

Date:

APPLICATION NO: CHE / 14 / 00872 / OUT

PROPOSAL: OUTLINE RESIDENTIAL DEVELOPMENT ON 3.66 HA OF LAND FOR UP TO 75 DWELLINGS INCLUDING MEANS OF ACCESS

LOCATION: LAND AT CRANLEIGH ROAD, CHESTERFIELD, DERBYSHIRE

APPLICANT: AKROYD AND ABBOTT HOMES

EXECUTIVE SUMMARY OF OBJECTION

WVCG objects to the above application for the following reasons:-

- 1) The Planning Inspectorate have already ruled that development of the kind proposed is unsustainable development and the soundness of the Core Strategy which is sufficient to meet the current threat depends upon having adopted that ruling.
- 2) It proposes development that will undermine the Local Plan and pose a direct threat not only to the delivery of Core Strategy ambitions for Woodthorpe and Mastin Moor but for the Borough as a whole by setting powerfully negative precedents.
- 3) It proposes development that according to national planning policy is unsustainable because it will bring unmitigated social, economic and environmental harm to our community, our village and the wider Borough.
- 4) It proposes unsustainable development without including any offer of compensation to the community of Woodthorpe for the social, economic and environmental harm that the development will undeniably cause and this omission in turn exposes the Council to those liabilities.
- 5) It is not a sound means to deliver housing whilst the Local Plan is incomplete because reasonable doubts about its attractiveness to customers persist and cannot be dispelled.
- 6) It proposes development that inverts common sense, common decency and the Council's intention to welcome new households to the Borough. It does this by proposing development that will entice unwary families having no prospect whatsoever of compensation from HS2 Ltd to make their homes within the most severe HS2 impact zone that exists anywhere within the Borough east of the Doe Lea River.
- 7) It proposes development that will frustrate and undermine HS2 Ltd.'s stated intention to optimise its mitigation of the visual and audible impacts of HS2. It does this by proposing hard structures instead of soft planting between existing homes and the preferred route of HS2. By doing so it unnecessarily increases the general tax-payers' liability to make compensation payments to the victims of HS2 via HS2 Ltd.
- 8) It proposes development that will frustrate the positive dialogue that still continues after three years between Councillors, Officers, the Planning Inspectorate and the communities of Woodthorpe and Mastin Moor about the best future for these communities and their villages.
- 9) It is an invalid application lacking necessary supporting information.

POINTS OF OBJECTION

WVCG ask the Borough Council to refuse planning permission for the proposed development because it will:-

- Spoil the pattern of the Borough landscape which consists of settlements that become smaller as distance from Chesterfield increases.
- Spoil views of Woodthorpe which most people see from the A619.
- Destroy wildlife habitat that is home to birds and animals and rare plants.
- Destroy the foraging territory of wildlife species including protected species like newts that are known to use breeding sites beside the site, both inside and outside the built up area of Woodthorpe.
- Increase traffic congestion problems inside the village on the A619 and on the M1.
- Increase the commuter population of the Borough who work and spend money outside the Borough rather than inside it to the detriment of Borough businesses.
- Increase the risk of flooding including flooding into low-lying gardens beside the site that suffer from existing surface run-off when the heavy local soils are water-logged and the local stream breaks its banks.
- Increase pressure to build school classrooms on Woodthorpe's only playing field.
- Increase the number of families whose ability to meet their needs conveniently depends upon an absence of snow and ice because proposed estate roads are just as steep and exposed to the weather and shaded by buildings which block the warmth of the winter sunshine as existing streets within Woodthorpe are that present this problem to their residents.
- Reduce and / or block natural light and sunshine from reaching west-facing gardens, conservatories and windows that overlook the development site and increase dependency upon artificial light especially in the darker winter months.
- Reduce the tranquillity of homes and the village by bringing increased levels of noise.
- Reduce the special quality of the place and local life by replacing birdsong with domestic noise after construction noise is past.
- Degrade the character of Woodthorpe as a special place to live, impoverishing housing choice in the Borough.
- Reduce privacy for residents who have accepted short back gardens facing the development sites because they respect the historic western village boundary and because farmland presents no threat to privacy.
- Increase local fear of crime because criminals who are currently exposed to view if they attempt to break into gardens that face the site will be screened from wider public view and will be given the cover of 'anonymous approach' by new buildings and back gardens abutting existing village boundaries.
- Increase anxiety amongst local people who already suffer from uncertainty imposed by HS2 by building homes that will channel and magnify incident noise from HS2 onto existing homes.
- Increase the fear of the impacts of HS2 by reducing the scope for HS2 Ltd. to plant trees to mitigate impacts on existing homes.
- Subject new families to the intolerable anxieties that persistent uncertainty about HS2 is causing to existing residents – anxieties that will be amplified by knowledge that their prospects of relief are worse than those of existing residents.
- Increase incidents of road-rage on local streets as traffic congestion is made worse.

- Reduce the credibility of the Borough Council that has pledged in its Local Plan to reduce car dependency, to defend important open landscapes and to do its utmost to help the village and community of Mastin Moor. Failing to prevent over supply in the local housing market will undermine the ability of new development attached to Mastin Moor to support regeneration inside that village.
- Reduce the credibility of the Planning Inspectorate that has already dismissed the challenge raised by this proposal to extend Woodthorpe to the West.
- Reduce the credibility of the Borough Council as a consistent decision-maker because it recently refused planning permission for a much smaller, much less prominent housing development between Woodthorpe and Netherthorpe on Bridle Road (See Appendix One).
- Weaken the Borough Council's ability to defend its Local Plan having granted permission for a proposal that is opposed by key policies of the Core Strategy (See Appendix Two).
- Endanger other important open countryside across the Borough by setting a very dangerous precedent for house-building on open Greenfield sites.
- Destroy a prominent Greenfield site.
- Destroy some of the best, most versatile and productive farmland in the Borough that the Local Plan has promised to protect.
- Make deprivation worse by putting more pressure on local public services and facilities than the development can possibly relieve.
- Increase the carbon footprint of the Borough to a needless and disproportionate extent without compensating regeneration gains elsewhere.
- Increase air-quality problems by increasing traffic and traffic congestion on local roads.
- Encourage unhealthy lifestyles because the remote location of the development site will discourage cycling and walking to work, to shops, to public services and to leisure facilities that people need.
- Increase the number of homes that are at risk of mining subsidence.
- Increase the threats that traffic poses to public health and safety.
- Increase the hazardousness of local roads and footpaths by increasing traffic levels that will especially endanger children.
- Increase the nuisance of light pollution for families used to getting a good night's sleep.
- Destroy the pleasant open aspect of back gardens and replace it with an oppressive degree of enclosure that is alien to village life on the margins of open countryside.
- Impose brand new problems caused by overlooking neighbours and overbearing structures where they have never been features of local life before.
- Increase disturbance from strong prevailing westerly winds by funnelling and accelerating those winds between randomly placed houses.
- Increase the number of houses in the local housing stock that exclude families with mobility difficulties because estate roads serving them are too steep for wheelchair users.
- Degrade a special landscape by imposing an inappropriate housing estate that is dominated by cul-de-sacs which by its design proves that there is no possibility of creating good urban design in such an unsuitable location.
- Put houses in the wrong place where they are not needed and not welcome instead of putting houses where they are urgently needed which is in an extension of Mastin Moor.
- Contribute nothing to improving walkways and bridleways in Woodthorpe.
- Reduce the pleasantness of Woodthorpe's footpath network by increasing traffic levels and congestion alongside it.

- Reduce the credibility of the Borough Council as an authority committed to upholding the wishes of local people and the investment local people have made in paying for a sound Local Plan that opposes inappropriate development such as this proposal is.
- Increase local problems of traffic congestion, car dependency, shortage of school places etc. which local people know depress local house prices and the attractiveness of Woodthorpe to homebuyers and therefore increase reasonable doubts that the development will be profitable and successfully built.
- Overrule key national planning policies (See Appendix 3).
- Expose the developer to unknown levels of business risk because local people know that whether or not HS2 is built uncertainty about it is harming the local housing market and threatens the profitability of the proposed development.
- Harm the credibility of the Borough Council which is supposed to base its decision on reasonable prospects of housing delivery because until the question of HS2 and its environmental impact is settled uncertainty about its impacts on the local housing market stubbornly remains and cannot reasonably be dispelled.
- Expose the Borough Council to legal challenge for having made a decision without due regard to its Local Plan and key policies within it that are not out of date.
- Expose the Borough Council to legal challenge for having abandoned the good sense of its Local Plan, despite knowing that uncertainty about HS2 itself undermines certainty about the profitability and deliverability of the proposed development.
- Permanently discourage local people from engaging again with officers and the Local Plan process in the future by destroying at a stroke all the progress that has so far been achieved by local communities in Woodthorpe and Mastin Moor who have been working hard in partnership with each other and with officers to build a positive vision for their part of the Borough that depends upon keeping the development site open.
- Encourage developers across the Borough to ignore the wishes of local people and to make no effort to engage with local communities or community groups.
- Permanently and irreparably degrade the intrinsic value of the local landscape by reducing its variety and destroying its most prominently open and unambiguously rural part (See Appendix 4).
- In addition, the applicants and their agents do not to our knowledge live in Woodthorpe, Mastin Moor, Lowgates or Netherthorpe. Accordingly they do not know as much about local conditions – such as the importance of keeping local landscapes open; the fear and uncertainty that HS2 has brought to people's lives and the housing market and; the growing incidence of road rage that growing traffic congestion has brought – as local people do. WVCG and other community groups have a high public profile and yet the applicants and their agents have not to our knowledge made any attempt to engage with any local person who will not profit from planning permission being granted. The multiple assertions that accompany the application should be accorded no weight where they contradict local knowledge.
- Local people resent being told that others know better than they do, what is good for them or what will not do them harm. Despite their bad start, WVCG invite the applicant to withdraw this ill-conceived application and to meaningfully engage with the Local Community. This is clearly in the applicant's best interest and officers who – in accordance with local and national policy – should already have encouraged engagement with the local community should repeat that encouragement now.

APPENDIX ONE

CHE/14/00105/OUT: CLEAR PRECEDENT FOR REFUSAL OF PLANNING PERMISSION

On 1st May, Planning Permission for four new 2/3 bedroom houses at Woodthorpe Grange Farm, 27, Bridle Road, Chesterfield, Derbyshire S43 3BY was refused for the following reasons:-

- 1) Failure to comply with criterion (a) or (b) of CS10.
- 2) Failure to comply with CS1 and CS2 because the development was:-
 - (i) On Greenfield land.
 - (ii) On land that is outside the regeneration priority area.
 - (iii) Unable to demonstrate delivery of wider sustainability benefits to the area.
 - (iv) Outside reasonable walking and cycling distance of a town, district centre, local centre, not well served by public transport.
 - (v) Not shown to meet a special development need in the area.
- 3) Such failure in (1) and (2) outweighing paragraph 14 of the NPPF.
- 4) Unacceptable impact on a non-designated heritage asset.
- 5) Insufficient information with regard to impacts upon protected species.

The current proposal fails these same tests and others too. Notably the current proposal is to suburbanise the greater, most prominent and most commonly seen part of the strategic gap that was established in accordance with Examining Inspector's requirement between Woodthorpe and Netherthorpe and is located where it will threaten regeneration at Mastin Moor by creating a condition of oversupply in the local private sector housing market. The proposal that was refused in May 2014 was in a far less prominent location and of a far lesser scale than the current proposal.

To be consistent, the Borough Council should refuse planning permission for the current proposal.

APPENDIX TWO

OBJECTIONS ARISING FROM LOCAL PLAN AND CORE STRATEGY POLICIES

The relevant parts of the adopted Core Strategy that support WVCG's objections are:-

1. **Spatial Portrait Areas Paragraph 2 – 40**

“The Eastern Villages are few smaller settlements separate from the rest of the urban parts of the Borough. These are Mastin Moor, Woodthorpe, Poolsbrook and Duckmanton, all of which flourished when employment was available locally in the coal mines. The last of these local mines, Markham Colliery and the nearby Bolsover Colliery eventually closed in 1993. Since then three of the four communities have faced similar difficulties to those of Barrow Hill in respect of deprivation and high unemployment, the exception being Woodthorpe. Services have dwindled in all four but Mastin Moor and Duckmanton are relatively well-served by public transport. Mastin Moor and Duckmanton are both characterised by special housing, with most homes being of one size and tenure, resulting in social imbalance and not meeting the diverse needs of local people”.

The application proposes development that will do nothing to improve this spatial portrait and everything to make it worse – socially, economically and environmentally. If the development is built, its negative, social and economic impacts will include:-

- Increased pressure on overstressed services (including education and health services) reducing their availability to existing residents in Mastin Moor and Woodthorpe and immediately creating new households who are disadvantaged and deprived;
- Increased pressure on bus services where they are weakest, reducing their availability to local people.
- Increasing welfare dependency for people needing jobs in Mastin Moor by placing new households closer to local job opportunities at Staveley and Markham Vale and therefore at a competitive advantage.
- Setting a powerful precedent supporting urbanisation of open space between Mastin Moor and Lowgates and the potential amplification of negative social and economic impacts.

If the development is built, its negative environmental impacts will include:-

- Significantly degrading the distinctiveness and intrinsic value of the Borough landscape by urbanising the greater and most prominent and most commonly seen part of open land that establishes Woodthorpe as a settlement that is visibly separate from the urban area of Chesterfield and qualifies it as an Eastern Village especially as seen from inside Staveley and Netherthorpe and the Green Belt.
- The setting of a powerfully negative precedent supporting urbanisation of open land between Mastin Moor and Lowgates, which would disqualify Mastin Moor too as an Eastern Village to the detriment of the distinctiveness and intrinsic value of the Borough landscape.
- An unacceptable increase in the scale of Woodthorpe so that it will no longer be seen and perceived from the most commonly used vantage points as a small settlement to the detriment of the distinctiveness and intrinsic value of the Borough landscape which depends upon a visible sequence of settlements that reduce in size as the distance to Chesterfield increases.

- The setting of a powerfully negative precedent supporting the urbanisation of open land between Mastin Moor and Lowgates so that Mastin Moor will no longer be seen as a small settlement to the detriment of the distinctiveness and intrinsic value of the Borough landscape which depends upon a visible sequence of clearly separate settlements that reduce in size as the distance to Chesterfield increases.
- An unacceptable loss of village character at Woodthorpe, to the detriment of the distinctiveness and intrinsic value of the Borough landscape as a whole. This is because village character presupposes a settlement within a farmland setting and because Woodthorpe is the Eastern Village that is most intimately related to farming origins. The Proposal suburbanises the greater and most prominent and most commonly seen part of the open farmland between Woodthorpe and Netherthorpe to the detriment of village character.
- An increase in the pressure on local bus services where they are weakest, thereby encouraging and increasing the dependency of new and existing residents on the private car.

2. The Spatial Strategy for the Eastern Villages

“4.18 Barrow Hill, Duckmanton, Mastin Moor and Poolsbrook will be expanded to provide access to a choice of housing and services supported by community facilities, securing the long-term vitality and health of these villages. To do this, a selection of housing sites of a sufficient scale will be planned and delivered comprehensively, to offer maximum benefit to existing residents and businesses. This will be done in a way which respects the character and setting of neighbouring settlements”.

There is no intention in the Core Strategy to expand Woodthorpe but there is a clear intention to respect the setting of Woodthorpe. There is a clear intention to deliver the benefits of regeneration to Mastin Moor by promoting village expansion as a form of enabling development and a clear presumption that anything prejudicial to that aim will be resisted. Expansion of Woodthorpe would create over-supply in the local housing market and prejudice the delivery of regeneration benefits to Mastin Moor by threatening the viability of expansion plans for that village. Enabling development to support regeneration in Mastin Moor is not intended to take the form of an expansion of Woodthorpe because that would not respect the setting of Woodthorpe. The proposed development overturns these policies. It proposes expansion of Woodthorpe for its own sake and is a direct threat to regeneration in Mastin Moor.

“4.19 Barrow Hill, Duckmanton, Mastin Moor and Poolsbrook can all accommodate housing growth of varying scales. It will be necessary for most of the new houses to be on Greenfield land in well-designed, sensitive village extensions”.

Woodthorpe is not mentioned as an intended housing site and since the proposed housing on the application site will jeopardise the intended regeneration of Mastin Moor and spoil the farmland setting of Woodthorpe, it should be resisted by being refused planning permission.

“4.29 Broad locations for new housing are shown on the Key Diagram and will be in the following locations.....Regeneration Priority Areas (Barrow Hill, Duckmanton, Mastin Moor, Poolsbrook, Rother Ward)”.

Woodthorpe is not mentioned as an intended housing site and since housebuilding on the application site will jeopardise regeneration at Mastin Moor, it should be firmly resisted by refusing planning permission.

“4.31 Strategic Gaps give distinct identity to different areas, prevent neighbouring settlements from merging into one another and maintain open space.....(and).....are listed below and in CS1 and are shown on the Key Diagram. Strategic Gap Lowgates / Netherthorpe and Woodthorpe / Mastin Moor, Woodthorpe and Markham Vale”.

The clear intention is to keep land between Netherthorpe and Woodthorpe and between Lowgates and Mastin Moor open to protect local landscape quality and distinctiveness and to prevent neighbouring settlements from merging into one another. The Lowgates / Netherthorpe and Woodthorpe / Mastin Moor Strategic Gap is centred on the A619. The distinctiveness of the local area is defined by the clear transition between urban and rural character, which is specially marked to the south of the A619 where it is defined by a tract of open working farmland that is wider than the village of Woodthorpe and establishes:-

- The separateness of Woodthorpe from the urban area of Chesterfield especially from vantage points on the A619 within Netherthorpe.
- The small scale of Woodthorpe that is seen within a setting that is visibly larger than its urban area as seen from the A619.
- The village character of Woodthorpe as defined by a working farmland setting.
- A strong linear western edge defined by the historic growth of the village, to which later growth respectfully conformed so as to leave good-sized workable fields to the west.
- From vantage points on the A619 within Netherthorpe on the A619 the development site **IS** the setting of Woodthorpe.

The proposed development will urbanise the greater, most prominent and most commonly seen part of the open farmland between Woodthorpe and Netherthorpe and will cause catastrophic damage to all these key aspects of local distinctiveness in the area. It will also set a powerful precedent for the urbanisation of open land between Mastin Moor and Lowgates, which, being playing field and low-lying, is more at risk of challenge by developers than is the development site. For these reasons, the proposed development must be firmly resisted by a refusal of planning permission.

“4.32 The List (of Strategic Gaps) above reflects the position in October 2011, when the Council’s Green Wedge and Strategic Gap Indicative Assessment was approved”.

No new evidence or material consideration has arisen since October 2011 to justify anything less than committed defence of the openness of farmland between Netherthorpe and Woodthorpe. Part of that defence was made in the Core Strategy Examination Hearings by officers and representatives from the communities of Woodthorpe and Mastin Moor. Now it falls to Planning Committee to continue that defence by refusing planning permission for this proposal to spoil the distinctiveness of the local area by refusing planning permission for this development proposal which will urbanise the greater, most prominent and most commonly seen part of the open farmland between Woodthorpe and Netherthorpe.

“4.37 Regeneration Priority Areas are indicated on the Key Diagram. They are: Barrow Hill, Duckmanton, Holme Hall, Mastin Moor, Poolsbrook and Rother Ward”

“4.38 Regeneration including new development can address the needs of communities experiencing deprivation.....The Borough Council will seek to ensure that regeneration addresses the needs of households experiencing

deprivation by seeking new facilities and improvements to existing facilities for the benefit of the local community”.

The Borough Council are committed to seeking regeneration benefits at Mastin Moor. A key part of that search must be to prevent threats to the delivery of new facilities and improvements to existing facilities in Mastin Moor. Such a threat is posed to the community of Mastin Moor by the present application for planning permission to build private sector housing at Woodthorpe. The local housing market is vulnerable to over-supply and is suffering because of chronic and persistent uncertainty caused by indecision regarding HS2. **This is a clear market signal that must be recognised by the Borough Council** who must respond to that signal and that threat to the well-being of the community of Mastin Moor by firmly resisting the current application and refusing planning permission.

“CS1 Regeneration Priority Areas. The Council will maximise development opportunities that offer regeneration benefits to communities in areas suffering from multiple deprivation....(including at)....Eastern Villages – Barrow Hill, Duckmanton, Mastin Moor, Poolsbrook”.

Part of the pledge to maximise development opportunities for the sake of Mastin Moor residents must be to eliminate threats to the regeneration of Mastin Moor. The current application poses a direct threat to the regeneration of Mastin Moor because it produces housing growth other than by the expansion of Mastin Moor (and therefore in an inappropriate location) that will lead to oversupply in the local housing market. That market has been chronically and persistently weak and is currently undermined **by persistent indecision about HS2 and its unknown impacts**. Such oversupply will further depress house prices and make new development that is intended to regenerate Mastin Moor less than optimally viable. The current proposal is a direct threat therefore to the Council’s aim to **maximise** development opportunities that regenerate Mastin Moor and is contrary to CS1. For this reason, it should be refused planning permission.

“CS1 Strategic Gap and Green Wedges. Strategic Gap give distinct identity to different areas, prevent neighbouring settlements from merging into another and maintain open space.....The open character of Strategic Gap will be protected from development between:Lowgates / Netherthorpe and Woodthorpe / Mastin Moor.....

The broad locations of Strategic Gap and Green Wedges are identified on the Key Diagram and will be defined in detail in the Local Plan: Sites and Boundaries. The boundaries will be based on an assessment of the character of the proposed Green Wedge or Strategic Gap and its contribution to: the setting and identify of the Borough and its urban areas; landscape character; habitat and biodiversity; access to countryside and recreation; the ability to connect areas of green infrastructure; and the impact that development would have on the function of the Green Wedge or Strategic Gap”.

“Appendix 1 – Glossary

Strategic Gap

Land with predominantly open or rural appearance maintained to prevent neighbouring areas form merging into one another”.

The Lowgates / Netherthorpe and Woodthorpe / Mastin Moor Strategic Gap is shown on the Key Diagram to be a single tract of land straddling the A619 corridor. The Glossary defines Strategic Gaps as having a predominantly open or rural appearance. **This definition presupposes visibility all year round**. The Strategic Gap between Woodthorpe and Netherthorpe has been established in terms of “broad locations “although its boundaries remain to be determined in detail. It is reasonable to give great weight to the visibility of the Woodthorpe / Netherthorpe Strategic Gap

from the A619 corridor which bisects it and especially its visibility from inside the urban area of Chesterfield from the A619 inside Netherthorpe. The land between the western edge of Woodthorpe and the eastern edge of Netherthorpe has the following characteristics:-

- It is a mosaic of landscape character areas.
- It is prominently visible from the A619 and from Woodthorpe with its most prominent part being the application site.
- From vantage points along the A619 inside Netherthorpe, inside the urban area of Chesterfield, the development site is the only visible open land that visibly establishes Woodthorpe as a separate outlying settlement
- Only part of it is farmland in agricultural use and this part supports the visibly rural village character of Woodthorpe.
- It is locally known as wildlife habitat.
- Its east west dimension exceeds the east west dimension of Woodthorpe and visibly establishes the small scale character and appearance of Woodthorpe.
- It supports the visible market town character of Staveley which presupposes a rural setting between Netherthorpe and Woodthorpe that can be seen from Staveley including its Conservation Area.
- It separates the small settlement of Woodthorpe from the urban area of Chesterfield.
- It supports the visible fact that Woodthorpe is one of just four Eastern Villages in the Borough and its special character as the only Eastern Village with origins as an agricultural settlement.

To urbanise the application site as is currently proposed will:-

- Degrade the special mosaic landscape character of the Strategic Gap.
- Destroy its open and rural character across its greater, most prominent and most commonly seen part.
- Destroy wildlife habitat including trans-boundary habitat from important wetland INSIDE the urban boundary of Woodthorpe in contravention of the Habitat's Directive.
- Eliminate Woodthorpe's visible character as a smaller scale settlement and a distinctive characteristic of the landscape of the Borough which is that settlement size visibly diminishes with increasing distance from Chesterfield.
- Degrade Staveley's visible character as a historic market town which presupposes a prominent farmland setting of its own.
- Eliminate Woodthorpe's clearly visible character as a settlement that is visibly separate as seen from the urban area of Chesterfield on the A619 inside Netherthorpe.
- Eliminate one of Chesterfield's four Eastern Villages from the visible repertory of its landscape to the great detriment of its overall intrinsic value.
- Eliminate access to the enjoyment of open countryside including tranquillity, birdsong, wildlife, absence of noise, absence of light pollution, absence of overlooking development, absence of overbearing development that is such a crucial part of the quality of life enjoyed by the residents of Woodthorpe.

The tests that CS1 states will determine the boundaries of Strategic Gap do not include questioning to what extent the settlements to either side should be allowed to encroach upon the open and rural character of land between Woodthorpe and Netherthorpe. It is inconceivable that the Core Strategy can reasonably be interpreted to mean that permission for the expansion of Woodthorpe to the west, however harmful that might be to the regeneration of Mastin Moor, and nowhere else mentioned within the Core Strategy, will be included in the Local Plan during the Sites and Boundaries phase.

By every published test of CS1 the western boundary of the southern limb of the Lowgates / Netherthorpe and Woodthorpe / Mastin Moor Strategic Gap should be fixed at the existing western boundary of Woodthorpe and should extend at least as far to the east and south as that western boundary is visible from the A619.

By every published test of CS1, the application site lies across the greater, most prominent and most commonly seen part of the Woodthorpe / Netherthorpe Strategic Gap.

It is for the applicant to establish that this is beneficial to the landscape of the Borough. It is for the applicant to try to win an argument so emphatically lost at the Core Strategy Examination Hearings and finally when the Core Strategy was adopted in July 2013 – just 18 months ago.

That case cannot be made because the application proposes development that is undeniably harmful to the intrinsic value of the landscape of the Borough.

The application is contrary to CS1 and should therefore be refused planning permission.

“Appendix B Monitoring and Review Framework” CS1 Strategic Gap/ Green Wedges

<u>Strategic Objective</u>	-	S7
<u>Target</u>	-	No net loss of or inappropriate development.
<u>Indicator</u>	-	Loss of, or inappropriate development within Strategic Gap/ Green Wedges.
<u>Trigger</u>	-	More than one appeal allowed for development within Strategic Gap/ Green Wedges.
<u>Contingencies</u>	-	Review reason for decision. Review available previously developed land for development needs; amend sites and boundaries allocations if necessary”.

The Strategic Gap exists between Woodthorpe and Netherthorpe and is of rural and open landscape character. The proposal is to urbanise the greater, most prominent and most commonly seen part of the open farmland component of that landscape. The Borough Council is pledged to defend its target of no net loss of such precious landscapes, to fight proposals at Appeal if necessary and to review its Local Plan if just one application to violate open land between settlements is approved at Appeal. The Borough Council should firmly resist this first attack on its new Policy CS1 by refusing planning permission and by defending that decision at appeal if necessary.

“CS2 – Principles for the Location of Development”

The development fails the following tests of CS2:-

- a) Far from delivering the Spatial Strategy, it will frustrate the Spatial Strategy in CS1. It will not support a walkable or cyclable community, being too far from the service centre of Staveley which is 2 km away. Nor will it promote an inclusive

community because the estate roads and pavements are too steep for wheelchair users and people with any kind of mobility difficulty to use. It directly threatens delivery of regeneration at Mastin Moor and is not in the right place to be part of the Regeneration Priority Area itself. Instead it will harm the viability of new development in the Regeneration Priority Area so that if it is built it will serve to defeat the Council's stated aim of maximising opportunities for regeneration in Mastin Moor. Furthermore, by urbanising the greater, most prominent and most widely seen part of the farmland between Netherthorpe and Woodthorpe, it will irreparably harm the intrinsic value of the Borough landscape which is made distinctive by the small scale, village character and visible separation of Woodthorpe from the urban area of Chesterfield. Having destroyed the intrinsic value of the landscape locally, there will not be sufficient quality left to justify the establishment of a Strategic Gap between "Woodthorpe as extended" and Netherthorpe.

- b) The development site is not on previously developed land.
- c) The development will be built on some of the best and most versatile agricultural land within the Borough.
- d) Whilst degrading the local landscape, it will not support any regeneration and worse it will undermine the viability of the new development that the Council intends to be built in the form of an extension of Mastin Moor by creating oversupply in an already fragile local housing market.
- e) The development will further overstress existing social infrastructure and is yet too small to support meaningful improvements to that infrastructure either by onsite or offsite contribution.
- f) The development is too remote from the nearest service centre which is Staveley to encourage or maximise opportunities for cycling or walking and places new households where existing bus services are weakest. As a result, the development will encourage car dependency.

Furthermore:-

- i) The development does not need to be where it is proposed. In fact the opposite is true. To conserve and enhance the intrinsic value of the landscape, the Borough needs inappropriate development such as it is to be built elsewhere. In order to maximise the opportunity for regeneration at Mastin Moor arising from the planned extension of Mastin Moor both the Borough and the community of Mastin Moor need such developments to be built elsewhere. In order to prevent dangerous precedents that threaten Strategic Gaps being set, the residents of Woodthorpe, Mastin Moor, Lowgates, Netherthorpe, Tapton, Brimington, Staveley, Hollingwood and Middlecroft all need this development not to be built.
- ii) It is not required to regenerate the site but will instead degrade the immediate setting of Woodthorpe and the intrinsic value of the wider Borough landscape and it is not required to support existing local facilities because these are already overstressed and overdeveloped on their sites.

In addition, the development proposed will devastate the residential amenity of adjoining residents by replacing the amenity of the countryside with:-

- Noise problems.
- Odour problems.
- Air quality problems.
- Traffic problems.
- Light pollution problems.
- Overlooking problems.
- Overshading problems especially in winter.
- Severance of local people from wildlife they actively support including newts on a pond site WITHIN the boundary of Woodthorpe.

- An oppressive sense of enclosure especially where two-storey development is proposed.

The Key Diagram

The Key Diagram shows the Broad Locations of Strategic Gap and Regeneration Priority Areas around Woodthorpe. A purple star symbol is used to indicate the broad location of Regeneration Priority Areas. The symbol for the Mastin Moor Regeneration Priority Areas is located far to the east of the development site, east of the upper crossroads of Mastin Moor where an extension of Mastin Moor can be made without compromising the Green Belt or disrespecting the setting of Woodthorpe. The only other relevant designation is the Lowgates / Netherthorpe and Woodthorpe / Mastin Moor Strategic Gap. This is represented by an ellipse hatched green. This symbol is unique on the diagram because it changes in size to reflect the broad location of Strategic Gaps. The Lowgates / Netherthorpe and Woodthorpe / Mastin Moor Strategic Gap is centred to the south of the A619 and extends as far east as the western boundary of Woodthorpe, as far west as the eastern boundary of Netherthorpe and as far south as Bridle Road in Woodthorpe where it meets the Woodthorpe and Markham Vale Strategic Gap that was added at the special request of WVCG. Crucially, the two symbols are not the same size but vary with the extent of the area of land each is broadly intended to cover. Much clarity is missing because of the limitations of a rigidly geometric computer generated shape. Across the Borough there are minor interstices between the geometric shape of the symbol and the irregular shape representing the actual urban boundaries of settlements like Woodthorpe and Netherthorpe that the Planning Inspectorate required to be kept apart to promote patterns of sustainable development across the Borough. No weight should reasonably be attached to these minor interstices. To argue that they are significant would be to attempt to deny the purpose of Strategic Gaps; to deny the functional and landscape character tests that CS1 states will determine Strategic Gap boundaries; to deny the clear reference to existing urban boundaries which alone makes sense of naming Strategic Gaps for the settlements that they are intended to separate; to interpolate an absent test into CS1 whereby strategic boundary tests will include an assessment of by how far each settlement can harmlessly be allowed to encroach upon open and predominantly rural land that is of an essentially unified character; and to change the meaning of settlement names so that “Woodthorpe” is the same as “Woodthorpe after it has been expanded to the west”.

The Key Diagram makes two facts very clear. First, the proposed development site is OUTSIDE the Regeneration Priority Area of Mastin Moor. Second, the proposed development site is wholly INSIDE the Woodthorpe/Mastin Moor and Netherthorpe/Lowgates Strategic Gap. Undeniably these two facts prove that the development proposal is wholly inappropriate and irreparably harmful. Beyond any reasonable doubt the proposal is for unsustainable development.

The current proposal is wholly inappropriate and is a direct threat to the Spatial Strategy, the intrinsic value of the Borough landscape and the success of regeneration plans for Mastin Moor.

The application should and must be refused planning permission.

“CS3 Presumption in favour of Sustainable Development”

The application fails the tests of CS3. The application is not in accordance with the Local Plan since it fails every test of CS1 and CS2.

One relevant policy – the 5-year housing target – is out of date but there are other material considerations to take into account because the Core Strategy is about more than just the provision of houses in numbers. CS1 and CS2 require that

development should be in the right place to support protection of the valued characteristics of the landscape of the Borough and to support the regeneration of settlements like Mastin Moor. These policies are relevant and they are not out of date. Nor is the national planning policy framework requirement out-of-date that insists development should deliver social, economic and environmental benefits simultaneously instead of their opposite (which is what the current application proposes). The Core Strategy reflects the current aspirations of local communities and the communities of Woodthorpe, Mastin Moor and Lowgates. The current application does not.

Another material consideration is the fragility of the local housing market which is a key market signal that cannot be ignored. Uncertainty about HS2 is partly to blame. **It is a fact that uncertainty about HS2 exists and that it has impacted upon the local housing market in a severely negative way.** It is not possible for anyone to replace that persistent uncertainty with certainty. Any statement made about deliverability in these circumstances is assertive conjecture. No-one knows if customers can be found who are bold enough or unwise enough to take up residence in dwellings that might suffer catastrophic loss of value and residential amenity should HS2's preferred route be confirmed.

“CS4 Infrastructure Delivery”

No amount of infrastructure delivery can either mitigate or compensate the simultaneous social economic and environmental damage that the proposed development promises to bring to Woodthorpe. The proposal fails the test of CS4 and should be refused planning permission.

“CS5 Renewable Energy”

Any minimal benefits in regard to renewable energy generation will not satisfy the tests in CS5 that require impacts on natural landscape and townscape to be minimised.

“CS6 Sustainable Design and Construction”

Insufficient evidence has been presented to demonstrate how the new development will meet Code for Sustainable Homes Level 4 or BREEAM residential VERY GOOD.

Insufficient evidence has been submitted to demonstrate how sustainability has informed the design proposals. Lacking these key supporting statements, the development proposal is unjustified by CS6 and is invalid.

“CS7 – Flood Risk”

There is local knowledge of flood and land drainage problems that will be made worse by the development. Some local gardens are low lying with regard to the development site and are at risk from run-off from gardens proposed immediately adjacent and above their own. This will cause flooding problems. Mitigating them will add major costs which threaten the viability and deliverability of the proposal.

Under CS7, the Borough Council pledges to direct development proposals to locations with the least impact on flooding. The development proposal fails this key test because it is not a location having the least impact on flooding.

“CS8 Environmental Quality”

The proposal will add to traffic congestion to the detriment of air quality. No measures are proposed to mitigate this impact.

There is local knowledge of unstable ground. There remains therefore a reasonable doubt about the deliverability of the proposal because mitigating unstable ground, if it is possible, reduces the viability and deliverability of the proposal.
The application fails key CS8 tests.

“CS9 Green Infrastructure & Biodiveristy”

The proposed development fails the following CS9 tests because:-

- a) It will harm the character and functioning effectiveness of the Netherthorpe / Lowgates and Woodthorpe / Mastin Moor Strategic Gap by urbanising the greater, most prominent and most commonly seen part of the farmland between Woodthorpe and Netherthorpe especially from vantages points inside the urban area of Chesterfield on the A619 inside Netherthorpe and;
- b) It will reduce connectivity between green infrastructure by urbanising trans-boundary habitat that currently serves wildlife populations in the Netherthorpe Flash Nature Reserve and within the urban boundary of Woodthorpe and within Woodthorpe quarry.
- c) It will not increase the potential for cycling, walking and horse-riding having estate roads that are too steep for horses, pedestrians with mobility difficulties and all but the fittest cyclists and which take a cul-de-sac form attached to and relying upon already overstressed offsite highway infrastructure.
- d) Degrades the local distinctiveness and character of the landscape by substituting a suburban cul-de-sac estate with estate roads that run very prominently at right angles to local land contours for the greater, most prominent and most widely seen part of farmland within the Woodthorpe / Netherthorpe strategic gap.
- e) It reduces the Borough’s biodiversity by harming habitat and trans-boundary habitat.

For these reasons, the development fails the tests of CS9 and should be refused planning permission.

“CS10 Flexibility in Delivery of Housing”

Despite the circumstance that the Borough Council has failed to allocate a 5-year supply of deliverable sites, the proposal should be refused planning permission because:-

- a) It fails to satisfy the tests in CS1 and CS2 and;
- b) There is no specific housing need within Woodthorpe to be met anywhere in the village.

Furthermore, there is great uncertainty about HS2 Phase 2 which is most likely on current evidence to adopt its preferred route. There is no need to place new households where uncertainty is greatest.

There is a need to protect all designated strategic gaps across the Borough by not allowing inappropriate residential developments like that currently proposed to be built within them.

There is a Borough-wide need to protect the intrinsic quality and distinctiveness of its landscape which on the application site amounts to an urgent need to prevent urbanisation of farmland which visibly defines Woodthorpe as an Eastern Village of special village character uniquely rooted in farming origins especially as it is seen from inside the urban area of Chesterfield on the A619 inside Netherthorpe.

The proposed development fails each of these tests of CS10 and should be refused planning permission.

“CS11 Range of Housing”

The proposed development degrades the local sense of place contrary to the “Successful Places” DPD and places new families where access is difficult because estate roads are over-shaded in winter and steep.

The proposal fails the test of CS11 and should be refused planning permission.

“S.69...Some schools in the Borough are oversubscribed, particularly in Woodthorpe and Brampton. In addition, where schools have spare capacity their facilities may be in need of upgrading. New development should not put undue pressure on these facilities”.

No material change of circumstance has arisen since July 2013 to alter the truth and wisdom of the above statement. The proposed development will put additional stress on already over-taxed schools and will place new households at a competitive advantage for school places over the residents of Mastin Moor who live further away from the schools. This would be grossly unjust and unfair and would deny local people access to facilities to which they already have too limited access.

The proposal will increase deprivation in Mastin Moor and should be refused planning permission.

“CS17 Social Infrastructure”

The proposal will increase social deprivation in Mastin Moor because it will place new families closer to educational and bus services that people in Mastin Moor need and reduce their access to them.

By channelling as much housing growth as the local housing market can stand towards the Mastin Moor Regeneration Priority Area, whilst respecting the setting of Woodthorpe – all in accordance with CS1 – there is an opportunity to maximise opportunities for the delivery of social infrastructure to the community of Mastin Moor in accordance with the following provision of CS17: “Opportunities to deliver new or enhanced provision as part of new developments will be maximised, depending on the capacity and suitability of existing services” (which are severely over-stressed).

In determining the current application, the impact upon the effectiveness of the Mastin Moor Regeneration Priority Area should be a material consideration of prime importance. Nothing must be permitted to increase deprivation in Mastin Moor. Failing the test of CS17 and promising to increase deprivation in Mastin Moor, the current proposal should be refused planning permission.

“CS18 Design”

The proposed development will devastate the distinctiveness of the Local Borough landscape irreparably harming its intrinsic value. In place of farmland that qualifies Woodthorpe as an Eastern Village with special village character, the development will impose a suburban cul-de-sac across the greater, most prominent and most commonly seen part of the precious farmland between Woodthorpe and Netherthorpe. In addition, the development fails every test of CS18 as follows:-

- a) It proposes a prominent suburban cul-de-sac that will add nothing to the distinctive character of the Borough but will instead impoverish the quality of the existing place.
- b) It fails to respect the character form and setting of the site by eliminating its valued landscape characteristics.

- c) It imposes a conventional suburban density wholly inappropriate to a special village setting.
- d) It proposes to contribute nothing to the vitality of the setting for people or wildlife.
- e) It proposes to contribute nothing to the attractiveness of boundaries between existing homes and new homes. The boundaries will be ordinary fences.
- f) It provides no new connections for cycling or pedestrians and instead parasitically attaches itself to already overtaxed transport infrastructure and promises to degrade the driving, walking and cycling experience of the streets of Woodthorpe.
- g) It attaches itself to already overtaxed streets that are already dangerous for school children and promises to make that situation far worse.
- h) It proposes inconveniently steep roads that will be impassable by all in snowy weather, just as other streets in Woodthorpe already are and that will be inconveniently steep for all and inaccessible for wheelchair users and others with mobility difficulties.
- i) It degrades the landscape character and biodiversity of the Borough by proposing a suburban cul-de-sac in place of prominent farmland that visibly establishes Woodthorpe as an Eastern Village.
- j) The steep estate roads will provide access problems especially for wheelchair users.
- k) It proposes unacceptable impacts upon the amenity of users and neighbours promising to deliver problems of overlooking, problems of privacy, problems of overbearing development scale and enclosure, problems of over-shading, problems of water run-off onto existing lower lying gardens, problems of noise, problems of odour and problems of air quality. Existing properties were built with short back gardens to respect village scale and setting. This shortness makes existing residents especially vulnerable to overlooking, over-shading, loss of privacy and noise. If HS2 is built, new structures will amplify and channel incident noise towards existing residents.
- l) The design proposes anonymous approach to vulnerable back gardens increasing local fear of crime.
- m) It proposes to degrade the rural tranquillity and sever access to the delights of observing and supporting local wildlife upon which the amenity of existing residents depend and to deliver light pollution problems because most new properties face directly onto hedgerows that are used by bats as foraging ground and onto existing properties that currently enjoy darkness at night.

“CS20 Influencing the Demand for Travel”

National Policy requires the Borough to make use of sound science. The most relevant science is contained within Derbyshire County Council’s North Derbyshire Transport Study procured from Scott Wilson that is included in the evidence base of the Core Strategy. That Transport Study found that Mastin Moor and Woodthorpe are together the most car dependent sites within the Borough. Any housing development in this location must be justified by its ability to deliver regeneration benefits in Mastin Moor. Far from doing that, the proposal will increase deprivation at Mastin Moor by placing new households at an unfair advantage in the competition for access to overtaxed social infrastructure. In addition, the proposal will encourage dependency upon high emission vehicles and since the bus services at Woodthorpe are the weakest in the local area that means increased dependency on the private car. The proposal fails every relevant test of CS20:-

- It will increase traffic congestion
- It will reduce environmental quality
- It will discourage active lifestyles
- Being in the wrong place efforts to increase cycling and walking from the site are likely to fail.

- It does not prioritise pedestrian and cycle access to and within the site but instead attaches itself to existing overtaxed streets and footpaths of a suburban character.
- It does not deliver access to the strategic cycling and pedestrian network except indirectly.
- It does not include proposals for car clubs and any such proposals are unlikely to succeed.
- It is too small in scale to deliver meaningful improvements to the public transport system and will instead increase pressure on overtaxed bus service infrastructure where it is weakest.
- It includes no provision for charging electric cars.
- The entirety of its negative impacts upon the highway network are proposed without mitigation, promising to make existing problematic conditions worse.

Failing every test within CS20, the proposal should be refused planning permission.

The Proposal contradicts and finds no support in Key Retained Policies of the Replacement Chesterfield Borough Local Plan 2006, which remain in force and include:-

“EVR2 Development in the Open Countryside and Other Open Land”.

The Proposal is to urbanise important open land and to destroy the openness of the prominent Estate Farmland landscape buffer that lies between the urban area of Woodthorpe and the Riverside Meadows landscape of the River Doe Lea. This will directly and indirectly impact upon the vitality of the designated wildlife sites CH012 (Doe Lea Flash), CH052 (Netherthorpe Flash), CH051 (Pinnock (Norbriggs) Flash). This will overturn the purpose and effectiveness of having retained the open countryside designation of EVR2 as a safeguard for the distinctiveness and quality of the landscape of the Borough because if the development is granted planning permission, it will set a dangerous precedent for development elsewhere across the Borough that like itself will:-

- a) Be outside settlement frameworks in unsustainable car dependent locations.
- b) Seriously harm the open character of the countryside where it is especially vulnerable because of its prominence and narrowness and its high quality and where there is a direct and indirect impact upon designated wildlife sites as a result of bringing urban areas to the very boundaries of recognised Riverside Meadows and riverside environments.

APPENDIX THREE

OBJECTIONS ARISING FROM NATIONAL PLANNING POLICY

Not One Single Policy of the National Policy Framework Supports The Proposal

Paragraph 1

Stresses the importance of “distinctive Local Plans, which reflect the needs and priorities of their communities”. The proposal is a direct attack on the two key interlinked local priorities of the community and the Core Strategy which are to keep land between the Eastern villages of Woodthorpe and Mastin Moor and the built up area of Chesterfield permanently open BOTH to preserve distinctiveness in the local landscape AND to channel all market-led housing development east of the Doe Lea River towards an urban extension of Mastin Moor so as to harness as much investment as possible to the task of regenerating Mastin Moor.

Paragraph 2

Reminds the Borough that it is the law to determine this application in accordance with the Local Plan unless material considerations indicate otherwise. The weight of evidence is clearly against the development and planning permission should be refused accordingly.

Paragraph 6

Reminds the Borough to support sustainable development which is defined in the UK Sustainable Development Strategy as living within the planet’s environmental limits; ensuring a strong healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science.

By the 5 tests in the UK Sustainable Development Strategy the proposal performs very badly:-

- 1) Living within the Planet’s Resources: The proposal consumes productive farmland and wildlife habitat to create a suburban housing estate permanently wasting landscape distinctiveness as a community asset.
- 2) Ensuring a strong healthy and just society; the proposal encourages unhealthy car dependent lifestyles and works against fair play for Mastin Moor by diverting housing investment away from the Mastin Moor Regeneration Priority Area.
- 3) Achieving a sustainable economy: the proposal encourages car dependency and commuter lifestyles increasing the likelihood that new spending power and skills will be lost outside the Borough.

- 4) Promoting good governance: Local people have engaged with local officers and the Core Strategy Examination process to create a joint vision into which the proposal does not fit. The Borough faces its first major test of its commitment to honour the aspirations and needs of local people. The proposal is an attack on the credibility of public participation in planning.
- 5) Using sound science responsibly: The evidence base of the Core Strategy includes Derbyshire County Council's authoritative analysis of sustainable sites across the Borough – the North Derbyshire Transport Study. In that objective document sites east of the Doe Lea River are identified as the least sustainable locations for house-building in the Borough. In addition, housing market signals identify the vulnerability to oversupply of the housing market east of the Doe Lea River and the damage that fear of HS2 has done to the local housing market. Taken together, these facts prove that regeneration in Mastin Moor depends upon focussing all housing growth east of the Doe Lea onto a single masterplanned site that is an urban extension of Mastin Moor located as far as possible from the preferred route of HS2. Sound science condemns the current proposal as wholly inappropriate. The responsible decision in pursuit of sustainable development is to refuse planning permission for it.

Paragraph 7

Economically the proposal is harmful – placing families where they are encouraged to become car dependent communities contributing to spending leakage outside the Borough whilst diverting investment away from the Regeneration Priority Area of Mastin Moor where it is urgently needed.

Socially the proposal is harmful – robbing Mastin Moor of its best chance to secure funds through the Regeneration Priority Area for its regeneration and promoting injustice by placing new families closer than existing residents are to and therefore ahead in the queue for oversubscribed social facilities like school places and surgeries.

Environmentally the proposal is harmful – destroying distinctive landscape variety and key landscape patterns in a highly visible way and encouraging dependency on high emission vehicles.

Paragraph 8

The proposal promises simultaneous social, economic and environmental harm which is the antithesis of good planning.

Paragraph 9

The proposal will degrade the environment and local quality of life:-

- It will promote commuter lifestyles and promote spending and skills leakage outside the Borough undermining investment in Chesterfield, Staveley and other employment centres.
- It will destroy wildlife habitat and destroy a farmland buffer that separates urban areas and from the local nature reserve at Netherthorpe Flash.
- It will sacrifice distinctive landscapes to suburban sprawl on a highly prominent site.
- It will spoil tranquil homes, add to traffic problems on local roads and spoil local walks in the countryside.
- It will degrade existing residential amenity and place new households where anxiety about the environmental impacts of HS2 are greatest more than cancelling out any alleged enhancement to the local housing stock.

These undeniable impacts far outweigh any benefits arising from increasing the local housing stock.

Paragraph 10

The proposal disrespects local landscape distinctiveness, tramples local aspirations and exacerbates local problems. It is the antithesis of good planning and would be a decisive step away from sustainable development patterns in the Borough.

Paragraphs 11 & 12

Further reminders to the Borough to stand by its Local Plan because material considerations that may favour the proposal are more than outweighed by material considerations that condemn it. The policies of the Core Strategy that are up-to-date far outnumber the out-of-date policies within it.

Paragraph 13

A reminder to the Borough to take the whole of the NPPF into account as a material consideration. Not a single paragraph of the NPPF supports the proposal.

Paragraph 14

A reminder to the Borough to stand by the relevant up-to-date policies of the Core Strategy that oppose this development and to refuse planning permission in this case because although the 5-year housing land target has been missed, the benefits of granting approval for less than 1% of the Borough's housing needs are significantly and demonstrably outweighed by the hugely harmful social, economic and environmental impacts that granting planning approval will bring.

Paragraph 15

The proposal is a prescription for the exact opposite of the Core Strategy's vision for achieving sustainable development. Instead of promoting "concentration", it promotes car dependency. Instead of "regeneration" to be achieved by focussing housing growth into an urban extension of Mastin Moor, it draws investment away from the Mastin Moor Regeneration Priority Area by promoting an urban extension of Woodthorpe that is nowhere mentioned in the Core Strategy. Instead of conserving and enhancing landscape distinctiveness it proposes urban sprawl across the most visible part of the newly designated Woodthorpe / Netherthorpe strategic gap.

The Core Strategy Policies are a clear prescription for sustainable growth and by every test they contain the proposal is inappropriate and should be refused planning permission.

Paragraph 16

The communities of Woodthorpe and Mastin Moor have positively engaged with officers within the Borough Planning Team. The vision that has been proposed is consistent with the Core Strategy and has no room at all for the current proposal.

Paragraph 17

The proposal fails every one of the 12 Core Planning Principle Tests:-

- 1) It is not plan-led but is a step away from the Core Strategy.
- 2) It will degrade the places local people live their lives by destroying landscape assets and tranquillity and by making local problems worse.
- 3) It ignores key market signals which support focusing housing growth on a single site attached to Mastin Moor as far away as possible from the threats of HS2.

- 4) It degrades the residential amenity of existing residents within their homes, their gardens and on their local streets and having exacerbated local problems imposes them upon new families. It also exposes new households to fear of HS2.
 - 5) It fails to recognise the intrinsic character and beauty of the countryside and proposes to urbanise its most important and indispensable part.
 - 6) It promotes reliance on high emission vehicles which is a step away from transition to a low carbon future.
 - 7) It will destroy landscape variety and landscape open-ness where these are indispensable qualities and characteristics and promotes pollution through increased reliance on high emission vehicles. It will destroy the most distinctive part of the local landscape and leave better placed, less valued, less visible sites undeveloped.
 - 8) It will discourage the re-use of brownfield land.
 - 9) It is the antithesis of mixed-use development containing no employment and no social facilities and no homes within comfortable walking distance of such facilities.
- 10) It will irreparably degrade the setting of Woodthorpe, the setting of the Quarry and the setting of Netherthorpe Flash Nature Reserve which are all highly prominent and highly valued local landmarks.
 - 11) It is a step away from sustainable growth patterns placing families where walking and cycling to work and to the facilities they need is neither convenient nor safe.
 - 12) It will contribute nothing to local needs and promotes unhealthy lifestyles by encouraging car dependency whilst making the local footpath network less attractive and more dangerous to use.

Paragraph 18

The proposal will be a step away from meeting the challenges of a low carbon future because by its inappropriate location it will inevitably encourage dependency on high emission vehicles.

Paragraph 19

Sustainable economic growth is not supported by commuter lifestyles and dependency upon high emission vehicles. This development proposal will encourage both because its location is inappropriate.

Paragraph 20

Local businesses need recruits who will not impose the costs of their dependence on high emission vehicles upon their employers. This proposal will make new employees vulnerable to wage freezes and global competition because the cost of travel imposed upon them by the outlying location of their homes will be an ever-increasing cost of living burden.

Paragraph 21

The proposal will increase local barriers to investment by degrading highly prized landscape; increasing traffic congestion; diminishing access to services that are already overloaded and diverting house-building investment away from sites where it will regenerate Mastin Moor.

Paragraph 23

The proposal will divert housing investment away from Mastin Moor and its village service and retail centre.

Paragraph 29

The proposal will undermine sustainable transport strategies by placing families in a rural area that is remote from the jobs and services they need. It will encourage dependency on high emission vehicles.

Paragraph 30

The proposal will encourage dependency on high emission vehicles.

Paragraph 31

The proposal will encourage commuting by car and increased traffic congestion on the M1 contrary to the shared aspirations of the Borough Council and its neighbouring Authorities.

Paragraph 32

The site is too steep for safe and suitable access by people with mobility difficulties like the elderly or wheelchair users. It therefore promotes exclusion within the housing stock.

Paragraph 34

The proposal will generate significant amounts of traffic and is inappropriately located in a rural area where local bus services are weakest and the local service centre which is Staveley is beyond comfortable walking and cycling distance.

Paragraph 35

- Being steep cul-de-sacs, the proposed estate roads will not promote the efficient delivery of goods and supplies.
- The proposal is dominated by carriageways for motorised traffic and gives no priority for pedestrians and cyclists. There is within the proposed development site no priority for pedestrians and cyclists. There is no priority for pedestrians and cyclists within any street in Woodthorpe and the proposal will increase local traffic and will make this local deficiency worse.
- No opportunity exists on this hill-side site and no opportunity has therefore been taken to avoid conflict between motorists and pedestrians and cyclists.
- People with disabilities need casual social contact outside their vehicles on streets that they can conveniently use. Local streets and the proposed estate road are far too steep to provide the level streets people with disabilities need to establish and maintain social contact. As a result, the proposal is a recipe for the increased exclusion of people with special needs.

Paragraph 36

The proposal is not supported by a suitable Travel Plan.

Paragraph 37

The proposal is a recipe for imbalance in land uses whereby new families will find themselves far from the jobs, shops and services they need so that making short journeys to meet their needs will be impossible. This will encourage unhealthy lifestyles that are dependent upon high emission vehicles as people travel to meet their needs. At the same time it will make local air quality worse.

Paragraph 38

Local primary schools are over-subscribed and by placing new residents closer to them than existing residents in Mastin Moor already are, the proposal increases the likelihood that existing residents will have to travel to meet their needs. The local service centre which is Staveley is outside comfortable walking distance. The service centre of Mastin Moor will be inaccessible on its hilltop location for new families with mobility difficulties. The proposal is a recipe for increased dependence upon high emission vehicles for new and existing residents.

Paragraph 42

There is no high speed Broadband in Woodthorpe. The proposal will put new households into information-access deprivation.

Paragraph 47

Meeting housing demand by approving this development would not be consistent with “policies set out in the NPPF because it is demonstrably unsustainable. The proposal fails all the key tests of deliverability, being:-

- | | |
|----------------|--|
| Unsuitable | - Promising social, economic and environmental harm that outweighs any conceivable benefit. |
| Not achievable | - There is an ineradicable question mark over the viability of the development. The commercial impacts upon the local housing market caused by fear of HS2 have been significantly harmful and the proposal is to build houses where likely environmental impacts from HS2 are greatest and prospects of compensation are least. No-one, not even HS2 Ltd in their many meetings with local community representatives Can dispel fears and uncertainties that cast reasonable doubt on the Viability and deliverability of the development proposal. That reasonable Doubt is unanswerable and inescapable and is reason to refuse Planning permission. |

Paragraph 49

The proposal raises far wider issues than the supply of housing and the desirability of meeting at most less than 1% of the Borough’s housing growth needs. **The Core Strategy is not exclusively a mechanism for the supply of housing and nor is the NPPF.** It is a strategy for placing development of all kinds in **suitable** locations – places where social, economic and environmental benefits will be delivered simultaneously. Not being deliverable because the site is not suitable and because market signals cast reasonable doubt on its viability the proposal does not qualify as a valid means to exploit the Borough failure to identify a 5-year supply of housing sites. Other adverse impacts far outweigh any conceivable benefits that granting permission for the proposal will bring. The price is just too high to pay. Refusal of planning permission is the appropriate response to this patently unsustainable and inappropriate development proposal.

Paragraph 50

The proposal is for house-building on a steep site. It will exclude and/or isolate people with mobility difficulties especially in snowy weather.

Paragraph 54

The proposal works against strategies in the Core Strategy that have been carefully designed to meet the needs of Mastin Moor. The proposal diverts housing investment away from the Mastin Moor Regeneration Priority Area. In the Examination Hearings, the neighbouring authority, Bolsover District Council, gave evidence to prove that the local housing market cannot sustain even as many as 400 homes. Mastin Moor needs all that investment to meet its needs. **The Borough Council has pledged to act to maximise the resources available to regenerate Mastin Moor.** That action on this occasion must be to refuse planning permission for this inappropriate development.

Paragraph 55

There are no special circumstances that justify the proposal.

Paragraph 56

The Proposal fails the tests of “Successful Places” and is not good design. Far from enhancing or intensifying the sense of place and its quality –as good design should- the proposal degrades that sense of place by proposing to suburbanise farmland at Woodthorpe that is indispensable in its existing condition to the intrinsic value of the local landscape. The proposal is inappropriate and no inappropriate design can be good design. Being out of place the proposal should be refused planning permission.

Paragraph 57

The steepness of the site makes it impossible to provide inclusive design in public spaces and the wider area. People with mobility difficulties will find themselves excluded from or isolated within new homes; unhappy prisoners within their own homes forced to depend on their private cars to access the services they need.

Paragraph 58

“Successful Places” is a robust guide to planning for quality in the local environment. The proposal fails all of its tests and will degrade the local sense of place which depends upon the openness and distinctiveness of local landscapes and the small-scale mosaic variety they currently possess and display.

Paragraph 59

“Successful Places” is a sound guide to good local design. The proposal fails all of its tests.

Paragraph 60

Local landscape distinctiveness depends on preserving their mosaic variety and their openness in long and short range views. The proposal would violate these fundamental qualities and because of this is wholly inappropriate.

Paragraph 61

The Proposal degrades existing connections between people and places and makes existing traffic problems worse. Local pathways providing a unique rural connection between Woodthorpe and Netherthorpe will acquire an unwelcome suburban character. The proposal

does nothing to improve the accessibility of new homes to people with disabilities because the steepness of the site makes that impossible.

Paragraph 62

The proposal has not been subjected to suitable design review.

Paragraph 63

The design is not outstanding or innovative but instead takes the form that the hill-side dictates which is that of a suburban cul-de-sac visibly butted up against a historic village boundary. Its prominence will celebrate its unwelcome and damaging suburban character. Its site should be kept open permanently.

Paragraph 64

The proposal is inappropriate and inevitably therefore represents poor design. The designer has been set an impossible task. The only appropriate response to the particular circumstances of the site is to increase its tree cover as a means to safeguard residential amenity to some degree from imminent threats from HS2. The proposal fails to take this opportunity and planning permission should be refused accordingly.

Paragraph 66

It appears to WVCG that no effort has been made to engage with the local community and the inevitable result is wholly inappropriate. The Borough Council should take this failure to engage with local people seriously and accord it significant weight in determining this planning application.

Paragraph 69

The site is a steep hill-side and access to the site is at a low level. Inevitably the new estate roads will therefore present by their length and steepness the same barrier to access to all people with mobility difficulties that Tollbridge Road which runs parallel to them but is much shorter currently presents. Inevitably the proposal promises to deny people with mobility difficulties the opportunities they need to casually encounter the wider community on local footpaths. The proposal will increase fear of crime for existing residents whose back gardens will be screened from the wide public surveillance they currently enjoy by new homes which will make unauthorised access to existing properties easier and more attractive.

Paragraph 70

The site is remote from the jobs, shops and service and leisure facilities that people need and the proposal will further disintegrate homes, workplaces and services within the Borough as a whole. This will promote unsustainable development patterns and will increase the need to travel. Pressure on already over-stressed facilities will increase. For all these reasons planning permission should and must be refused.

Paragraph 72

The proposal places new residents closer to school places than existing families whose children will need them find themselves and this will therefore actively exclude existing families from the school places they need. This will increase a special local problem in Mastin Moor which is inadequate access to training and educational facilities. The Borough Council should give great weight to this negative impact of the proposal and refuse planning permission.

Paragraph 73

The development will increase pressure to expand Norbriggs School onto open land adjacent to it which residents of Woodthorpe claim is a village green and which is the only open space available to local children to play on.

Paragraph 75

The proposal will suburbanise public access to the Doe Lea Flash Nature Reserve, degrading its amenity. This rural access pathway is the only rural footpath in the lower village heading east towards Netherthorpe and is highly prized by local residents.

Paragraph 79-92

The site is the most visibly prominent part of the Woodthorpe / Netherthorpe strategic gap. Strategic Gaps serve the same purpose as Green Belt. Keeping settlements separate is justified at the city scale and at the village scale. Not only did the Examining Inspector approve the establishment of strategic gaps in the Core Strategy he ruled – after much debate – that the Core Strategy would be unsound without the establishment of greater protection for the open-ness of land between Woodthorpe and Netherthorpe.

The site is not Green Belt but its designation is analogous. By every reasonable test, the proposed development is inappropriate – in the wrong place. Green Belt has two jobs to do – to keep land open and to channel development towards sustainable sites that support regeneration. In the same way, the strategic gap has two jobs to do – to protect the distinctiveness of Local Landscape by keeping farmland predominantly rural and open; and to drive all housing growth investment towards the Mastin Moor Regeneration Priority Area where it can be harnessed to benefit the people of Mastin Moor. The proposal will violate both purposes.

Paragraph 94

The proposal will increase local flood risk and increase dependency on high emission vehicles which accelerates climate change. The site is locally known to contain an extensive land drainage system upon which the village depends. Compensating for the disruption of this land drainage system will be unusually expensive and this casts more reasonable doubt upon the viability and the deliverability of the development proposal as well as its desirability. It also casts reasonable doubt upon the Borough Council's ability to secure off-site contributions from the developer as his/her profit margins are squeezed.

Paragraph 95

The proposal will increase dependency on high emission vehicles by placing new households in a location that is too far from jobs, shops and services to be accessible conveniently on foot or by cycle and in a location where the local bus service is weakest.

Paragraph 96

Inevitably the proposal includes steeply sloping estate roads that resent a barrier, especially in snowy conditions, to people with mobility difficulties. Selection of this steeply sloping site with its limited access will encourage increased dependency on high emission vehicles.

Paragraph 97

The Examining Inspector of the Core Strategy recognised that the local housing market is weak. By contributing to private sector housing oversupply in a piecemeal fashion, this

proposal will reduce the profitability of the Regeneration Priority Area and make provision of local heat and power generation on that site less likely.

Paragraph 99

Local soils are heavy and the local stream is prone to flooding. The proposal will increase surface water run-off into the gardens of existing residents and increase the likelihood of flooding.

Paragraph 100

The most appropriate form of development on the application site is woodland planting. This would reduce flood risk and; reduce the Borough's carbon footprint and; "put the wood back into Woodthorpe" and; to some degree allay chronic local fears about the likely environmental impacts of HS2. The proposal will result in permanent loss of a valuable opportunity to beneficially increase local woodland cover.

Paragraph 103

The proposal will result in increased flood risk and cause increased surface water run-off into existing residents' gardens.

Paragraph 109

The proposal will conspicuously destroy prominent and a highly valued part of the distinctive natural environment.

- Far from protecting and enhancing valued local landscapes geological conservation interests and soils, the proposal will destroy them.
- The proposal will erect a permanent barrier between existing residents and the wider benefits of eco-systems.
- The proposal will reduce biodiversity in the only place left between Woodthorpe and Netherthorpe where the exclusive control of the Borough Council is not currently under threat – the rest being at the mercy of HS2 Ltd. / D.o.T and Central Government.
- The proposal increases the risk of soil, air, water and noise pollution and places new homes close to sites that in the past have been subject to mining subsidence.

Paragraph 110

The proposal will undermine a key reason for establishing a strategic gap between Woodthorpe and Netherthorpe which is to minimise pollution and other adverse effects on the local and natural environment. The proposal will conspicuously suburbanise the largest, most prominent and most commonly seen part of the Woodthorpe / Netherthorpe Strategic Gap and destroy forever the farmland setting of Woodthorpe village and Woodthorpe Quarry Woodthorpe Quarry Wood as seen from the A619 and both the rural and urban areas of Chesterfield.

Paragraph 111

The proposal will reduce pressure to build on brownfield land and discourage the much-needed recycling of previously used land. It will set a dangerous precedent for urbanising farmland that is less prominent, less clearly rural and of lower quality.

Paragraph 112

The proposal will destroy forever a large and prominent piece of the best and most versatile agricultural land in the Borough. The proposal does not justify this significant loss.

Paragraph 113

The proposal is an attack on a strategic gap – a prominent example of one of the most important landscape designations of the Core Strategy which the Borough Council is pledged to defend at appeal.

Paragraph 114

The proposal suburbanises the “Estate Farmland” buffer that protects the “Riverside Meadows” which border the Doe Lea River. This directly and indirectly threatens the vitality of this important habitat and Nature Reserve. At the same time, the proposal attacks the concept of strategic gaps which are a key local designation intended to protect the openness of land that separates urban areas and is of predominantly open and rural in character. The proposal is a direct and indirect threat to the local green infrastructure of the Borough, proposing irreparable harm at Woodthorpe and setting a powerful precedent for similar harm across the Borough.

Paragraph 118

The proposal is a direct threat to wildlife and wildlife habitat including a site known to support newts that is located **within the urban boundary of Woodthorpe**. The development is of a kind that can easily be built on a more suitable site – such as the Regeneration Priority Area of Mastin Moor. Key land designations in the Core Strategy (the Woodthorpe / Netherthorpe Strategic Gap and the Mastin Moor Regeneration Priority Area) have been established to divert the kind of inappropriate development that is currently proposed away from locations where they will harm local communities to locations where they will help them.

Paragraph 119

The proposal violates the EU Habitats Directive insofar as it proposes avoidable impacts upon protected species.

Paragraph 120-121

Woodthorpe is known for its vulnerability to mining subsidence. The proposal will place new households where they will face similar risks.

Paragraph 123

The proposal will degrade public and private land that is known and highly prized for its tranquillity. Current noise levels are low. The proposal will bring noise disturbance and raise local noise levels above acceptable levels. It will also preclude the establishment of a woodland screen between Woodthorpe and the published preferred route of HS2 Phase 2 which is the most effective way that the likely visible and audible impacts of HS2 Phase 2 will be mitigated.

Paragraph 125

The development will increase light pollution and permanently degrade intrinsically dark farmland that is highly prized by local people for its amenity value as a dark landscape in its own right which also by its darkness serves to support nocturnal wildlife including protected species and bats.

Paragraph 126

Woodthorpe originated as an agricultural setting. This makes the village unique amongst the Eastern Villages. The visibility of the agricultural origins of Woodthorpe most conspicuously

depend upon the survival around it of prominent farmland whose extent exceeds that of the urban area of the village. The proposal is to suburbanise the greater, most prominent and most commonly seen part of the farmland setting of Woodthorpe. This will rob the landscape of much of its historic interest and its visual variety which so crucially contribute to its local distinctiveness.

Paragraph 128

The historic significance of the farmland that it is proposed to suburbanise lies in its visible connection to the historic origins of Woodthorpe and Staveley. That significance must be safeguarded as is proposed in the Core Strategy.

Paragraph 150

The proposal is a direct attack on the aspirations of the local communities of Woodthorpe and Mastin Moor and is contrary to every relevant policy of the Core Strategy and Local Plan 2006.

Paragraph 151

The proposal will deliver simultaneous social, economic and environmental harm and is the antithesis of sustainable development.

Paragraph 152

The proposal promises net losses across all three dimensions of sustainable development; losses that are immitigable and irreparable.

The Borough Council should refuse planning permission and stand by its conspicuous promises to protect local landscapes and do their best for local communities.

Paragraph 153

The Core Strategy pledges to defend the open predominantly rural character of strategic gaps. Only after such pledges have been over-ruled at appeal does the Borough Council envisage a review of its strategic gap policy. The Woodthorpe/Mastin Moor and Netherthorpe/Lowgates strategic gap was subject to unique scrutiny in the Core Strategy Examination Hearings and the Examining Inspector concluded not only that its establishment and broad location were justified but also necessary for the sake of the soundness of the Core Strategy.

Paragraph 154

The Core Strategy does address the harmful social environmental and economic effects of house-building within the Woodthorpe / Netherthorpe strategic gap. The Core Strategy Examination Inspector concluded that establishment of the Woodthorpe / Netherthorpe strategic gap was necessary for the soundness of the Local Plan. That Inspector considered the Core Strategy's measures to protect the Woodthorpe / Netherthorpe Strategic Gap to be sufficient to ensure sustainable development patterns across the Borough. The proposal is a direct challenge to the wisdom of the Borough Council and the Examining Inspector of the Core Strategy who decided firmly against expanding Woodthorpe to the west in the interest of promoting sustainable development patterns that included expansion of Mastin Moor to create a Regeneration Priority Area for that village.

Paragraph 155

So far as is possible and insofar as the Core Strategy pledges to: protect the distinctiveness of local landscapes by keeping farmland between Woodthorpe and Netherthorpe predominantly open and rural and to maximise the opportunities for the regeneration of Mastin Moor whilst respecting the setting of Woodthorpe, the Core Strategy does reflect a collective vision for the future of the Borough. The proposal is a direct attack on that collective vision.

Paragraph 156

The Core Strategy does set out strategic priorities for the east of the Borough at Woodthorpe. They consist of a strategic gap between Woodthorpe and Netherthorpe to protect the distinctiveness of a prominently open predominantly rural farmland landscape and a pledge to channel houses that are needed in the area to the Mastin Moor Regeneration Priority Area. The proposal is an attack on both strategic priorities.

Paragraph 157

The Core Strategy was found to be sound on condition that the Woodthorpe / Netherthorpe Strategic Gap was established as it is. The proposal is an attack on the soundness of the Core Strategy and the decision of the Examining Inspector.

Paragraph 158

The Core Strategy is based on sound evidence including the North Derbyshire Transport Study which identified Woodthorpe as the most unsuitable site in the Borough for housing growth to take place to reduce people's dependence on high emission vehicles. The proposal seeks to overturn the sound science of that evidence base by placing households where the Core Strategy states that local bus services are weakest and its evidence base concludes that car dependency will be encouraged to a greater extent than house-building anywhere else in the Borough.

Paragraph 159

The Borough Council has found that there is no need for housing growth at Woodthorpe but instead an urgent need for housing growth to take place by extending Mastin Moor and respecting the setting of Woodthorpe. The proposal is a direct attack on the objective basis of that finding – a finding that the Examining Inspector underwrote just 18 months ago.

Paragraph 162

The Borough Council took account of the publication of the preferred route of HS2 and the need for HS2 in the Core Strategy Examination Hearings and found that the Core Strategy was sound. The Examining Inspector agreed. The proposal is a direct attack on the viability of HS2 and the logic of its preferred route. If it is granted planning permission, HS2 Ltd. will be exposed to higher costs because its ability to mitigate the harmful impacts of HS2 upon existing residents will be decreased and the compensation bill commensurately will be increased. Extra claims for compensation might be upheld that arise from occupiers of the proposed homes. The net result will be to reduce HS2 Ltd.'s ability to deliver HS2 to meet the needs it is intended to satisfy. This is a powerful reason to refuse planning permission because the strategic gap protects the logic of the preferred route and HS2 Ltd.'s ability to meet the published need for HS2.

Paragraph 165

The Borough Council should give great weight to new evidence presented here that great crested newts make use of a pond immediately adjacent to the development site within the

urban area of Woodthorpe. The proposal will suburbanise the foraging grounds of newts whose breeding ground is that pond.

Paragraph 170

The County Council's landscape character assessment of the Borough is up-to-date and recognises the existence of richly variegated landscape between Woodthorpe and Netherthorpe. This includes a buffer of "estate farmland" between the urban area of Woodthorpe and "riverside meadows" bordering the River Doe Lea and the block of trees that contains the Woodthorpe Quarry. This rich diversity extends across highly valued landscape that is predominantly open and rural. From vantage points within the urban and rural parts of the Borough and especially from vantage points on the A619 in Netherthorpe the current open-ness of the development site is the only part of the strategic gap that can be seen throughout the year between Woodthorpe and Netherthorpe. If the development site were to be urbanised and lose its open-ness the visibility of the separateness of Woodthorpe and Netherthorpe would be fatally compromised – even from the vantage point of the Conservation Area of Staveley. Nothing has changed since the Core Strategy pledged to protect this landscape by keeping it open to make that protection any the less necessary.

The proposal is a direct attack on the distinctiveness and intrinsic value of this highly prized landscape. It proposes to replace the "estate farmlands" buffer with suburban sprawl permanently and conspicuously reducing its landscape value and setting a precedent for similar landscape degradation elsewhere across the Borough.

Paragraph 172

The most up-to-date information about HS2 is that it will be built on the line of the published preferred route of HS2 Phase 2. If there is a major accident on the HS2 line at Woodthorpe, residents living within the proposed housing estate will face greater risks from explosion, fire, smoke and pollution than anyone currently living in Woodthorpe. This consideration should be given great weight by the Borough Council.

Paragraph 173

The proposal is to build houses where the Examining Inspector of the Core Strategy determined that housing growth should be disallowed because of the threat it poses by excessive competition to private sector housing growth in the Mastin Moor Regeneration Priority Area. Bolsover D.C presented evidence at the Core Strategy Examination Hearings that the local housing market is chronically weak due to the collapse of employment opportunities in the 1980's.

The proposal is a threat to regeneration in Mastin Moor because it undermines the viability of the Regeneration Priority Area in a weak housing market. Located within a chronically weak housing market area that has recently been weakened by fear of HS2 the scope for the Borough Council to negotiate any regeneration contributions is severely limited. By this test, the proposal is once more revealed to be inconsistent with "regeneration" aspirations in the Core Strategy and inappropriate.

Paragraphs 175 & 176

The contribution that the proposed development will make through the community infrastructure levy is likely to be small because of its chronically weak and HS2-weakened housing market context. It is unlikely that contributions from the proposal will compensate the undeniable social, economic and environmental harm that it will bring. When harm is certain, mitigation impossible and compensation unlikely, the correct decision is to refuse planning permission.

Paragraph 179

The proposal threatens to frustrate regeneration at Mastin Moor and beyond the Borough boundary because it threatens to increase commuter traffic on the M1 to the detriment of the Borough and neighbouring authorities.

Paragraph 180

The Borough Council should give great weight to the findings of the North Derbyshire Transport Study which identified Woodthorpe as the worst place in the Borough to place new homes to reduce dependency on high emission vehicles.

Paragraph 182

The Core Strategy was found to be positively prepared, justified, effective and consistent with national policy. One key reason for this was that a strategic gap was established between Woodthorpe and Netherthorpe. The proposal is to suburbanise the greatest, most prominent and most commonly seen part of that strategic gap – the only part of the landscape between Woodthorpe and Mastin Moor that is both actively farmed and prominently visible, especially from the urban area of the Borough all year round. It is a direct attack on the wisdom of the Borough Council and its officers and upon the Planning Inspectorate.

Paragraph 186-187

The Borough Council must on this occasion refuse planning permission to foster the delivery of sustainable development. It must act decisively to keep its promises to defend the distinctiveness of local landscapes and to do its utmost to regenerate Mastin Moor by removing a dangerous threat to both.

Paragraph 189

It is not known whether officers encouraged the applicant to consult the local community. It is known that WVCG was not contacted. This application was submitted at the most difficult time of the year for local people to engage. Nevertheless local people have found time to ask the Borough Council to refuse planning permission.

Paragraph 196

The Core Strategy includes a strategic gap between the urban areas of Woodthorpe and Netherthorpe. The proposal is to suburbanise the greater, most prominent and most commonly seen part of this gap – its only farmland component that is clearly visible all year round. The purpose of the strategic gap is twofold – to protect the distinctiveness of local landscape and to channel housing investment towards Mastin Moor where it is needed and away from Woodthorpe where it is not. The proposal is an attack on the Core Strategy.

Paragraph 197

The presumption in favour of sustainable development does not apply when the Habitat's Direction is at stake as it is in this case. **Nor is the presumption a narrow imperative to build houses anywhere.** It is instead an imperative to resist proposals like the current one that promise to deliver simultaneous, social, economic and environmental harm.

Paragraphs 203-206

The proposal offers wholly negative social, economic and environmental impacts. It is wholly inappropriate and planning conditions and planning obligations cannot make inappropriate development appropriate.

The proposal is fundamentally flawed and should be refused planning permission.

APPENDIX FOUR

THE DEVELOPMENT WOULD HAVE A DISASTROUS LANDSCAPE IMPACT AND SET A VERY DANGEROUS PRECEDENT

(See Woodthorpe / Mastin Moor and Netherthorpe / Lowgates Strategic Gap Landscape Character Map & Assessment and Landscape Visual Impact Assessment below)

The Visual Landscape Impact Assessment and Woodthorpe / Mastin Moor and Netherthorpe / Lowgates Strategic Gap Landscape Character Map and Impact Assessment both prove that the development would have a disastrous impact upon the effectiveness of the Strategic Gap and its distinctive character. The development site would occupy the greater and most important part of the most purely rural, most prominent and most meaningfully open piece of land with the Gap. What would be left could not function effectively as a Strategic Gap. The Borough Council's control of the quality and openness of the development site is currently not under threat as it is in the case of the western part of the Gap. That control should be exercised to refuse planning permission for the development for more than local reasons.

The Woodthorpe / Mastin Moor and Netherthorpe / Lowgates Strategic Gap is especially vulnerable and deserves special protection because:-

- No other strategic gap in the Borough is threatened by a major national infrastructure project. Nor is any other better placed in its open state to support strategic woodland planting which will to some degree serve to mitigate the negative environmental consequences of that infrastructure project.
- No other strategic gap separates distinctively rural and urban parts of the Borough.
- No other strategic gap is so distinctively diverse in its landscape character having no less than 7 identifiable landscape character areas.
- No other strategic gap adjoining the A619 is more narrow. The Woodthorpe / Mastin Moor and Netherthorpe / Lowgates Strategic Gap is a richly diverse landscape just 320 m wide. Comparing relevant dimensions:-
 Tapton north Strategic Gap is 450 m wide.
 Tapton south Strategic Gap is 1250 m wide.
 The Hollingwood Strategic Gap is 900 m wide and so is the Middlecroft / Staveley Strategic Gap.

The proposed development will urbanise 50% of the most effective and most widely seen part of the Woodthorpe / Mastin Moor and Netherthorpe / Lowgates Strategic Gap. Such an impact would be catastrophic for the Borough because it would set a precedent for hugely damaging impacts upon other Strategic Gaps across the Borough.

For this reason the proposed development must be refused planning permission.