

A57 Link Roads Development Consent Order Hearing Sessions

Hearing Session 3: Issue Specific Hearings

Tuesday 5th and Wednesday 6th April 2022

Derbyshire County Council's further post-hearing written submissions requested by the ExA for Deadline 9

ITEM 7: OTHER ENVIRONMENTAL MATTERS

Green Belt

The ExA is considering whether the Proposed Development preserves openness and whether it should be considered as inappropriate development in the Green Belt.

aa) In case the ExA does conclude that it would be inappropriate development, please would the Applicant set out its case for the very special circumstances that would be needed for the Proposed Development to proceed? Please could that be provided for Deadline 8 (Wednesday 13 April 2022)?

bb) Please could the local authorities and Peak District National Park Authority provide comments on the Applicant's case by Deadline 9 (Wednesday 27 April 2022)?

DCC Comments

With regard the principle of whether the proposed highway scheme should be considered as inappropriate development within the Green Belt, Derbyshire County Council has previously expressed its view on this matter in its both its oral and written submissions following Hearing Session 2, as summarised below.

The starting point for consideration of this issue is paragraph 150 of the NPPF. That paragraph is clear that certain forms of development are 'not inappropriate' in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These forms of development include b) engineering operations; c) transport infrastructure which can demonstrate a requirement for a Green Belt location. Both are key elements of the A57 Link Roads scheme.

It has to be noted that the NPPF does not define in any more detail what engineering operations or transport infrastructure actually entail but the County Council would consider works to enable the construction and operation of a highway scheme would fall within the provisions of paragraph 150 of the NPPF.

Derbyshire County Council has recently dealt with another DCO for a major highway scheme elsewhere in Derbyshire which was located partly within the Green Belt. The principle of that scheme was deemed to be not inappropriate development in the Green Belt, including the pre-commencement and commencement works, subject to requirements highlighted by the County Council for the need for extensive landscape and visual impact mitigation to minimise the impacts of the scheme on the openness of the Green Belt.

Derbyshire County Council has reviewed the applicant's submission (9.75.108) on this issue for Deadline 8 (13th April) as requested by the ExA. In terms of principle, the County Council would concur with the applicant's position that there is no definition of 'very special circumstances' set out in the NPPF or NN NPS and whether very special circumstances exist is likely to depend on the facts and circumstances of the individual application. Furthermore, Derbyshire County Council would concur with the applicant's position that 'openness' is a matter not of legal principle but of planning judgement for the planning authority or the inspector".

The County Council notes that the applicant has set out its case (9.75.108) of a range of factors that it considers would demonstrate 'very special circumstances' to support the scheme in the context of the requirement set out in the NPPF. The County Council would not wish to comment on those factors individually as the ExA will no doubt come to its own conclusions of the validity of those factors as being very special circumstances and whether the identified benefits outweigh any potential harm to the Green Belt in the location of the scheme. However, the County Council would consider that a key factor identified by the applicant, which would appear to be an important justification for the scheme in terms of very special circumstances, is that the location of the Scheme in the Green Belt would appear to be unavoidable as it relates to the need to mitigate severe congestion on existing road routes, which are surrounded by Green Belt.

From the County Council's point of view, the key consideration in terms of impact on openness of the Green Belt relates to the proposed landscape and visual mitigation for the scheme. In this regard, details are set out in the County Council's Written Submission for Deadline 8 of a recent meeting between the County Council's Landscape Architect and the applicant's Landscape Consultants, which agreed the principles of proposed landscape mitigation for the scheme in the context of the County Council's previous concerns regarding the proposed planting species and mix and the need for amendments to be made to the proposed scheme that were more appropriate in terms of the landscape character of the site and its surroundings. These principles have now been appropriately incorporated in the applicant's LEMP to the satisfaction of the County Council.

In the County Council's Written Submission for Deadline 8, details were also set out of the County Council's consideration of the proposed street lighting for the scheme and how the Council's adopted detailed specifications for street lighting and the

recommendations it made to the applicant, particularly regarding illumination, took into consideration the environmental sensitivity of the location to seek to reduce the potential harmful impacts of the illumination.

In terms of design matters, the County Council's submission also made comment on the applicant's Design Approach Document, which raised no fundamental concerns but raised the issue that that greater emphasis needed to be made to local design codes, especially the County Council's Landscape Character of Derbyshire Report to better inform the approach to design matters for the scheme.