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COMMERCIAL PROPERTY ADVICE



**MATTER 3 HEARING STATEMENT
EREWASH CORE STRATEGY REVIEW
Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
Localism Act 2011**

On Behalf Of:
Wulff Asset Management

Prepared By:
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MATTER 3 HEARING STATEMENT

EREWASH CORE STRATEGY REVIEW

Main Contributors

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Issued By

Signature:



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Date: 7th December 2023

Approved By

Signature:



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Date: 7th December 2023

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1.0 INTRODUCTION

- 1.1 Harris Lamb Planning Consultancy has been instructed to prepare this Matter 3 Hearing Statement on behalf of Wulff Asset Management Limited. We respond to the Inspector's questions in turn and where answers relate to more than one question, we group those questions together before providing the answer.
- 1.2 Wulff Asset Management are the promoter of a non-Green Belt site – Ref. Site 371 in the 2022 SHLAA (EBH4a) - on the edge of the Ilkeston Urban Area that was ignored by the Council until they published their 2022 SHLAA a week before submitting the plan for examination (see Appendix 1 for Site Location Plan and Appendix 2 for indicative masterplan). Perhaps not unsurprisingly, my client's site did not receive a positive review in the 2022 SHLAA given the late stage at which this was published. This Hearing Statement is the first time we have been able to provide our comments on the 2022 SHLAA.

2.0 INSPECTOR'S QUESTIONS

Does the Core Strategy Review have a vision, strategic objectives and provide a clear and cohesive framework for the future growth and development of Erewash?

- 2.1 No. There is not a vision or objectives set out in the review, and the old vision and objectives from the adopted strategy were not prepared in a time when, among other things, Green Belt land was needed to meet the housing needs identified.

Will the spatial strategy contribute to achieving sustainable development, including a sustainable pattern of development, as set out in paragraph 11a of the National Planning Policy Framework and if so, how?

- 2.2 No. Further detail is provided below, but fundamentally, not all non-Green Belt options have been exhausted before the decision to release Green Belt land was made.

What were the options for accommodating growth and how were they considered? Have all reasonable alternatives been considered?

What is the basis for the conclusions on each of the growth options and are these justified?

- 2.3 In our representations to the Council to the revised Options for Growth consultation, we set out that whilst eight Strategic Options for the location of new housing development are set out, there was an important omission.

- 2.4 This omission was the:

“Extensions to the conurbation / town not in the Green Belt.”

2.5 We highlighted in our consultation response that extensions to the conurbation / town not in the Green Belt should be exhausted before sites in the Green Belt are released, and this remains the case.

How was the settlement hierarchy in Strategic Policy 1 derived? Is the methodology used to determine the hierarchy appropriate and sufficiently robust?

2.6 In broad terms, it is evident that Ilkeston should be the focus for housing growth in Erewash, with Long Eaton providing a support role, due to their role and function, and the level of services, facilities, and employment opportunities they have to offer. However, there are fundamental flaws in the Settlement Hierarchy presented in Strategic Policy 1 that we would ask the Inspector to consider.

It is not clear why Long Eaton has leapfrogged Ilkeston in the hierarchy, and Ilkeston should be reinstated to the top of the hierarchy.

2.7 Ilkeston is at the top of the settlement hierarchy in the adopted plan, which was reflective of its role, function, and development opportunities available, and this saw three times more houses directed to Ilkeston in the adopted plan than Long Eaton. It is not clear what has subsequently changed to see Long Eaton leapfrog it to the top spot.

2.8 The emerging plan still proposes substantially more homes in Ilkeston than Long Eaton:

Ilkeston		Long Eaton	
Ilkeston Urban Area	1,400 dwellings	Long Eaton Urban Area	700 dwellings
South Stanton	1,000 dwellings		
Extensions to Ilkeston	1,500 dwellings		
TOTAL	3,900		700

2.9 It is also notable that Ilkeston's role has only been further enhancement through the recent grant of planning permission for a 4000-job employment site on the northern part of the Stanton Works allocation/urban extension in the adopted plan. Good planning would suggest that the delivery of jobs and housing should be linked where possible to ensure a more sustainable form of development.

The hierarchy ignores non-green belt sites on the edge of the urban areas. These should be the fifth rung in the settlement hierarchy after South Stanton.

2.10 It is true that the Green Belt boundary is drawn tight to the urban areas in Erewash and that non-green belt sites outside of the urban areas are limited. However, this does not mean they should be ignored or that they should not be exhausted before Green Belt release was considered.

2.11 For example, Wulff Asset Managements site is located on the edge of the Ilkeston Urban Area, next to Stanton Works allocation in the adopted plan. Neither this site nor the land to the west which is also out of the Green Belt were considered in the growth option consultation. Indeed, it was not until the 2022 SHLAA that the Council considered my client's site, which was only published a week prior to the submission of the plan for examination and, therefore, not subject to public consultation. Unsurprisingly, given the late production and publication of this document, the Council concluded that my client site was not appropriate to deliver housing.

2.12 My client's site was given reference Site 371 in the 2022 SHLAA and the proforma is included in Appendix 3 for ease of reference. The reason my client's site was considered unacceptable is as follows:

“This site has been promoted as a potential strategic housing allocation through the review of the Erewash Core Strategy. It has not been selected as a preferred site which the Council plans to include

within its Core Strategy review. Regardless of the site's availability (a fact confirmed by the site's promotion), its isolated location and remote positioning away from key local services makes land unsuitable for housing."

- 2.13 My client's site is on the edge of the Ilkeston Urban Area. The adopted Stanton Ironworks allocation is immediately to the east and the planning permission for the 4000-job employment site on the northern part of this allocation adjoins the eastern boundary of the Site. The remainder of that allocation, now known as South Stanton, is only a few hundred metres to the southeast. Consequently, the site cannot be described as isolated.
- 2.14 It is important to note that my client's site has been subject to an outline application that was refused by the Council on 10 grounds, with several of the reasons for refusal contrary to their own consultee's advice (e.g., noise and heritage).
- 2.15 By the time we reached appeal, only four reasons for refusal remained. Three were on prematurity and are not relevant to the Inspector's consideration of whether this site is deliverable and should be allocated before Green Belt land should be released.
- 2.16 The remaining reason for refusal related to access to services and facilities, which links to the concern raised by the 2022 SHLAA. It is notable that the local highway authority signed a Statement of Common Ground with the applicant prior to the Inquiry to confirm they did not support the Council's reason for refusal regarding access to service and facilities.
- 2.17 It is also notable that the merits of the reason for refusal relating to access to service and facilities notwithstanding, that the emerging local plan changes the context of my client's site. South Stanton is a few hundred yards to the southeast. We are told by the Council that South Stanton will start delivering in 2027 and will provide a local centre and a primary school, both of which would be around 600 metres walk from my clients site (depending on their

final location). Consequently, even if we accept the Council's concerns with the current position relating to the site, that any perceived shortcomings in relation to access to services and facilities at the appeal are overcome by the South Stanton allocation.

- 2.18 It is our view that my client's site and any other appropriate non-Greenbelt sites on the edge of the urban area should be added as allocations in the emerging plan and a new rung added to the settlement hierarchy after South Stanton to accommodate these.

South Stanton is not a new settlement.

- 2.19 South Stanton is a new construct to separate the adopted allocation for the former Stanton Ironworks into two parts. The adopted allocation for the Stanton Ironworks and the adopted SPD associated with it address the former Ironworks as a single site, which is the logical approach to seeking its redevelopment as a new neighbourhood in the Ilkeston Urban Area.

- 2.20 South Stanton is currently part of the Ilkeston Urban Area, and the emerging plan seeks to extract it as a new settlement when it is plainly the redevelopment of a previously developed site in the existing urban area. Furthermore, even in the emerging plan, South Stanton's entire northern boundary would adjoin the Ilkeston Urban Area and it would remain reliant on the jobs, services, and facilities within it. Consequently, even if currently considered separate from the urban area, it would be an urban extension to it, rather than a new settlement.

- 2.21 It is our view South Stanton should be properly identified as the allocation of a previously developed site in the Ilkeston Urban Area.

How has the level of development anticipated in different settlement categories in Strategic Policy 1 been arrived at? Does the settlement hierarchy appropriately reflect the role and function of these settlements?

2.22 The focus of housing growth at Ilkeston is supported. Ilkeston is the best served settlement by service and facilities and is about to see a significant influx in jobs with the redevelopment of the northern part of the adopted Stanton Ironworks allocation.

2.23 However:

- Ilkeston should be at the top of the hierarchy, consistent with the adopted plan, and
- There is no flexibility provided to meet the minimum housing requirement. The hierarchy only plans to meet the minimum housing requirement (i.e., the minimum housing requirement is 5,800 and the homes identified in the six tiers of the hierarchy total 5800 dwellings exactly) and the windfall opportunities are already accounted for in the first three tiers of the hierarchy. Consequently, if additional sites are not identified now, then every single dwelling planned for will need to be delivered just to scrap to the minimum housing requirement. This is simply not realistic, does not meet the objective to boost significantly the supply of housing as set out in the NPPF, and more sites should be identified now to build in flexibility and provide the potential to exceed the minimum target should the market allow.

Has the potential for development in the urban area, the use of previously developed land and increased densities been optimised?

2.24 It is difficult to tell. The Council's original assessment was based on 2014 SHLAA and a HMA wide call for sites. It was not until 2022, when the plan was already formulated, that another SHLAA was produced, and this was not published until a week before the plan was submitted for examination.

2.25 By not including allocations in the urban areas, the sites claimed to be deliverable by the Council are not subject to independent scrutiny and those

representing sites not considered deliverable by the Council do not have a forum within which to argue their case and say our site is available and should be included in the plan.

On a strategic, Boroughwide level, does the scale of housing growth required and the limited opportunities within existing built-up areas provide the exceptional circumstances to justify altering the Green Belt?

- 2.26 At the moment, no. Before this question can be answered, the other sources of supply of non-Green Belt sites need to be exhausted, and, for the reasons stated above, this has not happened.

How were different sites considered for inclusion as allocations? What process did the Council follow in deciding which sites to allocate?

- 2.27 The process was fragmented and the evidence base updated in stages, with the last piece in the puzzle (i.e., the 2022 SHLAA) not published until after the submission plan was finalised and the public consultation undertaken, and only a week before the plan was submitted for examination. Consequently, what confidence can we have that the conclusions with it were not influenced by what the finalised plan was already proposing?

- 2.28 No Green Belt review has been undertaken. The relative role that sites plays in meeting the five purposes of including land in the Green Belt compared to other parcels of land around the urban areas was not, therefore, considered.

How did the Council consider the viability and deliverability of sites in deciding where to allocate development?

- 2.29 Viability has been considered and the Council has concluded that even green field Green Belt sites have potential viability issues. All the strategic urban extensions are subject to caveats on the delivery of affordable housing, with the final delivery based on the viability of the development. Most have the potential to get up to 30% affordable housing, but Kirk Hallam, the largest of

the Urban Extension (1300 dwellings), will only get to a maximum of 10% affordable home ownership, with no rented products. The same is true for North of Cotmanhay (250 dwellings) and South Stanton (1000 dwellings), although at least South Stanton is a former Iron Works and so its development would secure significant benefits through the remediation of this abandoned and derelict site and comes with the abnormal costs associated with this.

2.30 Delivering housing is not just a quantitative exercise, it is also qualitative one. A fundamental component of national planning policy is to provide the right range of homes to meet the need identified and at the moment the Council's revised plan is not even scratching the surface when it comes to the needs for affordable housing.

2.31 My client's site has been proposed with a policy compliant 30% affordable housing and demonstrates what can be achieved if the right green field sites of the right size and location can achieve if they are released.

In overall terms, is the Spatial Strategy appropriate and justified, particularly in terms of the range and mix of locations identified for growth? Is it effective and consistent with national policy?

2.32 Whilst we support the continued focus of Ilkeston as the main location to deliver housing growth, we do not consider the Spatial Strategy is appropriate or justified. The main reasons for this are:

- The urban capacity is poorly defined. There are no allocations in the urban area; the original assessment was based on 2014 SHLAA; the SHLAA was not updated until 2022 and late in the process.
- Not all non-Green Belt options were exhausted before the Council decided to release Green Belt land to meet the identified housing need.
- No flexibility is provided to allow for the minimum housing requirement to be met/exceeded.

- South Stamford is not a new settlement. It is a previously development site in the Ilkeston Urban Area that will provide a new neighbourhood as established by the adopted development plan.

APPENDIX 1 : SITE LOCATION PLAN

0m 40 80 120 160m
scale 1:2500



Location Plan 1:2500 @ A3

Land at Ilkeston Road/Sowbrook Lane, Stanton By Dale

APPENDIX 2 : INDICATIVE MASTERPLAN

- Key
1. Main Site access from Ilkeston Road
 2. Secondary site access from Sowbrook Road
 3. Pumping Station
 4. Local Equipped Area of Play
 5. Gas Main
 6. Detention Basin
 7. Existing Category A tree
 8. Local Area of Play
 9. Circular Pedestrian Route
 10. Access to canalside footpath
 11. Existing Pond
 12. Buildings to front out with 50m offset to sub station
 13. Sub Station
 14. Public Open Space
 15. Abandoned Mineshaft
 16. Retained Hedge
 17. Children's Trim Trail
 18. Retention of existing Public Right of Way
 19. Tree lined Avenue
 20. Existing informal Footpath to be retained.
 21. Community Gardens



**STANTON REGENERATION SITE -
RESOLUTION TO GRANT SECURED
FOR EMPLOYMENT SITE.**



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Project:
**Ilkeston Road,
Stanton By Dale**

Client:
Wulff Asset Management

Drawing:
Indicative Masterplan

Scale:
1:1000 @ A1

Drawing No:
RDC1146/002
Revision:
-
Date:
June 2022

Drawn By:
SC
Checked By:
-
Cad Ref:

Rev. No.	Date	Amendment	Initial
-	-	-	-

APPENDIX 3 :
2022 SHLAA PROFORMA

Site 371: Land at Sowbrook Lane, Ilkeston

Site information:

Category	Answer
Site name	Land at Sowbrook Lane, Ilkeston
Sub area	Ilkeston
Ward	Kirk Hallam and Stanton by Dale
Parish	Unparished
Easting	446385
Northing	339347
Existing use	Agricultural land
Surrounding land use(s)	Electricity sub-station, Nutbrook Canal, residential and Stanton North employment site
Site source	Local Plan Review
Year site added to SHLAA	2022
Brownfield or greenfield	Greenfield
Brownfield / Greenfield Land Register?	No

Dwelling capacity and density information:

Category	Answer
Site size classification	Large
Dwelling capacity (net)	196
Site area (hectares)	9.86ha
Density	19

Planning status:

Information	Answer
Site allocated in Local Plan	No
Planning application reference (ERE/)	None
Planning application type	Not applicable
Lapse date	Not applicable
Type of development	New build
Construction status	Not applicable

Constraints:

Type	Answer
Green Belt	No
Heritage assets	Yes
Ecology	Yes
Agricultural land	Grade 4 (Poor)
Flood zone	2
Air quality	No
Land contamination	No
Utilities	No
Highways and access	Yes
Coal referral area	Yes
Ownership issues	No
Overcoming constraints	

Assessment conclusions:

Category	Answer
Suitability	No
Availability	Yes
Achievability	No
Assessment conclusion	This site has been promoted as a potential strategic housing allocation through the review of the Erewash Core Strategy. It has not been selected as a preferred site which the Council plans to include within its Core Strategy review. Regardless of the site's availability (a fact confirmed by the site's promotion), its isolated location and remote positioning away from key local services makes land unsuitable for housing.
SHLAA conclusion category	Non D&D

Delivery information:

Category	Answer
Site included in 5-year housing land supply assessment	No
Units built as at March 31 st 2022	0
Units remaining as at March 31 st 2022	196

Projected housing completions (for sites assessed as deliverable and allocated sites only):

Year	Number of units
2022-23	0
2023-24	0
2024-25	0
2025-26	0
2026-27	0
2027-onwards	0

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