone, as shown on the Policies Map, or potentially impact on its Outstanding Universal Value, planning applications must be submitted with a Heritage Impact Assessment (HIA) that is consistent with the detail required by ICOMOS guidance.

Development proposals within the Derwent Valley Mills World Heritage Site, its Buffer Zone or its wider setting must be of an appropriate scale, massing, siting, design and alignment that will conserve the Outstanding Universal Value of the Site. The Borough Council will expect development to consider any adopted policy and design principles set out for the Site.

Development proposals must protect the authenticity and integrity of the Derwent Valley Mills World Heritage Site, having particular regard to its attributes and the elements that manifest those attributes.

Development proposals must not result in cumulative harm to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

Development proposals within the Derwent Valley Mills World Heritage Site, or its Buffer Zone must demonstrate how they contribute to the economic and social vitality of the Derwent Valley Mills World Heritage Site, where practicable

Proposals that result in less than substantial harm to the significance of the Derwent Valley Mills World Heritage Site will only be supported where the harm is outweighed by the public benefits of the proposal. Substantial harm to, or total loss of, the significance of the Derwent Valley Mills World Heritage Site will not be supported.

10.6 Archaeology

- 10.6.1 Scheduling is the selection of nationally important archaeological sites. There are 21 Scheduled Monuments in the Borough ranging from one of the finest stretches of Roman road in Derbyshire to a mid-C15th manor house that is considered to be the most important great house to survive from that period. It should be noted that any development that would affect a Scheduled Monument above or below ground will require Scheduled Monument Consent in addition to planning approval.
- 10.6.2 In addition to Scheduled Monuments, there are archaeological assets which have the potential to also be of national importance and undesignated archaeology; all of which are irreplaceable resources that hold or potentially hold evidence of past human activity and may be worthy suitable of expert investigation in the future. Known archaeological assets are identified in Derbyshire Historic Environment Record (HER).
- 10.6.3 In addition to known archaeological assets in the HER, new archaeological sites and areas of archaeological potential may be identified before or during the planning process.
- 10.6.4 The NPPF (Sept. 2023) states that to conserve and enhance the historic environment 'non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
- 10.6.5 The Borough Council will require an appropriate desk-based assessment, and where necessary a field evaluation, to be undertaken in order to assist the decision-making process in areas of known or potential archaeological interest.
- 10.6.6 The preservation of archaeological remains will be the Borough Council's preferred approach and only when it has been demonstrated that this is not possible or desirable, will an alternative approach be considered. Development schemes should ensure that there are clear records which show where the in situ remains are.
- 10.6.7 Where the removal and recording of archaeological remains has been agreed, the Borough Council will, as a minimum, require a copy of the record and interpretation to be submitted and to be deposited on HER, and depending upon

the significance of the findings, may require these to be publicised more widely.

10.6.8 Where such archaeological work produces an archive with future research potential, the Borough Council will require this archive to be deposited with the appropriate museum or other repository.

Policy EN6 Archaeology

Heritage assets of archaeological interest are irreplaceable therefore development proposals should protect and if possible, enhance their significance.

Development proposals that affect archaeological remains must be accompanied by sufficient information to allow their significance and the impacts of the proposals on them to be understood. In some cases, this will require archaeological desk-based assessment and/or field evaluation of the site to be carried out by someone who is suitably qualified.

Development which would result in harm to or loss of the significance of a scheduled monument or asset with archaeological interest which is of equal significance to a Scheduled Monument will not be permitted unless it can be demonstrated that the public benefits clearly outweigh the harm.

Where proposals affect non-designated archaeology, or areas determined to have archaeological potential, this will be a material consideration when determining any planning applications.

Preservation in situ of assets of archaeological interest is the preferred option and wherever practical, opportunities should be taken for the enhancement and interpretation of remains left in situ.

Where preservation in situ is either not possible or not desirable, provision should be made for the excavation and/ or recording of archaeological assets to an agreed standard before demolition, disturbance or removal takes place.

The recording and its interpretation should be made publicly available by being deposited with the Local Planning Authority and the Historic Environment Record as a minimum, with an archive deposited where appropriate.

10.7 Landscape Character & Features

- 10.7.1 Amber Valley's natural environment includes a diversity of landscapes that are influenced by many factors, including the underlying geology, climate and habitats, as well as human influence, both past and present.
- 10.7.2 The Borough's landscapes extend from the Peak Fringe in the west of the Borough to the former coalfields in the east. These landscapes are valued by people for a variety of reasons, and each is characterised by its own particular pattern of geology, landform, soils, vegetation, land use and human settlement, that help create local distinctiveness.
- 10.7.3 Large developments, coupled with changes associated with farming in the Borough have the potential to alter the character of the Borough's landscape and erode character and local distinctiveness unless handled carefully. The Local Plan will play a key role in protecting the local landscapes from unsympathetic development and directing development to the most appropriate locations.
- 10.7.4 Nationally important landscapes are protected through statutory designations such as National Parks or Areas of Outstanding Natural Beauty. There are no such protected landscapes in Amber Valley, although the Derwent Valley Mills and the natural landscape of the Derwent Valley are inscribed as a World Heritage Site by UNESCO. Part of the identified Outstanding Universal Value of the World Heritage Site is its landscape setting and the juxtaposition between the industrial nature of the mills and the resultant settlements against the rural landscape backdrop. Other landscape of historic importance which survives in the Borough is a very important part of its character and is greatly valued by the local community. The United Kingdom is a signatory of the European Landscape Convention (ELC), which applies to all landscape irrespective of size or perceived quality.
- 10.7.5 The Convention requires landscape considerations to be integrated into spatial planning policies set out in the Local Plan as well as in other cultural, environmental, agricultural, social and economic policies, with possible direct or indirect impacts on landscape.
- 10.7.6 Paragraph 174 of the NPPF (Sept. 2023) states that planning policies and decisions should contribute to and enhance the natural and local environment including, amongst others, by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 10.7.7 The scale of growth envisaged in Amber Valley over the Plan period could significantly affect the visual quality and character of the landscape in Amber Valley. The Borough Council will expect all developments to demonstrate how they accord with landscape character and local distinctiveness, and where practicable contribute towards conserving and enhancing local character.

10.7.8 A comprehensive Landscape Character Assessment has been carried out by Derbyshire County Council, which identifies the various landscape character types throughout the County. This document, The Landscape Character of Derbyshire, is a material consideration in the determination of relevant planning applications.

10.7.9 In Amber Valley there are three National Character Areas as defined by Natural England. These are:-

- Nottinghamshire, Derbyshire and Yorkshire Coalfield
- Derbyshire Peak Fringe and Lower Derwent
- Needwood and South Derbyshire Claylands

10.7.10 Within these National Character Areas, Derbyshire County Council has identified 13 landscape character types. There is a need to ensure that all development proposals accord with and complement the particular character and sensitivities of the landscape in which it is located and where appropriate help to conserve and enhance its character. Particular regard should be given to the impacts on and mitigation of the following landscape characteristics:-

- landform and natural drainage patterns
- the existing land use
- the pattern and composition of existing trees, woodlands and field boundaries
- the type and distribution of wildlife habitats
- the pattern, scale and distribution of settlements and roads
- the presence and pattern of historic landscape features
- the scale, layout, design and detailing of local buildings and other traditional man-made features
- the visual and perceptual qualities of the landscape.

10.7.11 Derbyshire County Council has developed the Landscape Character Assessment as a spatial framework for strategically assessing the environmental sensitivity of the landscape. This work identifies those areas of the Borough that are most sensitive with respect to the visual unity of the landscape, biodiversity, and the historic environment and which are referred to as 'Areas of Multiple Environmental Sensitivity' (AMES).

10.7.12 In Amber Valley the most environmentally 'sensitive' areas are associated with the Peak Fringe and Lower Derwent and areas associated with the parklands of Kedleston Hall and Meynell Langley in the Needwood and South Derbyshire Claylands in the south of the Borough.

10.7.13 Trees, woodlands, hedgerows, dry stone walls and other landscape features make an important contribution to the character of Amber Valley, by enhancing the quality of the landscape and providing screening for visually intrusive land uses. Landscaping proposals are an integral and essential part of the design of any substantial development and may affect the position and form of buildings and accesses. Opportunities should therefore be taken wherever possible to secure the

provision of or contributions towards the continued protection and management of existing landscape features or the provision of new features. The Borough Council will continue to retain trees, woodlands, hedgerows and other landscape features wherever possible.

Policy EN7 Landscape Character & Features

Development will be permitted where it would protect or enhance the character, quality and the local distinctiveness of the landscape, including the contribution the landscape makes to the character of individual settlements or hamlets and would protect or enhance existing landscape features that make a positive contribution to landscape character.

A Landscape and Visual Impact Assessment (LVIA) (following the most up to date guidance published by the Landscape Institute and the Institute of Environmental Management and Assessment or other recognised body) will be required for all major development proposals and for other proposals where they are likely to have a significant impact upon the intrinsic character or beauty of the countryside.

Development proposals will be expected to:-

- **conserve local distinctiveness by using landscape character type to inform its design,**
- **retain features which contribute to the landscape character of the area including hedgerows, trees, woodland, field boundaries, waterbodies and watercourses,**
- **offset the loss or damage to existing landscape features where harm resulting from a development cannot be avoided and the impact is necessary to facilitate an otherwise acceptable scheme by the provision of alternative, replacement or additional landscape features either within the site, or in an appropriate alternative location,**
- **incorporate mitigation measures where appropriate which are suitable to the character type,**
- **respect the character of developed areas and rural landscapes that are of historic importance.**

Where there is evidence of neglect of or damage to the landscape, the condition of the landscape prior to its neglect or damage will be taken into account in the consideration of development proposals.

Where mitigation/compensation measures lead to the creation of new habitats or features, the Borough Council will require a management scheme to be agreed for those areas.

10.8 Biodiversity

10.8.1 The UK is one of the most nature depleted countries in the world with 15% of UK species threatened with extinction (Biodiversity in the UK: bloom or bust? Environmental Audit Committee June 2021). To help reverse this decline, as part of its 25-year Environment Plan, the Government has committed to creating a Nature Recovery Network to connect and expand nature rich places across the country. In order to provide a co-ordinated and focussed approach, Local Nature Recovery Strategies are being prepared for each County. The Derbyshire Strategy will set local priorities and be a material consideration in the decision-making process.

10.8.2 As at 2023 Amber Valley contains seven Sites of Special Scientific Interest (SSSI's) nine Local Nature Reserves, and 203 Local Wildlife Sites and /or sites identified as having geological interest. In addition, there are other areas of land that are also important, providing corridors of movement for wildlife between different habitats as identified on the Amber Valley Ecological Network map. The network includes the following elements:-

- core sites – these are areas of high value for nature conservation and include all statutory and non-statutory designated sites including Sites of Special Scientific Interest, Local Nature Reserves and Local Wildlife Sites
- corridors and stepping stones – these areas help to connect and buffer core sites, improving the resilience of the ecological network against climate change and habitat loss. They enable species to move between core sites and provide additional areas for species populations to establish. They are comprised of areas of undesignated land and water (including rivers and streams), other semi-natural habitats considered likely to support wildlife and areas that have the potential to contribute to the recovery of biodiversity.

10.8.3 The NPPF (Sept. 2023) states that planning should contribute to conserving and enhancing the natural environment and in pursuance of sustainable development, should fully compensate for any loss of biodiversity value and that planning policies and decisions should minimise impacts on and provide net gains for biodiversity.

10.8.4 The Environment Act 2021 requires certain forms of development to provide a minimum of 10% biodiversity gain and the NPPF (Sept. 2023) states that planning policies and decisions should contribute to providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

10.8.5 The Borough Council will protect and enhance sites with wildlife interest proportionate to their status and where necessary, will require the submission of supporting information in conjunction with planning applications that identifies

the nature and extent of any impact and mitigating measures that need to be taken.

- 10.8.6 The Borough Council will expect biodiversity gains from all development wherever possible and for this to be provided on-site, in the first instance. Only where this is not possible should this be provided off-site. It is important to ensure that biodiversity gains deliver against local priorities including those within the Derbyshire Local Nature Recovery Strategy (once it has been produced) and against local priorities identified in the Borough's Ecological Network Study and Lowland Derbyshire Biodiversity Action Plan (LBAP). The Borough Council will also seek to promote and encourage opportunities to secure better management and enhancement of existing sites and the creation of new sites to strengthen the existing network and increase biodiversity. Wherever possible the Council will seek to buffer sites within the network to protect them from adverse impacts in the wider environment.
- 10.8.7 In 2021 swifts were added to the list of Birds of Conservation Concern red list, following many years of decline. They join 69 other species on the list. It is therefore important to take opportunities to incorporate nesting sites into new development to help reverse this decline.
- 10.8.8 One way development can help is to ensure swift boxes are incorporated into the design of new buildings to increase the number of suitable nesting places available to them. Such boxes can be easily and cheaply integrated during construction. The Borough Council will require boxes to be sited in the most appropriate location on buildings for the benefit of the birds.
- 10.8.9 These nesting sites have the added benefit of also being suitable for other declining species such as the House Sparrows.
- 10.8.10 In addition to the provision of swift boxes, opportunities should be taken to incorporate nesting boxes suitable for other species and the provision of features such as bee bricks and bat roosts wherever possible.
- 10.8.11 Trees and woodland play an important role in the urban as well as the rural environment in terms of the economic, environmental and social benefits they deliver. Existing trees, woods and hedgerows will be expected to be retained and new trees (including street trees) planted wherever possible and appropriate.
- 10.8.12 The Borough Council recognises that soil is a finite resource and fulfils many roles that are beneficial to society. It is important to seek to ensure that development avoids the best and most versatile agricultural land and that where this cannot be avoided it is protected both during and after construction. Where there is doubt about the precise classification of land, applicants will be required to provide an appropriate survey carried out by those suitably qualified, to clarify the position. Development will also be expected to protect the soil during construction, having regard to Government advice such as the Code of Practice for the Sustainable Use of Soils on Construction Sites.

Policy EN8 Biodiversity

All development should:

- 1. protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory),**
- 2. minimise impacts on biodiversity and features of geodiversity value,**
- 3. deliver measurable and proportionate net gains in biodiversity**

In considering development proposals, the Borough Council will have regard to the following hierarchy:

a) the highest level of protection will be given to Internationally Protected Sites and any development proposals that would result in any adverse impact on the integrity of any Internationally Protected Site, either alone or in combination with other development, will be refused unless it can be demonstrated that there are no alternatives to the proposal, that there are imperative reasons of overriding public interest why the proposal should nonetheless proceed and where adequate compensatory provision can be secured.

b) A high level of protection will be given to Sites of Special Scientific Interest (SSSIs) and other sites of national significance for nature conservation and any development proposals that would result in any adverse impact on such a site and which cannot be either avoided or adequately mitigated, will be refused, unless it can be demonstrated that the benefits of the development clearly outweigh any impact on the site and any broader impacts on the network of national significance for nature conservation.

c) Development likely to have an adverse impact on the integrity of any locally protected sites, including Local Nature Reserves and Local Wildlife Sites and/or their function as part of the ecological network, which cannot be either avoided or adequately mitigated, will only be permitted where it can be demonstrated that the need for and benefits of the development would clearly outweigh the loss.

Development should avoid adverse impact on existing biodiversity and geodiversity features as a first principle, in line with the mitigation hierarchy. Where adverse impacts are unavoidable, they must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort where there is no alternative. Development will only be supported where the proposed measures for mitigation and/or compensation along with details of net gain are acceptable to the Local Planning Authority in terms of design and location, and are secured for the lifetime of the development with appropriate funding mechanisms that are capable of being secured by condition and/or legal agreement. If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused.

Any adverse impact on habitats and species of principal importance should be avoided wherever possible, unless the need for or benefits of any development proposals would clearly outweigh the loss.

Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy is provided.

Development will be resisted which would result in harm to:-

- hedgerows
- trees
- Regionally Important Geological and Geomorphological Sites (RIGS and locally important Geological Sites
- corridors that allow movement of wildlife between sites

Where necessary, the Borough Council will require the submission of an ecological report, carried out by a suitably qualified person in conjunction with planning applications, identifying the nature and extent of any impact and mitigating measures that need to be taken.

Policy EN9 Biodiversity Gains

Following application of the mitigation hierarchy, all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features.

Development proposals (unless exempt) will be required to achieve at least 10% biodiversity net gain using the Government's Biodiversity Metric. Net gain is expected to be provided on site but where it can be demonstrated that this would not be possible or desirable, it should be provided on one or more sites within the Borough (unless this is demonstrated not to be possible) that would deliver local priorities for biodiversity, having regard to the Derbyshire Natural Capital Strategy, the Local Nature Recovery Strategy for Derbyshire, the Lowland Derbyshire Biodiversity Action Plan (LBAP) (or its successors) and other locally identified priorities, or as a last resort, through national credits.

Mitigation and or compensation required as a result of impacts upon 'Habitat Sites', other statutory designated sites or irreplaceable habitats will be required in addition to biodiversity net gain requirements.

The Borough Council will ensure that wherever possible, opportunities are taken in conjunction with development proposals to:-

- a) extend or strengthen biodiversity interest,
- b) contribute to the provision of coherent wildlife networks,
- c) de-culvert/re-meander watercourses,

- d) **preserve, restore, re-create and manage habitats of principal importance and protect and assist the recovery of priority species of principal importance,**
- e) **provide areas of natural greenspace, including trees and woods,**
- f) **provide access to the natural environment,**
- g) **make use of lower quality agricultural land in preference to the best and most versatile agricultural land (grades 1, 2 and 3a),**
- h) **incorporate the provision of fish passes,**
- i) **integrate nest boxes into the fabric of buildings with an eaves height of 5m or above, that are suitable for swifts, unless the fabric of the building cannot support an integrated solution and in those cases external boxes will be required,**
- j) **minimise soil disturbance and protect and enhance soils.**

Net gains shall be managed for a minimum of 30 years in accordance with an agreed maintenance scheme, with monitoring and reporting requirements to be agreed as part of the approved scheme.

10.9 Pollution

10.9.1 Paragraph 188 of the NPPF (Sept. 2023) states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effect (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It also states the need to mitigate and reduce to a minimum any potential adverse impacts resulting from noise and avoid giving rise to significant adverse impacts from noise on health and the quality of life, as well as to limit the impact of light pollution from artificial light on local amenity, landscape and nature conservation.

Policy EN10 Pollution

The Borough Council will ensure that all new development is appropriate for its location, by taking into account the effects of potentially polluting development on health, the natural environment and general amenity and the potential sensitivity of the area. New development should not lead to an increase in levels of air, water, noise, light, soil or other forms of pollution.

10.10 Derelict, Unstable & Contaminated Land

10.10.1 Paragraph 186 of the NPPF (Sept. 2023) states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, including those arising from natural hazards or former activities and any proposals for mitigation including land remediation. It also refers to the need for adequate site investigation information to be available to inform any assessments.

Policy EN11 Derelict, Unstable & Contaminated Land

Development will be permitted for proposals involving the reclamation and/or re-use of derelict, unstable and contaminated land, providing that where it is suspected or known that land is contaminated and/or unstable, a detailed and independent assessment is undertaken on behalf of the applicant by competent persons, to identify the nature and extent of contamination and/or instability and any remedial or mitigating measures which need to be undertaken.

The Borough Council will require the remedial or mitigating measures to be carried out as part of the development.

The above requirements are necessary in the interests of the protection of controlled waters and human health during the construction of and for the lifetime of the development.

10.11 Hazardous Substances

10.11.1 The Borough Council is required to have regard to the prevention of major accidents and limiting their consequences in the Local Plan. There are a number of existing hazardous installations, either within or in close proximity to Amber Valley where it is important that the risk to human health is not increased. These currently include installations at Cotes Park, Somercotes; Amber Business Centre, Riddings and Rough Close Works (within Bolsover district). There is also a need to consider the potential impact on the operational viability of the existing businesses at these installations, when considering any development proposals within the existing consultation or safety zones around the installations.

10.11.2 The Health and Safety Executive and the operators of the hazardous substances installations will need to be consulted on any development proposals within the relevant consultation or safety zone around a specified distance from the installations.

Policy EN12 Hazardous Substances

Within the consultation or safety zones of a site which involves the manufacture, storage, use, or transport of hazardous substances, development proposals will not be permitted if there would be increased risk or consequences of major accidents and/or if the proposals would undermine the viability of the existing business or operation within the site.

10.12 Shop Fronts

10.12.1 The quality of design for shop fronts is considered to be of major importance, particularly in Conservation Areas. Many traditional shop fronts of a high standard of design have been replaced in the past with unsympathetic designs and materials, which undermine local distinctiveness. Opportunities should be taken to restore such traditional high-quality designs wherever possible, where evidence of the original design is available, in conjunction with development proposals. Where evidence of the original design is not available, simple modern designs using high quality finishes can also make a positive contribution to the street scene.

10.12.2 External means of securing shops can seriously detract from the character and appearance of individual and groups of properties, again particularly in Conservation Areas. There is a need to ensure that any measures are carefully designed to avoid any adverse environmental impact on the shop front or the area as a whole.

Policy EN13 Shop Fronts

New shop fronts, alterations to, or replacement of, existing shop fronts, or shop front security measures, will be permitted where the proposals maintain or improve the quality of design of the existing shop front in relation to the building and its setting.

10.13 Advertisements

10.13.1 There is concern that the proliferation of directional signs can lead to visual clutter, which detracts from the character and appearance of the Borough, especially within sensitive locations such as the Special Landscape Area, Conservation Areas and the Derwent Valley Mills World Heritage Site. Strict control therefore needs to be exercised over the siting of such signs. New directional signs should either replace or be incorporated within an existing sign in the locality. The Borough Council will also consider the cumulative impact of signs in the decision-making process.

Policy EN14 Advertisements

New advertisements that do not compromise highway safety will be permitted, where the quality of the design is sympathetic to the site and its setting, including any buildings and in the case of proposals for directional signs, these should either replace or be incorporated within an existing advertisement in the locality.

10.14 Quality & Design of Development

- 10.14.1 The quality and local distinctiveness of Amber Valley's townscapes and landscapes are important assets. They have a direct impact on quality of life and are an important influence on the local economy in terms of attracting investments and boosting Amber Valley's further potential as a tourist destination. The Borough Council will need to ensure that new development complements and relates to its surroundings, not only in terms of how it looks, but in the way it functions, to maintain and enhance the quality of Amber Valley's environment as an attractive, safe, accessible, and sustainable place in which to live and work.
- 10.14.2 High quality design reflects a range of peoples' needs, accommodating changes over time and differences within the local community. Development should be adaptable over its lifetime, incorporating specific accessibility and design features, to ensure the needs of Amber Valley's ageing population, as well as those with disabilities are addressed. Development will be supported that are designed to reduce opportunities for criminal activity and anti-social behaviour e.g., through natural surveillance, and/or support diversionary activities.
- 10.14.3 High quality design will be expected in all new developments to ensure that the development is appropriate to its setting and surroundings and to ensure that local character is reflected. Requiring good design is an essential part of the National Planning Policy Framework. Design principles are set out in several documents such as the National Design Guide and Building for a Healthy Life. The Governments *National Design Guide* sets out 10 characteristics of a high-quality place:
- Context
 - Identity
 - Built Form
 - Movement
 - Nature
 - Public Spaces
 - Uses
 - Homes and buildings
 - Resources
 - Lifespan
- 10.14.4 Specific, detailed and measurable criteria for good design are most appropriately set out at local level, however in the absence of any up to date borough wide design guidance/code, the Borough Council strongly encourages applicants to use the *National Design Guide, Building for a Healthy Life, Manual for Streets* and any succeeding street guidance to ensure that the proposed development meets national policy requirements and as a method of structuring dialogue with the local community and other stakeholders. As well as any borough wide guidance/code when it is published.

- 10.14.5 It is essential that new development is not simply a pastiche of old vernacular building styles and building techniques, but equally new development must have a local context and should avoid introduction of new materials in isolation with no reference to local vernacular buildings, materials, scale, details, or surroundings such as rendered buildings in areas with predominately brick or stone. Designs should creatively use local vernacular for inspiration to knit development into place. Several 'made' neighbourhood plans within the Borough are accompanied by supporting design guides, statements, and codes. Due consideration should be given to these to ensure that development reflects the local character and design preferences for those specific areas.
- 10.14.6 The key is to aim for the highest standards of design and to see this developed from the outset and incorporated into Design and Access Statements which consider the local context. The Design and Access Statement (D&As) should determine how the vernacular has been used or if and why an alternative design approach has been adopted.
- 10.14.7 The Borough Council encourages applicants to submit development proposals on major sites for independent design review. The Borough Council also encourages applicants to seek expert design review on major infrastructure projects within the World Heritage Site and the Buffer Zone. Significant weight will be given where it is demonstrated that proposals are of outstanding or of innovative designs which both relate to the local context and help raise the standard of design more generally in the area.
- 10.14.8 Development should make a positive contribution to the overall appearance and environmental quality of the local area through the use of appropriate good quality locally sourced materials; the support and encouragement of traditional skills; the protection and enhancement of heritage assets and the protection of important buildings, trees and environmental networks.
- 10.14.9 Trees and woodlands are important landscapes, wildlife, and cultural assets. Both woodlands of all sizes and individual trees can be covered by Tree Preservation Orders. Development will be required to protect and enhance these assets.
- 10.14.10 In addition, designated or important landscapes, wildlife sites or species are often found within and around urban areas as well as in the wider countryside. Development should make a positive contribution to preserving and enhancing these valued assets.
- 10.14.11 Open spaces can serve a number of functions such as formal and informal recreation or amenity space. They can also have a number of benefits; for example, allotments which can improve health and wellbeing, combat obesity and increase the opportunities for social inclusion. They also provide a function for food security, reducing air miles and providing habitats for wildlife.

- 10.14.12 Due consideration should be given to *Active Design Principles* developed by Sport England and supported by Public Health England for creating the right conditions within existing and proposed development for individuals to be able to lead active and healthy lifestyles.
- 10.14.13 New development can make a positive contribution to the amount and quality of open space in the Borough's towns and villages, as well as the connecting links between open spaces. Standards for the provision of open spaces are set out in Policy IN5 of the Local Plan and new development will be expected to achieve at least a minimum level of this standard, whilst exploring opportunities for additional provision where appropriate and making provision for future maintenance.
- 10.14.14 Where it can be shown that on-site provision is not feasible, the Borough Council will expect financial contribution towards the enhancement of existing provision off-site. All new developments should also be required to make provision for footpaths and cycle paths that connect to the existing footpath and cycleway network.
- 10.14.15 Development should also include room for appropriate vehicular access (including service vehicles, such as emergency services; waste and recycling collection; and deliveries) and suitable provision of car and cycle parking in line with Policy IN1 of the Local Plan.
- 10.14.16 The Borough Council will consider the following when assessing development proposals:
1. Street, patterns, plot sizes, orientation, and urban grain
 2. Density, massing and scale
 3. Quality of the architecture style, materials and detailing
 4. Consideration of existing and potential views, vistas both towards and from the site that recognise important townscape and landscape features,
 5. the setting of heritage assets,
 6. landscape character.

EN15 Quality and Design of Development

All development proposals should:

- a) create high quality, sustainable and connected places that reflect the local character in terms of height, scale and massing, density, layout and use natural and high quality materials**
- b) contribute to the local and distinctive sense of place, which varies across the Borough; this shall be supported by an understanding of context through site analysis and**

demonstrating how this has informed good urban design principles which recognise sense of place and consider safety, residential amenity and sustainability

- c) to be located in accessible locations which maximise or improve the opportunities for active travel through the provision of direct, safe and attractive pedestrian and cycling routes and the use of public transport to enable car-based travel to be reduced
- d) create inclusive places for all demographics of people; through considered use of materials to accommodate a range of mobility; sufficient widths of pedestrian and cycle routes; places to rest; lighting for safety; and places which are easy to navigate (with orientation points)
- e) make the most effective use of land, maximising the use of previously developed land where appropriate ensuring that densities are optimised; safeguarding natural resources, including high quality agricultural land, geology, minerals, air, soil and water, through initiatives such as the use of water butts, grey water recycling and anaerobic digesters
- f) contribute to mitigation of and be adaptable to the effects of climate change, including through the use of modern methods of construction and maximizing the use of materials with low embodied energy
- g) be maintainable, durable and adaptable
- h) not unduly affect the amenities of privacy of adjoining or adjacent properties, including through loss of light, external lighting, overshadowing, overlooking, or by residential tandem development immediately behind existing properties sharing the same access
- i) provide satisfactory access to the transport network and provide necessary improvements to the network to accommodate traffic generated by the development
- j) promote health, well-being, social and civic inclusion through the overall design of development and by enhancing existing and/or providing public open space, sports and recreational facilities where appropriate
- k) give due consideration to active design principles such as those developed by Public Health England to create the right conditions for individuals to be able to lead active and healthy lifestyles
- l) avoid the development of existing open land that has amenity value, where this contributes to the visual character of the surrounding urban area and where built development would be visually inappropriate
- m) provide high quality public realm and recognise the importance of space between and around buildings, taking opportunities to making improvements to biodiversity where possible

- n) provide sufficient outdoor space for residential development**
- o) in respect of residential development, provide adequate space for the storage of recycling (including community recycling schemes where appropriate) and access for refuse collection vehicles**
- p) in respect of commercial development, provide adequate space and access for service vehicles, which is proportionate to the use of the buildings and is not detrimental to the public realm**
- q) recognise the importance of conserving the heritage assets and their setting and be designed to respect their significance and local context**
- r) retain existing trees and hedgerows and incorporate new trees and hedgerows where possible, including new streets**

The Borough Council will require all new housing development to be at a density that respects the character and appearance of the locality and makes the most effective use of land, unless it can be demonstrated that there are significant constraints to development, or where the circumstances provide the opportunity to improve the character of the area through development that it is a density that differs from existing development.

11 Infrastructure Policies

11.1 Transport

- 11.1.1 The National Planning Policy Framework (NPPF Sept. 2023) states that transport policy has an important role to play in facilitating sustainable development, but also in contributing to wider sustainability and health objectives. It encourages solutions that reduce greenhouse gas emissions and congestion. It also states that neighbouring authorities and transport providers should work together to develop strategies to support sustainable development.
- 11.1.2 The NPPF (Sept. 2023) also states that developments that generate significant movement should minimise the need to travel and maximise the use of sustainable methods of transport. This also means protecting and exploiting opportunities to use sustainable methods of transport, and encouraging the journey lengths for employment, shopping, leisure, education and other activities to be minimised.
- 11.1.3 Sustainable development which supports vibrant communities is affected not only by decisions on the location of investment and development, but also by a good range of accessible and affordable opportunities for travel and transport.
- 11.1.4 A sustainable pattern of development requires the maintenance and improvement of integrated, accessible, attractive, safe and reliable transport infrastructure and services. Transport infrastructure and services need to provide a range of opportunities to meet social, economic and environmental objectives, by improving accessibility, managing the need to travel, offering options for different travel needs and reducing the adverse impacts of transport. The need to travel can also be reduced by providing adequate digital infrastructure.
- 11.1.5 The third Derbyshire Local Transport Plan (LTP) 2011-2026 sets out the transport strategy for fifteen years and includes a Delivery Plan setting out priorities and spending plans for five years. The fundamental aim of the Joint Local Transport Plan 3 is to provide attractive travel choices and a greater focus on sustainable transport modes to improve quality of life and environmental conditions for local residents and businesses. Derbyshire County Council has recently approved to prepare and develop a new Local Transport Plan covering the administrative County of Derbyshire to replace the current plan. However, preparing and adopting this new LTP is not expected to occur until 2024.
- 11.1.6 With reference to the Sustrans produced document *'The Role of Active Travel in Improving Health'*, land-use planning that enables provision of services in locations accessible by sustainable transport, with further measures to encourage a shift to sustainable transport (e.g., fiscal, promotional, restraint) including public transport, are key, and can be supported through technological advances (e.g. real time bus information at bus stops and car club and public transport apps for mobile phones). Compact settlements on their own are likely to be insufficient without additional measures to promote sustainable transport, such as complementary incentive to reduce trip length provision and encouragement of the use of public and non-motorised transport and/or

an increase in the adoption of lower emitting vehicle technologies.

11.1.7 The Pre-Submission Local Plan aims to place new jobs, services and facilities where they are easily accessible by public transport, walking and cycling, and give existing and future residents a choice of how to travel. While it is recognised that car use will remain a convenient, attractive, and in many areas essential mode of travel, the approach seeks ways to minimise harm to the environment through good quality design and to encourage alternatives to single occupancy car commuting.

11.1.8 A number of the proposed Housing Growth Sites in the Pre- Submission Local Plan will require investment in transport infrastructure to ensure the existing and new settlements are sustainable and deliverable. The Infrastructure Delivery Plan sets out the key transport infrastructure projects that will need to be delivered during the Plan period.

11.1.9 Notwithstanding the outcome of further transport studies, the Borough Council recognises that new housing and other development, alongside that which will take place in areas adjoining Amber Valley, will have a cumulative impact on the transport network. The Borough Council is committed to working constructively with neighbouring authorities and the relevant bodies to find mutually compatible solutions. A sustainable pattern of development will be achieved in Amber Valley by pursuing the following objectives:-

- promoting greater awareness of travel behaviour, to encourage more informed choices about the need to travel and alternative modes of sustainable travel,
- promoting safety, security and a healthy lifestyle, by maximising opportunities to walk and cycle; education; training and enforcement; design and highway maintenance and natural surveillance of bus stops, car parks, footpaths, bridleways and cycleways in line with the aims and objectives of the Derbyshire Cycling Plan and the infrastructure priorities identified in the Derbyshire Key Cycle Network,
- requiring that a Transport Statement or a Transport Assessment is provided in respect of all development proposals where the highway authority consider it necessary, to show that the opportunities for sustainable travel have been taken up (depending on the nature and location of the site), and the need for major transport infrastructure reduced. It should show how safe and sustainable access can be achieved by all and any improvements that can be undertaken within the transport network to limit the significant impacts of the development,
- protecting, enhancing and creating strategic and local footpaths, bridleways, cycle routes and re-using disused transport routes,
- seeking to ensure that development is located where the need to travel can be minimised and sustainable transport modes can be maximised, whilst respecting landscape and townscape character,
- minimising emissions from transport by reducing the need to travel and promoting sustainable travel choices, including through personal, workplace and school travel

planning, designing the built environment to encourage healthy lifestyles and travel choices, and promoting alternative technologies and fuels,

- promoting equality of opportunities and access to services by delivering mixed use schemes, inclusive design, good public transport provision and innovative transport initiatives for rural areas,
- working with partners to integrate public realm and green infrastructure (including sustainable drainage) into the design of transport schemes; to contribute towards improving a sense of place and quality of life by minimising congestion and the impact on the landscape and local communities in respect of noise, water and air quality; improving the legibility and ease of movement within the Borough; and improving the image and experience of using public transport,
- reducing the need to travel by requiring housing, business and industrial developments, and community facilities to include the provision of high speed broadband, where viable and available.

Policy IN1 Transport

Development will be permitted where it can be demonstrated that:-

- a) as a priority, the proposals make adequate arrangements for sustainable transport infrastructure, by promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking and other non-car transport, and promoting the use of green infrastructure networks, where appropriate,**
- b) local traffic circulation, existing rights of way and existing parking and servicing arrangements would not be adversely affected,**
- c) the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation,**
- d) the proposals comply with the relevant car parking standards,**
- e) the proposals take into account good practice guidance in relation to transport assessment and travel plans,**
- f) The Borough Council will negotiate with developers to secure the provision of and/or financial contributions towards off-site works, where necessary.**

11.2 Disused Transport Routes

11.2.1 In order to widen transport choice, there is a need to protect former transport routes for either potential future passenger and freight movement, or for the provision of new footpath and cycleway links. Within Amber Valley, there is a disused railway route between Derby and Coxbench and there is also a need to safeguard the route of the former Cromford Canal. Allied to this, the Borough Council will endeavour to work with Derbyshire County Council to develop a bespoke plan which depicts existing and proposed multi-user routes (Greenways) which require safeguarding.

Policy IN2 Disused Transport Routes

The Borough Council will protect disused transport routes, as shown on the Policies Map, from any development which could prejudice either their future potential for re-opening, or their development as multi-user routes.

11.3 Cromford Canal

11.3.1 The Borough Council is working with a number of other organisations, through the Cromford Canal Partnership, in relation to the future management and development of the Cromford Canal. The management and development options that have been explored include minimum intervention, the development of a linear water park and destination nature reserve with increased public access, partial restoration to navigation (restoring the section between Langley Mill and Butterley Tunnel, including the Pinxton Arm but not restoring the tunnel itself or the sections to the west of the tunnel), through to full restoration to navigation. The Local Plan can support these management and development options, including by safeguarding a route from any development proposals that might prejudice the delivery of any of the options.

Policy IN3 Cromford Canal

The Borough Council will support proposals for the sensitive restoration and maintenance, to navigable status, of the route of the Cromford Canal. The Borough Council will also seek to protect the route from any development that is likely to prejudice its future restoration and maintenance, including those which impact upon the access to Butterley Tunnel's underground wharves and blast wall along its full length.

Development will be permitted for any proposals that would:-

- **positively contribute to the restoration of the canal and towpath**
- **improve access to and along the route of the canal to encourage its use for transport, leisure and recreational purposes**
- **respect, improve or enhances the landscape & townscape character, setting, biodiversity and historic value of the canal**

providing the proposals would not have any adverse impact on amenities by virtue of noise, odour or visual impact.

11.4 Green Infrastructure, Parks & Open Space

11.4.1 The NPPF (Sept. 2023) defines Green Infrastructure as a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity. Green Infrastructure includes parks, watercourses, open spaces, playing fields, woodlands, allotments and private gardens. Natural England's '*Green Infrastructure Framework: Principles & Standards*' provides detailed information and up to date guidance on the provision of Green Infrastructure. The Framework encourages planning for good quality Green Infrastructure and help to target the creation or improvement of Green Infrastructure where existing provision is poorest.

11.4.2 Access to open space provides the opportunity for physical activity and access to the natural environment, and is considered to promote health, well-being and longevity.

11.4.3 Green Infrastructure can also provide many other social, economic and environmental benefits close to where people live and work including:-

- space and habitat for wildlife providing access to nature for people,
- climate change adaptation - for example flood alleviation and the cooling of urban areas,
- environmental education,
- local food production – in allotments, gardens and through agriculture.

11.4.4 There are a number of opportunities across the Borough to develop the Derbyshire Greenway network, helping to improve community access for disabled people, walking, cycling and horse riding. These multi-user routes provide traffic-free paths linking communities with places of work, education and the countryside. The current and proposed routes are detailed through the East Derbyshire Greenway Strategy and are supported by the Derbyshire Local Transport Plan (LTP), the Rights of Way Improvement Plan and the Derbyshire Infrastructure Plan. The approach advocated in Policy IN2, in terms of the re-opening or re-use of disused transport routes, may also play a significant role.

11.4.5 Development proposals which result in the loss of green and open space will normally be presumed to be unacceptable. However, it is acknowledged that not all green and open space is of value to the local community. In such cases an assessment will be required to identify whether the site is suitable for a different type of green space use. Permanent loss of green space will require careful consideration as this can result in increased pressure on remaining facilities or a loss of amenity or buffer functions.

11.4.6 The provision of new ancillary sports facilities and play equipment may be supported on open space policy areas provided the development proposal improves the site and

results in no significant loss of valuable open space used for recreational purposes. Appropriate development on green space may include a new play area, a multi-use games area (MUGA), a sports pavilion, or changing room improvements or extensions. Ultimately the development has to result in an overall improvement to the site, be sensitive to the local situation, and provide significant benefits to the users.

Policy IN4 Green Infrastructure, Parks and Open Space

Green Infrastructure and open space, including public open space will be protected and provided as an integral part of development proposals, where appropriate. Due regard should also be given to the Natural England's Green Infrastructure Framework.

A strategic approach to the delivery, protection and enhancement of Green Infrastructure will be taken by the Borough Council working with partners to establish a network of Green Infrastructure corridors and assets.

Development proposals will need to ensure that:-

- **existing and potential Green Infrastructure corridors and assets are protected and enhanced, giving priority to the location of new or enhanced strategic Green Infrastructure in locations for new residential development, the strategic corridors of the River Derwent, the River Erewash, disused transport routes and the Derbyshire Greenway network,**
- **the Strategic Green Infrastructure Network is enhanced, either on site or off site or through contributions as appropriate,**
- **links to and between the Green Infrastructure network are provided to increase access, especially in areas of identified deficit, for recreational and non-motorised commuting purposes, and to allow for the migration of species.**

New or enhanced Green Infrastructure corridors and assets should be as inclusive as possible and look to make provision for more than one of the following:-

- **access to employment and leisure facilities, Green Infrastructure corridors and assets, and the countryside,**
- **physical activity and well-being opportunities for local residents such as formal sports provision and allotments,**
- **educational resources for local residents,**
- **biodiversity opportunities,**
- **tackling and adapting to climate change,**
- **enhancement of landscape character,**

- **protection or enhancement of heritage assets and their setting,**
- **opportunities for sustainable leisure and tourism,**
- **enhancement of existing park facilities,**
- **the development/change of use of existing open space, sports and recreational land, including playing fields, will only be permitted if:-**
- **an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or**
- **the loss resulting from the proposed development would be replaced by the creation of equivalent or better provision in terms of the quantity and quality in a suitable location; or**
- **the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.**

11.5 Sport & Recreational Open Spaces

11.5.1 The Borough Council is committed to ensuring a wide range of high quality recreational open spaces across Amber Valley, recognising that the provision, design and layout of quality recreational open space that is accessible to all sections of the community plays an important role in the quality of people's lives within the Borough. As such, the Borough Council accepts that new residential development will generate demand and need for additional and/or upgraded recreational open space and as a result there is a requirement for the provision and/or financial contribution towards recreational open space from all new housing developments through the use of planning obligations. The scope to secure provision and/or financial contributions needs to be carefully weighed against other potential infrastructure and community benefits considered to be necessary in conjunction with development and the viability of developments, having regard to policy H6 in Chapter 8.

11.5.2 For the purposes of this policy, 'Recreational Open Space' has been defined by using the Fields in Trust's definition of outdoor playing space, namely 'space which is available for sport, active recreation or children's play, which is of suitable size and nature for its intended purpose and safely accessible and available to the general public'.

11.5.3 This definition includes equipped children's play areas, youth and adult playing fields, football pitches, bowling greens and tennis courts. It does not include sports facilities not available to the public, grounds of His Majesty's services, verges, woodlands and indoor sports centres.

11.5.4 Although there is a presumption that recreational open space is required within all developments of 10 dwellings or more; due to the difficulties and financial pressures of maintaining many areas of small open space, the Borough Council will not normally consider the adoption of recreational open space of less than 0.2 hectares (as would be generated by 36 dwellings). Developments of between 10 and 35 dwellings will therefore be required to make a contribution to off-site facilities, with an exception to this being made where the Borough Council has identified an acute deficiency of recreational open space or where new open space can be adjoined to an existing open space thus creating an enhanced benefit.

11.5.5 The Borough Council also acknowledges that there are circumstances in which developers will not need to make a provision for either on or off-site recreational open space facilities. This is the case if the development is unlikely to generate a need for recreational space because of either the type of occupancy (e.g retirement schemes) or the cost of negotiating and administering recreational open space requirements is such that it would be uneconomic to require a contribution, as is deemed the case for development of between 1 - 9 dwellings. Developments of 1 - 9 dwellings are excluded from the requirement for the provision of recreational openspace either on or off-site. It is also important to recognise that the table in policy IN5 forms the basis of negotiation with developers and should not be considered in isolation, as the Borough Council will, in all instances, determine the requirement for new recreational open space provision based on existing needs analysis.

11.5.6 Within new developments, open space (and green infrastructure) provision should be an integral part of the design process. It is essential that facilities, such as children’s play areas, are safe, easily observed, accessible and provide challenges, but are not unsafe and do not lead to further nuisance. The long-term sustainability of the proposals is also important, and facilities should be cost effective to manage and maintain.

11.5.7 The Council will update the Supplementary Planning Document in relation to Development & Recreational Open Space, in order to provide more detailed guidance.

Policy IN5 - Sport & Recreational Open Space

Residential development proposals will be expected to make an appropriate contribution to open space, in line with the following principles, subject to considerations of viability:-

Number of new dwellings	Open Space Requirement
1 – 9	No provision required
10 – 35	Contribution to offsite facilities other than in exceptional circumstances
36 - 64	Provision of new open space at 56m² including children’s play facilities of 500m²

65-89	Provision of new open space at 56m2 with children's play facilities of at least 500m2 and provision for teenagers and young people of at least 600m2
90+	Provision of open space with facilities as shown above, plus outdoor sports provision

- providing suitable and appropriate, on-site open space (or an equivalent contribution towards off-site provision)
 - providing (or an equivalent contribution towards off-site provision) well designed and accessible open space and sports facilities (including children's play space and parks) that meet the needs of the proposal and the wider community
 - having due regard to the most up to date Amber Valley Parks & Open Spaces Strategy, Sports Playing Pitch Strategy and Play Strategy, as well as the Sport England Facilities Planning Model
 - ensuring that open space shall be accessible to all users including those with impaired mobility
 - well linked to the local footpath/cycleway network and sited on land suitable for the purpose
 - maximises opportunities for natural surveillance, and be compatible with the principles of community safety and crime prevention
 - be suitably equipped to meet the Borough Council's specification
 - be of a design that is easy and economical to maintain
 - seeking (as appropriate)
- i) developer contributions for offsite provision in line with the cost of laying out the facilities on site and
- ii) new provision both onsite (where adopted) and offsite accompanied by a financial contribution by way of a commuted sum equivalent to the cost of maintenance for a period of 23.5 years to the Council
- ensuring that developments that provide private sports and recreation facilities enter into a Community Use Agreement to promote and allow access by local communities.

11.6 Safeguarded Land for Educational Facilities

11.6.1 Derbyshire County Council has formally notified the Borough Council of a number of sites within the Borough which they wish to safeguard for either the future expansion of existing schools, or the provision of new schools or school playing fields.

Policy IN6 Safeguarded Land for Educational Facilities

The Borough Council will safeguard land as shown on the policies map from any development that could prejudice the provision of new schools at:-

- **Hunter Road, Belper**
- **Mill Lane, Codnor**
- **Coasthill, Crich**
- **Church Street, Denby**
- **Hands Road, Heanor**
- **Roper Avenue, Heanor**
- **Church Street, Riddings**
- **Ashbourne Road, Turnditch**
- **and school playing fields at Flowery Leys Lane, Alfreton.**

11.7 Safeguarded Land for Cemetery Extensions

11.7.1 The Borough Council has identified a number of sites within Amber Valley that need to be safeguarded for the future extension of existing cemeteries.

Policy IN7 - Safeguarded Land for Cemetery Extensions

The Borough Council will safeguard land as shown on the policies map for future cemetery extensions at:-

- **Rodgers Lane, Alfreton**
- **Leamoor Avenue, Leabrooks**
- **Western Drive, Marlpool, Heanor**
- **Cemetery Road, Ripley**
- **Hazelwood Road, Duffield.**

11.8 Community, Leisure, Health & Cultural Facilities

11.8.1 The NPPF (Sept. 2023) states that local planning authorities should set out strategic priorities for their areas to deliver the provision of health, community and cultural infrastructure and other local facilities. Community facilities provide for the health and well-being, social, educational, spiritual, recreational, leisure and cultural needs of communities.

11.8.2 The provision of adequate leisure, community and cultural infrastructure is essential to the creation of sustainable communities. These facilities help to create social cohesion and encourage people to feel a sense of pride and belonging in their local areas. Many of the Borough's settlements are supported by community centres, village halls, post offices, public houses, libraries, allotments, sports and recreational facilities all of which help to enrich the community. There has however been a decline in the provision of some of these facilities and as such there is a need to protect such facilities from other uses unless it can be shown that there is no demand.

11.8.3 The Borough Council will expect proposals for the change of use of a built community facility to be accompanied by evidence that it has been marketed competitively for a period of not less than 12 months on the open market. Equally, any proposals to provide additional community facilities, particularly for young adults and teenagers, should also be supported in principle, especially as such facilities can play an important role in helping to reduce crime.

11.8.4 The provision of new dwellings will create an increase in demand for these facilities and it is important to ensure that suitable provision is made for this growth in the community. To ensure that needs are met, the Borough Council will require the necessary facilities to be provided. The scope to secure provision and/or financial contributions in conjunction with proposals for new housing development needs to be carefully weighed against other potential infrastructure and community benefits considered to be necessary in conjunction with development and the viability of developments, having regard to policy H6 in Chapter 8.

Policy IN8 - Community, Leisure, Health & Cultural Facilities

The redevelopment and change of use of existing community, leisure, health and cultural facilities will be supported, providing that:-

- **an assessment has been undertaken which has clearly shown that there is no realistic interest in its retention for the current use, or for an alternative community use, and it has been demonstrated that it would not be economically viable, feasible or practicable to retain the building or site for its existing use, or**
- **the loss of the facility would be replaced by equivalent or better provision in a suitable location, or**
- **the development is for an alternative facility, the need for which clearly outweighs the loss.**

The Borough Council will support proposals for new community, leisure, health and cultural facilities where:

- **these are in sustainable locations and there is a clear need for such a facility,**

- the development would be of a scale, character and appearance appropriate to the local environment,
- the development will not significantly detract from the amenity of local residents and neighbouring uses.

The provision of new facilities such as formal recreation areas required as a result of new development will be provided in accordance with the requirements of the Infrastructure Delivery Plan.

11.9 Leisure Facilities

11.9.1 Amber Valley has a variety of indoor and outdoor leisure facilities which serve the local community, within both the public and private sectors. These range from more formal facilities, such as the leisure centres in each of the four main towns, to more informal recreational areas in both the urban and rural areas

11.9.2 There is further potential to expand existing leisure facilities and to develop new facilities to extend the range and choice available to the local community. There is a need however to ensure that any proposals can be accommodated without any adverse impact on the environment. This is especially significant in rural areas, where the scale and design of provision will need to reflect local character. The Derwent and Erewash Valleys offer significant potential for informal leisure uses, but it is essential that any provision reflects the particular character of the riverside environment.

11.9.3 Any proposals within the Derwent Valley Mills World Heritage Site and Buffer Zone will also need to be carefully considered in terms of their impact on the special character of this part of the Borough.

Policy IN9 – Leisure Facilities

Development will be permitted for the provision of new leisure facilities, or the extension of existing facilities, where:-

- It is appropriate in location to the scale and character of the surrounding area, it does not significantly harm the amenity of neighbouring residents, and suitable provision for transport access is made,
- in rural areas, the proposals are either within or immediately adjoining existing villages, are well linked to the existing footpath network and of an appropriate scale and design which reflects the character of the village and the surrounding countryside,

- **the proposals relate to land adjoining the River Derwent or River Erewash, they would preserve or enhance the character of the riverside environment.**

11.10 Equestrian Development

11.10.1 Horse riding is a popular activity, which by its nature takes place within the countryside. It does however often give rise to proposals for built development and associated activities, which can have a detrimental impact on the character and appearance of the countryside and can also give rise to increased traffic movements. There is therefore a need to balance support for the provision of horse riding facilities with the need to maintain the openness of the countryside. In particular, there is a need to exercise careful control over the form and scale of any buildings or other structures, including by granting temporary permission where necessary, to avoid a disproportionate amount of development in relation to surrounding open land.

Policy IN10 - Equestrian Development

Development will be permitted for stables, riding centres and other facilities associated with horse riding, which can assist in diversifying the rural economy, providing that the proposals are of a form, scale and design which, individually and cumulatively, would not have a significant impact on the transport network, heritage assets or their setting, landscape, wildlife value and open character of the countryside, including by ensuring that any new buildings or structures are proportionate to the total area of the site, located (wherever possible and subject to residential amenity considerations) in close proximity to existing buildings or structures, and do not give rise to unacceptable noise and light pollution.

11.11 Communications Infrastructure

11.11.1 With demand for new telecommunications continuing to grow, the Borough Council are keen to facilitate this expansion whilst at the same time minimising any environmental impacts. In particular, the Council will seek to ensure that the development of modern telecommunications equipment is sympathetic to Amber Valley's townscapes and countryside. The aim is to ensure that telecommunications equipment is kept to a minimum through encouraging the sharing of existing and/or proposed facilities where this is technically possible.

11.11.2 Proposals will not be supported where there is an unacceptable visual impact upon neighbouring occupiers, particularly within residential areas. The visual impact of telecommunications equipment can be minimised through careful design, placement, colouring and landscaping. In addition, using available technologies to miniaturise and camouflage apparatus can also contribute to reducing any visual intrusion. This will help to protect the character of an area and the appearance of property.

- 11.11.3 The policy applies to planning applications or prior notification applications for the installation of satellite dishes, microwave antennas, radio masts, cabinet boxes and other types of telecommunications apparatus which require planning permission. When considering such applications the Borough Council will also have regard to the legal requirements placed upon telecommunications operators to provide an adequate service, and any technical and operational constraints that may be faced.

Policy IN11 Communications Infrastructure

The Borough Council supports the expansion of electronic communications networks, including telecommunications and high-speed broadband. Development proposals for the installation of telecommunications equipment will be permitted where:-

- there is no significant adverse effect on the external appearance of the building on which, or space in which, they are located,
- they would not have an unacceptable impact on biodiversity, landscape character or quality, and/or townscape and heritage assets,
- the possibility of sharing facilities, such as masts, cabinet boxes and satellite dishes and erecting antennas on existing buildings or other structures, has been fully explored and where practical, has been identified as the preferred location,
- technologies to miniaturise and camouflage any telecommunications apparatus have been explored,
- they are appropriately designed, coloured and landscaped to take account of their setting, and
- there is no unacceptable impact on the visual amenities of neighbouring occupiers.

11.12 Infrastructure Delivery & Developer Contributions

11.12.1 The delivery of housing, employment and other development is reliant on the need to have effective infrastructure in place to deliver sustainable growth. The National Planning Policy Framework (NPPF Sept. 2023) states at paragraph 17 that an Infrastructure Delivery Plan (IDP) should 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.'

11.12.2 An adequate, up-to-date and relevant evidence base about the economic, social and environmental characteristics and prospects of Amber Valley has been provided to support the Local Plan. Paragraph 162 of the NPPF (Sept. 2023) states in relation to infrastructure that:-

'Local planning authorities should work with other authorities and providers to: - assess the quality and capacity of infrastructure for

transport, water supply wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.'

- 11.12.3 The need for improved infrastructure arising from demand associated with new development is generally provided by developers through agreements under Section 106 of the Town and Country Planning Act 1990. These agreements are used to provide new infrastructure as a result of development, but also used to mitigate other adverse impacts of development.
- 11.12.4 The Borough Council will seek to co-ordinate the delivery of necessary infrastructure by developers' contributions through Section 106 agreements. The Infrastructure Delivery Plan sets out the infrastructure that is required to deliver the aims and objectives of the Local Plan.
- 11.12.5 The scope to secure provision of and/or financial contributions towards infrastructure, in conjunction with proposals for new housing development, needs to be carefully weighed against other potential infrastructure and community benefits considered to be necessary in conjunction with development and the viability of developments, having regard to policy H6 in Chapter 8.

Policy IN12 Infrastructure Delivery & Developer Contributions

New development should meet on and off-site infrastructure requirements necessary to support new development and mitigate any impact of development on the community and environment.

The Borough Council will work in partnership with a number of organisations to ensure a co-ordinated approach to the delivery of the appropriate infrastructure needed to deliver housing and employment, and improve the lives of people living in Amber Valley.

The Infrastructure Delivery Plan will include mechanisms for funding and delivery of physical, water, social, community, leisure, health, environmental, biodiversity and other infrastructure required to support new development, existing development and regeneration. Where development would harm the significance of a heritage asset or its setting, and/or landscape character, developer contributions may be required to fund works to mitigate this impact.

The Infrastructure Delivery Plan will be reviewed to encompass the changes happening in Amber Valley over the Plan period, as and when necessary.

The development management process will use the Infrastructure Delivery Plan as a tool to identify the infrastructure required to deliver this plan and negotiate developer contributions to ensure that specific and necessary infrastructure is delivered. Where necessary infrastructure is identified by a statutory infrastructure provider to a proposed development,

and the requisite funding sought through developer contributions cannot be provided, this may not be considered to deliver a sustainable form of development.

Contributions from Section 106 agreements may be pooled to meet the costs of infrastructure, where this meets the legal tests set out in the Community Infrastructure Regulations.

Policy MR1 : Monitoring and review

The Borough Council will monitor the effectiveness of the policies in this Plan and will report the results on an annual basis.

The Borough Council will complete a review of the Local Plan policies and publish its conclusions at least every five years. Conclusions from the first review will be published no later than five years from the adoption date of the Local Plan.

The Borough Council will have particular regard to the following factors when reviewing policies within the Local Plan and determining whether or not relevant policies require updating:

- the latest Authority Monitoring Report, including reported progress against the requirements for the planned delivery of development and infrastructure,
- conformity of policies with national planning policy,
- changes to local circumstances (including a change in local housing need),
- transport modal shift and the takeup of ultra low emission vehicles,
- appeals performance,
- significant local, regional or national economic changes,
- an agreed approach to meeting unmet needs arising from Derby City, and
- progress in plan-making activities by other local authorities.

Where appropriate, the Borough Council will commence an earlier review of the Local Plan to address significant changes in circumstances. The Borough Council will promptly commence a review of the Local Plan and update relevant policies accordingly if:

- the Authority Monitoring Report demonstrates that annual housing delivery is less than 75% of the annualised requirement or the projected completion rate (whichever is the lower) for three consecutive years; or
- the Borough Council cannot demonstrate a five- year supply of deliverable housing land over 2 consecutive reporting years; or
- the three authorities in the Derby HMA all agree to the apportionment of any unmet housing and employment needs.

Should a full or partial update be triggered by a review, the Borough Council will commence the update ((defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012)) within 12 months of the publication of the review. Once the update has commenced the Borough Council will submit the Plan Update to the Planning Inspectorate for Examination within a further 36 months of the date of commencement of the update.

12 The Next Steps

- 12.12 Following the submission of the Local Plan and supporting documents, along with the representations received following publication of the Pre-Submission Local Plan, the Local Plan will be subject to independent examination by an Inspector to be appointed by the Secretary of State.

APPENDIX 1

SUMMARY OF HOUSING LAND REQUIREMENT & SUPPLY AS AT 1 APRIL 2022

Housing Land Requirement

The minimum annual housing need for Amber Valley is calculated using the standard method as set out in the Government's Planning Practice Guidance 'Housing and Economic Needs Assessment', which was most recently updated on 16 December 2020.

The latest calculation establishes the minimum annual local housing need for Amber Valley as at 1 April 2022.

Step 1 – Setting the baseline

This first step uses the most relevant up to date national household projections published by DLUHC for each local authority area (2014-based projections at present):-

A	Number of households in Amber Valley at 1 April 2022	56,861
B	Number of households in Amber Valley as at 1 April 2032	60,076
C	Household growth in Amber Valley 2022-32 (B – A)	3,215
D	Average annual household growth 2022-32 (C / 10)	321.50

Step 2 – Adjustment for affordability

This second step makes an adjustment for housing affordability, using the most recent median workplace based affordability ratios published by the Office for National Statistics for each local authority area. The latest figures were published in March 2022 and apply to the position as at 2021. An adjustment is then applied where this ratio is 4 or greater, with the precise formula for the adjustment being as follows:-

Adjustment factor = $((\text{local affordability ratio} - 4) / 4) \times 0.25 + 1$

E	Median workplace based affordability ratio for Amber Valley	6.69
F	Adjustment factor $((6.69 - 4) / 4) \times 0.25$	0.168125
G	Minimum annual local housing need figure $(1 + 0.168125) \times 321.5$	375.55

Step 3 – Capping

This third step applies a cap, which in the case of a local authority where the relevant strategic planning policies for housing were adopted over 5 years ago (which applies to Amber Valley), is 40% above either a) the 'Average annual household growth' figure in Step 1 (330.9 dwellings), or b) the average annual housing requirement figure set out in the most recently adopted strategic policies, whichever is the higher.

The most recently adopted strategic policies for Amber Valley, which are those in the Adopted Amber Valley Borough Local Plan 2006, include an average annual housing requirement figure of 435 dwellings. As this figure is higher than the 'Average annual household growth' figure in Step 1, the cap should be applied to this figure, as follows:-

Average annual housing requirement in Adopted Local Plan	435.00
Cap ((435.00 + (40% x 435.00))	609.00

As the figure generated by the application of the cap in Step 3 (609 dwellings) is higher than the figure generated by Step 2 (375.55 dwellings), the figure at Step 2 should be used as the 'Minimum annual local housing need figure' for Amber Valley from 1 April 2022.

Housing Land Supply

The 'Average annual household requirement' figure from 1 April 2022 (376 dwellings) should be used as the basis for the calculation of the 5 year housing land supply requirement from that date.

Housing Requirement As At 1 April 2022

A	Annual requirement	376
B	5 year requirement 2022-2027 (376 x 5)	1,880
C	5% buffer to ensure choice & competition (B x (5 /100))	94
D	Overall 5 year requirement (B + C)	<u>1,974</u>

Housing Land Supply As At 1 April 2022

Expected Provision 1/4/2022 – 31/3/2027

Adopted Local Plan/previous Core Strategy sites with planning permission	646
Other large brownfield sites with planning permission	894
Other large greenfield sites with planning permission	1,785
Small greenfield sites with planning permission	164
Small brownfield sites (windfall estimate – 72 per annum)	360

Sub-total 3,849

Allowance for lapsed planning permissions 174
(estimate based on average annual lapse rate
between 1/4/11 and 31/3/2022 – 4.51%) (4.51/100 x 3,849)

Total supply 1/4/2022 - 31/3/2027 (3,849 – 174) **3,675**
(735 per annum)
(9.31 years)

Large brownfield sites with planning permission																							
SHELAA Reference	Application Number	Decision Date	Application Type	Address	Town / Village / Settlement	Dwellings still to be built from 1/4/22	Green / Brownfield	Status of site at 1/4/22									Total Dwellings (2022/23 to 2026/27)					Most recent response from landowner/ developer	Number of affordable dwellings to be delivered in total
									22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30		30/31	31/32	32-37	37-39		
AVBC-2020-0073	AVA/2015/0347	09-Nov-15	Full	17 King Street	Alfreton	11	Brown	UC	0	11	0	0	0	11						10/05/2022		11	
AVBC-2020-0075	AVA/2015/0403 AVA/2020/0764 AVA/2020/0845	11-Jan-16 15-Dec-20 04-Aug-21	Outline/ Reserved Matters	Shipleys Lakeside, Pit Lane	Shipleys	293	Brown	OL UC	36	95	94	68	0	293						03/05/2022		27	
AVBC-2020-0074	AVA/2014/0265	10-Dec-15	Full	John Smedley Ltd, Lea Road	Lea Bridge	22	Brown	UC	8	0	0	0	14	22						25/05/2022		0	
AVBC-2020-0099	AVA/2019/0252 AVA/2019/0598 AVA/2020/0020 AVA/2020/0319	26-Nov-19 26-Nov-19 15-Apr-20 26-Aug-20	Reserved Matters	Bullbridge Hill	Ambergate	131	Brown	UC	65	66	0	0	0	131						25/04/2022		0	
AVBC-2020-0107	AVA/2019/0424	24-Mar-20	Full	Derby Road	Duffield	6	Brown	UC	6	0	0	0	0	6						05/05/2022		5	
AVBC-2020-0089	AVA/2018/0529	19-Oct-18	Reserved Matters	Chesterfield Road	Oakerthorpe	4	Brown	UC	4	0	0	0	0	4						03/05/2022		0	
AVBC-2020-0090	AVA/2017/1120	18-Jan-19	Full	Golden Valley	Riddings	19	Brown	UC	19	0	0	0	0	19						25/04/2022		0	
AVBC-2020-0092	AVA/2017/1264	05-Mar-19	Outline	Derby Road	Ripley	45	Brown	OL	0	45	0	0	0	45						05/05/2022		13	
AVBC-2020-0104	AVA/2018/0178	12-Feb-20	Full	Ashbourne Road	Mackworth	21	Brown	Full	0	11	10	0	0	21						04/05/2022		6	
AVBC/2018/0013	AVA/2019/1170	03-Aug-20	Outline	Spanker Lane	Nether Heage	160	Brown	OL	0	0	0	0	0	0						06/05/2022	160	48	
AVBC-2020-0120	AVA/2020/0111	21-Dec-20	Full	Spanker Lane	Nether Heage	33	Brown	UC	33	0	0	0	0	33						13/05/2022		33	
AVBC-2020-0101	AVA/2020/0862 AVA/2020/0882	15-Jan-21	Reserved Matters/ Full	Derwentside Industrial Park, Derby Road	Belper	156	Brown	UC	28	35	35	35	23	156						25/04/2022		0	
AVBC-2020-0123	AVA/2020/0842	19-Mar-21	Full	Nottingham Road	Somercotes	21	Brown	Full	0	0	0	0	0	0						05/05/2022	21	0	
	AVA/2021/0106	28-Jun-21	Full	Derwent Street	Belper	114	Brown	UC	76	38	0	0	0	114						16/05/2022		114	
	AVA/2020/0059	01-Sep-21	Full	Lander Lane	Belper	13	Brown	UC	8	5	0	0	0	13						03/05/2022		0	
AVBC-2020-0044	AVA/2021/0482	14-Oct-21	Full	Church Street	Alfreton	17	Brown	UC	17	0	0	0	0	17						16/05/2022			
	AVA/2021/0421	29-Oct-21	Full	Derby Road	Belper	9	Brown	UC	9	0	0	0	0	9						05/05/2022		0	
					TOTAL	1,075			309	306	139	103	37	894	0	0	0	0	0		181	257	

Large greenfield sites with planning permission																							
SHELAA Reference	Application Number	Decision Date	Application Type	Address	Town / Village / Settlement	Dwellings still to be built from 1/4/22	Green / Brownfield	Status of site at 1/4/22						Total Dwellings (2022/23 to 2026/27)						Most recent response from landowner/ developer		37-39	Number of affordable dwellings to be delivered in total
									22/23	23/24	24/25	25/26	26/27		27/28	28/29	29/30	30/31	31/32				
AVBC-2020-0076	AVA/2014/1154 AVA/2017/0963 AVA/2021/1338	24-May-16 13-Mar-18 30-Mar-22	Outline/ Reserved Matters	Lily Street Farm, Derby Road	Swanwick	600	Green	OL UC	30	40	40	40	40	190	40	40	40	40	40	03/05/2022	200	10	180
	AVA/2016/0127	22-Sep-16	Reserved Matters	Holborn View	Codnor	1	Green	UC	1	0	0	0	0	1						03/05/2022			0
AVBC-2020-0096	AVA/2018/1057 AVA/2021/0424	05-Aug-19 16-Jul-21	Reserved Matters	Sleetmoor Lane	Swanwick	27	Green	UC	27	0	0	0	0	27						03/05/2022			0
AVBC-2020-0116	AVA/2019/0520	30-Oct-20	Reserved Matters	Chestnut Avenue	Riddings	47	Green	RM	0	12	12	12	11	47						02/05/2022			16
AVBC-2020-0095	AVA/2018/0661	19-Apr-19	Full	Gregg Avenue	Heanor	20	Green	UC	20	0	0	0	0	20						05/05/2022			20
AVBC-2020-0111	AVA/2020/0318	17-Jul-20	Reserved Matters	Eachwell Lane	Alfreton	11	Green	UC	6	5	0	0	0	11						25/04/2022			0
AVBC-2020-0098	AVA/2019/0573	15-Oct-19	Reserved Matters	Kedleston Road	Quarndon	350	Green	UC	71	79	92	80	28	350						10/05/2022			120
AVBC/2018/0023	AVA/2017/0645 AVA/2019/0634	13-Jul-18 05-Jan-22	Outline	Nether Farm, Birchwood Lane	Somercotes	200	Green	OL	0	25	50	50	50	175	25					05/05/2022			60
AVBC-2020-0084	AVA/2021/0459	30-Jul-21	Reserved Matters	Adale Road	Smalley	100	Green	UC	48	52	0	0	0	100						10/05/2022			30
AVBC-2020-0085	AVA/2018/0616	25-Sep-18	Reserved Matters	Ashbourne Road	Kirk Langley	4	Green	UC	4	0	0	0	0	4						03/05/2022			9
AVBC-2020-0091	AVA/2018/1042	11-Feb-19	Reserved Matters	Loscoe Miners Welfare	Loscoe	15	Green	UC	12	3	0	0	0	15						25/04/2022			0
AVBC-2020-0093	AVA/2016/0339 AVA/2018/0750	31-May-16 22-Mar-19	Reserved Matters	Roes Lane	Crich	9	Green	UC	9	0	0	0	0	9						13/05/2022			17
AVBC-2020-0101	AVA/2019/0120	29-Jan-20	Full	Wessington Lane	South Wingfield	19	Green	UC	19	0	0	0	0	19						03/05/2022			5
AVBC-2020-0102	AVA/2017/1363	31-Jan-20	Full	The Common	Crich	58	Green	UC	10	30	18	0	0	58						25/04/2022			17
AVBC-2020-0103	AVA/2018/1006	31-Jan-20	Full	Ashbourne Road	Kirk Langley	33	Green	UC	31	2	0	0	0	33						03/05/2022			10
AVBC-2020-0113	AVA/2020/0317	24-Aug-20	Reserved Matters	Wingfield Road	Alfreton	39	Green	UC	19	20	0	0	0	39						25/04/2022			12
AVBC-2020-0105	AVA/2020/0993	12-Aug-21	Reserved Matters	Wessington Lane	South Wingfield	32	Green	RM	0	0	0	0	0	0						20/05/2021	32		11
AVBC-2020-0106	AVA/2018/1241	09-Mar-20	Outline	Anchor Road	Langley Mill	14	Green	OL	0	0	0	0	0	0						25/04/2022	14		0
AVBC/2008/0105	AVA/2016/1020	29-Jul-20	Full	Belper Lane	Belper	117	Green	UC	9	30	30	30	18	117						25/04/2022			35
AVBC-2020-0114	AVA/2019/0229	09-Sep-20	Full	Hall Road	Langley Mill	93	Green	Full	0	15	30	30	18	93						25/04/2022			27
AVBC/2017/0006	AVA/2018/0668	26-Oct-20	Outline	Lower Somercotes	Somercotes	99	Green	OL	0	0	0	0	0	0						04/06/2021	99		29
AVBC/2012/0005	AVA/2019/0188	23-Nov-20	Outline	Stanley Street	Somercotes	180	Green	OL	0	0	0	0	0	0						10/06/2021	180		54
	AVA/2019/0856	16-Jun-21	Full	Old Coppice Side	Heanor	33	Green	Full	0	33	0	0	0	33						16/05/2022			33
AVBC/2020/0013	AVA/2020/1226	09-Sep-21	Outline	Moor Lane	Kirk Langley	35	Green	OL	0	35	0	0	0	35						03/05/2022			11
AVBC/2014/0014	AVA/2019/0297	01-Dec-21	Outline	Radbourne Lane	Mackworth	600	Green	OL	0	50	100	100	100	350	100	100	50			05/05/2022			180
AVBC/2020/0039	AVA/2021/0004	23-Dec-21	Full	Ashbourne Road	Kirk Langley	46	Green	Full	0	33	13	0	0	46						03/05/2022			14
	AVA/2020/0994	17-Feb-22	Outline	Peasehill	Ripley	13	Green	OL	0	13	0	0	0	13						17/05/2022			0
TOTAL						2,795			316	477	385	342	265	1,785	165	140	90	40	40		525	10	890

Amber Valley Borough Council's 5 Year Supply Actual Build Rates 2011-22 and Projected Build Rates 2022-39 Calculations Table

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-37	2037-39	Calculation Methodology		
Adopted Local Plan 2006 / previous Core Strategy sites with planning permission (Brownfield and Greenfield)												150	217	145	114	20							87		Projections based on known constraints and discussions with landowner/site promoters	
Other large Brownfield sites (10 or more dwellings) with planning permission												309	306	139	103	37							181		Projections based on known constraints and discussions with landowner/site promoters	
Other large Greenfield sites (10 or more dwellings) with planning permission												316	477	385	342	265	165	140	90	40	40		525	10	Projections based on known constraints and discussions with landowners/site promoters	
Small Greenfield sites (under 10 dwellings) with planning permission												33	33	33	33	32									Pro-rata for each year based on assumption of completion of all dwellings by end of 2026-27	
Small Brownfield sites (under 10 dwellings) (excluding gardens) ('windfall allowance')												72	72	72	72	72	72	72	72	72	72		360	144	Estimate based on annual rate of net completions since 1 April 2011	
Completions on Small Brownfield Sites (under 10 dwellings) (excluding gardens)	64	18	67	56	94	103	96	80	61	90	61															Net completions
Other completions	143	200	199	211	347	458	558	514	398	419	420															Net completions
Total	207	218	266	267	441	561	654	594	459	509	481	880	1105	774	664	426	237	212	162	112	112	1153	154			

APPENDIX 3

LIST OF SUPPORTING EVIDENCE DOCUMENTS

Consultation

- [Amber Valley Statement of Community Involvement \(2022\)](#)
- [Alternative Spatial Strategy Options Consultation \(July – Sept 2021\)](#)
- [Alternative Spatial Strategy Options for Housing and Economic Growth \(2021\) – Summary of Consultation Responses](#)
- [Preferred Spatial Strategy for Economic Growth and Draft Policies \(July-September 2022\)](#)
- [Preferred Spatial Strategy for Housing and Economic Growth and Draft policies \(2022\) - Summary of Consultation Responses](#)
- [Statement of Consultation & Publicity for Regulation 18 Consultations \(Feb 2024\)](#)

Derby Housing Market Area (HMA)

- [Derby Housing Market Area Growth Options Study \(2021\)](#)

Economic

- [Employment Land Review \(2021\)](#)
- [Amber Valley Retail and Town Centres Study \(2020\)](#)
- [Strategic Housing and Economic Land Availability Assessment \(SHELAA\) \(2023\)](#)
 - [Interactive Map \(2023\)](#)
 - [Trajectory \(2023\)](#)

Environment

- [Amber Valley Level 1 Strategic Flood Risk Assessment \(SFRA\) \(2021\)](#)
- [Sequential and Exception Test for Growth Sites affected by Flood Risk Topic Paper \(Feb 2024\)](#)
- [Derby Housing Market Area Water Cycle Study \(2010\)](#)
- [Humber River Basin District – River Basin Management Plan \(2015\)](#)
- [The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations \(2017\)](#)
- [Derbyshire Spatial Energy Study \(2022\)](#)
- [Derbyshire County Council Climate Change and Planning Guidance \(2023\)](#)

- [Derbyshire County Council Planning and Climate Change Guidance and Assessment Tool \(2023\)](#)
- [The Landscape Character of Derbyshire \(2014\)](#)
- [Derbyshire County Council Areas of Multiple Environmental Sensitivity \(2013\)](#)
- [Lowland Derbyshire Biodiversity Action Plan 2011-2020 \(2017\)](#)
- [Environmental Audit Committee Biodiversity in the UK: bloom or bust? \(2021\)](#)
- [Birds of Conservation Concern 5 \(2021\)](#)
- [Natural England Green Infrastructure Framework \(2023\)](#)

Green Belt

- [Technical Assessment of the Green Belt Purposes in the Derby Principal Urban Area \(2012\)](#)

Habitats Regulations Assessment (HRA)

- [Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessment \(2024\)](#)

Heritage

- [Historic Environment Assessments of Potential Sites \(Feb 2024\)](#)
- [Historic England The National Heritage List for England \(2024\)](#)
- [Historic England Heritage at Risk Midlands Register \(2023\)](#)
- [Derbyshire Historic Environment Record \(2024\)](#)
- [Derwent Valley Mills Heritage Site Management Plan 2020-2025](#)

Housing

- [Amber Valley Local Housing Needs Assessment Addendum Report \(Dec 2023\)](#)
- [Amber Valley Local Housing Needs Assessment Final Report \(April 2022\)](#)
- [Amber Valley Local Housing Needs Small Area Analysis \(April 2022\)](#)
- [Strategic Housing and Economic Land Availability Assessment \(SHELAA\) \(2023\)](#)
 - [Interactive Map \(2023\)](#)
 - [Trajectory \(2023\)](#)
- [Housing Land Supply Update as at 1 April 2022 \(2022\)](#)

- [Establishing A Settlement Hierarchy \(2017\)](#)
- [Identification of Suitable Sites for Gypsy and Traveller Accommodation \(2024\)](#)
- [Gypsy and Traveller Accommodation Assessment \(2023\)](#)
- [Extract from the Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment – Amber Valley conclusions \(2023\)](#)

Infrastructure

- [Infrastructure Delivery Plan \(IDP\) \(Feb 2024\)](#)
- [Derbyshire County Council Developer Contributions Protocol \(2023\)](#)

Open Space, Sport and Recreation

- [Amber Valley Playing Pitch Strategy & Action Plan Report \(2022\)](#)

Sustainability Appraisal, Strategic Environmental Assessment & Habitats Regulations Assessment (HRA)

- [Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessment \(2024\)](#)

Transport

- [Strategic Transport Assessment \(2023\)](#)
- [Derbyshire Local Transport Plan Three \(LTP3\) 2011-2026 \(2011\)](#)
- [Derbyshire Key Cycle Network \(2023\)](#)
- [The Derbyshire Cycling Plan 2016-2030](#)
- [The Role of Active Travel in Improving Health \(2017\)](#)

Viability

- [Amber Valley Strategic Viability Assessment \(2024\)](#)

Local Development Scheme

- [Local Development Scheme for Amber Valley \(LDS13\) \(2024\)](#)

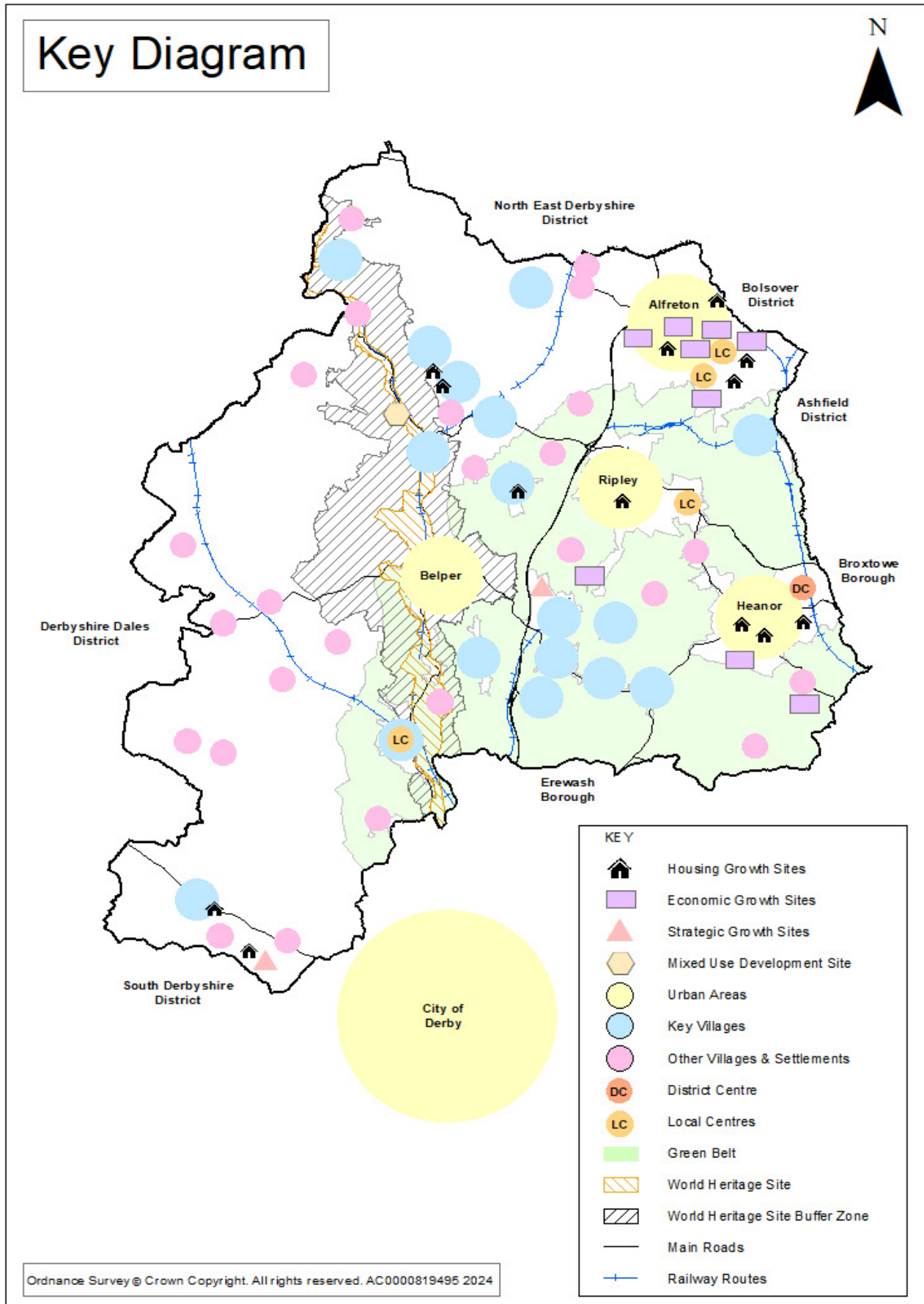
National Guidance

- [National Planning Policy Framework \(Sept 2023\)](#)
- [Self-build and Custom Housebuilding Act \(2015\)](#)
- [National Design Guide \(2021\)](#)

These documents are available to view and download on the Borough Council's web site at:
www.ambervalley.gov.uk/planning/planning-policy/local-plan/evidence-base-full-list

APPENDIX 4

KEY DIAGRAM



APPENDIX 5

IMPLEMENTATION AND MONITORING TABLE

Policy	Indicator	Target	Contingency	Data Source	Delivery Agency	Delivery Mechanism
Spatial Strategy Policies						
SS1						
Presumption Favour of Sustainable Development	Percentage of applications approved	No target set	Early review of Local Plan	In-house monitoring	AVBC Developers	Determination of planning applications and appeals
SS2						
Spatial Strategy for Housing and Economic Growth	Net additional dwellings per annum across the Borough and by Parish. Net Employment land above 100 sq m and delivery of employment land on economic growth sites	Minimum of 9,036 dwellings between 2022-2040	Early review of Local Plan	Annual review of housing land supply SHELAA	AVBC Developers	Proposed Housing Growth Sites Determination of planning applications Neighbourhood Plans

Policy	Indicator	Target	Contingency	Data Source	Delivery Agency	Delivery Mechanism
SS3						
Settlement Hierarchy	Net additional dwellings within each parish	No targets set	Early review of Local Plan	Annual review of housing land supply SHELAA	AVBC Developers	Determination of planning applications
SS4						
Other Locations to Support Economic Growth	Net Employment land above 0.01 hectares and delivery of employment land on economic growth sites	No target set	Early review of Local Plan	In-house monitoring	AVBC Developers	Determination of planning applications
SS5						
Development In Town Centres	Change in Town Centre occupancy / vacancy rates	No target set	Early Review of Local Plan	Town Centre Footfall and Vacancy Reports	AVBC Developers Local businesses	Determination of planning applications Town centre regeneration initiatives

Policy	Indicator	Target	Contingency	Data Source	Delivery Agency	Delivery Mechanism
SS8						
Green Belt	Net loss of Green Belt land	No target set	Review Green Belt boundary as part of early review of Local Plan	In-house monitoring Annual Green Belt return to DLUCH	AVBC Developers	Determination of planning applications
Growth Site Policies						
HGS1						
Housing Growth Sites	Delivery of housing on each site	Total of 3,043 dwellings on sites by 2040	Early review of Local Plan	Annual review of housing land SHELAA	AVBC Developers	Determination of planning applications
SGS1						
Brun Lane, Mackworth	Delivery of housing on site	Total of 1320 dwgs by 2040	Early review of the Local Plan	Annual review of housing land SHELAA	AVBC Developers	Determination of planning applications
Policy	Indicator	Target	Contingency	Data Source	Delivery Agency	Delivery Mechanism

SGS2						
Land North of Derby Road, Denby (Cinderhill)	Delivery of housing and employment land on site	Total of 30 ha of employment land & 300 dwgs by 2040	Early review of the Local Plan	Annual review of housing and employment land SHELAA	AVBC Developers	Determination of planning applications
EGS1						
Economic Growth Sites	Delivery of employment land on each site	Total of 82.25 ha of employment land by 2040	Early review of Local Plan	Annual review of supply of employment land	AVBC Developers	Determination of planning applications
Housing Policies						
H1						
Housing Development Within Urban Areas & Key Villages	Net additional dwellings within each parish	No targets set	Early review of Local Plan	Annual review of housing land supply SHELAA	AVBC Developers	Determination of planning applications

Policy	Indicator	Target	Contingency	Data Source	Delivery Agency	Delivery Mechanism
H2						
Housing Development Within Other Villages & Settlements	Net additional dwellings within each parish	No targets set	Early review of Local Plan	Annual review of housing land supply SHELAA	AVBC Developers	Determination of planning applications
H3						
Housing Development in Countryside	Net additional dwellings within each parish	No targets set	Early review of Local Plan	In-house monitoring	AVBC Developers	Determination of planning applications
H4						
Housing Types, Mix & Choice	Number of completed dwellings by type and size	No targets	Further update of LHNA Early review of Local Plan	Annual review of housing land supply	AVBC Developers	Determination of planning applications
H5						
Affordable Housing	Net additional affordable dwellings completed	Required % of total number of dwellings on sites of 10+ dwellings secured	Further update of LHNA Early review of Local Plan	Annual review of housing land supply	AVBC Developers	Determination of planning applications

Policy	Indicator	Target	Contingency	Data Source	Delivery Agency	Delivery Mechanism
H7						
Self-Build & Custom Build Dwellings	Number of self / custom-build plots secured	Number of suitable serviced plots of land to meet the identified demand in the Borough	Early review of Local Plan	In-house monitoring	AVBC Developers	Determination of planning applications
H8						
Gypsies Travellers & Travelling Showpeople	Number of additional pitches	4 pitches provided	Further update of Derbyshire TAA Early review of Local Plan	In-house monitoring	AVBC Developers	Determination of applications

Policy	Indicator	Target	Contingency	Data Source	Delivery Agency	Delivery Mechanism
Economic Development Policies						
ED1						
Development Within Existing Business & Industrial Areas	Net Employment land above 0.01 ha	No target set	Early review of Local Plan	In-house monitoring	AVBC Developers	Determination of planning applications
ED2						
Other Business & Industrial Development	Net Employment land above 0.01 ha	No target set	Early review of Local Plan	In-house monitoring	AVBC Developers	Determination of planning applications
ED3						
Alderwasley Mills, Ambergate	Delivery of additional uses (including new dwellings) on site for uses other than employment	No target set	Employment Land Review Early review of Local Plan	Annual review of housing land supply SHELAA	AVBC Developers	Determination of planning applications

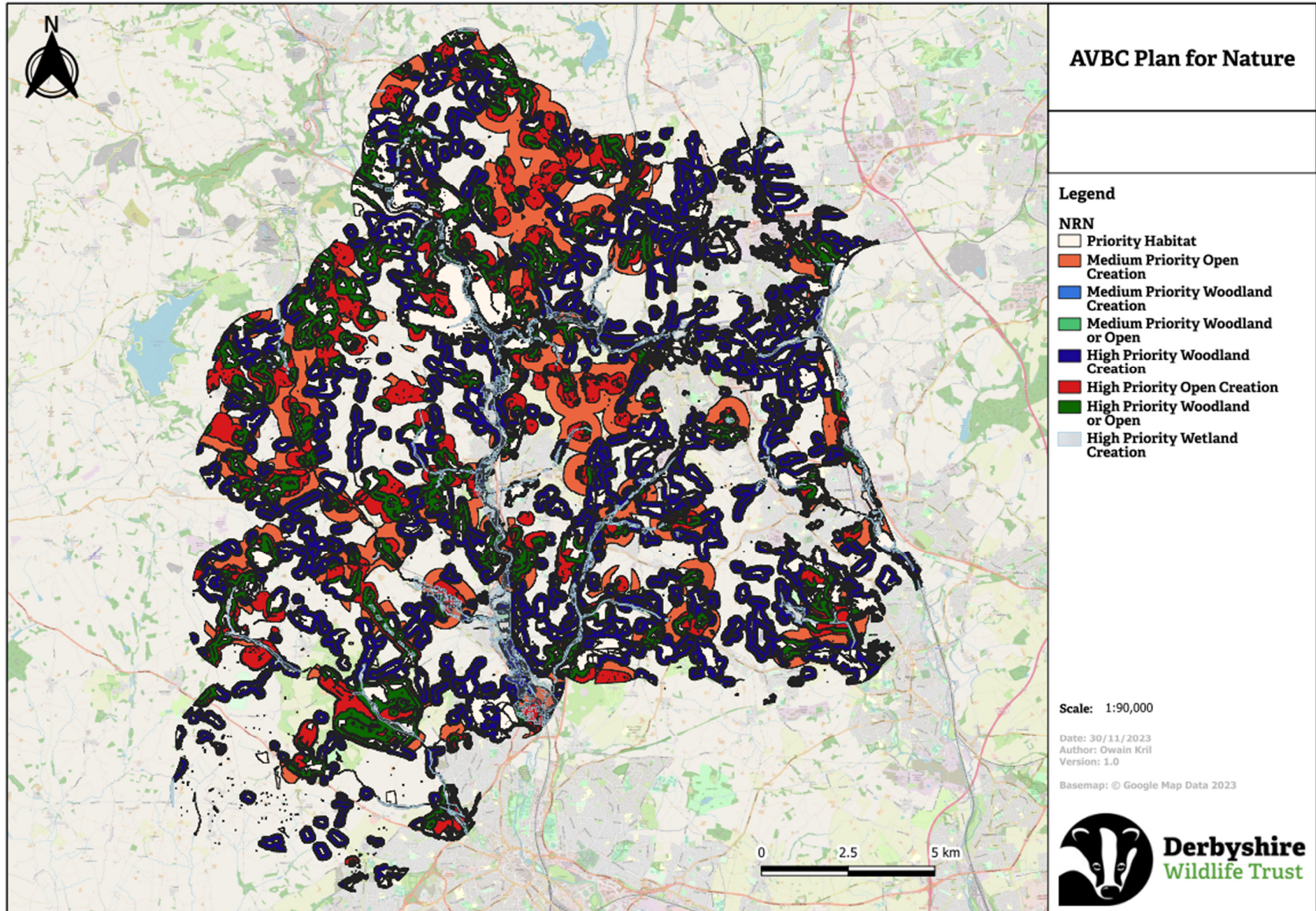
Policy	Indicator	Target	Contingency	Data Source	Delivery Agency	Delivery Mechanism
ED4						
Rural Employment	Net Employment land above 0.01 ha	No target Set	Early review of Local Plan	In-house monitoring	AVBC Developers	Determination of planning applications
Policy	Indicator	Target	Contingency	Data Source	Delivery Agency	Delivery Mechanism
Environment Policies						
EN4-6						
Historic Environment	Change to number of heritage assets including those 'at risk'.	No loss /delisting of Listed Buildings, Registered Parks & Gardens, Conservation Areas, Scheduled Monuments, World Heritage Site status	Early review of Local Plan	In-house Monitoring Historic England	AVBC Developers Heritage bodies	Determination of planning applications

Policy	Indicator	Target	Contingency	Data Source	Delivery Agency	Delivery Mechanism
EN9						
Biodiversity Gains	Number of biodiversity net gain units	No net loss	Early review of Local Plan	In-house monitoring	AVBC Developers Natural England Derbyshire Wildlife Trust	Determination of planning applications
MR1						
Monitoring and Review	Criteria in policy triggered.	No criteria triggered	Early review of Local Plan.	In house monitoring AMR Housing Land Supply	AVBC Developers	Determination of planning applications Housing competitions

All other policies not listed above will be kept under review by assessing appeal decisions, planning applications and decisions made by the Planning Board.

APPENDIX 6

HABITAT NETWORK MAP



APPENDIX 7

GLOSSARY OF TERMS

Adopted Local Plan: The final confirmation of a Development Plan or Local Development Document having statutory status by a Local Planning Authority.

Adaption: A change or modification to suit new conditions or needs.

Affordable Housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions: affordable housing for rent, starter homes, discounted market sales housing, other affordable routes to home ownership.

Air Quality Management Area: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Ancient Woodland: Land that has had a continuous woodland cover since at least 1600 AD.

Authority Monitoring Report: A report which reviews the progress in the preparation of the Local Plan documents against the milestones set out in the Local Development Scheme and assesses the extent to which development plan policies are being achieved.

Biodiversity: Encompasses the whole natural world and living things, including plants, animals, microorganisms, bacteria from all ecosystems. This includes diversity within species, between species and of ecosystems.

Biomass: Biological material derived from living, or recently living organisms.

Community Facilities: Facilities used by local communities for leisure and social purposes where the primary purpose of the facility is for the public benefit. Examples of community facilities would include, but not exclusively, village halls, community centres and meeting places, places of worship, cultural buildings, non-profit sporting facilities and play areas.

Climate Change: Long term change on weather patterns and increased global temperatures, which is likely to be caused by an increase in carbon emissions.

Conservation Areas: A conservation area is an area of special architectural or historic importance, the character of which it is desirable to preserve or enhance.

Consultation Statement: A document which describes consultations undertaken, outlines who was consulted, how consultees were consulted, presents a summary of the main issues raised and explains how consultation has shaped the Local Plan.

Decentralised energy: Local renewable and local low carbon energy sources.

Density: The intensity of development within a given area, usually measured for housing in terms of dwellings per hectare.

Design code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Developer Contributions: Monetary contributions which may be made by a developer as part of a legal agreement (S106 or CIL) when a planning permission is granted. The money is used to provide local facilities and infrastructure.

Development: Defined in the 1990 Town and Country Planning Act as “the carrying out of building, engineering, mining or other operation in, on, over or under land; or making of any material change on the use of any building or land”.

Development Management: The process of reviewing planning applications submitted by development companies, homeowners or businesses. The decision will normally be made in accordance with the development plan, central government guidance and advice, and any other 'material considerations'. If the application is successful, planning permission will be granted and the development may go ahead.

Drainage Hierarchy: National Planning Practice Guidance (PPG) states that drainage solutions should allow surface water to be discharged according to the following hierarchy of drainage options:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Ecological Asset: Naturally occurring entities that provide environmental “functions” or services, including those which have no economic value but bring indirect uses or benefits that cannot be translated into a present-day monetary value

Energy Hierarchy: Priority of energy options.

1. Save energy and eliminate wasted energy, use only what is needed.
2. Use energy efficiently, high efficiency appliances, lighting, and equipment.
3. Use energy from renewable sources.
4. Use low carbon energy and where possible, capture the carbon emitted.
5. Use conventional (fossil fuel) energy as a last resort and participate in meaningful offsetting and carbon capture to compensate for carbon emissions.

Environment Agency: A public body with the principal aims of protecting and improving the environment and promoting sustainable development.

Evidence Base: The information and data gathered by local authorities to justify the soundness of the policy approach within the Local Plan and supporting documents.

Examination: Formal examination of the Local Plan and supporting documents by an Independent Inspector appointed by the Secretary of State to consider if the plan is sound.

Exception sites for community-led development: Sites that would not otherwise be suitable as ‘rural exception sites’. These are sites which are not already allocated for housing and should comprise community-led development that includes one or more types of affordable housing and be adjacent to existing settlements, proportionate in size to the, not compromise the protection given to areas or assets of particular importance and comply with any local design policies and standards. Community-led developments are those instigated and taken forward by a not-for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members and the wider local community.

Fit For Purpose: Being suitable for the intended use and easy to use. For example, sufficient and well-designed parking located close to people’s homes with spaces wide enough to get out of the car on both sides and also adequate storage space for bins, cycles and garden equipment within residential developments.

Flood Plain: Generally flat lying areas adjacent to a watercourse, tidal lengths if a river or the sea where water flows in times of flooding.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green Belt: A statutory designation of land, which fundamental aim is to prevent urban sprawl by keeping land permanently open. The five purposes of Green Belt as set out in the National Planning Policy Framework are:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special characteristics of historic towns and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Greenfield Land: Land that has not been developed before or has returned to a natural state after being developed.

Green Infrastructure: A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Gypsies and Travellers: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Gypsy and Traveller Accommodation Assessment (GTAA): The appraisal of accommodation needs for a broader definition of Gypsies and Travellers than defined above; the GTAA will include the needs of travelling showpeople or circus people (whether or not travelling together as such).

Habitats Regulations Assessment: An assessment is required to ensure that:

- A strategy or plan either alone or in combination with other plans or projects, would not have a significant effect on a European site, and
- Where the plan being produced is not directly connected with the management of the site for nature conservation.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Highway: A road and/or footway.

Housing Market Area (HMA): Sub regional policy area originally designated within the revoked Regional Plan. Derby HMA is made up of Amber Valley Borough, Derby City and South Derbyshire District.

Housing Mix: The provision of a mix of house types, size and tenures on housing development sites.

Housing Need: Assessment of the suitability of present housing, the ability of households to afford market priced housing and requirements of future housing requirements.

Implementation: The delivery of measures that form part of a plan.

Independent Examination: Formal examination of a Local Plan by an independent planning Inspector appointed by the Secretary of State to consider whether a Plan is 'sound'.

Infrastructure: The network of communications and utility services such as drains, water, gas, electricity, roads and telecommunications required to enable the development of land. The term is also used to describe social and community services such as schools, public transport, shops and libraries.

Infrastructure Delivery Plan: A plan to implement the necessary social, physical and green infrastructure required to create sustainable communities in accordance with a Local Plan.

Key Cycle Network: The most important routes to create a cycling network for commuting leisure and tourism.

Landscape Features: man-made or naturally occurring component of the landscape. Examples include trees, woodlands, shrubs, hedges, ponds, streams, rivers, walls, banks and earthworks.

Listed Building: A building of special architectural or historic interest. The planning (Listed Buildings and Conservation Area) Act 1990 gives the Department of Culture, Media and Sport, on advice from English Heritage, powers to list buildings of special architectural or historical interest.

Local Distinctiveness: That which sets a locality of settlement apart from elsewhere.

Local Housing Needs Study: A study to help identify the specific housing needs of local people on a ward/parish basis.

Localism: The Localism Act (2011) introduced changes to the planning system, intended to enable people to influence and get involved in decisions which affect them in a meaningful way.

Local Nature Reserve: Places with wildlife or geological features that are of special interest locally. County Councils have the power to acquire, declare and manage Local Nature Reserves.

Local Plan: A Development Plan Document, which plans for the future development within an administrative area, drawn up by local planning authorities in consultation with communities and other stakeholders.

Local Wildlife Site: Areas defined and selected locally for their nature

conservation value. Their selection takes into account the most important, distinctive and threatened species and habitats.

Masterplan: Comprehensive plans for an area of development.

Material Consideration: A legal term describing a matter or subject which is relevant (material) in the determination of a planning application.

Mitigation: Measures to avoid reduce or offset adverse effects of an external factor.

Monitoring: The collection and analysis of information to measure policy implementation.

Multi-user route: Accessible route designed for use jointly by cyclists, pedestrians, (and horse riders where practical).

Neighbourhood Plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Open Space: All open space of public value, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity.

Pitch (Gypsy and Traveller Site): A designated place for Gypsies and/or Travellers to live.

Phasing: Stages in the implementation of development.

Planning Permission: A requirement before most development can be carried out. To obtain planning permission a planning application must be made and determined by a Local Planning Authority.

Primary shopping area: Defined area where retail development is concentrated.

Previously Developed Land (Or Brownfield Land): Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

The definition includes defence buildings, but excludes:

- Land that is or has been occupied by agricultural or forestry buildings.
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.

- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

Public Rights of Way: Routes on which the public have a legally protected right to pass and re-pass.

Regeneration: Economic, social and environmental renewal/improvements to areas.

Registered Parks and Gardens: Parks and gardens of historic interest in England. The register is managed by Historic England.

Renewable Energy: Energy produced by a sustainable source that avoids the depletion of earth's finite resources. Renewable energy sources include the sun, wind, ocean energy and biomass.

Residential Development: Any development of housing of various scales.

Rural Diversification: The establishment of new enterprise in rural locations often re-using rural buildings and land that is no longer used for agriculture.

Rural Exception Site: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Safeguarding/safeguarded: To ensure that a particular feature is protected.

Scheduled Monument: A nationally important archaeological site or historic building which is given protection against unauthorised change.

Secretary of State: The most senior Government Minister responsible for the work in his/her department. Department for Communities and Local Government are the department responsible for planning.

Section 106 Agreements: A legal agreement which Councils can be entered into with a developer where it is necessary to provide contributions of offset negative impacts caused by construction and development. Examples include the provision of affordable housing, new open space, and funding for school places.

Self-Build & Custom Build Dwellings: Building or completion of a home by an individual or group of individuals.

Setting of a Heritage Asset: This is defined in the National Planning Policy

Framework (NPPF Sept. 2023) as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

Significance (for heritage policy): Defined in the National Planning Policy Framework (NPPF Sept. 2023) as the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

Site of Special Scientific Interest (SSSI): A SSSI is one of the country's very best wildlife and/or geological sites. SSSIs include some of the most spectacular and beautiful habitats.

Soundness: As part of the examination, the Independent Planning Inspector is required to consider if a Local Plan is 'sound', based on it being positively prepared, justified, effective and consistent with national policy.

Strategic Housing Market Assessment (SHMA): An analysis of a housing market in depth, advising on the types of housing needed in different areas and the amount and pattern of need for housing, including affordable housing.

Stakeholder: Anyone with an interest in the Borough such as a resident, employee, employer, and visitors.

Statement of Community Involvement (SCI): A document which sets out how a local planning authority intends to engage and consult local communities and others in the preparation of a Local Plan and in the consideration and determination of planning applications.

Statutory: A legal requirement.

Strategic Flood Risk Assessment: A strategic assessment of flood risk which identifies flooding from all sources across the Borough.

Strategic Housing and Economic Land Availability Assessment (SHELAA): A SHELAA is a technical exercise to assess the amount of land that could be made available for housing and employment development. It is part of the evidence base that informs the plan making process.

Submission: Submission of Development Plan Documents (DPDs) to the Secretary of State.

Sustainability Appraisal (SA): A systematic review of the policies and proposals in a Local Plan in order to evaluate their impacts on achieving sustainable development. The SA assesses the environmental, economic and

social impacts of a Plan.

Sustainable Communities: Central Government refers to sustainable communities as 'places where people want to live and work now and in the future'.

Sustainable Development: The Brundtland Report (1987) defines sustainable development as 'Development that meets the needs of the present without compromising the ability of future generations to meet their own needs'. Sustainable Development encompasses social, environmental and economic issues.

Sustainable Urban Drainage (SuDS): A sequence of water management practices and facilities designed to drain surface water in a manner that will provide a more sustainable approach than the conventional practice of directing run-off through a pipe to a watercourse.

Sustainable Travel/ Sustainable Transport: Usually means walking, cycling and public transport, which is generally less damaging to the environment than use of the private car.

Transport Assessment/Travel Plan: An assessment to be submitted alongside planning applications for major development, which measures the potential transport impact of proposals and identifies the interventions needed to mitigate these and to encourage access by walking, cycling and public transport.

Travelling Showpeople: Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently.

Viability: In general terms the economic circumstances which may affect the ability to deliver development.

Vibrant: In retail terms a location which is alive with activity.

Vitality: In retail terms the capacity of a centre to grow and develop.

Watercourse: Rivers, streams, ditches and sewers (excluding public sewers) where water flows.

Walkable: An area where it is easy to walk from one point to another or from housing to local facilities and public transport.

Windfall Site: Sites that come forward unexpectedly and have not been identified for housing through the plan preparation process.

World Heritage Site: A site of international heritage interest inscribed by UNESCO (United Nations Educational, Scientific and Cultural Organisation).