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## Appeal Decisions

Inquiry began sitting on 7 June 2016

Accompanied site visit made on 7 June 2016

**by Alan Novitzky BArch(Hons) MA(RCA) PhD RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 July 2016**

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### **Appeal A Ref: APP/C1055/W/15/3137935**

#### **Land off North Avenue, Darley Abbey, Derby DE22 1EZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Tom Shally against the decision of Derby City Council.
  - The application Ref: DER/06/15/00720/PRI, dated 29 May 2015, was refused by notice dated 10 September 2015.
  - The development proposed is a residential development of up to 49 dwellings and areas of open space.
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### **Appeal B Ref: APP/C1055/W/15/3141117**

#### **Land off North Avenue, Darley Abbey, Derby DE22 1EZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr Tom Shally against Derby City Council.
  - The application Ref: DER/09/15/01172/PRI, is dated 17 September 2015.
  - The development proposed is a residential development of up to 49 dwellings and areas of open space.
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## **Decisions**

### **Appeal A:**

1. The appeal is dismissed.

### **Appeal B:**

2. The appeal is dismissed and planning permission for a residential development of up to 49 dwellings and areas of open space is refused.

## **Preliminary matters**

3. The inquiry sat from 7 to 10 June and on 15 June 2016.
4. The applications were made in outline with all matters except means of access reserved for later decision. Illustrative layouts showing one way of carrying out the proposals for each scheme were submitted. The schemes differ principally in the means of access. In the case of Appeal A, the vehicle access is taken from the western end of North Avenue, with a secondary footpath link from the east. The reverse applies to Appeal B.

5. For Appeal A, the Council has withdrawn its first reason for refusal, the relationship of the proposed development to the prevailing built form of Darley Abbey. With regard to the second reason for refusal, the proposal's effect on the Upper Derwent Valley Green Wedge (GW), the Council no longer contends that it would lead to further coalescence of the Allestree and Darley Abbey neighbourhoods but maintains the remainder of its green wedge objection. The other reasons for refusal relate to the effect on the Derwent Valley Mills World Heritage Site (WHS), and highway safety with respect to the access from North Avenue.
6. The Council's putative reasons for refusal for Appeal B relate to the effect on the GW and the WHS. The Council has no objection on highways grounds, but the Darley Abbey Society objects on highway and other grounds.
7. The development plan comprises the City of Derby Local Plan Review (CDLPR), adopted in January 2006, covering the period to 2011, the majority of whose policies have been saved. The emerging Derby City Local Plan – Part 1: Core Strategy (CS) is undergoing examination in public. Adoption is not expected until significantly later in the year.
8. The Council acknowledges that it cannot at present demonstrate a 5 year supply of deliverable housing sites. Paragraph 49 of the National Planning Policy Framework (NPPF) is therefore engaged and relevant policies for the supply of housing in the development plan should not be considered up-to-date. However, the Council maintains that, once the CS is adopted, a 5 year housing land supply (HLS), including a 20% buffer, will be available whether calculated through the 'Liverpool' or 'Sedgefield' methods and whether taken from a base date of 1 April 2016 or 1 April 2017.<sup>1</sup> I see no reason to disagree.
9. A signed Statement of Common Ground (SoCG),<sup>2</sup> a signed Highways Statement of Common Ground (HSoCG),<sup>3</sup> and completed s106 agreements for each appeal proposal<sup>4</sup> have been submitted to the inquiry.

### **Main Issues**

10. The main issues are the effect of the proposals on:
  - Heritage Assets, especially the Derwent Valley Mills World Heritage Site
  - The Upper Derwent Valley Green Wedge
  - Highway Safety

### **Reasons**

#### *First Issue: World Heritage Site*

11. The WHS, inscribed in 2001, follows the River Derwent valley over a distance of 24km from Matlock Bath in the north to Derby in the south. It saw the birth of the factory system in the 18<sup>th</sup> century when new types of building to house technology for spinning, based on water power, together with planned industrial settlements were erected in the open countryside. As the Statement

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<sup>1</sup> Doc C8

<sup>2</sup> Doc G2

<sup>3</sup> Doc G3

<sup>4</sup> Docs A17 and A18

- of Outstanding Universal Value<sup>5</sup> tells us, the change from water to steam power in the 19<sup>th</sup> century moved the focus of the industry elsewhere and thus the main attributes of this remarkable cultural landscape were arrested in time.
12. Regarding the integrity of the WHS, the Statement notes that the relationship of the industrial buildings and their dependent urban settlements to the river and its tributaries and to the topography of the surrounding rural landscape has been preserved, especially in the upper reaches of the valley, virtually intact. In relation to authenticity, it notes that the overall landscape reflects well its technological, social and economic development and the way the modern factory system developed within this rural area on the basis of water power.
  13. Its attributes include what is described as a 'relict' industrial landscape, where late 18<sup>th</sup> century and early 19<sup>th</sup> century industrial development may still be seen in an 18<sup>th</sup>/19<sup>th</sup> century agricultural landscape containing evidence of other early industrial activity such as hosiery, iron founding, nail making, quarrying, lead mining and smelting.
  14. The inscription document<sup>6</sup> sets out the principles by which the boundary of the WHS was determined, including definition of the extant topography (buildings, features, landscapes) derived from and exemplifying the historical theme. At the inquiry this was characterised in the south, where the site lies, as embracing the river floodplain, taken to the nearest field boundary. In addition, the inscription document tells us that a buffer zone, to protect the setting of the nominated site from any development which would damage it, has been defined.
  15. The appeal site lies mainly within the WHS buffer zone, directly north of a mainly inter-war housing development (North and South Avenue), a continuation of the settlement of Darley Abbey. Bordering the appeal site to the north-west is the embankment to the A6/A38 gyratory road system, and a little way to the south-east, occupying part of a loop in the river, is the Darley and Nutwood Nature Reserve. The appeal site, originally part of a side valley, slopes eastwards towards the river, is set to pasture, and is separated from the WHS by a gappy hedge.
  16. In Appeal A proposal, a secondary footpath link would lie just within the WHS. In Appeal B proposal, the vehicle access road would ramp down, just within the WHS, towards the appeal site.
  17. The Darley Abbey Mills complex, which the Council describes as the most complete group of mill and associated buildings within the WHS, lies to the east of Darley Abbey and the south of Darley and Nutwood Nature Reserve, on the other side of the river. It has a series of Grade I, II\* and II listed buildings but no visibility exists between the buildings and the appeal site in either direction. Similarly, none exists between the appeal site and any other part of the Darley Abbey Conservation Area, including the Grade II and Grade II\* listed workers housing, the Grade II St Matthew's Church, or in relation to any of the locally listed buildings.
  18. The spire of the Grade I listed All Saints Church, Breadsall, on the far side of the valley is seen as a landmark from the site and from many other points

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<sup>5</sup> CD – I1 and Doc MS3

<sup>6</sup> CD - G5 and Doc MS4

- within the WHS and beyond. However, seen from the Church at ground level, the appeal site is obscured by intervening buildings and mature foliage.
19. The Council assesses the effects of the proposals as neutral with respect to all of these heritage assets and I see no reason to disagree. Therefore, with regard to the statutory duties under s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the listed buildings and their settings would be preserved, as would the character and appearance of the Darley Abbey Conservation Area. The effect of the proposals on heritage assets is confined to that arising in relation to the WHS.
  20. It is important to appreciate the WHS as a whole, rather than simply the various mill clusters and their associated buildings. This means the complete 24km stretch of the Derwent Valley including the river, other watercourses, the landscape, and the built environment such as farmsteads supplying the factory workers, and religious buildings, whether listed or not.
  21. The WHS can be experienced in various ways, from beauty spots, settlements, by travelling the A6 which follows the river valley, and through recreational activities including canoeing, horse riding, fishing, rock climbing and by walking footpaths such as the Derwent Valley Heritage Way. A good place to begin the Heritage Way walk is at Derby's Silk Mill, the progenitor of the factory system, predating Arkwright's Cromford Mills (at the head of the WHS) by some 50 years, continuing through Darley Park, once the gardens of the Evans family, proprietors of Darley Mills, noting the tower of St Matthew's Church built by Evans, onwards through the Mills complex and northwards alongside the river. In this way, a cumulative mind picture of the cultural landscape can be built up, which goes well beyond fixed viewpoints.
  22. Another public footpath from which to appreciate the WHS is the Great Northern Greenway, which runs on the valley side to the east of the WHS buffer zone. Of particular note is the stretch from Breadsall Hilltop northwards, following the route of a disused railway line. Some views of the WHS from it are restricted, and the commercial development of Alfreton Road lies in the middle ground but, as with the Heritage Way, a cumulative mind picture emerges. The Breadsall Hilltop development of up to 230 dwellings, recently granted permission,<sup>7</sup> would be located to the east of the Greenway, on the flatter ground above the valley sides, be restricted in height and landscaped, somewhat mitigating its effect on both the Greenway and the setting of the WHS.
  23. Much of the openness of the landscape, its field divisions, and its agricultural use (albeit achieved through changed methods) remain. This is tempered by more recent recreational development within the WHS along Haslams Lane, to the east of Darley Mills, and Alfreton Road's commercial development located further east within the buffer zone and beyond. Although there have been later additions, including floodlighting to the sports pitches, this development was generally initiated before the WHS inscription.
  24. A development of six additional light industrial units and a trade counter, within the buffer zone's commercial development on Alfreton Road, was granted planning permission in 2015. Although there would be some views from this

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<sup>7</sup> Doc C5

- development towards the WHS, seen from the WHS the new buildings would be largely shielded by existing commercial development.
25. Visually, the 20<sup>th</sup> century residential development of Darley Abbey to the west is largely absorbed into landscape foliage, a notable exception being the light coloured flank of Number 15 North Avenue, whilst that of Allestree is shielded by the wooded embankment to the A38, itself inconspicuous during the day. Overall, a high degree of local integrity and authenticity prevails.
  26. The appeal site, as part of the WHS setting, contributes to the open, agricultural nature of the WHS within which early industrial activity took place. Although some remodelling of the land may have taken place, this appears to be relatively superficial (unlike that of Darley and Nutwood Nature Reserve, part of which is a former landfill site) since the basic profile of the side valley is clear, and medieval ridge and furrow field patterns are evident to the south. Although other parts of the buffer zone are heavily urbanised, it is important to protect the remaining open landscape and the designation provides protection against further damage.
  27. The appeal site, developed as proposed, would occupy a small fragment of the landscape associated with the WHS. Moreover, it would be shielded by the existing hedge line, heavily reinforced with indigenous species. The Appellant maintains that the proposals would round off the pattern of development between North Avenue and the trunk road embankment, albeit with some hardly discernible foreshortening of the existing outlook towards the road embankment.
  28. The Appellant draws attention to the dismissal at appeal of the proposal for 75 dwellings on land at Hill Top Farm, Mill Lane, Belper,<sup>8</sup> distinguishing it from the present appeal site because of the number of well-used footpaths from which views across it towards the WHS would be interrupted. By contrast, the present appeal site has little in the way of foreground views across it towards the WHS, and could be screened with little blocking of existing views.
  29. However, the appeal site projects some way eastwards, beyond the boundary of the North and South Avenue housing development. Moreover, unlike this existing housing, which is set on a gently sloping platform, the terrain of the appeal site slopes quite steeply both from the north and south towards the axis of a side valley, and eastwards towards the River Derwent. Morphologically, it flows into and forms part of the landscape of the main river valley, the western edge of which at present naturally follows the perimeter of the Darley and Nutwood Nature Reserve, the existing housing and the A38/A6 embankment.
  30. Moreover, the development would be inclined towards viewers situated in the WHS, the visual effect increased by the slow maturing of the proposed foliage screen, taking almost a generation to become fully effective, the visual permeability of the deciduous species in winter, and the visibility of street lighting using columns perhaps 5m high. Further, the vehicle access within the WHS under Appeal B would give rise to ramping of up to two metres above natural ground level, significantly altering the existing land form of the river valley.

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<sup>8</sup> CD – H5 and Doc CO15, APP/M1005/A/10/2142571

31. I find that the proposals would not represent a rounding off of the present pattern of development, but would comprise an adverse intrusion into the setting of the WHS, possibly encouraging harmful progressive erosion of its remaining openness.
32. CDLPR Policy E29 (Protection of World Heritage Site and its surroundings) states that proposals which have an adverse effect on the specific character of the area will not be allowed. The criteria to be met include preserving and enhancing the special character of the area. It advises that proposals within the buffer zone will only be approved if they do not have an adverse effect on the WHS or its setting.
33. The proposals therefore conflict with the development plan with regard to protection of the WHS. Policy E29 is not entirely consistent with the NPPF, since the NPPF does not insist on enhancement of the special character of the area and weighs public benefit against less than substantial harm. To that extent it is out-of-date, just as relevant development plan policies for the supply of housing are out-of-date.
34. Although the emerging Local Plan cannot be given full weight, the proposals conflict with CS Policy CP20 (Historic Environment) which seeks to resist development proposals harming the character, significance or setting of a heritage asset. They also conflict with CS Policy AC9 (Derwent Valley Mills World Heritage Site) for similar reasons.
35. Paragraph 14 of the NPPF tells us that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless specific policies in the NPPF indicate development should be restricted. Section 12 of the NPPF contains policies relating to designated heritage assets which indicate development should be restricted.
36. Paragraph 138 of the NPPF notes that not all elements of a World Heritage Site will necessarily contribute to its significance. Nevertheless, overall, the WHS represents an asset of very high value. Although the appeal site represents a small fragment of the 24km long WHS, the proposals' local harm should not be under-rated when considering the effect on the WHS as a whole. It should not lie below that of a similar effect on a much smaller world heritage site, otherwise such reasoning could lead to the proliferation of similar harm throughout the WHS. Planning Practice Guidance (PPG)<sup>9</sup> endorses the principle of protecting a World Heritage Site from the effect of changes which are relatively minor but which, on a cumulative basis, could have a significant effect.
37. In my view, the harm identified is less than substantial which, NPPF paragraph 134 notes, should be weighed against the public benefits of the proposals. The public benefits in this case comprise the supply of a reasonably modest but useful quantum of much needed housing, including a good proportion of affordable housing, and public footpath links to the riverside and to the Darley and Nutwood Nature Reserve. The remaining s106 matters can be discounted since they simply mitigate other harm brought about by the proposed development.

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<sup>9</sup> ID 2a-032-20140306 third bullet

38. The housing proposed would be fairly sustainable in relation to local facilities, help meet specific local demand and, since the greatest spatial distribution of housing provision tends to be towards the south of the city, would contribute to a better supply balance. However, the CS is expected to bring with it a 5 year supply of housing land, assessed by whatever calculation, including a 20% buffer, by the end of the year or thereabouts, without the need to develop the appeal site.
39. In these circumstances, despite objections remaining to housing allocations in the emerging CS, and the possibility of delay to Amber Valley's agreed housing contribution because of the withdrawal of its emerging local plan, I find that the public benefits of the proposals do not outweigh the identified harm to the WHS. The effect of the proposals on the WHS is not acceptable.
40. This being so, NPPF paragraph 14 indicates that the proposals should be refused. However, for the sake of completeness, the remaining main issues will be examined.

*Second Issue: Green Wedge*

41. Green wedges are a long standing feature of Derby plans, but they are not designated specifically for reasons of landscape quality. CDLPR Policy E2 (Green Wedges) tells us that they have the essential characteristics of penetrating the urban area from the countryside as open, undeveloped areas of land. It explains that they help define and enhance the urban structure of the city as a whole, contributing to the interest and attraction of the overall pattern of development, bringing the countryside closer to the city, maintaining the identity of separate parts of the city, perhaps acting as buffer zones between residential and industrial areas, and having important existing or potential recreational and ecological value.
42. Policy E2 identifies seven categories of development permitted in green wedges none of which includes new housing. The explanatory text tells us that 13 green wedges are defined in the Plan. It notes that green wedges do not have the permanence of the Green Belt boundary around the city and are likely to be subject to review from time to time through the Local Plan process in order to meet future development requirements. Although it cannot yet be given full weight, CS Policy CP18 carries forward these green wedge aims.
43. I do not find any inconsistency between these aims and the core principles of the NPPF, including recognising the intrinsic character and beauty of the countryside; contributing to conserving and enhancing the natural environment and reducing pollution; and recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage or food production). Further, having regard to the importance of its landscape as part of the WHS, the Upper Derwent Valley Green Wedge (GW) can be said to fall into the category of 'valued landscape' which NPPF paragraph 109 tells us should be protected and enhanced.
44. In the absence of a 5 year HLS, the NPPF advises that relevant policies for the supply of housing should not be considered up-to-date. The Court of Appeal has confirmed that these policies should be interpreted in the broad sense as any relevant policies affecting the supply of housing or restricting the supply of

- deliverable housing sites.<sup>10</sup> Also, that these policies then carry the reduced weight determined by the decision maker. Green wedge policies fall into this category.
45. Regarding the presumption in favour of sustainable development, paragraph 14 of the NPPF notes, for decision-taking, this means where relevant policies of the development plan are out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
46. The Green Wedge Review (GWR)<sup>11</sup> was carried out in October 2012, informing the background to the emerging CS. In it, each of the 13 green wedges were examined in terms of their functions, characteristics, changes which have taken place, land inclusion, need, development promoted outside the city boundary, and development sites promoted within the green wedge. Out of this review, sites within green wedge areas accommodating nearly 2,000 homes were put forward by the Council as allocations in the emerging CS, representing some 18% of the dwellings intended to be provided within the city during the Plan period. Although the appeal site was promoted,<sup>12</sup> as it had been at the City of Derby Local Plan Inquiry (Inspector's Report, 1998),<sup>13</sup> it did not proceed as an allocation.
47. The GWR points to the main roles and functions of the GW in which the appeal site lies. Of these, the most relevant to the proposals are, firstly, that the GW helps to define the edges of Darley and Allestree, contributing to their character and identity and enhancing the urban structure of the city; and secondly, a theme already considered in the first main issue above, that the GW forms an integral part of the WHS, is a vitally important heritage asset in itself, and also forms part of the setting of the listed Darley Abbey Mills complex.
48. Having regard to the first of these roles, the GWR also tells us at paragraphs 6.2 and 6.3 that the boundaries of the GW are logical with strong definition to the east and west, and that they are clearly the most appropriate and logical way of defining it. It continues by noting that there are no obvious alternative boundaries that could provide a logical and defensible edge; there are also no areas of the GW that are clearly unrelated to the main body; all areas contribute to the functioning of the GW and there are no obvious areas that could justify deletion.
49. The Appellant points out that the GWR tells us, at paragraph 5.8, that the axis (the longitudinal line through the middle) is the most sensitive part of a green wedge, and that development in close proximity to the axis would have a greater impact on the function of providing visual separation between neighbourhoods and maintaining the urban structure (than development elsewhere in a green wedge). However, in my view, the maintenance of a strong, clear edge, bounding the urban fabric and separating it from the area of green penetration is hardly less important. As indicated above, the importance of this aspect for the GW is expressed clearly elsewhere in the GWR.

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<sup>10</sup> Suffolk Coastal District Council v Hopkins Homes Limited and SoS and Richborough Estates Partnership LLP v Cheshire East Borough Council and SoS

<sup>11</sup> CD - G1 and Doc NB4

<sup>12</sup> SHLAA Reference 13 - North Avenue, Darley Abbey

<sup>13</sup> CD - I2 and Doc NB6

50. The logical defensible western edge to the GW is the boundary with the Nature Reserve, the housing at North and South Avenues, and the embankment to the A38/A6. This is partly because of the established barrier of foliage, but much more so because of the change in the nature of the land's topography, from a plateau to a side valley, integral to the morphology of the main valley. The proposals would represent a harmful intrusion into the valley morphology and a harmful extension into the countryside, locally destroying the established natural edge. This would represent a significant adverse impact on the functions, character and value of the GW.
51. This is so despite there being no public access onto the appeal site, few close distance views of it, and despite the site having neither public recreational value nor particular nature conservation interest. In reaching this conclusion, I have fully considered the Appellant's assessment and evaluation of the landscape and visual effects of the proposals.
52. In the GWR, the nature and function of Derby's green wedges were fully analysed and the results put forward for examination in the emerging CS. These included the release of land for almost 2,000 dwellings. The appeal site was considered but not put forward for supportable reasons. Although agreed co-operation with neighbouring authorities would be necessary to achieve a five year HLS, I see no case for pre-empting the results of the CS examination, or any reason to be fearful that delivery would be inappropriate to the city's needs or be critically delayed.
53. The proposals conflict with CDLPR Policy E2, the development plan as it deals with green wedges. They also conflict with emerging CS Policy CS18. In my view, the proposed development of the appeal site is neither necessary nor desirable to achieve housing delivery. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The effect of the proposals on the GW is unacceptable.

*Third Issue: Highway Safety*

54. The focus of the Council's concerns with regard to highway safety is the operation of the bend which would lead from the vehicle access into the site at the western end of North Avenue and Church Lane in the case of Appeal A only. The concerns, which the Darley Abbey Society adopt and develop, relate to the ability of two large cars to pass safely on the bend because of its angle and limited width; the related safety of pedestrians with a footway of 1.5m width; the reduced visibility caused by the corner dwelling, 1 Church Lane; and the risk of collision involving vehicles coming out of 1 Church Lane's driveway, which is very close to the corner.
55. I have considered the evidence and think that if this issue carried the only objection to the proposal, it would not be strong enough to lead to dismissal. In the rare event of the situation arising, although tight, it would be possible for two large vehicles to pass each other on the corner. Moreover, current thought embraces the idea that motorists exercise greater caution and moderate their speeds in situations of limited visibility and other dangers. Further, if the Highway Authority were to insist on a technical solution, I am not persuaded that devices such as speed platforms or chicanes to reduce speeds to a crawl would be out of place or ineffective.

56. In these circumstances, it would be appropriate to rely on conditions attached to a permission requiring the production and implementation of a satisfactory highway scheme. A highway scheme could also embrace the concerns expressed by the Darley Abbey Society relating to indicative gradients for the vehicle access in Appeal B. CDLPR Policy T4 (Access, Parking and Servicing) would be satisfied, as would the relevant aims of the NPPF which notes, in the final bullet point of paragraph 32, that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
57. The issue of highway safety, therefore, does not add to the harm already identified in the previous issues.

### **Conclusions**

58. I have considered the agreed conditions set out in the SoCG which were discussed, with potential modifications, at the inquiry. They would cover some of the concerns which lie beyond the issues assessed, such as surface water drainage, where a scheme for approval would be required which, in the extreme, might involve underground storage in addition to the holding pond illustrated. However, they are not sufficient to outweigh the harm identified.
59. Completed s106 planning obligations have been submitted for each of the appeal schemes.<sup>14</sup> Since the issue of contributions is not contested and the appeals are to be dismissed, no findings are necessary on these obligations.
60. The proposals do not accord with the development plan as a whole. Moreover, given that relevant policies of the development plan are out-of-date, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The proposals are not sustainable and both appeals are dismissed.

**Alan Novitzky**

Inspector

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<sup>14</sup> Docs A17 and A18

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY

Mr Hugh Richards,	Of Counsel, instructed by the Head of Legal Services Derby City Council
He called:	
Nicky Bartley	Senior Planning Officer (green wedge principles)
Paul Chamberlain	Group Manager, Traffic and Transport
Mark Suggitt	Director, DVMWHS on behalf of the DVMWHS Partnership
Chloe Oswald	Conservation Team Leader
Sara Claxton	Development Control Team Leader

### FOR THE APPELLANT

Miss Ruth Stockley	Of Counsel, instructed by Mr Richard Pigott
She called:	
Iain Reid	Iain Reid Landscape Planning Ltd
Andrew Braun	Bancroft Consulting, transport consultancy
Roy Lewis	Grover Lewis Associates, town planning and built heritage
Richard Pigott	Planning Design Practice Ltd

### INTERESTED PERSONS

Cllr Martin Repton	Ward Councillor
Jeremy D Eagles DipTP DMS	Representing the Darley Abbey Society
Peter J Steer BSc CEng MIStructE	Representing the Darley Abbey Society
D Christopher Hall BSc CEng MIMechE FIRSE CMIOSH	Representing the Darley Abbey Society

### GENERAL INQUIRY DOCUMENTS

G1	Core Documents List
G2	Statement of Common Ground
G3	Highways Statement of Common Ground

## COUNCIL'S DOCUMENTS

- NB1 Nicky Bartley's Proof of Evidence
- NB2 Appendix 1: Extract from City of Derby LP Review Proposals Map
- NB3 Appendix 2: CDLPR Policy E2 (Green Wedges)
- NB4 Appendix 3: City of Derby CS: Pre-Submission August 2015 Policy CP18 (Green Wedges)
- NB5 Appendix 4: Extracts from the Green Wedge Review, 2012
- NB6 Appendix 5: Extract from the Inspector's Report into the City of Derby LP (1998)
- NB7 Appendix 6: Appeal Decisions APP/C1055/W/15/3132386 and APP/C1055/W/15/3003445
- NB8 Appendix 7: Inspectors' letter dated 10.12.14 to HMA LPAs re: OAHN
- NB9 Appendix 8: Statement on Continuing Joint Working between Amber Valley Borough Council, Derby City Council, Derbyshire County Council, and South Derbyshire District Council, February 2016
  
- PC1 Paul Chamberlain's Proof of Evidence
- PC2 Appendix A: Highway Extents
- PC2 Appendix B: Table DG1 from the 6Cs Design Guide
- PC3 Appendix C: Share of Retail Sales made Online
  
- MS1 Mark Suggitt's Proof of Evidence
- MS2 Appendix A: Visual Analysis of the Development Site (photos)
- MS3 Appendix B: Derwent Valley Mills World Heritage Site Management Plan 2014-2019
- MS4 Appendix C: Derwent Valley Mills World Heritage Site Inscription Document
- MS5 Appendix D: DVMWHS responses to proposals consultations
- MS6 Appendix E: Mark Suggitt's CV
- MS7 Appendix F: UNESCO World Heritage Convention 1972
- MS8 Appendix G: Operational Guidelines for the Implementation of the World Heritage Convention.
  
- CO1 Chloe Oswald's Proof of Evidence
- CO2 Appendix 1: Map showing extent of DVMWHS and its buffer zone
- CO3 Appendix 2: Map showing Darley Abbey area with DVMWHS boundary and the extent of its buffer zone
- CO4 Appendix 3: Maps of Darley Abbey Area showing the appeal site
- CO5 Appendix 4: Maps of Darley and Nutwood Nature Reserve, Public Footpaths and Heritage way
- CO6 Appendix 5: Illustrative masterplan layouts in relation to Appeal A and Appeal B
- CO7 Appendix 6: Heritage consultation responses re: Appeal A
- CO8 Appendix 7: Heritage consultation responses re: Appeal B
- CO9 Appendix 8: Copy of the Decision Notice re: Appeal A
- CO10 Appendix 9: Historical Narrative, Appendix 1 of the DVMWHS Management Plan
- CO11 Appendix 10: Statement of Outstanding Universal Value
- CO12 Appendix 11: Map and viewpoint photos submitted by the DVMWHS Partnership
- CO13 Appendix 12: City of Derby LP Review (saved) policies 2006

- CO14 Appendix 13: City of Derby's emerging Core Strategy Policies
- CO15 Appendix 14: Appeal Decision, APP/M1005/A/10/2142571
- CO16 Appendix 15: Appeal Decision, APP/M1005/W/15/3006136
- CO17 Appendix 16: Appeal Decision, APP?M1005/W/15/3119206
- SC1 Sara Claxton's Proof of Evidence
- SC2 Appendix A: Committee Report DER/09/15/01172/PRI, Appeal B

#### COUNCIL'S INQUIRY DOCUMENTS

- C1 Opening Statement by the Local Planning Authority
- C2 Appeal Decision APP/D0840/W/15/3006077, St George's Road, Hayle
- C3 Extract from Inspector's Report into the City of Derby Local Plan
- C4 Extract from PPG, Conserving and enhancing the historic environment
- C5 Committee Report, application no: DER/12/15/01520, Land to the north of Mansfield Road, Breadsall Hill Top
- C6 ICOMOS Guidance on Heritage Impact Assessments for Cultural World Heritage Properties
- C7 Derby City Council's letter dated 19 May 2016, to the CS Examining Inspector regarding the Housing Land Supply
- C8 Planning Obligations Justification CIL Compliance Statement
- C9 Details of listings, Darley Abbey Mills
- C10 SPD: Planning Obligations (December 2008)
- C11 Closing Submissions on behalf of the Local Planning Authority

#### APPELLANT'S DOCUMENTS

- IR1 Iain M Reid's Proof of Evidence
- IR2 Plans, Tables, Appendix and Figures
- AB1 Andrew Braun's Proof of Evidence, Tables, Figures, Drawings and Appendices
- AB2 Summary Proof of Evidence
- AB3 Rebuttal Proof
- RL1 Roy Lewis's Proof of Evidence
- RL2 Appendix A: DVMWHS Inscription Maps
- RL3 Appendix B: Darley Abbey Conservation Area pamphlet (showing boundary)
- RL4 Appendix C: Location of listed buildings
- RL5 Appendix D: DVMWHS Statement of Universal Value, 2010
- RL6 Appendix E: Planning Inspectorate letter dated 27 January 2016
- RL7 Appendix F: Consultation Response from Historic England
- RL8 Appendix G: Consultation responses, DVMWHS Partnership
- RL9 Appendix H: Historic Ordnance Survey Maps
- RL10 Appendix J: Appeal decision APP/M1005/A/10/2142571
- RP1 Richard Pigott's Proof of Evidence
- RP2 Summary Proof of Evidence
- RP3 Appendix A: Green Wedge sites with planning permission or proposed allocations

- RP4 Appendix B: Details of the 2015 approval of industrial units at Afreton Road, Derby
- RP5 Appendix C: Details of the 2001 and 2008 approval of floodlights at Derby Rugby Club
- RP6 Appendix D: Sustainability Appraisal Site Allocations Assessment
- RP7 Appendix E: Scoring exercise on potential development sites by Acres Land and Planning
- RP8 Appendix F: Local plan Inspector's letter dated 29.4.16
- RP9 Appendix G: Strategic Housing Sites identified in the emerging Core Strategy
- RP10 Appendix H: Local property professional's letter dated 30.4.15

#### APPELLANT'S INQUIRY DOCUMENTS

- A1 English Heritage Historic Environment Good Practice Advice in Planning Note 3
- A2 Draft s106 Agreement
- A3 Extracts from Part 3 of the 6Cs Design Guide (Updated April 2016)
- A4 Extracts from Manual for Streets (DfT March 2007)
- A5 Extracts from Manual for Streets 2: Wider Application of Principles (CIHT September 2010)
- A6 Extract from the DVMWHS Inscription
- A7 Comments from Mr Andrew Braun in response to Fig 1, Document D2
- A8 Additional Viewpoints for the Inspector to consider visiting
- A9 Andrew Braun's response to Document D
- A10 Landscape Conditions – suggested changes
- A11 Completed s106 Agreement (superseded)
- A12 Closing submissions on behalf of the Appellant
- A13 Eastern telecoms mast, legal agreement
- A14 Western telecoms mast, legal agreement
- A15 Drawing Ref: -757-006, Proposed footpath links, Appeal A
- A16 Drawing Ref: -757-007, Proposed footpath links, Appeal B
- A17 S106 Agreement, Appeal A
- A18 S106 Agreement, Appeal B

#### THE DARLEY ABBEY SOCIETY'S DOCUMENTS

- D1 Mr Eagles' Statement
- D2 Mr Steer's paper, Appeal A, Vehicle and Pedestrian Access
- D3 Mr Steer's paper, Appeal B, Vehicle and Pedestrian Access
- D4 Mr Steer's paper, Appeals A and B, Surface Water Run Off from the Site
- D5 Mr Hall's Statement
- D6 Mr Steer's paper, Appeal A, Further Observations on Vehicle Leaving 1 Church Lane
- D7 Mr Steer's Note on gradients, Appeal B access road
- D8 Closing submissions on behalf of the Darley Abbey Society