

# Erewash Local Plan Review Examination in Public

## Participant 122 - Redrow Homes Ltd

Hearing Statement - Matter 6

December 2023

## **1.0 Introduction**

- 1.1 This Hearing Statement sets out submissions made by Planning and Design Group (UK) Limited on behalf of Redrow Homes. It relates to Matter 6: Housing Allocations, Question 6: Strategic Policy 1.3 Acorn Way, as set out in the Inspector's Matters, Issues and Questions document. The Statement forms the basis of our evidence, to be presented at the Examination in Public.
- 1.2 Only the questions relevant to Redrow Homes and the ongoing promotion of their land at Acorn Way, Derby, have been answered.

## 2.0 Matter 6:

**Issue – Whether the proposed housing site allocations are justified, effective and consistent with national policy.**

### 6. Strategic Policy 1.3 Acorn Way

#### A. *What is the background to the site allocation and how was it identified?*

- 2.1 Redrow Homes Ltd have had an option agreement with the site landowners since 2019, following marketing of the site by the landowners' appointed agents. The site was submitted as a potential development site to the Council Strategic Housing Land Availability Assessment through the 'Call for Sites process' in July 2019. In addition, and alongside of the SHLAA submission, we submitted a promotional design document to the Council identifying the potential of the site to deliver a sustainable housing growth site. The documents referenced the accessibility of the site, the lack of significant physical and environmental constraint, and highlighted the green infrastructure and placemaking opportunities through an indicative master plan. A separate specific Green Belt Review document was submitted to the Council in July 2019, providing a detailed assessment of the quality and contribution of the Green Belt in the vicinity of the site, and assessing the site against Green Belt purposes.
- 2.2 We subsequently met with the Council in July 2019 in order to discuss the potential of the site and to share initial investigations into site constraints e.g. ecology surveys, access arrangements, drainage etc.
- 2.3 In April 2020, we responded to the Council's formal Growth Options Consultation stage. The submissions directly addressed the question of whether the conclusions of the Sustainability Appraisal identified the correct site options. The submission noted that the Council's Green Belt Assessment for the site accorded with the developers own conclusions. The response confirmed Acorn Way as a highly deliverable site with the potential to be brought forward as a comprehensive and sustainable development.
- 2.4 Further representations were made to both the Plan Publication Version and the Revised Growth Options Consultation in 2021. In reviewing the Core Strategy, Erewash Borough Council ('the Council') undertook a Growth Options exercise, identifying sites proposed for allocation and those rejected, using evidence of

suitability, sustainability and deliverability. A library of 25 Strategic Growth Area (SGA) assessments was compiled.

- 2.5 In order to support the promotion of the site, we carried out and submitted a Comparative Site Assessment to assess the suitability, sustainability and deliverability of the Council's proposed Growth Options against reasonable alternative sites. It considered only those sites identified by Erewash as potentially suitable and reflected those considered in the Strategic Growth Area (SGA) assessments.
- 2.6 The framework for the site appraisal criteria was based on the Council's own sustainability objectives as set out in the Strategic Growth Options Draft Sustainability Appraisal January 2020. The tables were grouped according to their proposed housing allocation or exclusion by the Council in its Strategic Growth Options document. Sites were assessed and scored following the methodology employed within the Erewash Strategic Growth Options Draft Sustainability Appraisal using an adapted set of policy criteria questions and informed by our experience, local knowledge, and publicly available evidence base. The scores attributed to each policy criteria question under each objective were then extrapolated up into an overall score for each site. In this way, the assessment assessed each potential growth option in a consistent manner. This helped to identify the most sustainable options. The summary for Acorn Way identified that the site is a sustainable location and scores well against the purposes of the Green Belt, adjoining the built-up suburb of Oakwood, Derby.

*B. What would be the effect of developing the site on the purposes of the Green Belt?*

- 2.7 In terms of the purposes of the Green Belt as set out under paragraph 138 of the NPPF, the site can be released without undermining or eroding the overarching function of this designation.
- 2.8 In terms of checking the unrestricted sprawl of large built-up areas, the site is bound by robust and enduring boundaries. In addition, the illustrated master plan seeks to secure reinforced landscape boundaries alongside these features.
- 2.9 In terms of preventing neighbouring towns merging into one another, the eastern expansion of Oakwood will not result in any form of settlement coalescence.
- 2.10 In terms of countryside encroachment, there is an inevitability that through the expansion of settlements the urban form will encroach into the countryside.

However, in this instance, the expansion of development to the east is fully guided and controlled by clearly defined urban boundaries and cannot be described as 'unrestricted'.

2.11 In terms of the preservation of the special character and setting of historic towns, this part of Oakwood and Chaddesden are substantially modern, and the development is highly unlikely to materially affect the setting of Locko Park.

2.12 In terms of the recycling and preference of derelict and urban land, it is highly unlikely that all development within the Local Authority will be accommodated on previously developed land and therefore greenfield sites in the most sustainable locations must be considered.

*C. Are there exceptional circumstances to alter the Green Belt in this particular case? If so what are they?*

2.13 Para 140 of the NPPF sets out 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.'*

2.14 As is identified within the plan, Erewash has a high and ongoing housing growth need within a national policy context to significantly boost the supply of housing. As is clear from the Framework at Section 5, it is imperative that these needs are met, and it is self-evident that housing growth must be met in the location that it is actually needed. The Council has provided evidence to the EiP that it has explored the potential for neighbouring authorities to accommodate a proportion of its housing need and it is common ground that all neighbouring authorities are unable to take on a proportion of its housing growth. It is absolutely clear that there is an urgent and significant need for development that cannot be met elsewhere in the sub region.

2.15 It is also common ground among neighbouring authorities that *'There is insufficient housing capacity on non-Green Belt land in Erewash Borough to accommodate the housing need of the Borough. Consequently, Erewash Borough can only accommodate its own housing need by removing land from the Green Belt.'*

2.16 Outside of the very tightly defined urban areas, Erewash is 100% Green Belt. The original Green Belt Boundaries, which have never been altered or amended, were drawn very closely around the defined settlements, hard up to the developed edges

in most cases. This has provided almost no flexibility for housing growth to take place around the fringes of settlements. This has had two consequences.

- 2.17 Firstly, it has been successful in preventing the sprawl of settlements and ensuring that development opportunities and growth needs have had to focus on deliverable brownfield sites within the urban area. Some brownfield sites previously allocated for housing growth e.g. the former brick kiln land to the south of Derby Road in Ilkeston simply proved too constrained to viably deliver. It can be safely said that the achievable brownfield sites within the urban areas of Erewash have been well 'sweated' over the preceding decades.
- 2.18 Secondly, the tightly drawn Green Belt boundaries have in recent years become a ligature preventing the delivery of much needed housing and effectively cutting off supply to the residents of the Borough wishing to get a home. The evidence for this cut in supply is the fairly rapid decline in the Council's five year housing land supply. The Green Belt is the primary constraint to housing delivery in the Borough and if housing needs are to be provided for, as they must be, there is an exceptional need to consider the Green Belt boundaries.
- 2.19 Notably, every single other Green Belt authority around Nottingham, has had to amend its Green Belt boundaries through its respective Local Plans in order to meet housing growth needs. Erewash is the only Borough not to have done so. It is the exception that proves the need.
- 2.20 We would also note that the 2006 Green Belt Review which identified the importance of the Green Belt between Derby and Nottingham, is now 17 years old, was weak in its methodology and robustness, and does not take account of the significant shifts in both national policy and economics that have occurred in the intervening period. It is no longer an appropriate evidence base on which to consider plan making.
- 2.21 In respect of the Acorn Way site itself, the release of the site sits within these exceptional circumstances. There is no requirement for the Local Plan to demonstrate exceptional circumstances for individual allocations within land that is currently Green Belt. That said, the site has a number of specific attributes that ensure its exceptional release is justified in context. As noted, that site has limited physical or environmental constraint and is not subject to any ecological, heritage or landscape designations. It is entirely contained within the defensible boundary of Acorn Way, which is physical, identifiable and will endure. The release of the site will offer up opportunities to create and improve east-west multi-user leisure routes which will provide enhanced connectivity between the suburbs east of Derby, and the wider

countryside hinterland, ensuring improved access to nature and active travel routes. Development in this location will not negatively impact on the landscape. Overall the site has significant potential to deliver high levels of biodiversity net gain over and above the emerging 10% requirement.

- 2.22 In this location on the edge of Derby City, the site has the potential to support the delivery of local infrastructure improvements including contributions to education and healthcare, without the need to specifically build in significant new infrastructure. As is set out at paragraph 73 of the NPPF, the supply of large numbers of new homes can often be best achieved through planning for large scale development such as significant extensions to existing towns. In this location new housing can support a sustainable community with good access to local services and employment opportunities as encouraged by the NPPF. The site identified at Acorn Way, is incredibly well contained, has low visibility and can provide a well-planned development adjoining an existing settlement, which certainly cannot be considered as unrestricted sprawl.

*D. Should the policy set out what compensation measures will be expected where there is Green Belt release for development and how it will be calculated?*

- 2.23 Para 142 of the NPPF states that *'where it has been concluded that it is necessary to release Green Belt land for development, plans .... should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.'*
- 2.24 Our submitted evidence is there are Exceptional Circumstances that justify an amendment to Green Belt boundaries. Further we contend that in the instance of Acorn Way, there are no significant adverse impacts to the purposes of the Green Belt through its controlled release.
- 2.25 Notwithstanding, while there is nothing within the Framework that requires a calculation for compensation, Policy 1.3 recognises the need to consider compensatory measures stating that development shall provide for *'Improved multi-user crossings of Acorn Way to encourage safe use of Morley Byway 29 and Morley Foot Paths 31 & 32 into the open countryside'*. In combination with the extensive landscaping and public open space provided within the indicative master plan, the policy expressly seeks improved east / west multiuser connectivity through and beyond the site ensuring significant *'improvements to the environmental quality and accessibility of remaining Green Belt'* which is currently limited to a single unsurfaced

bridleway with no formal crossing point over Acorn Way. These requirements will radically improve public access to the adjacent Green Belt and wider network of public routes through the countryside to the east.

*E. What is the basis for the scale of development proposed and is this justified?*

- 2.26 The site is logically bounded by Acorn Way to the east as a credible, defined, and evident physical new defensible boundary to the Green Belt. Acorn Way forms a physical boundary that is recognisable and likely to be permanent. As previously noted paragraph 73 of the NPPF makes it clear that the supply of large numbers of new homes can often best be achieved through planning for larger scale development such as significant extensions to existing towns provided they are well located and designed and supported by the necessary infrastructure and facilities.
- 2.27 Where there is an exceptional need for the release of Green Belt to accommodate housing growth it is absolutely imperative to ensure that that land is then used effectively and efficiently to deliver a suitable quantity of housing balanced against the needs for environmental protection. In this case the Acorn Way site has been shown to be carefully master planned to ensure the delivery of an appropriate number of dwellings while at the same time maintaining good and robust landscape buffers around the site and a high proportion of biodiversity net gain.
- 2.28 The delivery of up to 600 dwellings from the site will ensure a viable and deliverable development proposition that can be accommodated without the need for significant amounts of new infrastructure. Development in this location and at this level will enable the development to support and improve existing local infrastructure to facilitate the needs of the population and existing local residents.

*F. What is the background to the specific policy requirements? Are they justified and consistent with national policy? Do they provide clear and effective guidance on constraints and suitable mitigation?*

- 2.29 The Acorn Way site is a relatively linear site, north-south, and it makes absolute sense to ensure that there are at least two new vehicular junctions with suitable pedestrian access onto Morley Road where the site joins the Derby urban area. Development of this scale will need two vehicular points of access and as such the policy requirement is fully in accordance with highways design guidance.
- 2.30 While the site is sustainably located on an existing bus route serving Morley Road and connected to Derby City centre, there is clearly some room for improvement on

the frequency of the service and is considered appropriate and justified for the development to support improvements to this particular service.

- 2.31 The site is currently crossed by bridleway which is unsurfaced and as such is not fully accessible to all users particularly during winter months. Acorn Way itself does not have a footway on both sides of the road and has no controlled crossing points. As such, crossing the road can currently be unnerving. This means that there is currently a constraint for residents within the eastern suburbs of Derby to access the wider countryside to the east within Erewash district by active travel modes. The policy requirement is not only a significant public benefit but is also consistent with paragraphs 100 and 106 of the Framework which supports opportunities for improving public rights and active travel networks.
- 2.32 The requirement for financial contributions towards the provision of additional pupil capacity at school serving the site is entirely in accordance with national planning policy.
- 2.33 Similarly, the requirement of the site to provide a minimum of 10 percent affordable housing is entirely consistent with paragraph 65 of the NPPF, and the policy seeks additional contributions enabling the provision of additional affordable housing in the areas of the Borough where is most desperately needed, subject to viability, entirely consistent with Section 5 of the framework

*G. What are the highways implications of the allocation and how will any impacts be mitigated?*

- 2.34 The development scheme has been the subject of pre application engagement with the highway authorities of both Derbyshire County Council and Derby City. Pre application engagement has also taken place with National Highways. It has been confirmed by all parties that the scope of highway assessment work presented is suitable and appropriate and that traffic impacts on the local highway network and off-site junctions can be appropriately assessed. There is no requirement for detailed highway modelling of the wider strategic highway network. All parties have also agreed in principle to the access arrangements onto Morley Road. While Derby City have expressed some concerns about the accessibility of the site in relation to local bus routes and connectivity back into the city, these issues are under review and it is considered that there is a range of appropriate contributions / solutions that can be made to ensure that the site is even better connected and that a range of both public transport and active travel modes can be supported and improved. Certainly, no

insurmountable constraints to the development of the site based on highways impacts have been identified, subject to appropriate mitigation.

*H. Does the policy identify appropriate and necessary infrastructure requirements? How will these be provided and funded? Is this sufficiently clear?*

- 2.35 The policy clearly identifies the need for any development to improve and support local highway infrastructure improvements to provide for affordable housing and to make financial contributions towards education provision. The precise detail of these requirements will be identified through the development management process and consultation with relevant stakeholders. In addition, any other potential contribution requirements e.g. towards local healthcare provision, will be correctly identified at the time of application through direct consultation with relevant parties. While the policy makes clear the need for relevant infrastructure contributions it would be wrong for a strategic plan to pin down specific requirements or figures that might be subject to change over the plan period.
- 2.36 The policy is sufficiently clear for its purpose, and the full application for the site that is currently being prepared for submission, will necessarily be subject to detailed scrutiny and identification of offsite infrastructure requirements that will require contributions through the development management process.

*I. What implications will the allocation have on Derby City with regards education and highways?*

- 2.37 The site directly adjoins the eastern edge of Derby City and it is clear that a proportion of residents of the site will utilise the existing highway network within the city. The full application for the site currently being prepared will be subject to a fully detailed Transport Assessment which will consider the implications on the local highway network and specific junctions agreed through scoping with the relevant highway authorities. Through this work any necessary mitigation or junction improvements will be identified to accommodate the traffic generation, but there will also be a significant focus on public transport and active travel in order to minimise highway impacts.
- 2.38 A proportion of residents of the site will also utilise education facilities within Derby they are in close proximity to the site. Through the detailed pre application submission no significant issues or constraints have been identified by the local education authority. It is anticipated that through an application and consultation directly with the LEA, any shortfalls, at the meaningful year, will be identified and

mitigation can be identified and supported through financial contributions as required by the policy.

*J. Should the policy make provision to protect the playing field adjacent to the site allocation?*

2.39 There is absolutely no requirement for the policy to protect the playing field adjacent to the site allocation which falls within the grounds of Lees Brook school. The school is operated and managed by an Academy trust in the interests of its pupils. The disposal or change of use of school playing fields is governed by Section 77 of the School Standards and Frameworks Act 1998 and The School Playing Fields General Disposal and Change of Use Consent (No 5) 2014. Moreover, playing fields and open spaces are protected by both local and national policy and any proposals to develop playing fields are subject to scrutiny by Sport England

2.40 It would be wholly unsound for the policy to seek to protect the school playing fields which are not publicly accessible, and which already have a level of protection conferred by policy, legislation and practise.

*K. Are there potential adverse effects not covered above? If so what are they and how would they be addressed and mitigated? (The Council's response should address key issues raised in the representations).*

2.41 The site is relatively unconstrained and there are unlikely to be any significant potential adverse effects arising from the development of the site as noted the site is currently the subject of preparation of a full planning application through which a full suite of environmental constraints assessments have been undertaken. These include assessments of the potential impacts on air quality, noise, agricultural land, flood risk and drainage, highways, pollution and ground conditions, ecology and landscape. None of the assessments undertaken have identified any significant impacts or adverse effects arising from the development proposals.

*L. What evidence is there to demonstrate that the allocation is viable and deliverable within the plan period? What is the situation with regards land ownership and developer interest?*

2.42 The allocation site is under option to Redrow Homes Limited who are an active National house builder with a strong track record in delivering homes in this local market. Subject to the detail of contributions and infrastructure requirements emerging from the formal planning application process, Redrow have assessed the

site to be viable and entirely deliverable within a short period of time. As noted, Redrow are currently preparing a full application for submission early in 2024, and on grant of consent would intend to commence development on the site within 9 months. To reiterate it is a **full** application being prepared, demonstrating the intent to deliver within a relatively short time scale.

*M. How will the site be brought forward for development? What mechanisms will there be to ensure a comprehensive and co-ordinated approach to development, ensuring that infrastructure requirements are provided?*

2.43 The site is under option to a well-established and resourced national housebuilder, with a strong track record of delivery in the local area. The site will be brought forward by Redrow themselves and Redrow alone, ensuring a comprehensive and coordinated approach to the development. The development will of course need to be brought forward in a phased way with primary highways infrastructure being delivered up front in order to serve the initial phases. Subject to the mechanisms of any agreed section 106 agreement, contributions towards off-site infrastructure e.g. education, will be timed to ensure that any necessary increase in capacity can be delivered at the time it is needed.

*N. What is the expected timescale and rate of development and is this realistic?*

2.44 Subject to a grant a full planning permission in 2024 Redrow would intend to be on site delivering houses in the forth quarter of 2025, and is fully confident to deliver the full development well within the plan period.

*O. Overall, is the allocation justified, effective and consistent with national planning policy?*

2.45 In line with both the evidence presented here and in our previous submissions to the Core Strategy Review, the allocation has been entirely justified, will be delivered effectively and it wholly consistent with National Policy.