

Town & Country Planning Act 1990 (As amended)

Appeal by
Wulff Asset Management Limited

Against the refusal of Outline Application for up to 196 dwellings with all matters reserved other than the means of access.

At
Land North West Of 1 To 12 Twelve Houses, Sowbrook Lane, Stanton By Dale,
Derbyshire DE7 4QX.

PROOF OF EVIDENCE

OF

ADAM REDDISH
BA (HONS), DIP TP, MRTPI

PINS Appeal Ref: APP/N1025/W/23/3319160
Council Ref: ERE/0722/0038

1. Introduction

- 1.1 My name is Adam Reddish, and I hold the position of Principal Planning Policy Officer within the Planning and Regeneration department at Erewash Borough Council. I have 20 years' experience in local government planning departments. I am a chartered member of the Royal Town Planning Institute. I hold an honours degree in Town Planning from Sheffield Hallam University and a post-graduate diploma in Town Planning from the same university.
- 1.2 During my career I have gained extensive knowledge and experience of local and strategic planning policy matters, largely in relation to the development plan and the drafting and interpretation of planning policies spanning several iterations of the Local Plan.
- 1.3 I am familiar with the appeal site given it has been subject of representations made through the current review of the Erewash Local Plan (the Core Strategy Review).
- 1.4 All three reasons for refusal dealt with by this statement (8, 9 and 10) relate to the primacy of the plan-led system. Taken together, they explain why the submitted Core Strategy Review provides a sufficient reason to refuse the development that is the subject of this appeal.

2. Weight accorded to policies in emerging plans

- 2.1 Paragraph 48 of the National Planning Policy Framework (NPPF) enables LPAs to give weight to relevant policies in emerging plans according to criteria which allow for consideration of a number of factors. Taken together those factors assist in deciding the overall level of weight that can be afforded to relevant policies.
- 2.2 Three relevant factors as set out at NPPF paragraph 48(a) to (c). Each of these are considered in turn.
- 2.3 The first consideration relates to the stage of preparation of the emerging plan. Guidance at Para 48a states that the more advanced its preparation, the greater weight that may be given. The LPA's local plan review (the Erewash Core Strategy (ECS)) was submitted to the Secretary of State in November 2022. The ECS is currently at the examination stage, which represents a significantly advanced stage in the plan-making process. Prior to its submission, the ECS was the subject of three separate stages of public consultation and in conformity with all relevant Local Planning regulations. These were all preceded by elected members approving the document for such purpose. In approving the Regulation 19 (Publication) version of the ECS, councillors signified that the ECS represented the Council's preferred growth strategy in which to address housing and other development needs. As such, the emerging plan should be considered very well advanced in its production, and therefore should allow for some weight to be given to the policies contained within it.

- 2.4 The second consideration involves the extent to which there are unresolved objections to relevant policies. Paragraph 48b states that the less significant the unresolved objections are, the greater the weight that may be given. In terms of the appellant's objections, duly-made representations were submitted in respect of all three of the LPA's reasons for refusal that are under consideration here. The appellant's objections made at the Regulation 19 (Publication) stage set out concerns over the omission of the site from the emerging plan's housing strategy, the process followed in proposing the designation of new Green Belt extending across the appeal site and finally the appeal site's inclusion as part of a newly-proposed Strategic Green Infrastructure Corridor (SGIC). Whilst the submissions made to the LPA were detailed and comprehensive in nature, objections to the newly proposed Green Belt as part of the CSR Strategic Policy 1.5 and SGIC (Strategic Policy 5) were extremely limited in number. This helps to demonstrate that whilst, and for understandable reasons, the appellant disagrees with the course of policy action the LPA have pursued, the level of wider interest in these two draft policies from the local plan review across the several thousand representations the LPA have received across its plan review process is very low. Additionally, whilst the identification and selection of strategic housing allocations across the Borough has proved contentious across all plan-making stages since the plan review began, interest in the merits of the appeal site as a proposed location for housing has been limited only to the appellant. It is therefore a reasonable deduction from the above that there is no support for the allocation of the appeal site, either from the elected members or the wider populace, whilst there is support of this part of the countryside to be designated as Green Belt.
- 2.5 Whilst the LPA do not agree with the objections levelled at its CSR made within the representation, it does however show that the matters of dispute are more appropriately addressed as part of the plan-making process. As contended elsewhere within this statement, the appeal site is strategic in its scale and matters around the principle of development should be discussed with all stakeholders and consultees involved in the Development Plan process, and decisions made by a plan examiner who can take a strategic approach to the choices that need to be made.
- 2.6 The final criterion at Para 48c involves the degree of consistency of the relevant policies in the emerging CSR to the NPPF. The closer the policies in the emerging CSR are to the policies in the NPPF, then the greater the weight that may be given. There are three elements here where it is necessary to consider the relationship between relevant policies and the NPPF. Firstly, in advancing its CSR to examination, the LPA have positively addressed the requirement to provide a framework to meet housing needs, with the production of policies to address the delivery of strategic housing. These strategic policies have been produced, as has the CSR in general, based around the LPA's assessed local housing need. In terms of the designation of additional Green Belt, this is in conformity with Paragraph 140 of the NPPF which enables LPAs to alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, through the preparation of plans. Furthermore, guidance within the same paragraph states that strategic policies should establish the need for any changes to Green Belt boundaries, something which the CSR has done via the

plan-making process. This confirms the Council have used the appropriate planning mechanism to review Green Belt boundaries both in respect of the strategic housing allocations and the additional 27ha of Green Belt land. Finally, the production of a strategic Green Infrastructure policy has been carried out in recognition that Green Infrastructure is a strategic planning priority for the LPA.

- 2.7 Accordingly, all three circumstances identified by para 48 of the NPPF have been fulfilled. In light of this, and in a planning framework that is designed to give primacy to the plan-led system, I invite the Inspector to attach moderate to significant weight to the emerging policies when assessing the merits of these appeal proposals.

3. Reasons for Refusal

- 3.1 The eighth reason for refusal of planning application ERE/0722/0038 states:

“The site is considered strategic in its scale and the proposed development is considered to be so substantial that granting permission would undermine the plan-making process of the emerging Erewash Core Strategy Review. As such, the proposal is contrary to the requirements of the NPPF.”

- 3.2 The ninth reason for refusal of planning application planning application ERE/0722/0038 states:

“The proposal would be contrary to the emerging Core Strategy, being on a site which is proposed to be included in the Green Belt.”

- 3.3 The tenth reason for refusal of planning application ERE/0722/0038 states:

The proposal would be contrary to the emerging Core Strategy Review, thereby compromising the development of land within a proposed Strategic Green Infrastructure Corridor.

Reason for Refusal 8

4. Scale of strategic growth sites

- 4.1 The matter of the site's scale in relation to other allocations in the LPA's emerging local plan (the eighth reason for refusal) is considered within sections 4 and 5 of this statement.
- 4.2 Local Planning Authorities (LPAs) are required by Section 19 (1B to 1E) of the Planning and Compulsory Purchase Act 2004 to identify their strategic priorities and have policies addressing these in their development plan documents.
- 4.3 For the purposes of plan-making, no definition exists as to what scale of development represents a 'strategic' site. National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are both silent on the matter. Consequently, what is considered to be of strategic size to one LPA may not prove to be of strategic scale to another based on local factors and

planning circumstances. Decisions regarding the threshold at which a site should be treated as strategic for plan-making purposes is therefore a matter of judgment for the LPA, and its judgment should be given due deference as the authority responsible for plan-making.

- 4.4 In the absence of guidance, a blend of technical work forming part of the local plan evidence base has influenced the size of site considered by the LPA as strategic through its plan review. Ahead of the review's formal commencement, Officers comprehensively appraised throughout 2019 a range of potential development locations, referred to as Strategic Growth Areas (SGA), around the Borough. SGAs ranged markedly in their sizes, with the smallest (SGA10: South of Little Eaton, a rejected site) assessed to have capacity for approximately 200 homes. No smaller site was assessed through the SGA appraisals. Progressing in parallel, but not directly linked to the LPA's SGA work, a Housing Market Area (HMA) study, the Greater Nottingham Growth Options Study (AECOM, July 2020) also provided direction on the matter of strategic sites. As part of its work, a call for sites across the five HMA councils in 2019 sought information from developers and landowners of sites able to accommodate a minimum of 250 homes. The threshold used was indicative but proved useful in generating engagement with the development industry, providing intelligence around where demand for strategic growth existed across the Greater Nottingham conurbation.
- 4.5 Further to technical work described above, a number of other factors helped the LPA to determine its view of what represented an appropriate scale for strategic development. These factors were:
- The characteristics and availability of land located within spatially preferable areas as indicated by the LPA's draft Sustainability Appraisal (SA).
 - A starting range for strategic allocations that would stimulate interest from different parts of the development industry;
 - The role smaller housing allocations can play in assisting accelerated housing delivery and strengthening the LPA's five-year housing land supply;
 - Introducing greater control on which sites should deliver or contribute towards key infrastructure, recognising that the vast majority of recent major housing development in Erewash has arisen from non-allocated land; and
- 4.6 The above factors saw the LPA establish a 200-home threshold for strategic development across the Borough, and this benchmark was applied throughout the local plan review.

5. Importance of Plan-making:

- 5.1 Chapter 3 of the NPPF sets out guidance on the role and importance of Plan-making, a principle at the centre of all three RfR with which my evidence is concerned. Paragraph 15 states that "the planning system should be genuinely plan-led". Amongst other aims, plans should provide a framework for

addressing housing needs, with Para 17 of the NPPF requiring the Development Plan to include strategic policies to address each LPA's planning priorities for the development and use of land in its area. As footnote 12 of the NPPF reaffirms, this is a legal requirement of LPAs exercising their plan-making functions (see Section 39(2) of the Planning & Compulsory Purchase Act 2004).

- 5.2 The LPA has committed to producing a new Local Plan, providing residents and businesses certainty in understanding how the plan area is set to evolve over the course of the plan's life. For any LPA to deliver growth in its preferred locations, it requires its Local Plan be kept up-to-date and for policies to be reviewed no later than five years from the Plan's adoption.
- 5.3 The Erewash Core Strategy (ECS) was adopted in March 2014. As a consequence, its policies are now out of date.
- 5.4 In response to the ECS's status, the LPA accepts that plans must be kept up-to-date in line with national planning guidance. For the purposes of this appeal, the LPA acknowledges the ECS is not up-to-date. Recognising the importance of having an up-to-date local plan against which development decisions can be taken, significant effort and investment has been directed at a comprehensive Local Plan review - a process that has now reached an extremely advanced stage. To date, the review which formally began back in January 2020, has taken three-and-a-half years to reach its current examination stage with the LPA having undertaken all necessary steps and complied with all requirements from Local Planning Regulations to prepare and submit its CSR for examination.
- 5.5 The appeal site was initially promoted to the LPA in response to the Revised Options for Growth (ROFG) consultation, a follow-up stage to Regulation 18, in March 2021. By this point the LPA had issued a second iteration of preferred strategic housing allocation sites, with the introduction of the North of Spondon (200 homes) allocation and a downward revision of capacity at the North of Cotmanhay allocation (600 to 250 homes). All site allocations from the ROFG were taken forwards to the Regulation 19 (Publication) CSR, ultimately becoming the LPA's preferred growth framework after gaining approval from elected members in May 2022 prior to a third stage of public consultation. It would have been apparent by the time the ROFG consultation was undertaken that the appeal site was of an identical scale to those preferred sites of 200 and 250 homes respectively.
- 5.6 Had the appeal site been submitted for consideration earlier in the plan-making process when the LPA were formulating a framework to positively address its housing needs, it would have been viewed as a strategic site for the purposes of the emerging plan. The appeal site, with a proposed capacity of 196 homes, is almost identical in housing capacity to the North of Spondon allocation and not wholly dissimilar to the North of Cotmanhay allocation. It is directly comparable in site size, at 10.3ha falling between the North of Cotmanhay site (7.4ha) and the North of Spondon site (12.6ha). This clearly reinforces the view that the appeal site is strongly comparable in scale to other strategic housing allocations contained in the emerging plan and should therefore be dealt with

in a consistent manner to allow the LPA to fully understand how development at that location would contribute to environmental, economic and social objectives – whilst addressing the needs for any necessary on or off-site infrastructure.

- 5.7 Paragraph 49 of the NPPF sets out the limited circumstances in which an application can be deemed as premature, with the LPA firmly of the view that both are relevant and applicable in respect of the appeal proposals. For the reasons set out in Section 4 of this statement, the LPA feel the development proposed, at up to 196 homes, is so substantial that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging plan. Additionally, with the CSR now at Examination, it is felt that the stage of local plan production constitutes the ‘advanced stage’ referred to in Paragraph 49b.
- 5.8 The appeal proposals are now subject to their own standalone scrutiny by virtue of the s78 appeal route. This is felt to be contrary to the guidance at Para 15 of the NPPF as the process of examining the appeal site’s suitability at Inquiry is not taking place within the parameters of the LPA’s Local Plan review process, something which has carefully followed and accorded with the provisions at Paras 16 A to F. If granted permission, the merits of the site and the implications of how this proposal would affect the wider CSR will not be able to be examined at formal Hearing Sessions. The grant of permission for a site viewed as strategic in its scale through the appeal process would be contrary to the planned approach the Government intends to see delivered throughout the planning system.
- 5.9 Also of significant concern is the status of the four Green Belt strategic allocation sites, all of which are the subject of policies within the submitted CSR, in the event that the appeal is allowed. The housing supply arising from the appeal site would as a consequence mean the Council would not be able to justify the continued allocation of all four allocations in the Green Belt that elected Council members have approved and accepted as forming a major strand of the Borough Council’s preferred housing growth strategy to meet Erewash’s assessed local housing needs. The identification and inclusion of the four Green Belt sites has been based on the thorough production of the CSR. Throughout its production, this has involved the robust assessment of numerous sites as referred to at 4.4, but largely those located within the Green Belt where potential for housing development has either been actively promoted through public consultation or as a result of a site/broad area’s relationship with the emerging preferred spatial growth strategy. In terms of the latter, decisions on site selection have been underpinned by the work of the CSR’s Sustainability Appraisal (SA) which through its production has reaffirmed the suitability and sustainability of the spatial growth strategy.
- 5.10 With the plan process undermined potentially as a consequence of the allowing of the appeal, such an outcome would have serious implications for the Council’s ability to proceed with the CSR’s current progress. This would inevitably involve the LPA needing to return to a much earlier stage of its plan-

making activities to allow for reconsideration over aspects of its CSR. This would, in line with the requirements of Local Planning regulations, require a further period of extensive statutory public consultation(s) which would serve to add substantial delay to the LPA's ability to make timely progress with the production of its CSR, whilst subjecting the Council to further risk of unwanted and unsustainable housing development resulting from out-of-date Local Plan policies. As referred to at 5.4, progression from Regulation 18 to submission took just short of three years to achieve. Notwithstanding this period including Covid restrictions, if the LPA were forced to return back to a Regulation 18 to reconsult over matters such as the suitability of its spatial growth strategy, along with all necessary amendments to supporting work (e.g. the SA and SGA assessments) and the potential need to update key parts of the CSR's evidence base, this could realistically add further delay of up to two years before the LPA could reach the point of re-submission.

- 5.11 Such a delay of the LPA's plan-making activities would run contrary to the Government's view, communicated through its recent consultation on reforms to national planning guidance, reaffirming that the best way to secure more high-quality homes in the right places is through the adoption of local plans. The consultation document also cites Government analysis which concludes having a sound plan in place increases housing delivery, compared to those authorities with an out-of-date plan, or no plan at all. Whilst the LPA cannot guarantee the current Examination finding the CSR sound, by allowing this appeal, the significant delay in the time taken before the LPA could adopt a sound document would prejudice one of the main strategic planning priorities the plan review has tackled which is to boost house building activity in the Borough.
- 5.12 Whilst one of the main arguments made by the appellants is that the 196 homes proposed would help to significantly boost the LPA's current five-year supply of deliverable housing land, the delay created by 'resetting' the CSR to a much earlier stage of plan-making would serve to act in a counter-productive manner. This is because a revised and draft CSR, returned to an earlier stage of plan-making, would not be able to begin addressing the current shortfall of housing land as immediately as it might if the current CSR was able to continue its progression through the current examination towards its adoption. In reality, such a scenario would see it take considerably longer for the LPA to tackle the current housing shortfall, whilst also exposing the Borough to further speculative housing proposals in inappropriate locations due to the continued absence of up-to-date policies.

Reason for Refusal 9

6. Conflict between development and emerging plan's Green Belt proposals

- 6.1 The ninth reason for refusal of planning application planning application ERE/0722/0038 states:

"The proposal would be contrary to the emerging Core Strategy, being on a site which is proposed to be included in the Green Belt."

7. Background to proposals to designate Green Belt

- 7.1 As described at 5.4, the formal review of the CSR commenced in January 2020 with a Regulation 18 stage consultation (Options for Growth). This began the process of preparing strategic policies to address the LPA's priorities for the development and use of land in its area.
- 7.2 This statement at 4.4 discusses the process followed by the LPA in assessing a wide range of potential development sites of a strategic scale. The production of SGA assessments at an early stage of plan-making, with their production occurring prior to Regulation 18, demonstrated a thorough approach to how the LPA tested the suitability and sustainability of these sites. The SGA framework allowed the LPA to consider the respective merits, or otherwise, of including potential strategic development sites in the early stages of plan-making. New SGA assessments, as well as the amendment of existing assessments, were undertaken in response to information received through the Options for Growth public consultation. An accompanying SA, as required by NPPF Paragraph 32, also played a key role in testing the suitability of growth options.
- 7.3 In general, the wider process of assessing site suitability through the development of the CSR was also in accordance with NPPF Paragraph 31 which requires newly prepared policies (in this case, those being produced within the CSR) to be underpinned by relevant and up-to-date evidence. The LPA's evidence, insofar as its suite of SGA assessments is concerned, is considered to represent a robust basis in which decisions around the identification and selection of strategic land for consideration throughout the local plan review were taken.
- 7.4 Following the CSR's second Regulation 18 consultation (Revised Options for Growth), it was evident that the subsequent scale of general growth planned for the area to the south and south-west of Ilkeston meant the issue of maintaining a continued, long-term separation between Ilkeston and Kirk Hallam was brought into focus as a strategic planning policy matter.
- 7.5 Through the production of **Strategic Policy 1.5 – Southwest of Kirk Hallam**, which at 1,300 homes, represents the largest of the five preferred strategic housing allocations designated by the CSR, the LPA made provision to designate an additional 27 hectares of Green Belt. Such action can be seen as justifiable when Paragraph 73e of the NPPF is considered. This establishes that where a policy-making authority is planning for larger-scale development, the LPA should consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size. The appeal site is located wholly within the proposed additional Green Belt, and forms part of an area which, with the introduction of Green Belt through Strategic Policy 1.5, would help to provide adequate and robust protection ensuring that separation can continue to exist between an expanded Kirk Hallam and the strategic employment site at Stanton North (Strategic Policy 2.1 in the CSR) helping to meet the strategic purposes of including land as Green Belt.

- 7.6 Para 140 of the NPPF confirms a local plan review, through the preparation of new planning policies, is the appropriate mechanism in which Green Belt boundaries should be altered. The LPA, through the formulation of its spatial growth strategy and described within the Options for Growth (Regulation 18) and Revised Options for Growth (Regulation 18.2) documents, is clear in demonstrating that the identification and allocation of strategic housing allocation sites is founded upon a principle of limiting impact on the LPA's designated Green Belt. Housing allocations within Green Belt identified at each stage of the LPAs plan-making represented sustainable growth options, formed from the development of a clear spatial hierarchy. As evidence contained within the library of SGA assessments (see 4.4) demonstrate, impacts on the purposes of Green Belt as set out at NPPF Para 138, were set out and considered prior to their selection, including the need for strategic growth to not result in the merging of settlements.
- 7.7 Due to the growth of the South-west Kirk Hallam allocation from 600 homes in the Options for Growth plan to 1,300 homes and a new relief road in the Revised Options for Growth plan, it was evident that notable growth in the site required specific policy action through the plan review for reasons explained at 7.5. Unlike any of the draft plan's other strategic allocations in the Green Belt resulting in modest expansions of the conurbation (Derby) and the town (Ilkeston) yet which maintained ample separation with other settlements, the eastward expansion of the South-west Kirk Hallam allocation towards the appeal site provided the justification for the introduction of a new area of Green Belt as a means of ensuring separation between Kirk Hallam, Ilkeston and the emerging area of industry at the Stanton North employment allocation. With the appeal site located between the three areas, it is necessary that the site form part of the LPA's additional band of Green Belt designation to ensure the openness of land remains and maintain long-term separation between areas in this part of the Borough.

8. Conformity of development proposal to the emerging Local Plan

- 8.1 The Core Strategy Review was formally submitted to the Planning Inspectorate at the end of November 2022. The Review received the backing and support of elected members and represented the LPA's preferred planning framework, against which decisions about the locations of future development across the Borough would be made.
- 8.2 Returning to NPPF Paragraph 48, and 48b in particular, no other submission across the total of 3,250 representations received in response to the CSR Regulation 19 (Publication) consultation specifically addressed the Council's proposal to designate an additional 27 hectares of Green Belt to the east of the South-west Kirk Hallam strategic housing allocation. Whilst the Council accepts that the quantity of representations alone should not be the basis for determining the respective merits of any planning matter, be it plan-making or decision taking, the absence of any wider discussion around a strategic planning matter is notable in understanding the views towards and the general level of satisfaction for the CSR in general.

- 8.3 As a consequence of the evidence presented at Section 2, it is by professional opinion that that Strategic Policy 1.5 – South-west Kirk Hallam, merits moderate to significant weight when determining the appeal proposal. At 196 homes in an area proposed as Green Belt in an emerging plan, the proposal is considered to be contrary to the policy provisions within the CSR.

Reason for Refusal 10

9. Conflict between development and emerging plan's Green Infrastructure Corridor proposals

- 9.1 The tenth reason for refusal of planning application ERE/0722/0038 states:

The proposal would be contrary to the emerging Core Strategy Review, thereby compromising the development of land within a proposed Strategic Green Infrastructure Corridor.

10. Delivering Strategic Infrastructure through a plan-led system: Green Infrastructure Corridors

- 10.1 In terms of the plan-making framework, the LPA must ensure its development plan includes strategic policies to address the Borough's priorities for the development and use of land in its area.
- 10.2 The CSR, since its commencement back in January 2020, has helped to identify a number of strategic planning matters across Erewash. Its primary purpose has seen the CSR develop several strategic policies to address the LPAs planning priorities. Paragraph 20 of the NPPF confirms that the strategic policies of the emerging CSR should set out an overall strategy for the pattern, scale and design quality of places, whilst also making sufficient provision for, amongst other matters, that of green infrastructure.
- 10.3 The NPPF glossary defines green infrastructure as "a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity". In recognition that the Borough's green infrastructure assets closely fit this definition, the LPA resolved at an early stage of its plan preparation to identify and formalise a green infrastructure network and formulate relevant strategic policy.
- 10.4 The LPA attaches significant primacy to the development of its strategic planning policies produced through its Local Plan. The CSR is therefore the correct and most appropriate mechanism in which to draft, consult and then subsequently test the soundness of strategic policies through the plan-making process. Similarly with the information provided by the LPA elsewhere in this statement for RfR 8 and 9, it is noted that the promoters of the appeal site, Harris Lamb, submitted a representation of objection to the Regulation 19 stage Publication version of the CSR. The Council contends that the nature of the objection raised by the representor, focusing on the appropriateness of the

appeal site within the extent of the Nutbrook Strategic Green Infrastructure Corridor (SGIC), should be a matter examined and explored in further detail through the Local Plan process and not a stand-alone s78 planning appeal.

- 10.5 Erewash benefits from a number of natural and man-made waterways which flow within or around the periphery of the Borough, typically accompanied by pathways of various formality enabling use by pedestrians, cyclists and horses/horse riders.
- 10.6 These waterways, when viewed as a network, connect the Borough's most populous areas, but most notably the Nutbrook and Erewash corridors which help to strengthen and increase the potential for sustainable, non-motorised travel options between the towns of Ilkeston and Long Eaton. As such, the wider Green Infrastructure Corridors with the waterways at their core, form a vital multi-disciplinary network which the LPA recognises as a strategic asset and part of developing the overall planning framework for the area. These provide opportunities for planned housing and employment growth of a strategic scale, and implemented through the CSR, to readily connect to the established network.
- 10.7 Recognising the importance of these corridors in meeting objectives concerning sustainable flood water management, biodiversity improvement (including natural carbon capture), active travel and open space recreational uses, the Council have identified four SGICs that will benefit from a strategic policy aiming to further these Local Plan policy objectives. The policy will enhance conditions across the entirety of the network to deliver a comprehensive, high-quality green infrastructure.
- 10.8 It is accepted that the four policy objectives mentioned in 10.7 which define a GSIC, are generally considered as individual requirements LPAs wish to see delivered within all new major housing development. However, in the case of Strategic Policy 5, the characteristics identified as contributing to a SGIC help to develop a cumulative character evident across the entirety of the identified network. Given the conflict with Strategic Policy 5, which Section 2 of this statement argues should carry some weight in determining planning decisions, the LPA is strongly of the view that the impact of the proposed appeal development on the SGIC should instead be considered at the Local Plan examination in public.
- 10.9 Strategic Policy 5 seeks to establish a furthering of the four objectives set out by the draft policy and referred to at 10.7. Despite the appellant's argument that the appeal proposal would conform to the policy requirements through the proposed layout and the provided infrastructure, the new housing development at 196 homes represents a significant change of character at this part of the Nutbrook SGIC. Looking across the remainder of the designated Borough-wide SGIC network as part of Strategic Policy 5, it is evident that no similar mass of housing can be found. Whilst other forms of development such as a school, sewage works, various agricultural buildings and hard engineered assets such as established motorways and railways are found within the proposed SGICs, no concentrated mass of housing, new or more established (with the exception

of a small group of low density properties in Sawley as part of the Trent corridor), is located the extent of the corridors – helping to demonstrating that the identification of the areas, in alignment with the aims of the policy, are not compatible with strategic-scale housing growth proposals.

- 10.10 In reflecting the land-uses and attributes of land included within the proposed corridors around the LPA, it is evident that the introduction of a substantial number of new homes at the scale envisaged by plans would be contrary to the use of land elsewhere throughout the network of SGICs. Allowing the appeal would not only pre-determine decisions about the policy in general, but may also serve to see other land within the extent of the corridors vulnerable to residential developments of varying sizes, which cumulatively would be detrimental to the overall function and role of the network.

11. Conclusions

- 11.1 All three circumstances identified by Paragraph 48 of the NPPF have been fulfilled. Consequentially, moderate to significant weight should be afforded to the Core Strategy Review's emerging policies in assessing the merits of the appeal proposals.
- 11.2 Decisions regarding the threshold at which a site should be treated as strategic for plan-making purposes is a matter of judgement for the LPA. Factors and circumstances considered by the LPA through its plan-making duties established a 200-home threshold for strategic development.
- 11.3 The appeal site, with 196 homes proposed, is comparable in site capacity and size to strategic housing allocations contained within the plan.
- 11.4 The size of development is so substantial that granting permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging plan.
- 11.5 Granting permission would result in serious implications for the LPA in continuing production of its draft local plan, progress which has reached an advanced stage.
- 11.6 Delays in the LPA's plan-making would not only add uncertainty and result in a potential return right back to Regulation 18, but this would heavily compromise the LPA's ability to put in place a strategy which positively addresses housing need and proactively rectify the current housing shortfall.
- 11.7 The LPA has followed the correct mechanism in which to alter Green Belt boundaries, given this has been carried out through a plan review.
- 11.8 The scale of growth, arising from an enlarged South West Kirk Hallam allocation, and the Stanton North strategic employment allocation, justified the LPA's actions to designate new Green Belt to ensure separation between Kirk Hallam and Ilkeston.

- 11.9 As a result of evidence at Section 2, Strategic Policy 1.5 – South West Kirk Hallam, merits moderate to significant weight when determining the appeal proposal. At 196 homes in an area proposed as Green Belt in an emerging plan, the proposal is considered to be contrary to the policy provisions of the CSR.
- 11.10 The LPA is justified in wishing to deliver Green Infrastructure Corridors through the plan-led system. Green Infrastructure has been held by the LPA to be a strategic planning matter requiring appropriate policies to be developed.
- 11.11 The nature of an objection raised by the appellant to Strategic Policy 5 – Green Infrastructure through the plan review should be a matter examined and explored in further detail through the Local Plan process as per Section 2, not a standalone s78 planning appeal.
- 11.12 Due to the impact a 196-home scheme would have on the proposed Nutbrook Green Infrastructure Corridor, such development is incompatible with the purpose and policies objectives of Strategic Policy 5 – Green Infrastructure.