

Planning (Development Control) in the Derwent Valley Mills World Heritage Site



District, Borough and Unitary Councils, as Local Planning Authorities, are responsible for the determination of domestic, commercial and a range of other planning applications that are submitted within their jurisdiction. They are not responsible for determining waste and minerals applications – these are the responsibility of the Minerals and Waste Authority which in the case of the Derwent Valley Mills World Heritage Site (DVMWHS) is Derbyshire County Council or Derby City Council within its administrative boundary.

The District and Borough Planning Authorities travelling north through the DVMWHS are:

- Derby City Council
- Erewash Borough Council
- Amber Valley Borough Council
- Derbyshire Dales District Council

When an application is submitted to a Local Planning Authority (LPA) in the DVMWHS the Authority assesses whether there may be an impact on the Outstanding Universal Value (OUV) of the DVMWHS. OUV is the reason why a site is inscribed (included) on the United Nations Educational, Scientific and Cultural Organisation's (UNESCO's) World Heritage List. Information on the DVMWHS OUV can be found at <http://www.derwentvalleymills.org/derwent-valley-mills-conservation/planning/>

If the LPA feels there will be an impact, or is uncertain, they can refer the application to the DVMWHS Partnership for confirmation, clarification and advice. The DVMWHS Partnership is a non-statutory consultee. This means LPAs are not under any statutory obligation to consult with the DVMWHS Partnership. Notwithstanding this, LPAs do need to show due diligence in an application's determination. If an LPA was found to have failed to follow due process or incorrectly interpreted relevant legislation then a planning decision could be challenged through judicial review.

The DVMWHS Partnership has an agreement with the Conservation, Heritage and Design Service (CH&DS) at Derbyshire County Council to provide it with advice on the impacts of applications in the DVMWHS and its Buffer Zone as to their impacts on OUV. The Partnership does not always refer an application to the CH&DS if it is a reasonably straight forward judgement. However, the great majority of applications submitted to the Partnership are referred to the CH&DS.

When an application is referred to the CH&DS, officers within the Service will review the application and give their professional view on potential impact or suggest what additional information is required to be able to assess impacts. This response is then incorporated into the DVMWHS Partnership's standard consultation response letter template and sent to the LPA.

The LPA must judge for itself how to proportionally respond or address the content of any consultation response received from the DVMWHS Partnership.

The DVMWHS Partnership coordinates a Conservation and Planning Panel which meets six times a year. One role of this Panel is to review all the planning consultation responses that are issued by the Partnership since the previous Panel meeting. If it is felt that any response requires clarification or alteration a subsequent consultation response will be supplied by the Partnership to the relevant LPA.

From time to time, due to the consultation response supplied by the DVMWHS Partnership, the LPA may be asked by an applicant to organise a meeting with one of the DVMWHS Coordinators to clarify advice on site. The Partnership is happy for one of its Coordinators to attend these meetings if they are organised and attended by planning officers of the LPA. In addition to this, the Coordinator may be supported by an Officer from Derbyshire County Council’s CH&DS, especially if it relates to their professional expertise.

At any time in the application process an applicant for, or an objector to, a scheme may ask for it to be reviewed by the DVMWHS Partnership’s Conservation and Planning Panel at its next meeting. While this can usually be accommodated, there is no scope for the applicant or the objector to present to the Panel. However, from time to time, the Conservation and Planning Panel may invite an applicant to present to the Panel for clarification. This is likely to be for major schemes where there is not an outright objection to the principle of development but where design quality/philosophy is pivotal to its acceptability.

It must be remembered that in all cases it is the responsibility of the LPA to determine applications that are submitted to it. The DVMWHS Partnership’s non-statutory consultation responses provide information to be considered when determining the application.

If an LPA refuses permission for an application as a result of, or partly as a result of, a DVMWHS Partnership consultation response and the applicant appeals the decision then the Partnership will support the LPA in any defense of their decision as much as resources allow.

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