

# EBC - Opening Statement

## 1. Secretary of State's Direction

Erewash Borough Council is currently under a direction by the Secretary of State under section 27 of the Planning and Compulsory Purchase Act 2004, which has the effect of preventing the Council from withdrawing the Erewash Core Strategy Review from this examination. The Secretary of State's letter issuing this direction was explicit in assuming that without such a direction being in place, the Council would have withdrawn the Core Strategy Review from this examination.

This direction has placed myself and my officers in an interesting position, in that we are servants of Council but have been prevented by the Secretary of State from being able to receive the instructions that they consider Council wish to give us. Nevertheless we did receive an instruction from Council in March 2022 to progress the Core Strategy Review, and it is on that authority that we must proceed.

As the team responsible for producing the Core Strategy Review, we are in a position to offer the Inspector insight into that process and the reasoning that lead to the form of that plan as submitted. However, given the circumstances set out above, though we are able to offer our own professional opinions, we do not consider ourselves to be in a position to provide the Inspector with the Council's current opinion on matters that may arise under debate.

In particular, we do not consider ourselves to be in a position to recommend, on the Council's behalf, any modifications to the Core Strategy Review.

Nevertheless, in reference to Section 20(7C) of the Planning and Compulsory Purchase Act 2004, the Council does request that the Inspector recommends modifications to the Core Strategy Review that would remedy any procedural or soundness issues that they otherwise determine would require them to recommend not adopting that Plan. We are available to answer any questions the Inspector may have pertaining to such a proposal by them.

## **2. Soundness of the Core Strategy Review**

Notwithstanding the above, it is a matter of fact that the Core Strategy Review before this examination was approved by Council for submission consultation in March 2022, at which time my officers and I considered it to be sound.

It is further a matter of fact that my officers and I did not consider that any of the representations made to that submission consultation identified any issues of soundness with the plan, leading to my recommendation to the Chief Executive that the plan be submitted for examination in November 2022.

## **3. Format of the Core Strategy Review**

As set out in the Council's Local Development Scheme, the Core Strategy Review is a partial review of the development plan that, if adopted, would sit alongside saved policies of the 2014 Core Strategy Review and of the 2006 Local Plan. The plan under examination is therefore focussed on the changes needed in the Borough in order to meet current needs.

This format of the Core Strategy Review was inspired by the 2020 MHCLG White Paper: Planning for the Future, and in particular the proposals in that white paper for government to produce a suite of development control policies, freeing local plans to concentrate on their spatially specific issues supported by a proportionate evidence base. Those proposals of the white paper have subsequently become law in the Levelling Up and Regeneration Act 2023, though most of those legal changes are yet to take effect. Nevertheless, we consider this Core Strategy Review to be a model of a Levelling Up and Regeneration Act compliant Local Plan.

#### **4. Main Matters**

The Core Strategy Review has already proved effective in attracting millions of pounds of investment to the Borough at New Stanton, with the potential for much needed job creation. It has also been effective in stimulating investment from a number of volume housebuilders, some of whom are in attendance at these hearing sessions, to address the Borough's housing needs. However, due to the Secretary of State's standing Green Belt Direction, those housebuilders are prevented from delivering that housing investment without the benefit of the findings of this examination.

Consequently, though legislation, the national planning policy framework, and planning practice guidance require the Inspector to consider the many issues set out in the main matters for these hearings, we consider that there are two central questions for this examination: is Green Belt land required to meet the Borough's housing needs, and if so are the sites proposed suitable, available and deliverable for that purpose? Myself and my team consider the answers to both of those questions to be "yes".