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Your Ref: PINS/3312282/01  
Date: 22/12/2023

**EBC07**

Dear Inspector

**Re: Examination of the Erewash Core Strategy Review**

Thank you for your letter of 14 December 2023 to my officer Oliver Dove requesting the Council's view on the options you have set out for the examination of the Erewash Core Strategy Review.

The Council does not agree with the interpretation of the requirements of the Statement of Community Involvement set out in your letter. Specifically, the Statement of Community Involvement does not commit the Council to write to all persons who made a representation at regulation 18 to invite them to make representations at regulation 19. You quote from Appendix 2 of the Statement of Community Involvement that "the Council can invite [representations from] anyone it considers would be interested in a document." The key word here is "can", which you have, it is believed, interpreted as "will".

Given Data Protection requirements, it was correct for the Council to be cautious about recontacting persons who had made representations at regulation 18, especially as the privacy notice accompanying that previous consultation had required those consultees to 'opt in' to receiving further such communications. The Council notes your assertion that those who did not use the official response form may not have been aware of the 'opt in' requirement. That of course is possible. The Council is confident, however, that the community in general was well aware of the exercise in hand, which at the time was topical in both printed and on-line media. The Council has been proactive in promoting and facilitating community engagement and involvement. By way of example I refer to the impact of Covid on the consultation process. During the regulation 18 stage of consultation Covid struck and a good many restrictions were imposed by government. Those restrictions occurred during a 12 week consultation period. Erewash would have been quite correct to have adhered to the consultation process but, in the spirit of enabling involvement, the consultation period was extended by several months. Responses

received during the two regulation 18 consultations are of course documented and part of our data resource available to you.

Notwithstanding the fact that a number of the private individuals who made representations at regulation 18 did not make further representations at regulation 19, it is the case that a larger number of representations were received in respect to regulation 19 than were raised to regulation 18, despite the fact that the regulation 19 document made no new proposals. This would appear to evidence that publicity of the regulation 19 consultation was effective. Furthermore, the Council has no reason to believe that additional representations will raise additional material planning considerations.

The Council is therefore of the view that there is little benefit to the additional round of consultation you propose, as the local community have already increased their level of representation and had ample opportunity for involvement.

However, the Council acknowledges and accepts wholeheartedly that the examination process is your process; that it is you who is responsible for its conduct and for the report you produce at its conclusion. This being so, we are grateful to have the opportunity to offer our view on the two options you have set out to take forward your process.

The matter has been considered within the Council. Our strong preference is for your Option 1, to progress the hearings as you have currently scheduled them, and then to adjourn to allow further sessions to be called as you see necessary. We consider that to do otherwise would cause additional delay, expense and disturbance, uncertainty and possibly distress to those interested parties who are currently engaged in your hearing sessions, who have already experienced delay, expense and disturbance as a result of the Secretary of State's intervention. We have also taken into account the significant delay those parties have already experienced since the submission of the plan for examination on 30 November 2022, and the reasons set out in the Secretary of State's direction to avoid further delays to the plan making process. If you are able to confirm that this is your preferred way forward, then we will write to the parties you have identified to invite their representations to the Erewash Core Strategy Review for your consideration concurrently with the scheduled hearing sessions.

We look forward to your confirmation of the way forward you wish to take.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Birkinshaw', written in a cursive style.

**Steve Birkinshaw**  
**Head of Planning and Regeneration**