

Erewash Core Strategy Review

Hearing Statement Submitted on behalf of Tata
Steel UK Limited in relation to Matter 3 (The
Spatial Strategy)

Oakwell Brickworks, Ilkeston

December 2023

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Client
Tata Steel UK Limited

Our reference
CORA2006

Dec 2023

1. Introduction

- 1.1 This Hearing Statement has been prepared on behalf of Tata steel UK Limited ('Tata Steel') in response to Matter 3 (Spatial Strategy) of the Erewash Council Core Strategy Review Examination.

About Oakwell Brickworks, Ilkeston

- 1.2 Tata Steel has land interests at / adjoining the former Oakwell Brickworks site, which falls within the Ilkeston Urban Area (as currently defined). The respective site locations are provided at Appendix 1.
- 1.3 Two parcels of land within Tata's ownership are identified in the 2022 SHLAA as being suitable and available (ref: 158 and 159). Both parcels of land are identified as being outside of the Green Belt and well related to Ilkeston's main built-up area and town centre facilities. The assessment concludes that both sites are therefore locations where the principle of new housing would generally be supported. The sites are identified as being deliverable within a 6-10 year period.
- 1.4 Both sites are within the settlement boundary, within walking distance to Ilkeston town centre and local services, and benefit from good public transport.
- 1.5 A full planning application for residential development was submitted in March 2022 for one of the parcels of land (off Little Hallam Hill) and will likely progress to planning committee in early 2024. A separate full application is currently being prepared for the second parcel (off Derby Road).
- 1.6 Tata Steel submitted representations to the Regulation 19 consultation in May 2022, and these remain relevant to this Hearing Statement and the Examination. A copy of these representations is provided at Appendix 2.

2. Response to Inspector's Questions

- 2.1 This section sets out our response on behalf of Tata Steel to the questions that have been raised by the Inspector in the Matters, Issues and Questions Paper issued on 05 October 2023. We provide written responses to questions Q2, Q7 and Q13.

Matter 3

Question 2: 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 Tata Steel considers the council's approach to the spatial strategy in creating a sustainable pattern of development needs further refinement.
- 2.3 As set out in the introduction, Tata Steel has land interests at / adjoining the former Oakwell Brickworks site, which falls within the Ilkeston Urban Area (as currently defined).
- 2.4 Two parcels of land within Tata's ownership are identified in the 2022 SHLAA as being suitable and available for housing development (Ref: 158 and 159). The SHLAA confirms that both parcels of land are deliverable within 6-10 years.
- 2.5 Both sites are within the settlement boundary, within walking distance to Ilkeston town centre and local services, and benefit from good public transport.
- 2.6 Tata Steel fully supports the strategic option of locating new housing development within the Ilkeston Urban Area. The consultation document rightly acknowledges the importance of growth in the Ilkeston Urban Area, placing it second in the hierarchy (after growth within the Long Eaton Urban Area).
- 2.7 Notwithstanding the above, it is important that the role played by sites within the existing Ilkeston Urban Area is not underplayed as part of the wider spatial strategy. The Core Strategy must place sufficient importance on bringing forward appropriate sites within the defined urban area (both brownfield and greenfield). Such sites should be recognised as an essential component of delivery.
- 2.8 The revised Core Strategy must include policies that proactively support, and seek to maximise, development on appropriate sites within urban areas. The revised Core Strategy should therefore be explicit that there will be a 'presumption in favour of sustainable development' for new housing development within the urban areas, taking into account relevant material planning considerations. Whilst proposals will need to be considered on a site-by-site basis, the starting point should be a clear presumption in favour of new housing development within existing urban areas. This should also be reflected in the interpretation / application of other relevant policies within the Core Strategy.

- 2.9 It is also important that other policies within the plan do not unnecessarily restrict the delivery of new housing within areas such as the Ilkeston Urban Area. This includes Strategic Policy 5 (Green Infrastructure). Indeed, the draft Policy Map appears to designate the southern portion of land to the south of Derby Road (SHLAA Site ref. 158) within the 'Nutbrook Strategic Green Infrastructure Corridor'. The boundary of the Strategic Green Infrastructure Corridor appears to be arbitrary and does not follow the red line of the Site shown within the SHLAA.
- 2.10 Given that the Site is considered to be available, achievable, deliverable and developable for new housing in the SHLAA, it should be entirely outside of the proposed Strategic Green Infrastructure Corridor. The Site is readily available and deliverable and will play a key role in the delivery housing in the first five years of plan period.
- 2.11 It is important that the ability of such sites to deliver housing is not unduly impeded by other policies, such as the proposed Strategic Green Infrastructure Corridor

Question 7: Has the potential for development in the urban area, the use of previously developed land and increased densities been optimised?

- 2.12 Tata Steel considers the potential for development in the urban area and the use of previously developed land has not been appropriately optimised in the draft policies.
- 2.13 It is important that the role played by sites within the existing Ilkeston Urban Area is not underplayed as part of the wider spatial strategy. The Core Strategy must place sufficient importance on bringing forward appropriate sites within the defined urban area (both brownfield and greenfield). Such sites should be recognised as an essential component of delivery.

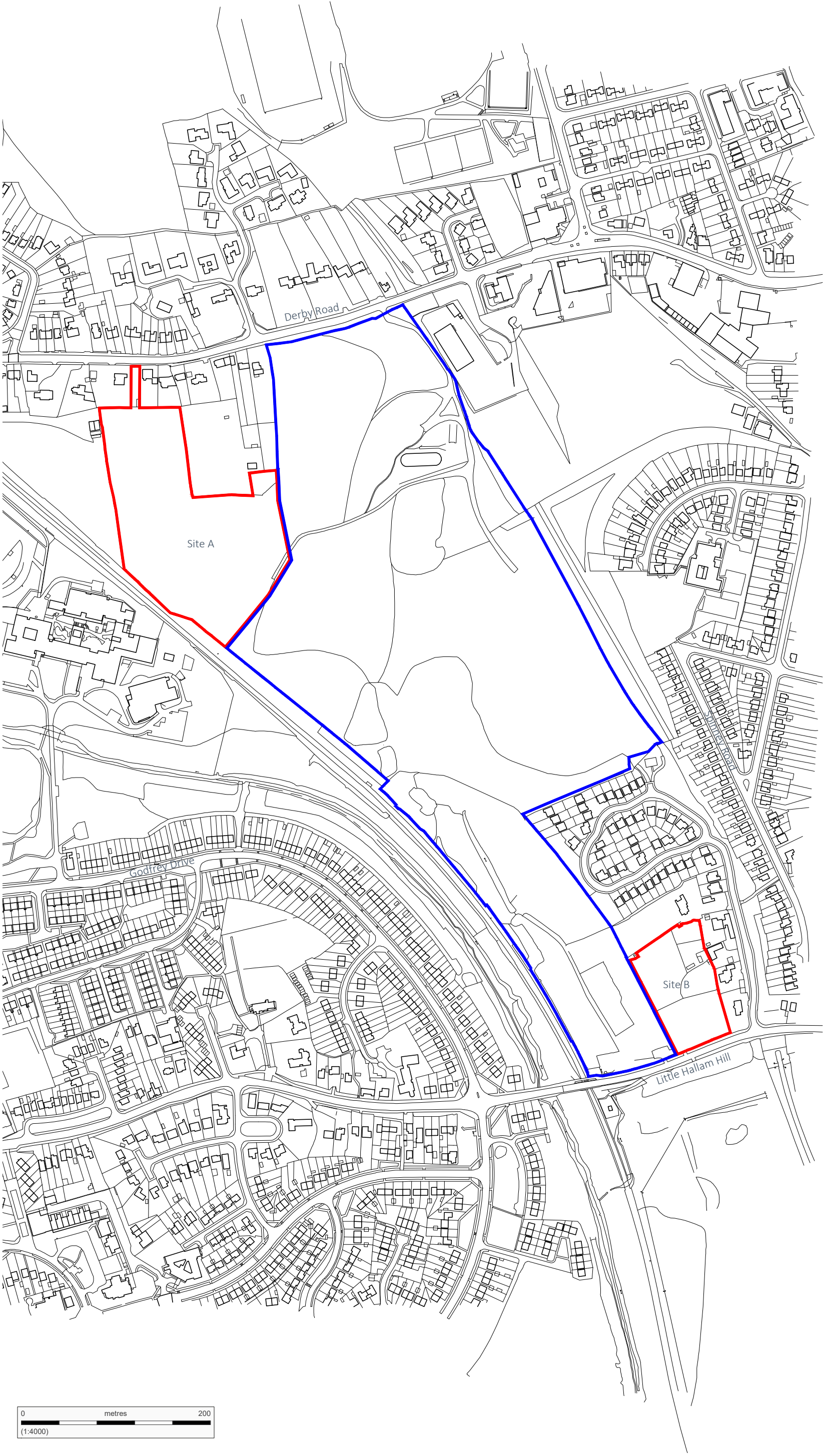
Question 13: In overall terms, is the Spatial Strategy appropriate and justified, particularly in terms of the range and mix of locations identified for growth? Is it effective and consistent with national policy?

- 2.14 It is considered that the spatial needs further refinement in order to be effective and consistent with national policy.
- 2.15 The draft policies need to be explicit in applying a 'presumption in favour of sustainable development' for new housing development within the urban areas. The starting point should be a clear presumption in favour of new housing development within existing urban areas. Indeed, sites within urban areas clearly have the potential to make a significant contribution to overall housing delivery. This would ensure consistency with the NPPF.
- 2.16 Putting a positive policy framework in place to support such development will ensure that all appropriate sites within existing conurbations can come forward, particularly those within settlements at the top of the identified hierarchy. This should be applied to both brownfield and greenfield sites within the defined Urban Area. Doing so will ensure that the Council adopts a positive approach to decision making for such sites.

3. Concluding Remarks

- 3.1 Tata Steel remains committed to working with the Council. We hope that the aforementioned comments assist the Inspector in relation to the specific questions raised.

Appendix 1: Tata Steel land interests at Oakwell Brickworks





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KEY

-  Site Boundaries
-  Additional land within ownership of Tata Steel

CLIENT
Limited

PROJECT
Land at Former Oakwell Brickworks

DRAWING
Location Plan

PROJECT NUMBER
CORA2006

DRAWING NUMBER
1001

DRAWN / CHECK BY
NMH

REVISION
Draft

STATUS

DATE
December 2023

SCALE
1:4,000 @ A3

Appendix 2: Regulation 19 Representations

Core Strategy Review Representation form submission

You have submitted the following information via erewash.gov.uk.

Title:

Mr

First Name:

Gareth

Surname:

Barton

Job Title (where relevant):

Organisation (where relevant):

Turley (on behalf of Tata Steel UK Limited)

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Agent's details (if applicable) Include name, address, contact number and email:

Gareth Barton, 18 Windsor Place, Cardiff, 02920 344 445, gareth.barton@turley.co.uk

To which part of the Core Strategy Review does this representation relate? (one or more must be ticked)

Policies Policies Map

Please use the box below to tell us specifically where the representation relates to (a policy, the policies map or other text). Do not use the box to make your comments as this is required further down the form.

Strategic Policy 1 - Housing, Strategic Policy 5 - Green Infrastructure

Do you consider the Core Strategy Review is Legally Compliant?

Yes

Do you consider the Core Strategy Review is sound?

No

Do you consider the Core Strategy Review complies with the duty to cooperate?

Yes

Please give details of why you consider the Erewash Core Strategy Review is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Core Strategy Review or its compliance with the duty to co-operate, please also use this box to set out your comments.

Why I consider the Erewash Core Strategy Review is not legally compliant or is unsound or fails to comply with the duty to co-operate.

Strategic Policy 1 - Housing

Tata Steel UK Limited ('Tata Steel') fully supports the strategic option of locating new housing development within the Ilkeston Urban Area. The consultation document rightly acknowledges the importance of growth in the Ilkeston Urban Area, placing it second in the hierarchy (after growth within the Long Eaton Urban Area).

Notwithstanding the above, it is important that the role played by sites within the existing Ilkeston Urban Area is not underplayed as part of the wider spatial strategy. The Core Strategy must place sufficient importance on bringing forward appropriate sites within the defined urban area (both brownfield and greenfield). Such sites should be recognised as an essential component of delivery.

The revised Core Strategy must include policies that proactively support, and seek to maximise, development on appropriate sites within urban areas. The revised Core Strategy should therefore be explicit that there will be a 'presumption in favour of sustainable development' for new housing development within the urban areas, taking into account relevant material planning considerations. Whilst proposals will need to be considered on a site by site basis, the starting point should be a clear presumption in favour of new housing development within existing urban areas. This should also be reflected in the interpretation / application of other relevant policies within the Core Strategy.

Putting a positive policy framework in place to support such development will ensure that all appropriate sites within existing conurbations can come forward, particularly those within settlements at the top of the identified hierarchy. This should be applied to both brownfield and greenfield sites within the defined Urban Area. Doing so will ensure that the Council adopts a positive approach to decision making for such sites.

It is also important that other policies within the plan do not unnecessarily restrict the delivery of new housing within areas such as the Ilkeston Urban Area. This includes Strategic Policy 5 (Green Infrastructure), which is addressed in more detail below.

Strategic Policy 5 - Green Infrastructure

Tata Steel UK Limited (Tata Steel) has land interests at / adjoining the former Oakwell Brickworks site, which falls within the Ilkeston Urban Area (as currently defined). Two parcels of land within Tata's ownership are identified in the 2019 SHLAA as being deliverable in the first five year period of the plan Ref: 184 and 185). The SHLAA confirms that both parcels of land are suitable, available, achievable, deliverable and developable for new housing.

Both sites are within the settlement boundary, within walking distance to Ilkeston town centre and local services, and benefit from good public transport. A full planning application for residential development has recently been submitted for one of the parcels of land (off Little Hallam Hill). A separate full application is currently being prepared for the second parcel (off Derby Road). It is important that the revised Core

Strategy provides a policy framework that supports sites such as those being brought forward by Tata Steel – both of which can play an important part in delivering the required number of new homes in Erewash.

The draft Policy Map appears to designate the southern portion of land to the south of Derby Road (SHLAA Site ref. 184) within the ‘Nutbrook Strategic Green Infrastructure Corridor’. The plan is hard to interpret in PDF form, but the boundary of the Strategic Green Infrastructure Corridor appears to be arbitrary and does not follow the red line of the Site shown within the SHLAA.

Given that the Site is considered to be available, achievable, deliverable and developable for new housing in the SHLAA, it should be entirely outside of the proposed Strategic Green Infrastructure Corridor. The Site is readily available and deliverable and will play a key role in the delivery housing in the first five years of plan period. It is important that the ability of such sites to deliver housing is not unduly impeded by other policies, such as the proposed Strategic Green Infrastructure Corridor.

As set out in our previous representations, the revised Core Strategy should avoid blanket or overly restrictive policies in relation to green infrastructure. It is more appropriate for green infrastructure to be addressed as part of a wider policy (or policies), which sets out criteria applicable to all relevant sites. This enables proposals to be considered on a site-by-site basis, with the provision of appropriate green infrastructure being informed by detailed assessment and technical work. This approach allows for greater flexibility for appropriate sites to come forward, whilst still ensuring that green infrastructure is considered and integrated into development proposals.

Please set out the modification(s) you consider necessary to make the Core Strategy Review legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Core Strategy Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Comments:

Strategic Policy 1 - Housing

The revised Core Strategy should include policies that proactively support development on appropriate sites within urban areas. The revised Core Strategy should therefore be explicit that there will be a ‘presumption in favour of sustainable development’ for new housing development within the urban areas, taking into account relevant material planning considerations. This should be applied to both brownfield and greenfield sites within the defined Urban Area.

Whilst proposals will need to be considered on a site by site basis, the starting point should be a clear presumption in favour of new housing development within existing urban areas. This should also be reflected in the interpretation / application of other relevant policies within the Core Strategy.

Strategic Policy 5 - Green Infrastructure

Should the Nutbrook Strategic Green Infrastructure Corridor be taken forward, the boundary should be amended to reflect the development potential of Tata Steel UK’s land at Derby Road, Ilkeston. The draft Policy Map should be amended to ensure that the entirety of SHLAA Site ref. 184 is outside of the Strategic Green Infrastructure Corridor.

The revised Core Strategy should avoid blanket or overly restrictive policies in relation to green infrastructure. Green infrastructure should be addressed as part of a wider policy (or policies), which sets out criteria applicable to all relevant sites. This enables proposals to be considered on a site by site basis, with

the provision of appropriate green infrastructure being informed by detailed assessment and technical work. This approach allows for greater flexibility for appropriate sites to come forward, whilst still ensuring that green infrastructure is taken into account and integrated into development proposals.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Our client has significant landholdings in the Ilkeston area and considers it necessary to participate in relevant hearing sessions to ensure that its interests are reflected in the Core Strategy Review.

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