



Erewash Borough Council: Examination in Public into  
the Core Strategy Review

Hearing Statement of Varsity Town Planning on behalf  
of Green 4 Developments

Matter 4: The Green Belt

21<sup>st</sup> December 2023

## Issue

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

### Principle of Green Belt Release

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

Table 7 of the Green Belt Technical Paper (EBC05) apportions a percentage of new housing to a Strategic Growth Strategy Area (also referred to as a Spatial Growth Strategy in other parts of EBC05). It has been assumed that this relates directly to the settlement hierarchy as set out in section 2a-2f of Strategic Policy 1, despite there being inconsistencies in the terminology.

A cross-checking exercise attempted to answer this question, but the numbers in Table 7 are not consistent with the distribution of new homes set out in section 3a-3f of Strategic Policy 1.

- If the 'Growth within the MBUA' (Table 7 EBC05) is meant to refer to the same typology as 'Growth within the Long Eaton Urban Area' (Spatial Policy 1), then it is not clear whether the figure should be 780 homes, or 700 homes.
- If the 'Growth within towns' (Table 7 EBC05) is meant to refer to the same typology as 'Growth within Ilkeston Urban Area' (Spatial Policy 1) then it is not clear whether the figure should be 1,560 homes, or 1,400 homes.
- If the 'Growth within villages' (Table 7 EBC05) is meant to refer to the same typology as 'Growth within the Rural Area Settlements' (Spatial Policy 1) then it is not clear whether the figure should be 130 homes, or 350 homes.
- There is also a discrepancy of 40 homes when looking at the figures for the extension of conurbations into the Green Belt.

The assumption we have made is that the final two rows of Table 7, or categories 2e and 2f of Strategic Policy 1, are where housing would be delivered on land currently designated as Green Belt. So, the answer arrived at is either 41.2% or 40.5%, depending on which set of numbers is used.

However, we believe that the Council needs to provide a clear definition themselves of the proportion identified, the method for deriving it and also clarify the discrepancies in the terminology used to allow the numbers to be properly interpreted and understood. Only then will it be possible to reach any conclusions at the Examination. This could mean that there are questions that arise regarding this matter, depending on the extent to which the Council's interpretation tallies with or deviates from ours.

*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?*

It is understood that site capacity is determined through the SHLAA and Strategic Growth Area Assessments. Our concerns with the soundness of this process are set out in our Hearing Statements for Matters 1 and 3 and are not repeated here, but should be taken into account in respect of this matter too.

Table 4.1.5 of the SHLAA Summary Report (EBH4) assumes notably high densities for development on brownfield sites in Ilkeston and Long Eaton. The evidence to support these assumptions is not provided, but we would suggest that it is vitally important to understanding the deliverability of the Review to be able to interrogate why these higher values have been adopted and why they can be considered robust. If the density of development that eventually comes forward on these sites is actually lower than predicted, then this would increase the amount of Green Belt land that would need to be released in order to achieve the housing target.

*3. How is this affected by the spatial strategy? and 4. How is it affected by other constraints?*

In accordance with the requirements of the NPPF, the spatial strategy is attempting to prioritise and exhaust as many non-Green Belt options for growth as possible. Green 4 Developments have concerns that are set out in more detail in our response to other Matters. These concerns revolve around undeliverable, unavailable and unviable sites, coupled with unachievable brownfield densities.

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

The Green Belt Technical Paper (EBC05) provides clarity on the status of the West Hallam Storage Depot. Page 11 of the same explains that the site was withdrawn from the site selection process by the landowner in response to the March 2021 consultation.

Table 4.1.4 of the SHLAA Summary Report (EBH4) suggests that 1,916 homes will be provided on brownfield sites within Ilkeston, Long Eaton and the rural area and Table 4.1.5 suggests that these will be delivered at an average density of 71.4 dph. We consider that this is a considerably higher density than exists in the Borough, and hence this will be challenging to achieve in practice. The rural areas are most unlikely to be able to deliver housing at this density and remain in keeping with their surroundings, meaning an even higher average density in the urban areas.

Densities above 75 dph would pre-suppose building residential development at 4, 5 and 6 storeys, and potentially even higher. Although this wouldn't constitute high-rise building in an absolute sense, such proposals would be out of scale with the existing urban areas, would create parking and transport issues in locations that were not well served by public transport and may well be resisted by both developers and the wider market as being incongruous in the Derbyshire context.

In their response to Matters 3 and 6, Green 4 Developments set out their concerns about the deliverability of all 1,000 homes at South Stanton, which appears to us to be unavailable and undeliverable.

We contend that Erewash Borough Council are over-reliant on brownfield sites to deliver one third of their housing requirement. In addition to the concerns about deliverability and the densities assumed, there is a further reason for suggesting this is that this approach is inappropriate, because it reflects the same strategy advanced in 2014 which failed to deliver the required housing. This failure was explained in Erewash's Housing Delivery Action Plan of August 2019, and we cannot see that anything substantive has changed in the intervening period.

*6. How has the Council sought to optimise the density of development?*

The NPPF test is to "optimise" not 'maximise'. Erewash Borough Council have not been transparent about their assumptions regarding the application of site densities in their SHLAA. As stated above, this averages out at 71.4 dph which Green 4 Developments consider to be very high for suburban sites and will be unachievable for rural areas.

*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?*

Green 4 Developments will rely on their Matter 2 Hearing Statement to respond fully to the failure of the Duty to Cooperate. There has been no assessment as to whether neighbouring authorities can accommodate Erewash's growth needs nor whether Erewash Borough Council need to release additional Green Belt to accommodate the needs of their neighbours. This is a fundamental failure of the Core Strategy Review process.

It is also worth noting that the extent of the Green Belt is not limited to Erewash's boundaries, and if there had been neighbourly agreements for the redistribution of housing growth set through Statements of Common Ground, then these are also likely to result in Green Belt releases.

Green Belt Review

*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?*

The guidance on reviewing Green Belts is set out in paragraphs 140-143 of the NPPF. Green 4 Developments contend that Erewash's approach to assessing the Green Belt cannot be considered appropriate for the following reasons:

- I. The exceptional circumstances have not been fully evidenced and justified through the evidence to support the Core Strategy Review (requirement set in para 140 of the NPPF).

- II. Strategic Policy 1 (sections 3e and 3f) only mentions the deallocation of the Green Belt in reference to the distribution of homes based on the settlement hierarchy. The extent of the deallocation is not referenced. It is acknowledged that the NPPF allows for Green Belts to be defined in lower tier plans, but there is no reference to what these would be and when they would be produced (requirement set in para 140 of the NPPF).
- III. Erewash Borough Council have not evidenced that they have considered all other options prior to deallocation. The failure of the Duty to Cooperate is an example of this. There are no signed Statements of Common Ground in place with the neighbouring authorities at the time of writing (requirement set in para 141 of the NPPF).
- IV. Reliance is placed on the South Stanton site coming forward within the plan period and our Hearing Statement on Matter 6 explains why this is uncertain (requirement set in para 141 of the NPPF).
- V. The Council's assumption on the density of development on brownfield sites in the urban area is overly optimistic (requirement set in para 141 of the NPPF).
- VI. No joined-up assessment was made in the Strategic Growth Area Assessments that considered accessibility of sites to public transport hubs and the relationship of that to the Green Belt (requirement set in para 141 of the NPPF).
- VII. No mention is made of compensatory improvements for the loss of Green Belt land and environmental quality or access to the remaining Green Belt land (requirement set in para 142 of the NPPF).
- VIII. No assessment has been made of land within the Green Belt that no longer needs to be permanently kept open (requirement set in para 143 of the NPPF).
- IX. No land is safeguarded for future growth needs (requirement set in para 143 of the NPPF).
- X. The boundaries are undefined, so we can only assume from Strategic Policy 1 that they will only be rolled back so far as needed to deliver the allocation. Therefore, it must be questioned whether they have defensible boundaries that will not need to be altered again at the end of the plan period (requirement set in para 143 of the NPPF).

We conclude that it is highly likely that further reviews of the Green Belt will be needed during this plan period to meet the identified need of Erewash or the unmet need of some of the neighbouring authorities. The late consideration of Green Belt matters, following some considerable time after the publication of the Review, and after all of the consultation stages had been completed, leaves the review document in a weak position. The Council failed to fully meet and evidence their obligations under the NPPF even including the work in the very recently published Green Belt Technical Paper.

*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?*

It can be concluded that the assessment of Green Belt land has not influenced the spatial distribution of growth set out in this Core Strategy Review. The Green Belt Technical Paper

was produced following the questions from the Inspector and is a post hoc analysis of an undocumented and opaque internal review process. Its production date of September 2023 is proof that it has had no bearing on the submission version of the Core Strategy Review which is dated November 2022.

We acknowledge that the presence of Green Belt was a factual assessment in the Strategic Growth Area Assessments and the SHLAA, but no value judgement was made by Erewash Borough Council. Paragraph 142 of the NPPF requires that, “They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.” and this has not been undertaken by Erewash in their Technical Paper. The judgement made has been set out in Table 3 of EBC05, and the assessment criteria that has been used relates to other planning matters such as the provision of a relief road (which itself appears to us to be primarily to provide access to the proposed development – there is no evidence to support the technical need for this piece of infrastructure beyond that requirement – our response on Matter 9 provides more details) or the value of a conservation area. These are not tests of the environmental quality and accessibility of the Green Belt.

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

As set out above, we do not believe that this exercise has been undertaken. There is nothing presented in evidence that we can scrutinise to evaluate whether this test has been met.

Exceptional Circumstances

*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?*

Paragraph 140 of the NPPF stipulates that exceptional circumstances must be “fully evidenced and justified”, and this is where both the process and outcomes of the Erewash Core Strategy Review fall woefully short.

The majority of Erewash is covered by Green Belt, and the Housing Delivery Action Plan of August 2019 is clear about the failures of relying on a strategy of infilling areas around the existing towns and villages. We would question whether such an infilling strategy can, in any event, give rise to exceptional circumstances, as such piecemeal parcels of development tend to rely on the amenities and facilities nearby rather than making any additional provision of their own that would then benefit both new and existing residents.

It is evident that Erewash will need to alter the Green Belt boundary in order to meet their housing needs. However, the extent of this need remains unclear due to the lack of agreement with the neighbouring authorities regarding the distribution of growth. The spatial distribution of this target has not been fixed in a context of evaluating Green Belt

releases. Instead, there has been a post hoc Green Belt analysis of the sites that Erewash think might be deliverable in the plan period.

This approach fails to meet the requirements of the NPPF. Green Belt land will need to be released in Erewash borough, but the evaluation of Green Belt quality should be a significant part of the evidence supporting the spatial strategy, and this has not occurred.

Green 4 Developments remains disappointed that the significant and comprehensive work it undertook in respect of the Land around Hopwell Hall (Hopwell Village) proposals, that was submitted as part of the Revised Options for Growth consultation in May 2021 was never seemingly evaluated or acknowledged by the Council. This work set out in detail the range of exceptional circumstances that the proposal supported, with environmental, energy, transport and social benefits identified in respect of a potential Green Belt release. The Council has never provided any response to these proposals, nor did they seek clarification of any point or respond to offers to meet with officers to explain the scheme to them.

Although we would accept that this does not mean that the Hopwell Village proposals would have been considered acceptable by the Council at that time or subsequently, it seems an absolute flaw in the process used to develop the Review that serious proposals that were put forward with supporting evidence were never evaluated.