

## **Erewash Core Strategy Review Examination: Initial Questions from the appointed Planning Inspector – February 2023**

### **Response from Erewash Borough Council**

#### **The Plan and Submission Documents:**

**Q2. The submitted Plan is a partial review of the Council's adopted Core Strategy. By way of context, please can you provide some background information to explain the scope of the Plan and why some parts of the Plan have been reviewed and not others. Was this made sufficiently clear to interested parties at the Regulation 19 consultation stage? What format will the new Plan take and how will it be read alongside the retained policies of the adopted Core Strategy?**

**What is the scope of the plan and why have some parts of the Plan have been reviewed and not others?**

The Erewash Strategic Housing Land Availability Assessment (SHLAA) 2019, a key part of the Council's evidence, concluded that there was insufficient land to accommodate housing need within the Borough's settlements and outside of the Green Belt. This, as well as a record of persistent under delivery across recent years, resulted in the Council being unable to demonstrate a Five-Year Housing Land Supply in 2019 (it identified a 3.43-year supply). This calculation is based against the Borough's Local Housing Need (LHN) figure since the housing related policies of the Erewash Core Strategy became five years old in March 2019.

Ultimately, Erewash has failed the Housing Delivery Test every year since its introduction. As per the requirements of Paragraph 76 of the National Planning Policy Framework (NPPF), a Housing Delivery Action Plan (HDAP) was produced in August 2019 which identified the failure of the housing market in Erewash as a key issue to address (Issue 8, Page 20 of the HDAP). To remedy the failures in the local housing market, the HDAP called for a new Local Plan to be produced. The primary justification for carrying out a review of the Local Plan has therefore been the failure of housing related policies (specifically Policy 2: Spatial Strategy) and resultant failure in the supply of new homes coming forward within the Borough to meet LHN.

Whilst the Erewash Core Strategy's Spatial Strategy was supported by evidence which demonstrated its achievability, it emerged that the redevelopment of brownfield land within the existing settlements and at the Stanton Regeneration Site had in many instances become largely unviable and particularly within the Ilkeston sub-area. Given that the majority of housing land supporting the then Spatial Strategy was brownfield, the failure of new homes to materialise at the rate required provides further specific impetus towards considering the use of Green Belt and greenfield land to deliver strategic scale housing development.

Given the urgency of the need to review the Borough's spatial strategy and provide the appropriate extent of land to accommodate LHN as well as the relative effectiveness and continued relevance of most policies within the existing suite of Local Plan documents (see Authority Monitoring Reports), it was decided to carry out

a partial review of the Core Strategy. This partial review has focused on five key topic areas; Housing, Employment, Town, Local & Village Centres, Green Infrastructure and Transport. The Council considers these five topic areas to be strategically intrinsic to one another and focus on these particular matters is required to ensure there is an appropriate policy basis for a new spatial strategy.

### **How was the limited scope of the plan made clear to interested parties at Regulation 19?**

Page 22 of the Regulation 19 (Publication) version of the Core Strategy Review contains a proposed schedule of development plan policies that will, upon adoption, be replaced by policies contained within the Core Strategy Review. This clearly sets the scope of the Core Strategy Review; any existing, saved policies not on this list would be retained.

The focused scope of the Core Strategy Review was addressed much earlier as part of the Regulation 18 stage when, under Part 2 consultation (Revised Options for Growth), the complete range of proposed policy options were presented. The limited scope of the Core Strategy Review was further qualified by the consultation question 'what other topics should be addressed by the Core Strategy Review?' Any answers to this question were taken into account when developing the Regulation 19 version of the Core Strategy Review. A number of topics were suggested, but were not considered strategic enough or would have resulted in duplication of policy already set out by national level planning guidance.

### **What will be the format of the new Plan and how will it be read alongside the retained policies of the adopted Core Strategy?**

In all, it is proposed that three separate documents will make up the Local Plan and all will need to be read in conjunction with one another. These documents will be as follows (based on an assumption of adoption in 2023):

- Local Plan Saved Policies (revised 2022)
- Adopted Core Strategy (revised 2022)
- Erewash Core Strategy Review (2022)
- Policies Map (revised 2022)

Given the urgency to review elements of the adopted Core Strategy as already addressed in this response, the Council has adopted a pragmatic approach, which avoids the unnecessary replacement of documents.

**Q3. The Council has supplied a copy of the Local Development Scheme (LDS), dated March 2021. The submission date referenced in the document does not accord with the date the Plan was submitted to the Secretary of State for examination (30 November 2022). As it is a legal requirement in Section 19(1) of the Planning and Compulsory Purchase Act 2004 that Development Plan Documents are prepared in accordance with the LDS, I invite the Council to submit an up-to-date LDS showing the correct submission date and make the necessary consequential changes to the subsequent milestones.**

Please see an amended version of the Council's LDS attached as **Appendix 1** to this document. Previous iterations of the LDS have been consistent in setting out the scope and limitations of the Core Strategy Review – something discussed in detail in response to **Q2**.

**Q4. The Council has provided a copy of representations, ordered according to the format that they were submitted in. Please can you provide a copy ordered according to subject matter e.g. legal compliance including community engagement, Duty to Co-operate and Sustainability Appraisal and representations grouped according to policy numbers.**

The Council's Programme Officer, Hannah Meehan, has now provided you with the various information and material sought by this question. This was sent by the Programme Officer on Thursday 16<sup>th</sup> February 2023.

**Duty-to-Cooperate:**

**Q5 to Q7 - Duty-to-Cooperate**

**Appendix 2** presents a Duty-to-Cooperate Compliance Statement which responds to Questions 5, 6 and 7. The Statement brings together the various work undertaken by the Council with other partner councils in identifying cross-boundary strategic planning matters.

**Housing:**

**Housing Need**

**Q8. The Plan uses evidence on housing need that is taken from the Greater Nottingham and Ashfield Housing Needs Assessment which was published in October 2020. The PPG is clear that local housing need numbers should be kept under review and revised where appropriate. Please can the Council explain whether they consider the figure to be up to date, including what steps have been taken to keep it under review?**

The Greater Nottingham and Ashfield Housing Needs Assessment (October 2020) was finalised and published after the Council had completed consultation over the Regulation 18 Options for Growth document. The conclusions of the Housing Needs Assessment, in the Council's view, led to no clear justification in a need to amend the Erewash's local housing need figure which had been calculated prior to the Regulation 18 stage.

Notwithstanding the above, through the review of its Core Strategy the Council has had full regard to the provisions in the Planning Practice Guidance (PPG) regarding the requirements to keep the Borough's housing need number under review.

At the outset of the Core Strategy Review (CSR), the Council acknowledged that the Erewash Core Strategy (March 2014) had passed five years since its adoption. Together with its inability to demonstrate a five-year supply of deliverable housing land, it was necessary for the Council to revert to calculating the Borough's local housing need (LHN) using data generated from the Standard Method rather than continued reliance upon the adopted housing requirement of 368 dwellings per

annum. The publication of a Five-Year Housing Supply Position Paper in December 2019 (immediately prior to the Council's Regulation 18 consultation) saw the Council identify its LHN as **393 homes** per annum, a requirement which over the course of the CSRs production has reduced at each subsequent year as a result of new data regarding housing affordability.

Acknowledging **Paragraph: 003 Reference ID: 2a-003-20190220** of the PPG, the Council recognised that use of the Standard Method was not mandatory – despite the PPG giving strong weight to its application. To reflect the flexibility afforded to local planning authorities, the Council asked a specific question in its Regulation 18 consultation (January 2020) as to whether an alternative way of calculating the Borough's LHN should be followed, and if so, what would this entail.

No alternatives to the use of the Standard Method were suggested or recommended by respondents to the consultation. Consequently, the Council continued to rely upon the Standard Method as the sole way to determine Erewash's LHN at each subsequent stage of the Core Strategy Review. Over the course of the review, the calculated LHN for the Borough has been subject to modest fluctuation dropping from 393 homes to its current level of 386 dwellings per annum. The negligible change/reduction in the Borough's LHN over the review's three-year period since the beginning of 2020 helps to demonstrate a relative stability in the level of housing need within Erewash. As a result, this has allowed the Council to plan with greater certainty to identify sufficient housing land within the CSR to meet its assessed needs.

**9. The PPG also considers when it may be appropriate to plan for a higher housing need figure than the standard method indicates, suggesting that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. This needs to be assessed prior to and separate from considering how much of the overall need can be accommodated. Has the Council carried out an assessment and if so, where is this set out?**

A small number of respondents to both the Regulation 18 and 19 consultations suggested the Council plan for a higher number of homes than the Borough's LHN figure. The Council is strongly of the view that such representations were weak in their justification advocating a higher scale of housing. The responses cited economic factors, largely as a result of the scale of employment land the draft Core Strategy Review planned to allocate (an 80ha site comprising 55ha of developable land) exceeding that suggested by evidence assessing employment land needs (Nottingham Core & Outer HMA Employment Land Study – Lichfields 2021) which identified a need for around 40ha of new land.

The Council has not explicitly assessed the impact of planning for a higher number of homes than that identified by the LHN and made provision for in the CSR. This results from an absence of strategic scale infrastructure which would be expected to support the provision of higher numbers of new homes and sizeable increases in new employment and job creation. Because of this, the Council is of the view that there are no realistic circumstances where housing need may be higher than the

output from the Standard Method. As a result, the Council feels there is no justification to assess the impacts of higher housing numbers than those which have appeared in the various iterations of its plan since a review formally commenced.

Any increase above the CSR housing requirement would result in a need for further development with the Borough's Green Belt. Housing evidence originating from both the 2019 and 2022 SHLAAs show the Council having exhausted brownfield land opportunities within its inset settlements across the Borough.

## **Site Selection**

**10. Please can the Council direct me to the relevant parts of the evidence base which set out the housing site selection process? If this has not been produced, or is found across several different documents, then a single topic paper may assist.**

The approach taken to housing site selection spans several different parts of the evidence base which supports the CSR's production. The following information provides an explanation of how the Council have approached the identification of appropriate locations where strategic housing development can positively contribute to meeting the Borough's assessed needs.

As evident from responses to other questions concerning the matter of housing that are given elsewhere within this correspondence, the context for a review of the Core Strategy was largely in response to a consistent failure to meet housing requirements set out by its adopted Local Plan. Additionally, policies guiding the Council's decisions on the suitability of housing proposals had become out-of-date in March 2019, five years beyond the Erewash Core Strategy's adoption.

During 2019, the Council reviewed a wide range of information it held concerning residential development interest around Erewash. This consisted of material drawn from the most recently conducted SHLAA (2014) and was supplemented by a sizeable number of site submissions made by developers, agents and landowners since the SHLAAs publication. This enabled Officers to form a stronger understanding of a) where development pressures for housing existed around the Borough, and b) the availability of the land and likely timescales within which housing development could occur.

In parallel to Council Officers processing and reviewing information about possible locations for housing development in Erewash, the Greater Nottingham Planning Partnership (GNPP) (consisting of all Nottingham Core Housing Market Area (HMA) councils) launched a combined HMA-wide 'call for sites' exercise. This enabled submissions to be made to understand locations across Greater Nottingham where strategic-scale sites were likely to be promoted for development through future Local Plan reviews. This exercise ended in July 2019. It resulted in a small number of submissions being made relating to potential sites within Erewash.

In bringing together site-based information from all sources, the Council were able to consider all submissions as part of a single, consolidated exercise. Officers devised a comprehensive assessment framework to ensure each site was subjected to

rigorous appraisal against a wide-ranging list of planning considerations to determine the level of general suitability to accommodate a strategic scale of housing development. At this point, the Council began to refer to potential allocation sites as Strategic Growth Areas (SGAs) and the exercise in which Officers subsequently went on to appraise SGAs was through a Strategic Growth Area assessment (referred to as SGA assessments). SGA assessments were published at both stages within Regulation 18 (Options for Growth and Revised Options for Growth).

In August 2019, the Council published its Housing Delivery Action Plan (HDAP). This was a direct response to poor performance as evidenced by the first set of results from the Housing Delivery Test (HDT). The HDAP publicly signalled the Council's intention to commence a review of its adopted Core Strategy, recognising its out-of-date housing policies were no longer able to effectively manage the delivery of housing in sustainable locations that conformed to the document's Spatial Strategy policy (Policy 2).

During the latter half of 2019, Officers focused on the development and subsequent testing of a spatial growth strategy in order to demonstrate where sustainable housing growth was best suited to occur in Erewash. This was necessary due to the 2014 Core Strategy promoting a strong strategy of urban consolidation which required the Council to accommodate the entirety of the Borough's housing requirement in non-Green Belt localities. Ultimately, the effectiveness of this strategy failed to deliver the scale of housing needed, and as per the commitment set out in the HDAP, the Council proactively developed a growth strategy offering a clear spatial framework from which decisions regarding the most sustainable locations for housing development of strategic scale could be made.

The CSR's growth strategy was further tested by draft Sustainability Appraisal (SA) developed and undertaken by Officers. Eight spatial options were identified where housing growth could potentially be delivered, with a comprehensive SA framework consisting of 16 separate objectives and 64 individual policy criterion questions then testing each of the options in detail.

Table 13 of the Draft SA published at Regulation 18 (Options for Growth) presents in matrix form the conclusions of the testing. This, alongside the commentary contained within the specific assessments for each of the eight options, provided the justification for the setting of a growth strategy which ultimately appeared within the Option for Growth document. The Council specifically sought views on the strategy's appropriateness, seeking views on the manner in which the Draft SA had assessed the various spatial growth options. Immediately prior to Regulation 18, the Council were able to integrate its preferred sites individually assessed through the SGA assessments into the suggested growth strategy. The six proposed strategic housing locations were each able to demonstrate strong conformity in terms of their placement within the hierarchy of eight growth options. While four of the six locations were situated within Green Belt, each could demonstrate higher levels of sustainability as a consequence of their proximity either to a conurbation (in the case of Long Eaton) or town (Ilkeston) as opposed to extensions to settlements within the rural area or a new settlement in the Green Belt.

In response to consultation on the Options for Growth Regulation 18 document, a number of factors resulted in changes to the Council's choice of preferred housing sites. This reaffirmed the iterative nature of the Local Plan process, with flexibility considered key in responding to information about the suitability and deliverability of strategic housing locations. With Network Rail submitting a technical objection to the Lock Lane (SGA17) site that could not be overcome, the Council withdrew the proposed allocation. Additionally, the proposal at North of Cotmanhay (SGA7) was reduced in its size due to an objection from one of the landowners.

Ahead of the Revised Options for Growth (Regulation 18 Part 2) stage, the Council sought to address the shortfall in housing numbers caused by alterations to the sites identified at the first stage of the CSR.

In seeking to address the shortfall, the Council afforded substantial weight to its draft growth strategy when considering strategic housing development options brought to its attention through public consultation over the CSR. The addition of North of Spondon (SGA26) as a proposed allocation (200 homes) and the enlargement of South West Kirk Hallam (SGA25) allocation from 300 to 1,300 homes both represented a higher level of spatial conformity to the growth strategy than other housing-based submissions made at Regulation 18 which either promoted the development of sites extending settlements into the Green Belt or new settlements within the Green Belt.

Between Revised Options for Consultation and the Publication (Regulation 19), the Council were made aware that the owner of the West Hallam Storage Depot (SGA15) no longer wished for the site's inclusion as a preferred strategic housing site within the emerging CSR, instead opting to pursue its redevelopment to deliver new and enhanced employment facilities. The loss of the 1,000 homes at SGA15 was counterbalanced with the extended South West Kirk Hallam site which had increased in capacity by the same amount.

## Housing Requirement

**11. Strategic Policy 1 – Housing identifies a distribution strategy which includes 5 site allocations along with the following; around 700 in Long Eaton Urban Area, around 1,400 in the Ilkeston Urban Area and 350 in the rural area. There does not appear to be any allocations in these locations to meet those numbers. Without making allocations will the plan be effective in meeting the housing requirement and spatial strategy?**

The Council can confirm no non-strategic allocations are planned that would contribute towards the housing requirement set out by the proposed distribution within the CSRs spatial growth strategy.

The Borough has a strong historic record of managing the continued delivery of non-strategic housing growth within its urban areas and inset village settlements. This has, and continues to be largely borne out of necessity owing to the long-term presence of a tight and highly restrictive Green Belt designation inside Erewash which has heavily limited the ability of the Borough's towns and villages to expand. As such, successive adopted Erewash Local Plans have been able to demonstrate

that housing growth requirements can be met without a need to consider development in the Erewash part of the Nottingham-Derby Green Belt by promoting spatial strategies which focus heavily on urban consolidation with regeneration. Issues around the Council’s approach to Green Belt are further addressed in response to **Questions 16 to 19**.

Integral to the Council’s ability to adopt several successive Local Plans without a need for the loss of Green Belt to meet housing requirements is the role played firstly by Urban Capacity Studies, and more recently by Strategic Housing Land Availability Assessment (SHLAA) – the latter helping to identify deliverable and developable housing land in accordance with the provisions of **Paragraph 68** of the NPPF. SHLAA has been a successful planning tool in promoting and encouraging development in sustainable locations, mainly on brownfield sites, within towns and villages. This was recognised by the Inspector examining the adopted Erewash Core Strategy (ECS) who felt the Council had devised a robust policy framework which brought forward the necessary amount of new housing. In terms of context, the amount of non-strategic housing delivered in each of the three sub-areas since the adoption of the ECS in March 2014 (spanning the years 2014-15 to 2021-22) is as follows;

**Table 1: Housing delivery analysis**

| <b>Sub-area</b>   | <b>A - Housing delivery (2014-22)</b> | <b>B - Delivery expressed as annual figure (A / 8)</b> | <b>C- across 15-year Local Plan period (B x 15)</b> | <b>D - Proposed CSR requirement</b> | <b>E - Over/under requirement</b> |
|-------------------|---------------------------------------|--|---|-------------------------------------|-----------------------------------|
| <b>Long Eaton</b> | 585                                   | 73   | 1,096   | 700                                 | +396                              |
| <b>Ilkeston</b>   | 1,086                                 | 136  | 2,040   | 1,400                               | +640                              |
| <b>Rural</b>      | 289                                   | 36   | 541   | 350                                 | +191                              |

Completions shown in Column A of Table 1 span an 8-year period, representing just over half of the expected 15-year period a Local Plan should typically plan for. Whilst it is recognised that being able to demonstrate an ongoing supply of deliverable and developable housing land does not always equate easily to historic trends of delivery, extrapolating the net completion figures above across the CSRs full plan period would see the targets set out within **Strategic Policy 1** in each of the sub-areas comfortably achieved.

While the 2022 SHLAA continues to reaffirm the Council’s commitment to identifying as much brownfield land as possible in sustainable locations to meet both short and longer-term housing requirements, it is also important to recognise the role windfall development will continue to make in delivering non-strategic housing development in the Borough.



The Council's Five-Year Housing Supply Paper – November 2022 (Evidence Base document **EBH3**) addresses the role of windfall development. Together with **EBH9a**, the information presented helps demonstrate a healthy and sustained rate of windfall housing coming forwards within Erewash. The long-term contribution of windfall schemes as part of annual housing completions can be attributed to the existence of a planning policy framework which has offered strong encouragement towards the re-use of land mainly in the Borough's urban areas across several adopted Local Plans. Importantly, this will continue to occur as a result of saved policies within the Development Plan, but notably saved housing policies **H1: Urban Consolidation** and **H3: Village Housing Development**. Both contribute to a positive framework in which the Council is able to consider housing development in non-Green Belt locations.

Demonstrating the Council's continued commitment to maximising the amount of brownfield sites brought forward to accommodate new housing development, the regular updating of the Erewash Brownfield Land Register (BLR) has also played an important role in helping to identify opportunities for housing-based growth. The overwhelming number of sites included in successive BLRs represent the Council's strong preference to locating as much as its housing requirements within non-Green Belt areas as sustainable housing supply opportunities allow.

While the CSR contains five strategic site allocations, four of which are within Green Belt, the proposed spatial strategy and Local Plan when taken as a whole, will continue to allow for and strongly promote residential development to occur within inset settlements.

## **Housing Supply**

**12. In relation to smaller sites, can the Council confirm whether there is evidence to demonstrate that at least 10% of the housing requirement would be accommodated on sites no larger than one hectare, as required by paragraph 69a of the NPPF? If at least 10% would be accommodated, please provide details of how it would be achieved.**

The Council can confirm that at least 10% (580 units) of Erewash's housing requirement of 5,800 homes are able to be provided on sites no larger than one hectare. Information drawn from the 2022 SHLAA shows that **13.4%** of the housing requirement originates from sites smaller than a hectare in size. For context, when the supply from the five strategic housing allocations is removed, the contribution increases to **31.6%**. A significant proportion of the sites of the size which **Paragraph 69a** applies benefit from an extent planning consent, either via outline, reserved or full permission. This gives greater assurance over the deliverability of the sites, with Council monitoring records showing some already having commenced construction - further evidencing the strong prospects of housing delivery. Additionally, and as discussed in **Q11**, the Council is able to point towards a strong historic trend of utilising smaller brownfield sites within the Borough's settlement boundaries for new residential development. This has been heavily influenced by successive Local Plan's which have adopted a strong focus of urban consolidation in where new

housing should be delivered, closely following national planning guidance on making the most effective use of land.

Details of all sites part of the Council's 0-15 year housing supply and smaller than one hectare in size can be found in **Appendix 3a**.

**13. To assist in my assessment of housing supply please can the Council produce a table of sites showing their current status and expected rates of delivery over each year of the plan period in an Excel format.**

**Appendix 3b** consists of an Excel spreadsheet containing the information sought regarding the Borough's housing supply.

**Employment:**

**14. Strategic Policy 2.1 – Stanton North of the Plan allocates an 80-hectare site, expecting to deliver up to 55 hectares of employment land with the remainder contributing to transport and green infrastructure. Please provide further details on the site selection process that led to the identification of this allocation and what alternatives were considered and their reasons for rejection.**

The Stanton Ironworks Site – much of which has been disused since closing of the wider Ironworks – has long been the subject of the Council's ambition for its remediation and eventual regeneration. The focus for re-use of the site has shifted over time, originally identified as an employment allocation in the 2005 Local Plan, it later became the sole strategic housing allocation within the Erewash Core Strategy (2014). In this form it was expected to deliver 2,000 dwellings, delivery of which was also supported by a subsequently drafted Stanton Regeneration Site Supplementary Planning Document (2017).

The driving force for repurposing the site for housing was the preferred spatial strategy, eventually adopted through the 2014 Erewash Core Strategy, which sought to accommodate the Borough's entire housing requirement within existing settlements (i.e. outside of the Green Belt) and on brownfield land; reflecting the national brownfield-first policy position. Adoption of this approach meant that no land within the Erewash Green Belt would be required to accommodate the Borough's housing need. The principle of this shift was therefore strongly justified and, given at the time the ambition was shared by the site owner, represented a wholly deliverable strategy.

Unfortunately, regeneration of the entire Stanton site for housing has not been forthcoming despite the Council's best efforts. This has been the key driving force behind needing to review the Core Strategy; falling short of delivering enough homes caused overwhelmingly by a failure of the Stanton site to materialise, which if delivered would have accommodated 2,000 dwellings within the lifetime of the Core Strategy. Viability issues associated with the extensive remediation that would be required – particularly on the Stanton North section of the site – and a divergence between this and land value expectations has resulted in minimal market interest in site redevelopment.

The proposed spatial strategy of the Core Strategy Review limits expectations for housing delivery at Stanton by only identifying the southern portion of the site (Strategic Policy 1.2) for housing later in the plan period (outside of the first five years). This approach continues to recognise the importance of brownfield-first housing delivery, Green Belt protection and leaves the northern portion of the site free to accommodate other viable uses. The Core Strategy Review identifies these uses as up to 55ha of employment with other land within the 80ha allocation providing for green infrastructure and transport priorities (including site re-connection to the national rail network via a new rail spur). The Council is confident that a continued focus on redevelopment of the whole Stanton site is strongly justified, but has recognised inherent limitations associated with a single-use approach and has addressed this as part of the Core Strategy Review, in accordance with provisions of Paragraph 122(a) of the NPPF in particular.

Strategic Policy 2 sets out that at least 40ha of employment land is required on the Stanton North site in order to meet the identified needs for new and relocating industrial, warehousing and logistics uses. This need was identified within the 2021 Employment Land Needs Study (EBE1 in the Evidence Base library) and the Stanton North site is able to accommodate in excess of this requirement.

No other potential employment site falling outside of Green Belt was promoted to the Council prior to or as part of the Core Strategy Review; Stanton North therefore represented the only available site at the required scale that wouldn't necessitate the release of further Green Belt land. Given the Stanton North site is able to accommodate all of the Borough's employment needs, exceptional circumstances do not exist in this instance to justify the use of further Green Belt land for employment purposes based on the identified need. NPPF provisions in Section 11 and at Paragraph 140 (making effective use of land and protecting the Green Belt) support the proposed allocation on this basis.

With the above in mind and specifically the lack of appropriate alternatives promoted to the Council and the ability of Stanton North to accommodate in excess of the identified need (and implications for further Green Belt release), a site selection process was not considered necessary or proportionate. This approach is now further justified since the granting of outline planning permission for redevelopment of the Stanton North site to accommodate in excess of requirements of Strategic Policy 2.1

**15. I note from the Council's response in their Statement of Consultation that the site could also provide for B8 use. How was this considered in the preparation of the Plan in response to the evidence? Is this a strategic cross boundary matter? If so, how did the Council engage with neighbouring Councils and prescribed bodies on this matter?**

**Site could also provide for B8 use, how was this considered in the preparation of the plan in response to evidence?**

The future availability of the Stanton North site was referenced in the 2021 Employment Land Needs Study (EBE1 in the Evidence Base library) and this work

acknowledged that the size of a redeveloped Stanton North site would comfortably provide for all the Borough's employment needs and B8 uses are, in the Council's view, included within this definition.

Whilst progressing the Core Strategy Review ahead of Regulation 19 consultation, the Council received a planning application for the comprehensive redevelopment of the Stanton North site which made provision for in excess of the requirements of proposed Strategic Policy 2.1. The planning application included specific provision for B8 use and this further upheld the position that Stanton North should be available to accommodate B8 provision. These proposals are now in receipt of outline planning permission.

Notwithstanding the primacy of planning permission having already been granted, since completion of Regulation 19 consultation, the Nottingham Core and Outer HMA Logistics Study (2022) also finds that Stanton North is able to accommodate B8 uses.

### **Is this a strategic cross boundary issue?**

The Statement of Common Ground agreed with Nottingham Core HMA partners does not acknowledge the planning and provision of B8 uses as a strategic cross-boundary issue and the Council continues to acknowledge this position.

### **Green Belt:**

**16. Paragraph 140 of the NPPF states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans. Strategic policies should establish the need for changes to Green Belt boundaries, having regard to their intended permanence in the long term.**

**17. Paragraph 141 of the NPPF sets out the need to demonstrate an examination of all reasonable options for meeting identified needs for development. It states that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all reasonable options for meeting its identified need for development.**

**18. If changes are necessary there is then a need to identify which sites would be most appropriate to meet the identified needs, having regard to Green Belt harm and other considerations. Both steps are required to demonstrate that exceptional circumstances have been demonstrated. Can the Council identify where this has been done and where the exceptional circumstances are set out? A topic paper would be helpful in allowing me to understand this matter further.**

The Council is of the view that it has fully evidenced and justified the alteration of Green Belt boundaries through the Core Strategy Review (CSR) process in response to Paragraphs 140 and 141 of the NPPF.

The provisions of Paragraph 140 confirm that the CSR represents a valid and appropriate planning mechanism in which to review the Borough's Green Belt boundaries. This is due to the document's focus on the review and creation of new strategic policies, some of which relate to how the Council plans to manage the delivery of sufficient housing land in order to meet the requirements set out by **Strategic Policy 1: Housing** of the submission CSR.

To understand the exceptional circumstances which has resulted in the Council proposing a number of changes to Green Belt boundaries to accommodate strategic housing growth, much of the information provided in response to questions concerning housing (**Q11-Q13**) elsewhere in this correspondence is considered as significantly relevant in this context.

What is provided in response to the housing-themed questions helps demonstrate the Council's long-term success in accommodating the vast majority of housing and employment growth away from the Green Belt, ensuring its delivery within the Borough's inset towns and villages. Successive Erewash Local Plans have provided a strong policy framework with a clear strategy of urban consolidation helping to minimise pressure of designated Green Belt as a possible location for major housing development. This has resulted in a largely unchanged Green Belt designation across the last three decades, except for a small number of minor amendments made through the 2005 Local Plan to enable Green Belt to follow defensible boundaries.

However, despite a strong track record in protecting its section of the Nottingham-Derby Green Belt from inappropriate development, a number of factors have proven critical in influencing how the Council have approached planning to meet its housing growth through the CSR.

The predominant factor involves the difficulties around housing delivery. Data on housing completions that is available to view through the Council's published Authorities Monitoring Reports (AMR) clearly demonstrates persistent poor housing delivery rates across the majority of years since the Erewash Core Strategy's adoption back in 2014. As a consequence of the lower than expected numbers of new housing, Erewash's Housing Delivery Test (HDT) performance returned disappointing results in each of the four published sets since its introduction by Government in 2018 as a mechanism to boost housebuilding rates nationally.

One of the major consequences for the Council resulting from its repeatedly poor HDT performance is the addition of a 20% buffer to Erewash's calculated five-year housing land supply. Throughout the latter half of 2019, Officers undertook an extensive review of the Erewash Strategic Housing Land Availability Assessment (SHLAA) in order to understand the amount of deliverable and developable land existing in the Borough as at March 31 2019. Through its work, a notable drop in deliverable housing land able to contribute towards meeting the Borough's five-year supply was observed. With the Council somewhat short of being able to provide for its five-year housing requirement (**3.43 years**), it recognised that delivery of new housing from policy-compliant, non-Green Belt locations within Erewash on the required scale was becoming increasingly difficult to achieve.

In response to the Council's failure to demonstrate sufficient housing delivery through the 2018 HDT, the resulting Housing Delivery Action Plan (HDAP) produced in 2019 identified a number of possible actions to address the persistent underperformance in meeting housing requirements. The HDAP concluded that the most significant action should involve the Council committing to an early review of its Core Strategy, providing an opportunity to consider the effectiveness of policies tasked with delivering housing.

Analysing the difficulties experienced by the Council in managing to deliver a sufficient scale of new housing to meet its requirements, there was recognition in the HDAP that delivery in Erewash was being hampered by a lack of large-scale, strategically-sized sites. Whilst smaller sites continued to play an important role in delivering more modest numbers of new homes (with high levels of windfall development underpinning yearly housing completions), the absence of larger sites served to create an imbalance in the supply of housing land available to the market. This is contrary to guidance set out in Paragraph 68 of the NPPF which calls for planning policies to identify a sufficient supply and mix of sites.

With the above in mind, the Council recognised that through a review of its adopted Core Strategy, it would be necessary to consider how land within Erewash's Green Belt designation might help contribute towards the identification of appropriate locations which could provide for an element of the Borough's assessed housing needs.

In the Council's view, the prolonged and openly acknowledged difficulties experienced in managing the delivery of required new housing and identification of sufficient deliverable housing land, in addition to the repeated failure to attain to the performance milestones in the HDT necessary to not be subject to penalties around additional supply, provide part of the justification needed to demonstrate the exceptional circumstances around altering Green Belt boundaries. Put simply, despite its best endeavours through the carrying out of technical work around housing land, the Council were not able to identify a sufficient supply of non-Green Belt land through its 2019 SHLAA to provide for Erewash's calculated five-year land supply. The next part of this response will outline the approach taken by the Council in demonstrating which sites were most appropriate to meet the identified housing needs and help evidence that both steps required by NPPF guidance in Paras 140 and 141 have been met before alteration of Green Belt boundaries can be justified.

Ahead of the Council's Regulation 18 consultation (Options for Growth – January 2020), Officers undertook an extensive and in-depth technical exercise throughout 2019 assessing the suitability and sustainability of land to accommodate strategic scale housing development. A methodology was devised allowing for a balanced, yet robust assessment of 17 separate Strategic Growth Areas (SGA) to occur, with all but one (Stanton) located within the Green Belt. This enabled the Council to rigorously appraise the relative strengths and weaknesses of each SGA.

A key component of the SGA assessments was how the matter of Green Belt was considered in a planning context. Despite the suite of SGA assessments looking at the impact strategic scale development would be expected to have on a range of

individual factors (ecology, highways, flood risk, community facilities etc.), assessing whether Green Belt at 16 of the 17 locations might be harmed by way of inappropriateness was a vital component of the wider exercise. In assessing this, each appraisal looked in detail at the five Green Belt purposes as set out at **Paragraph 138** of the NPPF. Accompanying the written commentary that described how potential development may impact each of the five purposes, the assessments also saw the production of mapping to further support the information being provided. Mapping largely related to purposes **A to C**, purposes which involve a spatial dimension, allowing for the publication of material which clearly showed what impact the SGA sites would have on contributing to the unrestricted sprawl of large built-up areas, the possible narrowing of key gaps between neighbouring towns and villages and whether the countryside would see unacceptable levels of encroachment as a result of expanded settlements.

As already stated, sixteen potential strategic housing sites within Green Belt across Erewash were subject to comprehensive appraisal. The rationale for these sites selection were based upon varying degrees of development interest from previous SHLAA exercises. The Council would wish to emphasise that one of the main purposes in reviewing of its Local Plan stemmed from persistent underdelivery of housing and an inability to identify sufficient land in non-Green Belt locations (also a conclusion from the 2019 SHLAA). SGAs identified within the SGA assessment exercise therefore were seen as representing land which in many cases was available for development and which, if assessed favourably and included within the emerging CSR, would assist the Council in increasing the prospects of a step-change in the speed and scale in which new housing on a strategic basis could be delivered – contributing to meeting Erewash’s five-year housing land supply, whilst also adding much-needed diversity to the type of development sites available within the Borough.

The sizeable scale of challenge faced by the Council in accelerating delivery to meet both its short and longer-term housing needs clearly required the identification of larger development sites. This was another factor influencing the scope of what Green Belt land was selected for review through the SGA assessment exercise. In the Council’s view it would not have been appropriate to embark upon a process which would ultimately have identified and needed to assess a substantial number of non-strategic locations inside the Green Belt. Embarking upon such a strategy, ultimately releasing a significant number of small sites from Green Belt to contribute towards housing needs, would exacerbate the long-standing planning problem of an over-reliance on smaller sites, further reducing the Council’s ability to control the delivery of new housing on a scale which enables it to adequately plan to meet needs across the duration of the CSR’s intended period of coverage. It is the Council’s opinion that it would be inappropriate to consider a wide scale of potential non-strategic sites in the Green Belt through the CSR (a document which focuses solely on the review or creation of new strategic planning policies) as this would call into question whether such an approach helped to demonstrate the ‘exceptional circumstances’ for alterations to the Green Belt.

It is also important to note the Council also formally requested through the mechanism of Duty to Cooperate the matter of whether partner councils within the Nottingham Core Housing Market Area were able to accommodate the housing growth in Erewash which after assessment, could not be accommodated in non-Green Belt areas. This is addressed in more detail in the responses given to Q7-9 set out in **Appendix 2**. Ultimately, the Council's request to partner Core HMA authorities to consider accommodating housing growth which otherwise would have to be located within Erewash's Green Belt did not elicit any such proposals from those authorities.

A number of submitted representations made in response to consultations undertaken at Regulations 18 and 19 referenced the absence of a Green Belt review in assisting the Council to identify the most appropriate locations within designated Green Belt where housing could be accommodated.

The Council are of the view that its approach to reviewing the Green Belt within the Borough carried out through the CSR is commensurate with the current expectations of national planning policy as set out within the NPPF. Despite Paragraph 141 of the NPPF requiring local planning authorities examine all reasonable options before concluding that boundary alterations are justified, it is noted that nowhere within guidance is there any explicit reference to the requirement for a standalone Green Belt review to be carried out to justify any potential release of land to meet identified growth needs. As a result, the approach to looking in detail at the possible impacts on Green Belt purposes carried out through the SGA assessment exercise – both prior to the Regulation 18 stage and then refined ahead of Regulation 18 Part 2 with the addition of new sites to consider, is felt to represent a comprehensive framework against which an informed understanding of the level of harm development may result in has been established.

As a consequence of the above, the Council are satisfied that the manner in which it has assessed the impacts of Green Belt harm and other considerations from its wide and diverse range of SGAs forms an appropriate and proportional level of review within the current national policy framework.

**19. Please also provide a document that shows every change to the Green Belt boundary proposed through the Plan.**

Please see **Appendix 4** which provides a map showing details of each Green Belt amendment as requested.

**Viability**

**20. Has the Council undertaken a whole plan viability assessment of the submitted Plan to ensure that the policies are realistic and that the total cumulative cost of all relevant policies will not undermine deliverability of the Plan? If so, please can you provide a copy.**

The Council has not carried out a whole plan viability assessment. Site promoters were consulted on the infrastructure requirements set out in the draft strategic



housing site policies. No objections were raised to these. As such it is not deemed necessary to assess the viability of the plan as a whole.

### **Sustainability Appraisal**

**21. The Sustainability Appraisal (SA) does not appear to contain a non-technical summary, as is required by Regulation 12 and Schedule 2 of The Environmental Assessment of Plans and Programmes Regulations 2004. Could the Council please direct me to where this can be found or update the SA accordingly.**

**Appendix 5** presents a non-technical summary of the Council's Sustainability Appraisal produced to guide and inform the Core Strategy Review. This will also be added to the Council's Examination Library as a standalone document in due course.

### **Other Matters**

**22. The Planning and Compulsory Purchase Act 2004 requires regard to be had to the Sustainable Community Strategy prepared by the authority. Has this been done? Where can I find evidence for this?**

It is the Council's understanding that provisions which required a local authority to produce a Sustainable Community Strategy (from the Local Government Act 2000) and the need for a Local Plan to have regard to it (from the Planning & Compulsory Purchase Act 2004) were both repealed under [Section 100 2\(b\) of the Deregulation Act 2015](#).