

# Erewash Core Strategy Review

Examination Hearing Statement

Matter 4

Representations prepared by Fisher German LLP  
on behalf of Bloor Homes



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Spondon Woodside

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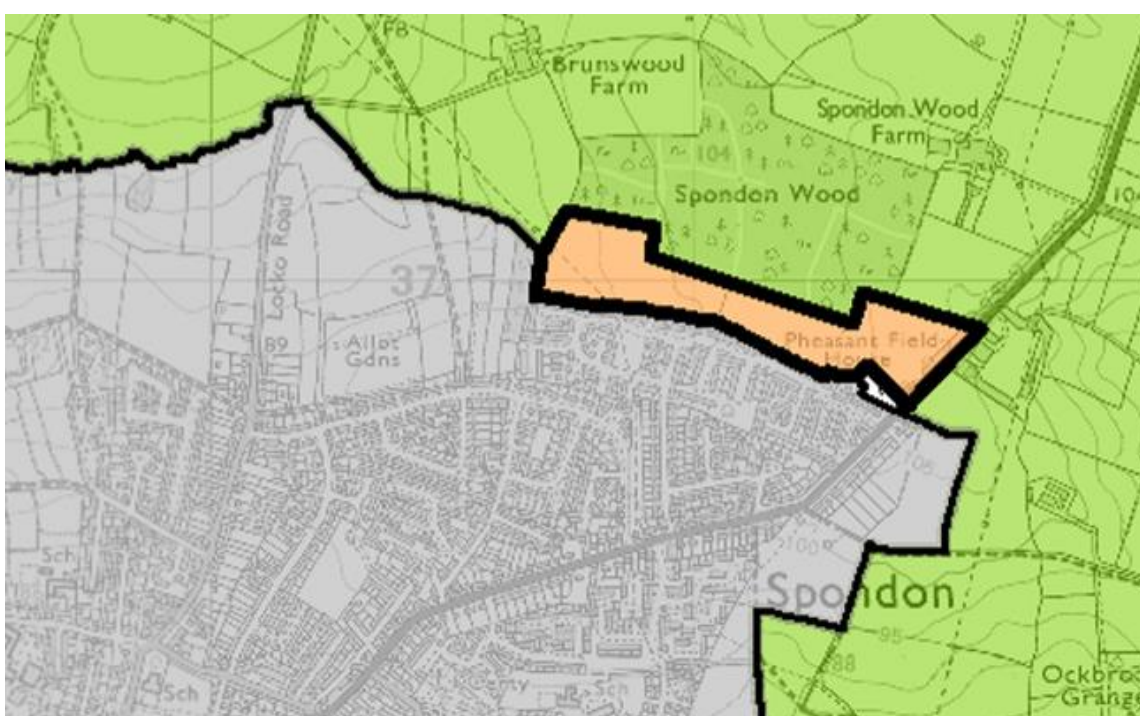
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# 01 Introduction

- 1.1 These representations are prepared by Fisher German on behalf of Bloor Homes East Midlands in respect of their land interests at Woodside, Spondon. The site is identified for release from the Green Belt and allocation within the submitted Erewash Core Strategy Review; Strategic Policy 1.4 – North of Spondon. The site is a proposed allocation of “around 200 dwellings”, with site specific criteria and identified on the supporting policies map, extract below.



**Erewash Core Strategy Review Policies Map Extract**

- 1.2 In September 2023 a full planning application on the proposed allocation site for 263 dwellings, associated landscaping, open space, infrastructure and enabling earthworks (application reference - 0923/0024) was validated by Erewash Borough Council. This application is currently awaiting determination, but clearly given the full nature of the application, and the site being under the control of a major housebuilder, it offers the opportunity to expedite delivery of homes on the site and assist the Borough Council in being able to demonstrate a five-year housing land supply.
- 1.3 The site is sustainably located adjacent to the Derby City Urban Fringe. It is well connected to existing services and facilities and can take advantage of existing public transport connections.

## 02 Matter 4: The Green Belt

**Issue:** Whether the approach to the alteration of the Green Belt and development within it is justified and consistent with national policy.

### **1. What proportion of new housing allocated in the Core Strategy Review would be on land currently designated as Green Belt?**

- 1.4 The Erewash Core Strategy Review, particularly when viewed with the extant Core Strategy, delivers a strategy which utilises the maximum quantum of available brownfield land and the minimum amount of Green Belt land. Despite this strategy, it is clear that to deliver a sustainable strategy which meets Erewash's urgent housing needs, and to ensure commensurate growth to settlements inset from the Green Belt, that some Green Belt release is necessary.
- 1.5 Given the South Stanton site previously benefited from a residential allocation in the extant Core Strategy. it is unclear as to whether its amended allocation in the Core Strategy Review amounts to 'new housing'.
- 1.6 It could therefore be argued that all "new" housing is located within the currently defined Green Belt, depending on how the South Stanton residential element is treated. Regardless, it must be remembered that there remain other sources of supply, from non Green Belt land which will also contribute to meeting the Plan's housing requirements. Green Belt release accounts for approximately 40% of the anticipated housing delivery over the Plan period (2,350 dwellings out of 5,800 anticipated delivery), utilising only 1% of Erewash's Green Belt. This is considered to be a highly effective and efficient use of Green Belt land.

### **2. What is the capacity to accommodate housing development in the Borough on non-Green Belt land? How has this been assessed and is this robust?**

- 1.7 Approximately 60% of the proposed housing need will be delivered on non-Green Belt land. The Council has confirmed it has exhausted all non-Green Belt sources of supply through the development of the Plan. The Council's adopted strategy clearly prioritises the delivery of non-Green Belt sites to sites within the Green Belt sites and had more non-Green Belt sites have been available, suitable and deliverable, then the split could have been increase beyond 60%. The

Council's site assessment evidence and SA demonstrates the sites considered and the conclusion for each. It is however apparent that there simply is not a sufficient quantum of non-Green Belt land available to deliver a suitable development strategy that will meet Erewash's needs in full.

- 1.8 The Statement of Consultation (Page 25) sets out the approach adopted by Erewash in respect of meeting housing needs in the Plan, spurred on by "*Erewash's notably deficient current housing land supply*". This confirms that detailed work over several years was undertaken to "*firstly identify and then encourage development to take place on brownfield land opportunities across Erewash*". However, despite a clear drive to deliver as much development needs on brownfield land as possible, the reality was there simply is not sufficient deliverable land using brownfield land only to meet identified needs. The council confirmed that many sites suffered from significant issues with contamination and remediation which rendered sites undeliverable or unviable. The Council recognised as there was a need to increase delivery in the short term, sites with quicker delivery trajectories would be needed to ensure a 5-year housing land supply could be demonstrated. Having regard to this, the significant shortfall in housing land supply in Erewash and the need to boost immediately the supply of much needed market and affordable homes, exceptional circumstances exist to release Green Belt land (accounting for approximately 1% of Erewash's Green Belt) land for homes.

### **3. How is this affected by the spatial strategy?**

- 1.9 The spatial strategy sets a clear hierarchy of suitability which informs site selection and land required for release from the Green Belt. However, the lack of available sites means that the spatial strategy simply creates a hierarchy of priority, through which suitable sites were selected in order of preference, having regard to wider constraints as discussed below.

### **4. How is it affected by other constraints?**

- 1.10 Other constraints have clearly impacted strategic approach, for example Locke Lane, Sawly site was removed as a proposed allocation due to potential impacts relating to highways safety, impacts on a railway crossing and ecological concerns.

### **5. How has the Council sought to make as much use as possible of suitable brownfield sites and underutilised land?**

- 1.11 The Council has been very clear that it has sought to maximise brownfield land as far as practicable (Statement of Consultation, Page 25), in accordance with the proposed spatial

hierarchy. Regardless, and fairly, the Council concluded that a strategy which made sole use of brownfield land was likely to be significantly flawed for the reasons already discussed. It is therefore clear that there is a need to utilise land which whilst lower in the established spatial hierarchy of priority, responded directly and positively to the issues associated with brownfield overreliance, i.e.. delivery of a more even distribution of housing. This will aid delivery through maximising market absorption, delivery of sites for which delivery was more assured, due to being intrinsically easier to deliver and finally sites which would benefit from expedited delivery thus helping to demonstrate a requisite 5-year housing land supply and much needed delivery in the short term. The latter providing the necessary short term breathing room to enable the more complex and larger sites to progress and remediation and other works if necessary to be undertaken, prior to coming on stream later in the Plan period.

- 1.12 The evidence which supports the Plan is clear that whilst there was more brownfield land available, a strategy which allocated this land (which could be brought forward now irrespective of an adopted Plan being in Place) in lieu of some Green Belt delivery would have risked delivery of the overall Plan Review; with such sites expected to be either very difficult to deliver, and delivering later in the Plan period as a result. As such, some greenfield / green belt delivery was necessary to ensure certainty of delivery and delivery in the short-term enabling the Authority to demonstrate a five year housing land supply. A strategy relying on the delivery of only brownfield land would reduce affordable housing delivery considerably owing to the viability issues associated with such sites. Therefore, brownfield land as a constraint has directly impacted both the overall strategy and also the quantum of Green Belt to be released.

**7. Has the Council assessed whether there is any realistic potential to accommodate some of the development needs of the Borough in other authority areas, reducing the need to alter the Green Belt? How has this been assessed/ investigated?**

- 1.13 Please refer to our response to Matter Question 4.

**8. The Council has produced Green Belt Technical Paper (EBC05). Was the Council's approach to assessing Green Belt appropriate? What are your reasons for this view?**

- 1.14 Yes, we consider the Council have taken a pragmatic and sensible approach to Green Belt assessment, commensurate to Erewash's context. Simply because there are alternative ways of undertaking an exercise, does not in itself render the approach advocated by Erewash unsound or unacceptable. The Green Belt Technical Paper (EBC05) provides a detailed description of the steps

taken to date in respect of site selection insofar as it relates to the Green Belt and explains the genesis of sites and the rationale for sites inclusion or exclusion from the submitted Plan. In all cases the Council have fully assessed sites suitable and available for development in the Green Belt with particular regard for potential Green Belt harm. Whilst another approach would be to comprehensively Green Belt assess all urban and village fringe locations, given not all sites are available for development, we do not see this as a pre-requisite for soundness. The Council have robustly assessed sites available for development and we consider that this is a commensurate approach and certainly sound.

**9. How has the assessment of Green Belt land informed the Core Strategy Review and specifically proposals to alter the Green Belt to accommodate development needs??**

- 1.15 As discussed above, an assessment of Green Belt land has been highly important in the terms of the Plan's development as it has directly informed site allocations. The Council has taken a positive approach to seek to meet its development needs in the Borough, including relatively minor Green Belt release equating to only 1% of the Borough's Green Belt. However, this has been done in the context that as a starting point, suitable brownfield and non-Green Belt land should be prioritised, as is evident by the Council's adopted spatial strategy. It is however simply the case that despite the best efforts of the Council, it has not been possible for the Council to meet its needs without minor Green Belt release. Our overall opinion is the Council should be commended for their approach, which is positive and seeks to meet housing needs in full and immediately address its housing shortfall.

**10. How has the Council assessed the suitability of land parcels and their contribution towards the purposes of including land in the Green Belt?**

- 1.16 The Council has assessed land parcels through a number of processes, including the SHLAA, SA and site option assessments. For Green Belt sites, land has been specifically assessed having regard to the purposes of the Green Belt. This is best demonstrated in EBH1 Strategic Growth Area Assessments and EBH2 Strategic Growth Area Assessments map book. For Woodside Spondon for example, the consideration of the site against the purposes of the Green Belt is included at page 179. This assessment has enabled the Council to take an approach which is holistic and enables the Council to exercise their planning judgement in respect of the optimum strategy of delivery in Erewash.

**11. Are there exceptional circumstances to alter the Green Belt in the Borough in principle? If so what are they? If not, how could housing and employment needs be met in other ways?**

- 1.17 Yes, it is evident that there are exceptional circumstances to alter the Green Belt. Whilst the NPPF clearly affords strong weight to the protection of the Green Belt, it also confirms that there is a requirement to significantly boost the supply of homes (Paragraph 60). Further, whilst the NPPF in principle seeks to retain the Green Belt, it does however provide routes for Green Belt boundaries to be redrawn through Development Plans where exceptional circumstances exist. Moreover, it provides for development on Green Belt land where very special circumstances exist. It was clearly anticipated by the NPPF that circumstances may exist which justify release of Green Belt land where appropriately evidenced. Therefore, as a matter of principle there is not a conflict with the NPPF if exceptional circumstances exist.
- 1.18 Erewash is highly constrained by the Green Belt, with over 70% of the Borough covered by the designation. The evidence to support the Core Strategy Review demonstrates the lack of availability of non-Green Belt sites or even other Green Belt sites which are preferable (in Green Belt terms). Further, delivery of homes through the limited non-Green Belt sites has actually diminished due to the amendments to the Stanton Ironworks proposals, reducing the number of dwellings by 1,000, in lieu of employment provision.
- 1.19 There is currently a substantive and worsening shortfall of land supply. The Council recently (June 2023) concluded that the supply is just 2.65 years (PINS Appeal Ref: APP/N1025/W/23/3319160), a reduction from the 3.43 years set out in the 2019 housing land supply position. This position has been created by the lack of availability of deliverable non-Green Belt sites and the complexity of bringing forward the available brown field sites in the Borough. It is clear without significant intervention the position is not likely to improve. To demonstrate a five-year housing land supply, the Council's evidence requires the approval of emerging allocations in the Core Strategy Review which are located within the Green Belt. Due to lack of monitoring information, it is unclear for how long the Council have been unable to demonstrate a housing land supply, but it is evidently a persistent issue.
- 1.20 Similarly, with regard to the housing delivery test, there has been persistent failure to satisfy the housing delivery test, having achieved 66%, 62%, 69% and 79% from 2018 to 2021 respectively. Whilst the recent increase to 79% does show an improvement, it is still over a 20% shortfall from that required and the current housing land supply position does not suggest further improvement



should be expected to persist without additional permissions in the short term.

- 1.21 With regards to affordable housing, the Greater Nottingham Housing Needs Assessment 2021 report concludes that Erewash has a significant affordable housing need equating to 271 dwellings per annum. It is clear that with the viability issues associated with the Borough's brownfield sites, that they are highly unlikely to make a significant contribution to affordable housing, if any at all. Greenfield sites however on the whole do not suffer from the same viability constraints due to the lack of contamination and remediation required to bring them forward, and this allows them to make significant S106 contributions, including policy compliant levels of affordable housing. To deliver any quantum of affordable housing some greenfield development is required; the majority of which are located in the Green Belt.
- 1.22 The Statement of Consultation (Page 25) sets out the approach adopted by Erewash in respect of meeting housing needs in the Plan and refers to "*Erewash's notably deficient current housing land supply*". The Statement of Consultation confirms that detailed work over several years was undertaken to "*firstly identify and then encourage development to take place on brownfield land opportunities across Erewash*". However, despite a clear drive to deliver as much development needs on brownfield land as possible, the reality is that there is simply not sufficient deliverable land using brownfield land only to meet identified needs. The council confirmed that many sites suffered from significant issues with contamination and remediation which rendered sites undeliverable or unviable. The Council recognised as there was a need to increase delivery in the short term, sites with quicker delivery trajectories would be needed to ensure a 5-year housing land supply could be demonstrated. As such, limited release of Green Belt land accounting for circa 1% of the Green Belt land was considered to be entirely justified.
- 1.23 A chronic shortfall in housing delivery, including affordable housing delivery, combined with no realistic strategy for delivery that avoids Green Belt release demonstrates that very special circumstances exist in Erewash for Green Belt release. It is noted similar conclusions have been found in the wider HMA. Whilst not specifically part of the special circumstances test, the low quantum of Green Belt to be utilised (1%) to provide significant amount of housing need (40%) must weigh heavily in favour of the Plan, as demonstrates the significant benefit with negligible harm when Green Belt is considered in its totality. This furthered when regard is had that the 1% to be utilised, is by definition, some of the lowest functioning Green Belt land, otherwise would not

have been selected in the first place.