



Our Ref: P1763/SS
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Programme Officer

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Dear Ms Schofield,

RE: Matter Hearing Statement

Harris Lamb Planning Consultancy has been instructed to prepare this Matter 4 Hearing Statement on behalf of Wulff Asset Management Limited.

Wulff Asset Management are the promoter of a non-Green Belt site – Ref. Site 371 in the 2022 SHLAA (EBH4a) – for residential development 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.

Below we set out our responses relevant Inspectors questions.

INSPECTORS QUESTIONS

Principle of Green Belt Release

2. What is the capacity to accommodate housing development in the Borough on non-Green Belt land? How has this been assessed and is this robust?

The assessment of non-Green Belt sites was phased and undertaken in an ad hoc manner by the Council. It was not a robust assessment and does not demonstrate that the non-Green Belt sites have been exhausted. For example, the latest SHLAA was only published a week before the plan was submitted for examination. This SHLAA was not consulted on and its was not published until after the decision to release Green Belt land was made. Consequently, we cannot have confidence that the conclusions drawn in it were not influenced by the decision to release Green Belt land or that more could not have been done

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with landowners and/or promoters to address any perceived shortcomings to reduce the pressure on Green Belt land.

3. How is this affected by the spatial strategy?

The spatial strategy ignores non-Green Belt sites on the edge of the towns and jumps straight from the urban area to Green Belt sites. Consequently, the spatial strategy resulted in non-Green Belt sites on the edge of the urban areas not being considered and the full capacity of non-Green Belt sites not being properly understood before Green Belt sites were proposed to be released.

4. How is it affected by other constraints?

Other constraints do appear to have been considered in the SHLAA. However, in our experience, nothing was done to work with landowners / promoters to see if a solution could be found to address any perceived constraints. It is our view that appropriate measures were not taken to try and address these concerns, because by the time they were identified the decision to release Green Belt land had already been made and the proposed residential allocations identified.

Paragraph 141 of the NPPF identifies that before exceptional circumstances exist to justify changes to Green Belt boundaries a strategic policy making authority should be able to demonstrate that it has fully examined all other reasonable options for meeting its identified need for housing. Have all opportunities to maximise the capacity on non-Green Belt land been taken? As such:

5. How has the Council sought to make as much use as possible of suitable brownfield sites and underutilised land?

The Council has been overly relaxed in its approach to making the most of brownfield sites and underutilised land. Brownfields sites are not proposed to be allocated and underutilised land on the urban edge were ignored in the spatial strategy. This undermines the Council's ability to make the argument for exceptional circumstances due to the absence of non-Green Belt land, because certainty is needed on these points to provide a robust understanding of the size of the shortfall.

8. The Council has produced Green Belt Technical Paper (EBC05). Was the Council's approach to assessing Green Belt appropriate? What are your reasons for this view?

The Council did not undertake a full review of the Green Belt. Consequently, it is not possible to know how the proposed allocations perform against other parts of the Green Belt when it comes to contributing towards the purposes of including land in the Green Belt as set out in Paragraph 143 of the NPPF. A borough wide review should have been the starting point once it had been identified that Green Belt land would be needed to meet the development needs identified.

10. How has the Council assessed the suitability of land parcels and their contribution towards the purposes of including land in the Green Belt?

For the land proposed to be put into the Green Belt, the Council has not assessed the contribution this land would make to the purposes of including land in the Green Belt. If the Council had, it would have become readily apparent this land does not contribute to these purposes and we would not be debating about whether adding the land to the Green Belt is justified and accords with national planning policy.

Exceptional Circumstances

11. Are there exceptional circumstances to alter the Green Belt in the Borough in principle? If so, what are they? If not, how could housing and employment needs be met in other ways?

As we understand it, the exceptional circumstances presented by the Council relate to the delivery of the housing needs identified, which in turn foster economic growth. Whilst we do not dispute that the housing need is probably of a level to justify the release of Green Belt land in principle, there is a process that needs to be followed and the bar for demonstrating exception circumstances is high. The urban capacity and non-Green Belt options need to be exhausted first, and further work is needed on both of these before it can be said that they have been exhausted. For example, allocations should be brought forward in the urban area and non-Green Belt sites reappraised in the context of 'what can be achieved on these if we work with landowners, promoters and other stake holders?', rather than dismissing them with

little thought once the strategy had already been set and the proposed Green Belt allocations identified.

We hope that you take our comments into consideration, and we look forward to appearing in the hearing sessions at the beginning of next year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sam Silcocks', with a stylized flourish extending to the right.

Sam Silcocks BSc (Hons) MA MRTPI

Director

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