



The Planning Inspectorate

Examination of the Erewash Core Strategy Review Post Hearings Letter 4 September 2024

1. Introduction

- 1.1 Further to what I said at the final Hearing session I am writing to the Council to set out my initial findings based on what I have read, seen and heard to date. However, the examination is not yet concluded. This letter does not set out my findings on all the issues discussed during the Hearings. Instead, it focuses on the main issues where I have key legal compliance and soundness concerns. You will see that they have significant implications for the examination of the Core Strategy Review (CSR).
- 1.2 The Council and participants should note that the comments do not represent my full and/ or final conclusions on the matters. They will be set out in my report, having first considered any representations made in response to the Main Modifications consultation.
- 1.3 To clarify, the CSR is being examined under the transitional arrangements set out in Annex one to the National Planning Policy Framework 2023. As such the policies in the previous version of the NPPF published in September 2023 and the associated version of the Planning Practice Guidance (PPG) continue to apply. References in this letter to the NPPF and Guidance are therefore to those versions.

2. Sustainability Appraisal of Strategic Options

- 2.1 The Council carried out a Sustainability Appraisal (SA) of the CSR and published a report alongside the plan and other submission documents.
- 2.2 The Environmental Assessment of Plans and Programmes Regulations 2004 require an assessment of reasonable alternatives having regard to the objectives and geographical scope of the plan. In terms of the location of housing development, the Council assessed what it deemed to be 8 reasonable alternatives during the preparation of the CSR which were assessed against the SA objectives. The Council went on to select 6 of the options (a-f).
- 2.3 With regard to potential locations for housing development, the Council looked at large site options defined as 200+ dwellings on the basis that they were seeking to attract volume house builders to the borough. However, it is not clear why the Council did not test small/ medium site options outside existing settlement boundaries as a reasonable alternative to this strategy. Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing

requirement of an area and are often built out relatively quickly. Clarification is sought on this matter.

- 2.4 In terms of the locations for employment growth the SA looked at 4 options. Option one was the allocation of existing strategic employment zones. Options 2, 3 and 4 looked at the allocation of strategic employment zones in Erewash plus the allocation of land at Stanton Regeneration site (option 2), the allocation of land at West Hallam Storage Depot (option 3) and land at East of Breaston (option 4). Option 2 was identified as the Council's preferred option and allocated in the Plan in Strategic Policy 1.2 – South Stanton.
- 2.5 An alternative site has been put forward by a site promoter of land north of Longmoor Lane. The Council confirmed after the Hearing session that the site was not subject to SA on the grounds that the Council's minimum 40ha requirement, identified in the Employment Land Needs Study, could be accommodated on the Stanton Regeneration Site (option 2). It was considered that the allocation of Longmoor Lane would be detrimental to long term efforts to regenerate the brownfield site at Stanton. However, the SA did test another Green Belt site through option 4 and so further clarification is sought from the Council as to why the land at East of Breaston was tested but land north of Longmoor Lane was not.
- 2.6 Further information is therefore required to explain how the SA has adequately tested reasonable alternative strategies for housing and employment. In the absence of further justification, further sustainability appraisal will be required.

3. Settlement Hierarchy and Spatial Strategy

- 3.1 The spatial structure of the Borough is divided into 3 main categories – the Long Eaton Urban Area, the Ilkeston Urban Area and the villages and hamlets. Whilst Strategic Policy 1 of the CSR identifies a 'settlement hierarchy' it is unclear how all the 6 rows that form the hierarchy fit into the 3 categories of the spatial structure, particularly rows d-f.
- 3.2 As confirmed in the Hearings, the settlement hierarchy presented in Strategic Policy 1 is not a hierarchy based on the size and/ or range of services in the conventional sense. Instead, it is the order in which different growth options tested in the SA were deemed sustainable and subsequently it became the order of the search for site allocations.
- 3.3 Due to the Council's assessment of land deemed appropriate for development in the different categories, the order of the locations in the hierarchy presented does not reflect the quantum of development directed to different locations. Overall, the settlement hierarchy and spatial strategy are conflated and opaque and there is no clear policy direction how planning applications in different locations can expect to be treated. Given that Policy 2 of the adopted Core Strategy will not be saved, the CSR is not effective.

- 3.4 For effectiveness the CSR needs to outline a spatial strategy that identifies the overall distribution of growth within the Borough along with an explanation of the reasons for this. There will inevitably be a link to the vision and objectives for the area. Where the spatial strategy differs from the adopted Core Strategy an explanation should be provided for clarity.
- 3.5 Separate to this, the role and function of the locations that make up the different elements of the Borough's spatial structure should be identified to form a settlement hierarchy. This should be accompanied by an explanation of the expectations for development in those locations. The supporting text can explain the reasons for the position of the respective locations within the settlement hierarchy.

4. Housing Need/ Requirement and Housing Land Supply

- 4.1 Strategic Policy 1 – Housing of the CSR identifies a housing requirement of 5,800 net new dwellings over the period 2022 to 2037. This figure is based on the Council's calculation of minimum housing need using the standard methodology. The calculation of need and housing requirement covers a 12 year period from anticipated adoption in early 2025. Paragraph 22 of the NPPF identifies that strategic policies should look ahead over a minimum 15 year period from adoption. In response, the Council has updated its position in document EBC 11a (June 2024), identifying a housing requirement of 6,948 dwellings over the period 2022/23 - 2039/40 with an annualised requirement of 386 dwellings to comply with national policy.
- 4.2 Document EBC 11a also identifies a revised trajectory for the supply of housing land. Paragraph 68 of the NPPF requires planning policies to identify a supply of specific, deliverable sites for years one to 5 of the plan period and specific developable sites or broad locations for growth for years 6-10 and where possible, for years 11-15 of the plan. The glossary of the NPPF defines what is meant by deliverable and developable. However, the way in which information is presented in the trajectory means that it is not possible for me to determine whether the sites identified by the Council comply with these definitions of deliverable and developable.
- 4.3 Using the most up to date monitoring year information there is a need for a breakdown of sites under construction during that monitoring year, those with outline planning permission and full planning permission. Strategic Housing Land Availability Assessment sites, not yet subject to a planning permission should be shown separately. Additional information will also be required on all the sites that make up the housing trajectory to demonstrate their deliverability and developability to justify delivery within the timescales identified.
- 4.4 Irrespective of the shortcomings of the trajectory presented, for the plan period the trajectory contained in EBC 11a estimates a total supply of 6,128 dwellings. This is less than the total requirement of 6,948. Consequently, the housing requirement for the plan will not be met.

- 4.5 With regard to 5 year housing land supply, the revised housing trajectory produced by the Council shows that there would only be 4.53 years worth of housing land supply upon adoption of the plan. The Council accepts that it is unable to demonstrate a 5 year housing land supply of deliverable sites. This is despite the Council stating that they had been optimistic in the expected delivery rates they had presented. The lack of a 5 year housing land supply makes the plan under examination unsound. Main modifications are therefore going to be required to rectify this significant soundness concern.
- 4.6 Over the lifetime of the plan period there will be a shortfall of at least 820 dwellings, with at least 218 being needed to count towards the 5 year housing land supply. Given the marginal supply in relation to requirements it would be sensible to identify sufficient capacity to provide a reasonable amount of flexibility in addition to this.
- 4.7 In the Hearings the Council identified that it had assessed the potential supply from a range of sources, maximised opportunities within the built up areas and on previously developed land and has optimised densities on the existing allocations. I would therefore be grateful in the first instance for the Council's views on how a sufficient supply of housing land can be provided, and whether or not the strategy for the area and reliance only on sites over 200 dwellings represents an appropriate strategy for Erewash. In the event that further housing sites are required, the Council should provide a clear timetable setting out how this can be achieved during the course of the examination.

5. Green Belt

- 5.1 There are 7,851ha of Green Belt within Erewash which equates to almost 72% of the total land area of the Borough. The CSR allocates 4 sites in the Green Belt for housing totalling 105.3ha which would lead to a 1.34% reduction in Green Belt. It also looks to allocate 27ha of land as new Green Belt as part of the housing proposal Strategic Policy 1.5.
- 5.2 Whilst there is no requirement in national policy for a specific type of Green Belt review, paragraph 140 of the NPPF requires alterations to Green Belt boundaries to be fully evidenced and justified. On the information that has been presented this has not been demonstrated.
- 5.3 The Strategic Site Assessments identify factual information relating to the Green Belt, for example distance of a site from a settlement, but there is no analysis or judgement about what that information means. There is no assessment of the level of contribution individual sites make to the Green Belt and there is a lack of evidence to demonstrate the strength of the function of different parts of the Green Belt within Erewash. There is little evidence to demonstrate what impact the release of individual sites would have on the Green Belt.

- 5.4 In terms of the proposed site to be added to the Green Belt there is no assessment of how the site contributes to the 5 purposes of including land within the Green Belt to justify the allocation. There is no explanation of the necessity for the addition and no explanation of the exceptional circumstances to justify the new Green Belt.
- 5.5 In the Hearing the Council said that not all potential site allocations considered for allocation in the preferred locations were taken forward because of the impact that there would be on the Green Belt. However, there is an absence of evidence to substantiate this.
- 5.6 It is fully accepted that the effect on the Green Belt is one factor in consideration of where sites should be allocated. However, Government attributes great importance to the Green Belt and changes to Green Belt boundaries should only be made in exceptional circumstances. Further work is consequently required to evidence and justify the proposed changes. For the site allocations this will include identifying the strength of the function of different parts of the Green Belt in Erewash and assessing the level of contribution individual sites make to the Green Belt. For the site to be added to the Green Belt, it will require an assessment of the role of the site in relation to the 5 purposes of including land within the Green Belt and an explanation of the exceptional circumstances to justify the new Green Belt.

6. Infrastructure to Support Housing Allocations

Highways

- 6.1 Strategic Policy 1.3 Land at Acorn Way of the CSR allocates 600 homes extending the Derby neighbourhood of Oakwood which forms part of Derby City. The allocation includes the creation of at least 2 new vehicular junctions onto Morley Road. Derby City Council, as Highways Authority, has raised concerns about whether it will be possible to mitigate the resultant impacts of the allocation on the highway network. Whilst the site promoter identified in the Hearing that transport assessment work indicates that the matter can be overcome, that information is not before me, the Highways Authority or other interested parties. In the absence of this evidence I am not in a position to conclude that the allocation can be delivered and therefore that the policy is effective and sound. The evidence will need to be provided or amendments will be required to the plan to make it sound.

Education

- 6.2 Strategic Policy 1.3 Acorn Way and Strategic Policy 1.4 North of Spondon are located on the boundary with Derby City. Both policies seek to direct financial contributions towards the provision of additional pupil capacity to schools that fall within the Derby City administrative area.
- 6.3 Whilst I accept that schools in the Oakwood and Chaddesden area and Spondon area of Derby would provide sustainable options, the site north

of Spondon does not currently fall within a school catchment area. In addition, at the Hearing the education authorities were also unable to confirm whether there was capacity to accommodate or expand the schools in the areas in question. In this context the requirements of policies 1.3 and 1.4 on this matter are not justified and therefore are not sound. In the absence of such information Main Modifications will be required to provide greater flexibility within the policies to enable the matter to be dealt with at the planning application stage.

7. Green Infrastructure

- 7.1 Strategic Policy 5 – Green Infrastructure of the CSR identifies 4 strategic green infrastructure corridors within the Borough, along with a set of 4 objectives for the corridors. The policy supports development that furthers the identified objectives. The corridors identified in the policy are drawn on the Proposals Map.
- 7.2 Whilst at the Hearing the Council said that the policy seeks to support a wider sub regional project, the policy is not substantiated by any evidence. There is an absence of evidence to explain or justify the specific boundaries of the corridors or evidence to explain and justify the method used to designate the corridors. In the absence of such evidence to justify the policy it is not sound. There will therefore be a need to provide the evidence to support the policy to make it sound or a Main Modification will be required to rectify the soundness issue.

8. Monitoring Delivery

- 8.1 The PPG identifies the importance of monitoring progress towards the achievement of Local Plan objectives. Where monitoring results differ from policy requirements or identify new trends or a change in circumstances it may prompt a need to update a local plan.
- 8.2 The CSR does not contain any monitoring indicators, targets or triggers to enable the effective measurement of success in the delivery of the policies in the plan. Main Modifications are therefore necessary to address this for soundness.

9. Conclusions and Next Steps

- 9.1 To summarise, my main concerns are;
- The testing of reasonable alternatives in relation to the size of sites for housing development and the location of economic growth.
 - The settlement hierarchy and spatial strategy are conflated and consequently do not provide an effective means of directing development to different locations within the Borough.
 - Lack of evidence to support the exceptional circumstances necessary to justify the proposed changes to the Green Belt.

- The inability to identify what sites are deliverable and developable within the housing trajectory and the lack of evidence to support the anticipated completions that have been included in the trajectory.
- The Plan fails to identify land sufficient to meet housing needs over the plan period.
- The lack of a 5 year housing land supply upon adoption which would make the plan immediately out of date upon adoption.
- An absence of evidence to support the highways improvements required to support the housing allocation identified in Strategic Policy 1.3 Land at Acorn Way.
- Lack of evidence to support the locational requirements of the policy with regards education provision in Strategic Policy 1.3 Land at Acorn Way and Strategic Policy 1.4 North of Spondon.
- Lack of evidence to support Strategic Policy 5 Green Infrastructure.
- Absence of monitoring indicators, targets and triggers within the plan.

9.2 The Council will be aware from the Ministerial Speech published on 30 July 2024 that the Government is concerned that Local Plan examinations have become increasingly elongated. Reflecting this, a letter from the Minister of State Matthew Pennycook MP to the Planning Inspectorate, dated 30 July 2024, is clear that pragmatism in Local Plan examinations should be used only where it is likely that a plan is capable of being found sound with limited additional work to address soundness issues and that any pauses to undertake additional work should usually take no more than 6 months overall.

9.3 In this context, I am inviting the Council to identify how they wish to proceed to address the issues I have identified, particularly in relation to key matters such as the absence of a 5 year housing land supply. This should include a clear timetable for additional work required to address the shortcomings identified. I would be grateful if the Council could do this as soon as it is able to do so and, in the interim, provide an indication of when a response is likely.

9.4 I have asked the Programme Officer to add this letter to the examination library so that it is available to all interested parties. However, at this stage I am not inviting comments from participants.

9.5 If the Council has any queries please contact me via the Programme Officer.

K Ford

INSPECTOR