

Submission by Kedleston Voice (KV) for the resumed Amber Valley Borough Council Core Strategy Examination on 16th December 2015: Heritage issues on the Derby fringe within Amber Valley (The ECUS Report): Land at Kedleston Road.

1. KV welcomes the ECUS Report as a sign that Amber Valley Borough Council has finally taken its statutory responsibilities seriously. Prior to the Council commissioning the report, there was no evidence publicly available that the Council was taking notice of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Certainly, this had not taken place before they decided to include the Kedleston Road site in the second version of their draft Core Strategy.
2. Mr Foster will be all too familiar with the various stages of the Examination. He will know that Catesby Estates Limited (CE) have been actively promoting housing on the approximately 17 hectare Kedleston Road site since 2013, despite it not being in the current local plan and it being subject to specific environmental policies that protected it.
3. CE was represented at the relevant Examination sessions which ended in May 2014, having previously started pre-application meetings with the Council in February and April of that year. Residents were not represented at those Examination meetings because, at this first stage of public Examination, the site was not included within the draft Core Strategy. This was to be expected as it was subject to protection from Amber Valley policies EN32 and 33. These were partly developed on the back of a report commissioned by the Council (Derek Lovejoy Partnership Report (2001))
4. KV was established following a public consultation meeting organised by CE on 10 July 2014, where the first reference to the site being included in a revised core strategy was brought to the attention of residents formally. Prior to that there was a 'stakeholder preview session' between 1 and 2pm attended by Pauline Latham MP, County Councillor Stuart Bradford, four representatives of Quarndon Parish Council and Chris Emmas-Williams who was the Cabinet Member for Regeneration at that time.
5. Notwithstanding the significant public opposition to the company's proposal at the public meeting, CE continued to prepare supporting evidence to accompany the outline planning application AVA/2014/0928 which was registered on 27 October 2014. The Borough Council was aware that the application was to be submitted.
6. In the meantime, at the Council meeting on 23 July 2014, the site was included in the "proposed changes to the Local Plan Part 1 Core Strategy." There is no evidence publicly available at this stage to demonstrate that any consideration was given by the decision takers in respect of the statutory duty imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990. The principle adopted, to paraphrase, was that "it will all be sorted out by the planning application."
7. This failure to take proper account of relevant legislation was pointed out to the Borough Council in many of the responses to the "proposed changes" document, including the KV response. Following receipt of those comments AVBC commissioned ECUS Environmental Consultants to undertake a review of 13 areas proposed for allocation in the draft Core Strategy. That work was carried out during December 2014 and January 2015 with the final document being completed in May 2015.
8. KV is mindful that the footnote to paragraph 14 of the National Planning Policy Framework (NPPF) includes both Green Belts and designated heritage assets as areas where specific policies in that document indicate development should be restricted.
9. The NPPF in section 9 contains guidance aimed at protecting green belt land. Protection for the historic environment is found in the guidance in section 12. Given this guidance, and the statutory responsibilities mentioned in paragraph 1 above, it appears entirely reasonable to KV that the Borough Council should take independent advice about the impact all the strategic allocations would have on the many designated heritage assets in this part of the City and County.

10. In the case of this site, the need for an independent appraisal is heightened because all the statutory consultees for AVA/2014/0928 emphasised the harm that would be created if that application were approved. Indeed everyone who commented about the impact the development has voiced opposition to the application, apart from one. They were the Environmental Dimension Partnership who produced the Heritage Setting Assessment for Catesby Estates Limited.
11. KV supports the approach taken by ECUS and the conclusions reached in respect of the Kedleston site. As listed in paragraph 11.5.4 of the report these were, "Development within the potential allocation is likely to result in harm to the significance of heritage assets and their setting. The impact of development within the potential allocation would likely comprise of:
 - The loss of historic environment character, encroachment of the developed edge of Derby, increased light and noise pollution and loss of context of the high value Grade 1 Kedleston RPG, Conservation Area and Listed Buildings.
 - Erosion of setting of the high value Quarndon Conservation Area.
 - Erosion of setting of high value Kedleston Hotel (Grade II* Listed Building) and
 - The erosion of setting and loss of historic environment character of high value Lower Vicarwood (Grade II Listed Building)."
12. The summary in paragraph 11.6.2 says "there are major potential heritage concerns in regards to development within the potential allocation. The potential allocation has the potential to retain archaeological remains of low-moderate significance, and makes a high contribution to the setting of numerous designated, high value heritage assets some of exceptional interest in terms of the nation's heritage. The survival of historic field boundaries and veteran trees contributes to the ability to understand the former estate landscape and its contribution and significance to the surrounding heritage assets especially the registered parkland."
13. Possible mitigation is considered in paragraph 11.6.3 where it is said "the topography, presence of historic landscape elements such as veteran trees and historic boundaries, and the rural character of the landscape within the Markeaton Brook valley are identified as key attributes of the settings of Kedleston heritage asset group, Kedleston Hotel and the Quarndon Conservation Area. It is considered development would be harmful in this area to the high value heritage significance of these heritage assets due to the impact upon the setting of these designated heritage assets. It is considered this harm cannot be readily reduced so that it can be avoided or mitigated and the character and appearance of the designated heritage assets are preserved or enhanced."
14. KV supports the ECUS Report. It confirms many of the findings contained in the Lovejoy 2001 report. KV would wish Mr Foster to give it full due consideration when reviewing the current version of the Core Strategy. This follows Amber Valley Borough Council's use of it to reject of the planning application AVA/2014/0928 and subsequently remove it from the current version of the Core Strategy.

Dave Anderson.
Chair Kedleston Voice
25 November 2015