PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE EREWASH CORE STRATEGY

Document submitted for examination on 30 November 2012

Examination hearings held between 23 April and 2 May 2013 and on 27 November 2013

File Ref: PINS/N1025/429/5
## Abbreviations Used in this Report

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AA</td>
<td>Appropriate Assessment</td>
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<tr>
<td>ACS</td>
<td>Aligned Core Strategies</td>
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<tr>
<td>CIL</td>
<td>Community Infrastructure Levy</td>
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<td>CS</td>
<td>Erewash Core Strategy</td>
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<tr>
<td>DCLG</td>
<td>Department for Communities and Local Government</td>
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<tr>
<td>EMRP</td>
<td>East Midlands Regional Plan</td>
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<tr>
<td>GTAA</td>
<td>Gypsy and Traveller Accommodation Assessment</td>
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<tr>
<td>HMA</td>
<td>Housing Market Area</td>
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<td>IDP</td>
<td>Infrastructure Delivery Plan</td>
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<td>LDS</td>
<td>Local Development Scheme</td>
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<td>LP</td>
<td>Local Plan</td>
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<td>NPPG</td>
<td>National Planning Policy Guidance</td>
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<td>MM</td>
<td>Main Modification</td>
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<tr>
<td>NCRELS</td>
<td>Nottingham City Region Employment Land Study</td>
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<td>RS</td>
<td>Regional Strategy</td>
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<td>SA</td>
<td>Sustainability Appraisal</td>
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<td>SCI</td>
<td>Statement of Community Involvement</td>
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<td>SCS</td>
<td>Sustainable Community Strategy</td>
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<td>SHLAA</td>
<td>Strategic Housing Land Availability Assessment</td>
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<td>SHMA</td>
<td>Strategic Housing Market Assessment</td>
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<td>SPD</td>
<td>Supplementary Planning Document</td>
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<td>SRS</td>
<td>Stanton Regeneration Site</td>
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<td>WHS</td>
<td>World Heritage Site</td>
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Non-Technical Summary

This report concludes that the Erewash Core Strategy provides an appropriate basis for the planning of the Borough providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. Many of the modifications to address this were proposed by the Council, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- Include a policy on the presumption in favour of sustainable development;
- Clarify the approach to mitigating the impacts of climate change;
- Delete reference to the phasing of new housing;
- Clarify that the full, objectively assessed housing need for the Borough in the plan period is 6,250 new dwellings;
- Introduce requirements for Council to produce a housing delivery action plan and for a review of the plan if an appropriate housing land supply is not maintained in 2015;
- Clarify references to design requirements;
- Amend the policy on protection of employment sites to promote their release for redevelopment in appropriate circumstances;
- Introduce a sequential approach to retail, leisure or office uses;
- Clarify the policy on the mix of size, type and tenure of new housing;
- Introduce viability considerations, a site size threshold and targets into the affordable housing policy;
- Amend the overall affordable housing target;
- Amend the travellers policy to accord with national policy;
- Clarify the approach to the loss of cultural, tourism and sporting facilities;
- Clarify the critical infrastructure priorities;
- Clarify the role of sustainable transport in the priority for selecting development sites;
- Amend the policy for the Stanton Regeneration Site in relation to the business park element, replacement of existing employment uses, safeguarding the rail spur, affordable housing, climate change effects and design; and
- Delete the indicative masterplan for the Stanton Regeneration Site.
Introduction

1. This report contains my assessment of the Erewash Core Strategy (CS) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan’s preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that, to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Submission Version Core Strategy (June 2012) which is the same as the document published for consultation.

3. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (MM). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.

4. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report. In the light of representations made regarding MM5 relating to the housing land supply an additional hearing was held and I have also taken into account the written and oral submissions made in relation to that matter.

Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan’s preparation. The Council has produced a Statement of Compliance with the Duty to Co-operate document which sets out the extent of the relevant co-operation that has taken place.

6. Erewash is part of the Greater Nottingham Housing Market Area (HMA). The Borough engaged formally on joint working with the other Greater Nottingham authorities (Broxtowe, Gedling, Nottingham and Rushcliffe) in 2008. While the Hucknall part of Ashfield District is within the HMA this is being treated separately and all references to the HMA in this report refer to the five authorities.

7. A Joint Planning Advisory Board comprising senior politicians from each Council has been established to guide the joint working. In 2009 consultation took place on the Greater Nottingham Aligned Core Strategies Issues and Options which included a common core of strategic issues, supplemented by some specific to each Council. This was followed in 2010 by an Option for
Consultation document which only contained strategic policies common to all the authorities.

8. In 2011 Rushcliffe Borough Council made the decision to produce a separate Core Strategy which was submitted for examination in October 2012. The submitted plan departs from the other HMA authorities by taking a different approach to housing provision, with fewer new homes being proposed than had been suggested by the joint working. The Rushcliffe examination is currently suspended while concerns about the housing target are addressed.

9. The other four authorities progressed towards producing aligned core strategies but there were timing issues which led to Erewash producing a separate plan. Following public consultation on proposed submission plans, Erewash decided to proceed to examination ahead of the other Councils. However, the CS policies follow a similar format and share significant amounts of common wording with those in the Aligned Core Strategies Publication Version (June 2012) (ACS). While there are differences of detail, the main elements of the strategy, such as the provision of housing, are consistent with that in the ACS.

10. The CS shares an extensive joint evidence base with the other HMA local authorities, including the Strategic Housing Market Needs Assessment, Flood Risk Assessment, Water Cycle Study, Employment Land Study and Affordable Housing Viability Study. There are a series of joint papers on housing and household projections. There has been collaboration with other Derbyshire authorities on matters such as traveller accommodation needs and green energy. Transport modelling has been undertaken with the HMA authorities and Derbyshire and Nottinghamshire County Councils. The only objections to the CS from an HMA authority have been from Rushcliffe.

11. It has been argued that as the HMA authorities as a whole have not agreed on a common strategy, particularly in respect of a common view of objectively assessed housing needs and housing provision, then the duty to co-operate cannot be met. During the examination I was informed that Rushcliffe may be changing its position on the amount of housing that it should be providing which might bring it back into accord with the other authorities. However, this is still subject to public consultation and it would be premature to rely on this as the outcome. In any event, it is not my role to decide how growth should be distributed among the other authorities. More importantly, it would be unreasonable to suggest that the legal obligation is a duty to agree as Erewash cannot be responsible for the actions of others. It is for each authority to take responsibility to show how it has complied with the duty.

12. The legal duty requires that local planning authorities engage constructively, actively and on an ongoing basis with other prescribed organisations and have regard to their activities in the preparation of development plan documents in so far as they relate to strategic matters. The aim is to maximise the effectiveness with which these activities are undertaken. Erewash has engaged in a substantial number of examples of constructive joint working and collaboration on strategic priorities over a significant period of time. In the light of these considerations I conclude that the duty to co-operate has been met.
Assessment of Soundness

Preamble

13. During the examination, but before any hearings had taken place, the East Midlands Regional Plan (EMRP) was revoked. The views of respondents on the implications of this for the CS were sought and relevant discussion took place at the hearings. The comments made have been taken into account in the report. As the EMRP is no longer operative, the former legal test of general conformity no longer applies.

Main Issues

14. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified ten main issues upon which the soundness of the Plan depends. For the purposes of this report the issues are dealt with in a different order to that in the examination. As such, their numbering here is different to that used previously.

Issue 1 – Whether the spatial strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the Borough in accordance with national policies.

Vision and objectives

15. The CS contains a spatial portrait of the Borough and a vision of how the Council would wish it to be by the end of the plan period in 2028. There are a series of spatial objectives. The overall spatial strategy is described as “urban concentration with regeneration” with most development located in or adjoining the main urban areas based on Ilkeston and Long Eaton. Elsewhere development would be restricted to within existing settlement boundaries with the aim of preserving the openness of the Green Belt. The thrust of the strategy and the policies in the CS clearly support the vision and objectives.

Reasonable alternatives and audit trail

16. The CS has been prepared as a result of a largely joint process with the other Greater Nottingham authorities. Consultation on an Issues and Options document took place jointly in 2009, followed by Strategy Options for Consultation in 2010. Housing numbers were then reviewed in 2011 in a Housing Provision Position Paper. All these documents related to the Greater Nottingham area as a whole. In 2012 consultation took place on the submission CS. During this process there was a parallel exercise of sustainability appraisal (SA), with an SA Scoping Report in 2009, SA Interim Report in 2010 and an SA Further Interim Report in 2011. The submission CS is accompanied by an overall SA for Greater Nottingham (excluding Rushcliffe) (the ’submission SA’), which also supports the ACS, with an addendum for Erewash to reflect the differences between the CS and the ACS policies.

17. Early in the examination I wrote to the Council asking whether in the light of recent case law (particularly in Save Historic Newmarket Ltd v. Forest Heath District Council [2011] EWHC 606, Heard v Broadland District Council and
Others [2012] EWHC 344, Berkeley v Secretary of State for the Environment [2000] UKHL 36, [2001] 2 AC 603 and Cogent Land LLP v Rochford District Council [2012] EWHC 2542) it had fully complied with the requirements of European Directive 2001/42/EC (the ‘SEA Directive’) and associated regulations. This requires that an environmental report (such as an SA) should identify the likely significant effects on the environment of implementing a plan and reasonable alternatives. In particular, the Council was asked whether it was satisfied that the report accompanying the plan adequately summarised or repeated the reasons that were given for rejecting the alternatives at the time when they were ruled out (and that those reasons were still valid).

18. The Council’s view is that the SA report meets legal requirements and appraises reasonable alternatives for the proposed policies, including alternative locations for development and gives reasons why they were rejected. It considers that both the rejected and adopted alternatives were assessed to the same standard.

19. The Framework requires that the plan should be the most appropriate strategy when considered against the reasonable alternatives. From the various consultation documents and the submission SA it is clear how the CS was derived from a positive process of considering alternatives, narrowing down to a preferred option. The submission SA records consideration of three initial growth options and alternative strategic sites. It also includes the alternative of allowing some growth in rural settlements.

20. The potential for development in the rural settlements in the Borough which are inset within the Green Belt was assessed in 2010 in the Greater Nottingham Sustainable Locations for Growth Report and the SA Interim Report. These concluded that the settlements of Breaston, Borrowash, Draycott and West Hallam have the greatest potential in terms of sustainability to accommodate new growth. However, there are very limited opportunities for more development in these places without a Green Belt boundary review. The Green Belt is considered in detail under Issue 4. The submission SA explains that sufficient land has been identified in non-Green Belt locations and that as a result there is no need to develop Green Belt sites adjoining these settlements. I am satisfied that, subject to main modifications relating particularly to the deliverability of the CS which are dealt with in subsequent parts of this report, sustainable development could be achieved in Erewash without a Green Belt review. As such, the plan includes the most appropriate strategy and reasonable alternatives have been considered.

Presumption in favour of sustainable development

21. The Council has proposed that the presumption in favour of sustainable development, which the Government regards as the ‘golden thread’ at the heart of the Framework, should be addressed directly by the inclusion in the CS of a national model policy and appropriate supporting text. The inclusion of such a policy (Policy A) does not of itself ensure that the plan as a whole will promote the presumption. Other changes to the CS are considered elsewhere in this report but the inclusion of the policy provides a clear starting point within the development plan for consideration of planning applications in accordance with this key aim. The modification to achieve that (MM1) is
therefore justified on the basis of ensuring that the plan is consistent with national policy.

**Flexibility**

22. The CS directs a significant proportion of the development proposed to the Stanton Regeneration Site (SRS). However, the CS also includes guidance which will enable other sites to be identified and come forward. The introduction of the policy on the presumption in favour of sustainable development will ensure that proposals that accord with the development plan are approved without delay unless material considerations indicate otherwise. Crucial to the plan is the deliverability of the proposed pattern of development. This is considered in detail in subsequent parts of this report and, in the light of my conclusions and main modifications there, the CS would provide adequate flexibility.

23. I conclude that with the main modification identified above the spatial strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the Borough in accordance with national policies.

**Issue 2 – Whether the overall level of housing provision and its distribution are justified and appropriate.**

**Full, objectively assessed housing needs**

24. The CS provides for a minimum of 6,250 new homes in the plan period 2011 to 2028. This relates to 49,950 new dwellings for the HMA over this period which is the basis also for housing provision in the ACS. The Council considers that these figures represent the full, objectively assessed housing needs for the Borough and the HMA, in accordance with the requirements of the Framework. It has proposed a modification to the plan (MM6) which clarifies this and which is necessary for the plan to be effective.

25. The HMA housing provision is significantly short of that which would be required to be consistent with the Department for Communities and Local Government’s (DCLG) 2008-based household projections, which show an increase of 65,700 households over the plan period. The CS housing provision would be closer to housing needs derived from the 2008-based projection but still short of it (6,400 new dwellings compared with the plan provision of 6,250).

26. The Greater Nottingham authorities’ position on housing needs derives from a review of the assumptions behind the 2008-based projections using local information, particularly on headship rates, and assuming lower levels of migration. Their justification for this is set out in a series of joint background papers. More recently this has included assessment of early results from the 2011 Census.

27. During the examination DCLG published 2011-based household interim projections for the period to 2021. The views of respondents on any implications of these for the CS were sought and they were considered at the relevant hearing session. The new projections do not look forward as far as the earlier set. However, a comparison between the local household projections for the Borough and HMA and the two sets of national projections
is set out in the following table:

<table>
<thead>
<tr>
<th>Area</th>
<th>Projection</th>
<th>2011 to 2028</th>
<th>2011 to 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erewash</td>
<td>CS housing provision household projection</td>
<td>6,100</td>
<td>3,600</td>
</tr>
<tr>
<td></td>
<td>2008-based household projections</td>
<td>6,400</td>
<td>4,100</td>
</tr>
<tr>
<td></td>
<td>2011-based household projections</td>
<td>N/A</td>
<td>3,100</td>
</tr>
<tr>
<td>Greater Nottingham HMA</td>
<td>ACS HMA housing provision household projection</td>
<td>45,800</td>
<td>26,900</td>
</tr>
<tr>
<td></td>
<td>2008-based household projections</td>
<td>65,700</td>
<td>39,700</td>
</tr>
<tr>
<td></td>
<td>2011-based household projections</td>
<td>N/A</td>
<td>26,900</td>
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28. The table shows that the DCLG 2011-based projections for the HMA to 2021 align with those produced locally. In the case of those for Erewash, the local projections are somewhat higher than those produced by DCLG. There is a significant difference between the 2008-based and 2011-based projections to 2021 for the HMA.

29. While the 2011-based projections are described as interim, DCLG has indicated that they replace the 2008-based figures. The assumptions used in the local and 2011-based national projections are different in some respects. However, given the degree of accord in terms of outcomes at 2021, I consider that the housing provision based on local household projections represents the best estimate of the full, objectively assessed housing needs for both the HMA and the Borough to 2028.

30. The Framework requires that, in meeting objectively assessed development requirements, plans should include unmet needs from neighbouring authorities where it is reasonable to do so. Taking account of the housing provision in the ACS and CS, the overall figure of 49,950 dwellings for the HMA assumes that Rushcliffe will be taking a greater share than it provides for in its submitted Core Strategy. It has been contended that this unmet need must be provided for elsewhere in the HMA in order to comply with the Framework.

31. In considering the duty to co-operate I noted that Rushcliffe may be changing its position on the amount of housing that it should be providing but that it would be premature to rely on this as the outcome. Conversely, with the Rushcliffe examination in suspension, a position has not been reached whereby it is established with reasonable certainty that there are unmet needs that should be met elsewhere and, if there are any, what the scale of these
I am not examining the LPs produced by other authorities. Nor is it part of my remit to decide on the distribution of new housing between them. Having reached a clear conclusion as to the appropriate overall housing needs of the HMA and also for Erewash, I am satisfied that in this regard the plan has been positively prepared by the Council and that it has met the requirements of the Framework.

**Distribution and deliverability**

32. Policy 2 proposes approximately 4,500 new homes in or adjoining the Ilkeston urban area (including about 2,000 at the SRS), 1,450 in or adjoining the Long Eaton urban area and 300 within rural settlement boundaries. This reflects the overall urban concentration with regeneration approach and would avoid development in the Green Belt. The consideration of alternative distributions, including more development in the Green Belt settlements was considered in general terms under Issue 1. The submitted broad distribution of new housing is justified by the evidence base.

33. The Council’s Housing Viability Assessment Update shows that house prices in the Borough are generally lowest in Ilkeston. Indications are that the housing market may be weakest there, in an area where a significant part of the new housing is proposed – over 260 dwellings per annum. However, a major part of the new provision would be in the SRS which is to the south of Ilkeston. With its new neighbourhood centre it is likely to have a strong identity of its own and the view that once it begins to establish it would form a separate local housing market is persuasive. Furthermore, in the 1990s Ilkeston had a building rate of over 200 homes per annum. With the SRS there is potential for the Ilkeston housing market to deliver the required homes.

34. The focus on urban regeneration means that previously developed land is likely to play a significant role in providing housing sites. Such sites can present particular difficulties. 59% of the potential dwellings identified in the first five year tranche in the Strategic Housing Land Availability Assessment (SHLAA) would be on brownfield sites and 41% on greenfield. In the subsequent period the proportion of new housing on brownfield land would be significantly higher due to the prominent role that the SRS would play.

35. Unused or under-used employment land features within the brownfield sites in the housing land supply. Policy 4 gives consideration to the release of existing employment sites that, amongst other things, are not the most attractive to the market or are not of good quality. Recognising the importance of these sites coming forward to boost the land supply the Council has proposed modifications that would promote their release. These are necessary for the plan to be effective in this regard (**MM9** and **MM11**).

**Housing land supply**

36. The Framework seeks to boost significantly the supply of housing. In this context, it requires Councils to identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%. The Council concludes that due to low levels of completions in recent
years and a cumulative shortfall against its target in the former EMRP the 20% buffer applies. I have seen no evidence that would lead me to a different conclusion.

37. The Framework indicates that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As such, if the CS housing supply policies are not to be out of date on adoption of the plan there must be a realistic prospect that this land supply requirement will be achieved.

38. In summary, the policies for the supply of housing in the CS include the scale and general distribution of new development required and the identification of a single strategic site. Apart from the SRS the CS makes no allocations as this is not its purpose. The Local Development Scheme (LDS) indicates that the Council is intending to produce a further development plan document – a Local Plan programmed for adoption in 2017, with consultation on issues and options commencing in 2014 - that may contain policies for specific sites.

39. Other than the SRS, the supply of potential housing sites is therefore derived at present from those identified in the Council’s SHLAA. Based on this information, the Council estimated that in 2012 a 5.2 year supply of deliverable sites could be achieved. It has also compiled a list of sites moved forward from later in the plan period that could potentially be part of the buffer. With these included the Council considers that the supply would equate to 6.2 years.

40. The calculation of the land supply at a 2012 base is one year into the plan period 2011 to 2028 and there is a shortfall of completions for the first year against the average required annually. A projection of completions for 2012 to 2013 also shows a shortfall. The Council has based its supply calculation on the shortfall being addressed by spreading this throughout the plan period – the so called ‘Liverpool’ method. The alternative approach would be to include the entire shortfall within the requirement for the five year land supply period so that it is addressed as soon as possible – sometimes known as the ‘Sedgefield’ method.

41. The Framework does not prescribe the method by which the land supply requirement should be calculated. While the National Planning Policy Guidance (NPPG) favours meeting any under-supply in the first five years of the plan period where possible, this is in draft form and carries limited weight.

42. The Council’s calculation makes no allowance for additional windfall sites or for planning permissions to lapse. Neither the Framework nor the NPPG require that assumptions about these factors are taken into account. The land supply calculation is a snapshot of sites that meet the Framework definition of deliverability at the time it is measured. If revisited at another point in the future it would take account of the sites that meet that definition on the merits of the information available at that time. In that context, while I have seen some estimates of potential fall out of sites there is no compelling reason why allowances should be made for either windfalls adding to supply or lapsed permissions reducing it.
43. The Council’s five year land supply comprises some 168 sites with a further 13 in the buffer. Only about 56% of sites have planning permission (with a smaller share of total dwellings being permitted) and a significant proportion are brownfield. On the other hand, they are mainly urban in character, in principle providing suitable locations for development. The large number of sites, mainly small and medium-sized, offers flexibility, choice and competition. With main modifications considered elsewhere in this report, particularly in relation to affordable housing, and the evidence on viability, in general terms sites should be viable, albeit that there could be particular issues in individual circumstances. The Council has provided more up to date information on some of the sites, indicating that more progress towards delivery is being made than had been suggested in earlier representations.

44. The Framework definition of a deliverable site is that it is available now, offers a suitable location for development and is achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable. Representations have been made questioning whether some of the identified sites have constraints or other characteristics which would mean that they would not meet the deliverability definition. The point is made that the Council only has to be wrong on a small number of sites for the provisions of the Framework not to be met.

45. For years 6-10 and, where possible, for years 11-15 the Framework requires that a supply of developable sites or broad locations for growth should be identified. The SHLAA includes potential sites for these later phases and beyond. However, the SRS would be a significant driver in this. The role of this site in delivering the housing required in the plan period and main modifications relating to that are considered in detail under Issue 3, but its allocation is justified in principle.

46. The starting point for national planning policy is whether the supply of housing would be boosted significantly. To this end the overall scale and general distribution of new housing in the CS is deliverable over the plan period as a whole. Furthermore, the SRS is a crucial component of supply in the medium to longer term, providing almost one third of the Borough’s requirements. Although it is not deliverable in Framework terms at present, it could potentially provide some units at the end of the initial five year period. It is important that a policy commitment is given to this strategic site at the earliest opportunity so that the necessary site planning, mitigation and infrastructure works can take place ahead of development. If the CS were to be found unsound then this commitment would not be given, to the detriment of the land supply looking ahead through the plan period as a whole. In this particular local context, the Council is justified in using the ‘Liverpool’ method to calculate the five year position.

47. The Council has confirmed that it promotes sites, especially those capable of early delivery, and engages with landowners or developers. These actions need to be focused and co-ordinated in order to ensure that, from the outset, the plan will result in the necessary outcomes. To achieve this, main modification MM5 recommends that the Council should prepare a comprehensive action plan to identify and promote those housing sites that would be capable of delivery in the short term. While MM5 refers to the identification of sites, it is not intended that the action plan should be a
mechanism for allocating land or setting out planning policy. As such it would not be a Local Development Document. It would be a delivery tool that would identify those sites already included in the SHLAA that are able to meet this requirement and would be a focus for the Council to engage proactively with landowners and developers. This would increase the certainty that the Framework land supply requirements could be achieved. On balance and having regard to all the above considerations there is a realistic prospect that they would be met.

48. It is crucial to delivery of the CS that the housing land supply is maintained in accordance with national policy. If for any reason the required land supply is not achieved in the short term then the CS should be reviewed in this regard at an early stage. In accordance with the duty to co-operate such a review would require constructive engagement with neighbouring authorities. The SHLAA is not a development plan document and does not carry the weight attached to the development plan in the determination of planning applications. However, it is updated on an annual basis. For the plan to be effective main modification MM5 includes a commitment to review the plan if the appropriate supply is not forthcoming based on evidence from the 2015 SHLAA.

**Phasing**

49. Policy 2 refers to housing being phased in the context of four time periods to 2028. Phasing can be justified where there is a clear link to the provision of essential infrastructure or services. The relationship between infrastructure and new development is established in Policy 18. However, Policy 2 is not explicit about why phasing might be appropriate. The Council has proposed to amend the policy to remove the phasing reference. I consider that this is a main modification necessary for the plan to be both justified and effective (MM4) and will assist in ensuring that sites come forward for development at the earliest opportunity.

**Alternative locations**

50. The only housing site identified in the CS is the SRS as it has been the intention to limit allocations to strategic sites of over 500 dwellings. An alternative location for this was considered in the preparation of the CS but discounted for reasons set out in the SA and considered under Issue 3. Other sites have been promoted in representations but are individually not large enough to be regarded as strategic. Some of these are in the Green Belt which is considered in more detail under Issue 4.

**Conclusion**

51. Having been satisfied that the Council is aiming to meet objectively assessed housing needs overall, a number of main modifications are proposed that, when taken together, could ensure that the homes required would be delivered, significantly boosting the supply of housing. They are supported in this objective by other main modifications recommended elsewhere in this report, principally for other reasons, but which will also reduce some perceived burdens on developers in terms of clearer or more appropriate standards and requirements (MM2, MM3, MM13, MM19, MM20 and MM23). My
conclusion is that with the main modifications proposed the overall level of housing provision and its distribution are justified and appropriate.

**Issue 3 – Whether the development proposed at the Stanton Regeneration Site is soundly based and deliverable.**

**General**

52. The SRS is located to the south of Ilkeston covering an area of some 173ha. The main part relates to the former Stanton Ironworks. There are large areas that are derelict or disused but also a number of operating enterprises, including storage and stockpiling associated with the pipeline business of Saint-Gobain PAM UK Ltd, the principal landowner, and a concrete products business of Stanton Bonna Concrete Ltd.

53. The CS proposals for the SRS are summarised in Policy 20 and the site is allocated on the Policies Map. The proposals include around 2,000 homes, a high quality business park of at least 10ha, at least 10ha of land for general industry, replacement employment land for losses incurred through the redevelopment, using or safeguarding the rail spur and land for rail freight use, and a centre of neighbourhood importance that would include a new primary school and other local services and facilities. The CS includes an indicative Masterplan that is intended to show how the proposed range of uses could optimise the potential of the site.

54. In February 2013 Saint-Gobain submitted an outline planning application for development including 1,950 residential units, a neighbourhood centre, employment uses, accommodation for the elderly, a health centre, primary school and open space network. The development proposed differs from that in Policy 20 mainly in terms of the employment uses. It also relates to a somewhat different site, excluding the Stanton Bonna land and including some areas within the applicant’s control but not in the Council’s allocation. As such, it is not consistent with the layout of development shown in the indicative Masterplan. It is not my role to consider the merits of the planning application. However, some of the information that has been submitted in support of it is relevant to whether the SRS is soundly based and deliverable.

55. The SRS accords with the regeneration emphasis of the CS. It is part of a larger area that was considered in the context of the HMA as a whole as a potential area for housing growth in the Appraisal of Sustainable Urban Extensions Study in 2008. The Study also identified land to the west of Ilkeston as another potential growth location within the Borough but this has not been pursued in the light of, amongst other things, coal mining legacy issues and the regeneration benefits of the SRS. These reasons for rejecting this alternative are included in the submission SA which provides appropriate justification for the selection of the SRS as a strategic site.

**Employment**

56. There would be some loss of employment land through change of use, mainly to housing, as a result of the SRS development. The site has previously been allocated for employment purposes. However, as a significant part is disused and in need of remediation, there is no realistic prospect based on any evidence before the examination that the whole site is likely to be redeveloped
for employment purposes.

57. The provision for a high quality business park and general industry as part of the SRS are the only site specific employment land proposals in the CS. Policy 4 indicates that the business park element should be for office and research development (Use Classes B1a and b). The case for this is based on the Nottingham City Region Employment Land Study (NCRELS), originally undertaken in 2007 but with an update in 2009. The update identified a need for some 125,000 sqm of new office floorspace in the city region with a sequential approach to provision focused on Nottingham City as the most appropriate location in both market and policy terms.

58. An employment land review supporting the planning application undertaken in 2012 concludes that, based on take up in the area in recent years since the recession, there is little evidence to support the large scale delivery of office accommodation in Erewash. The plan has a 15 year timescale and should not be unduly influenced by the present economic difficulties. There is a need to diversify the employment base of the Borough. However, the site is currently allocated in the adopted LP for employment purposes but with limited success, notwithstanding the presence of some existing businesses. An overly prescriptive approach to employment development here could frustrate the provision of employment land necessary to meet market needs and the regeneration objectives and delivery of the SRS as a whole.

59. The Framework indicates that policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. In that context, while the type of development that the Council is seeking would not be precluded, a number of main modifications are necessary to ensure that the SRS is both justified and deliverable in this regard (MM8, MM10 and MM25). They provide more general and flexible guidance on the type and scale of employment development. In this vein, MM25 would also encourage rather than require the utilisation or safeguarding the rail spur and associated land for rail-freight use.

Housing

60. The SRS would provide almost one third of the homes required in the Borough in the plan period and this amount is justified in order that the overall housing needs are met. The CS housing trajectory assumes that no houses will be completed on the site until 2018/19 and therefore that it will not deliver new homes within the first 5 years of the plan.

61. Evidence submitted with the planning application indicates that there is a reasonable prospect of some housing on the site before the end of the five year period, provided that an early start is made on relocating businesses and remediation. The CS housing trajectory shows a dip in completions in 2017/18. Although the SRS cannot be considered to be deliverable at this point in terms of the Framework definition, given its importance to the supply of housing over the life of the plan it is essential that it should come forward and provide new homes at the earliest opportunity. A main modification is therefore recommended that would remove reference to no new homes being delivered here in the first 5 years of the plan (MM28).
62. There should be certainty that there is a reasonable prospect that the SRS will be delivered. As such, there should be no unnecessary policy restrictions or standards that might frustrate this objective. It is not clear why the SRS should be subject to more exacting standards of design or climate change mitigation measures than development elsewhere. Main modifications are therefore necessary for the plan to be both justified and effective in this regard (MM7, MM26 and MM27). Other modifications considered and explained elsewhere in this report will also assist with the delivery of new housing at Stanton.

Affordable housing

63. The CS does not prescribe the proportion of the proposed homes at the SRS that should meet the definition of affordable housing. However, the Council has undertaken a development appraisal that concludes that with 30% affordable housing the SRS would provide a return to the landowner and would be viable. Nevertheless, for reasons that are considered in more detail under Issue 5, the Council has proposed a modification to the plan that indicates that, in the context of an overall Borough target of 30%, viability considerations would constrain this to around 25% at the SRS. I note that the Stanton planning application provides for 10% affordable housing with half of these in the form of a proposed financial contribution to off site provision. The applicant’s viability assessment concludes that in current conditions the application site cannot sustain any affordable housing.

64. The SRS and the planning application relate to different sites and there are significant differences in the approaches to existing use value, building costs and other factors. The SRS is likely to establish its own local housing market but this creates its own uncertainty. On the basis of the viability evidence, I consider that 25% affordable housing is likely to be the most that could be achieved in strong housing market conditions. In a much weaker market it is likely to be considerably less. The importance of the SRS to the CS has already been described. Too high a target or an overly prescriptive approach to affordable housing might be significant impediments to its delivery.

65. On this basis, a more cautious approach to affordable housing at the SRS should be taken with a target range of around 10 to 20%. This is reflected in part of modification MM13 which is therefore necessary for the plan to be justified and effective in this respect. The overall target for the Borough remains, and viability considerations would be part of any specific proposals for development at the SRS.

Infrastructure

66. The CS does not identify specific transport infrastructure measures for the CS but sets out in Policy 14 a hierarchical approach based on sustainable transport principles. Policy 20 sets out in general terms the need for improvements to cycle, pedestrian and public transport infrastructure but makes no reference to highway infrastructure.

67. The plan is supported by the results of the Greater Nottingham Core Strategies Transport Modelling studies. The modelling work shows that mitigation of the impact of the development in terms of improvements to more sustainable
transport modes and travel planning would have only a very limited effect on the predominant use of the private car. It concludes that highway mitigation should be focused on relieving congestion within Ilkeston, providing links to the major route network and providing capacity improvements on the routes into Nottingham and Derby but provides no indication of the specific measures needed.

68. There is concern that significant highway improvements would be necessary and, in particular, that the routes between the SRS and Ilkeston town centre would experience substantial congestion. There are other potential housing sites in the south of Ilkeston, such as that to the west of Quarry Hill Road, which has been identified in the SHLAA for a start to development in the first five years of the plan, as well as proposals nearby in Broxtowe Borough. The cumulative impact of SRS traffic with that of other sites in the context of the overall amount of development for the Ilkeston area must be taken into account.

69. During the examination the Council provided details of the highway infrastructure it considered necessary, focussing on linking the site into the local network and junction improvements elsewhere, with an estimated cost of about £8 million. The measures are similar to those envisaged by the promoters of the planning application for their scheme. With other sustainable transport proposals in the CS, including an Ilkeston travel plan and bus service improvements, the viability evidence indicates that they would be affordable in principle.

70. I have considered the traffic modelling in detail under Issue 6. The particulars of the specific improvements necessary will need to be considered in detail as part of a planning application. There would undoubtedly be substantially more traffic on some local roads as a result of the SRS. Nevertheless, while I am not endorsing the specific highway measures identified by the Council, I am satisfied that the evidence indicates that there would not be an unacceptable level of congestion if measures of the general type and kind proposed were introduced. I note that the Highways Agency has indicated that there are unresolved transportation issues with the current planning application. However, there is no indication that there are likely to be impacts on the trunk road network, particularly the A52 and M1, which are so significant that they could not be resolved by appropriate and affordable mitigation.

71. The need for a new primary school at the SRS is supported by the evidence and is deliverable. A neighbourhood centre providing appropriate local services is justified by the need to create a sustainable development here with its own local identity. Overall, taking account of the major land reclamation and remediation required, the infrastructure requirements of the SRS are reasonable and would not put at risk the ability of the site to be delivered viably.

Land ownership

72. Saint-Gobain hold a restrictive covenant on the land owned by Stanton Bonna, limiting its use to concrete manufacture only, which the principal landowner indicates they are unwilling to relinquish. Stanton Bonna have not objected to the inclusion of their land within the allocation. They have had planning
permission for a concrete sleeper works facility elsewhere on the SRS in the past (now lapsed) but are not party to the current planning application. There would be costs involved in the relocation of the business. In Saint-Gobain’s view, the inclusion of this land would render the whole development unviable. The Council has indicated that the landowners would be likely to take a commercial view and would co-operate in achieving an acceptable scheme. However, it is not clear from the evidence that this would be the case and there is therefore the risk that these matters would run on unresolved.

73. From my visit it is clear that the Stanton Bonna site is managed in an orderly and efficient manner. However, I understand the Council’s concerns with the retention of the concrete business in terms of the overall layout of the SRS and the juxtaposition of this use and, potentially, new residential areas. The indicative Masterplan shows the Stanton Bonna land and other areas to the west of the site, closest to the Green Belt, as being used mainly for housing with the employment allocations to the east. Nonetheless, in my view there is sufficient information as part of the current Saint-Gobain planning application to show that in principle these matters could be successfully addressed and the overall aims of the SRS still achieved. It would not be necessary for the SRS to provide land for the relocation of Stanton Bonna.

74. In the light of these considerations, in order to maximise the prospects of delivery of necessary development at Stanton I conclude that the Stanton Bonna land should not form part of the allocation. I am not examining the Policies Map but an extract from it is included in CS Appendix F. The CS would be unsound if the Map was not amended to remove the Stanton Bonna land from the SRS allocation. The allocation boundary defined on the Map on which views were sought as part of the main modifications consultation includes changes that would achieve this. Other changes to the boundary of the site were suggested during the examination but these are not essential for the plan to be sound. As the site would no longer accord with the indicative Masterplan and associated supporting text I am recommending main modifications for their deletion (MM29 and MM30).

Conclusion

75. The SRS is a major regeneration opportunity that could make a significant contribution to the development needs of the Borough. However, there are a series of considerations that together compound the risk that, although the site may be allocated, there would be insufficient incentive for it to move forward so that the necessary remediation processes can begin ahead of development. With the modifications proposed above there would be an appropriate scale and mix of development on the site and the prospect of the proposal taking place would be materially increased. I conclude that with those main modifications the SRS would be both soundly based and deliverable.

Issue 4 – Whether the Core Strategy is consistent with national policy relating to the Green Belt.

76. About 72% of the area of the Borough is within the Nottingham-Derby Green Belt. Other than adjacent to Ilkeston the Green Belt boundary is drawn tightly around the larger settlements while it washes over the smaller villages. The
CS does not propose a review of the Green Belt boundary.

77. Representations have been made in support of either removing particular sites from the Green Belt or a more general review. There are sites in the Green Belt, potentially for housing, on the edge of settlements that have good sustainability credentials, as evidenced by the Greater Nottingham Sustainable Locations for Growth Report (2010). However, whereas a review of Green Belt boundaries should only take place through the local plan process, the Framework indicates that they should only be altered in exceptional circumstances.

78. The Green Belt boundary was most recently established during the 2005 Local Plan Review. There is some concern at the outcomes of this and the way in which the boundary was drawn in places in the light of the recommendations of the Inspector following a local inquiry. Nonetheless, consideration of individual sites should generally not be undertaken in isolation as adjustments to the boundary may have implications for neighbouring land or raise wider issues of principle that might potentially have consequences elsewhere.

79. The most recent strategic assessment of the Green Belt in 2006 concluded that the area immediately between Nottingham and Derby, which includes the Green Belt in Erewash, and the areas immediately to the north were generally the most important in terms of achieving national and local Green Belt purposes. This finding was taken into account in the now revoked RS.

80. There is no doubt that the Erewash part of the Green Belt serves a number of the purposes set out in the Framework by checking the unrestricted sprawl of Derby, preventing neighbouring towns from merging, safeguarding a wide area of countryside between Derby and Ilkeston/Long Eaton (albeit interspersed by a number of smaller settlements) and assisting in regeneration by encouraging the recycling of derelict and other urban land. A more geographically limited Technical Assessment of the Green Belt undertaken in 2012 reached a similar conclusion insofar as the purposes relate to the periphery of Derby. There is no persuasive evidence of changes in circumstances since 2006 to alter the broad conclusions on the importance of the contribution that Erewash makes to the purposes of the Green Belt compared with other parts of the Nottingham Derby sub-region.

81. The publication version of the ACS includes a policy that provides for the possibility of a Green Belt review if there are no suitable non-Green Belt sites within its area. However, I have concluded elsewhere in this report that, with some modifications, the development needs of Erewash can be accommodated over the course of the plan period in the manner set out in the CS. In the light of these considerations, the exceptional circumstances whereby a review would be justified have not been demonstrated at this time.

82. The Framework indicates that regard should be had to the intended permanence of Green Belt boundaries in the long term, so that they should be capable of enduring beyond the plan period. There may be some potential for further development land on the edge of Ilkeston outside the Green Belt. However, given my conclusions on the importance of this part of the Nottingham-Derby Green Belt, the potential for a long term boundary review would have to be considered in the context of the wider sub-region, working
with neighbouring authorities. At this point a case has not been made that would suggest that the boundaries would not endure in the Borough.

83. CS Policy 3 sets out the various strategic factors that would be taken into account in considering proposals in the Green Belt. They broadly follow the thrust of national policy in a local context. The Council would also rely on more detailed Green Belt policies in the 2005 Local Plan which it indicates would not be superseded by the CS. My role is only to examine the CS not other aspects of the development plan. Any changes to the retained 2005 policies could be considered more appropriately as part of the forthcoming new Local Plan. In the meantime, in accordance with paragraph 215 of the Framework, the weight to be attached to the 2005 Local Plan policies in planning decisions will depend on their degree of consistency with the Framework. In this context Policy 3 provides appropriate guidance on development in the Green Belt.

84. The conclusion on this main issue is that the Core Strategy is consistent with national policy relating to the Green Belt.

**Issue 5 – Whether the Core Strategy makes appropriate provision for affordable homes and the mix of housing.**

*Housing mix*

85. Policy 8 sets out the CS approach to housing size, mix and choice, including the provision of affordable housing. The expectation of the policy in terms of the requirement for some homes to be adapted to suit the lifetime of their occupants and in meeting the needs of the elderly is unclear. There is also a lack of clarity over the considerations that would inform the mix of house size, type, tenure and density.

86. The Council has suggested modifications, included in MM13, that would address these concerns. These aspects are necessary for the plan to be justified and effective in this respect. Although the effect of MM13 would be to remove the reference to a proportion of lifetime homes being provided, no figure has been given for this in the submitted plan in any event. The overarching aims of providing a mix of housing and creating mixed and balanced communities would remain and in this context the Council could address this matter in its forthcoming Local Plan, supported by evidence as appropriate.

*Threshold and proportion of affordable homes*

87. In terms of affordable housing, Policy 8 indicates that this will be required on appropriate sites as set out in separate Local Development Documents. It contains no guidance on either the site size thresholds at which affordable housing would be sought or the percentage of dwellings that should be affordable. As such, unless and until such requirements are set out in the proposed Local Plan, in development plan terms the Council will be reliant on Saved Local Plan (LP) Policy H6. This indicates that affordable housing will be sought on developments of 25 or more dwellings (or more than 1ha). While the supporting text includes an indicative range of 10-30% affordable this is not saved and the development plan therefore contains no policy on the target proportion of affordable housing.
88. The Council has an existing Supplementary Planning Document (SPD) on Affordable Housing (2006) which provides more detail in relation to Saved Policy H6 on the basis of the threshold and proportion in the LP. However, this was amended in 2007 in the light of the publication of Planning Policy Statement 3 (PPS3), with the threshold reduced to 15 dwellings. PPS3 has been replaced by the Framework which contains no national targets of this kind.

89. The Town and Country Planning (Local Planning) (England) Regulations 2012 prescribe the form and content of local plans and SPD. Matters should not be delegated to SPDs unless they fall within the scope of the Regulations. They cannot make statements on the development and use of land. As a matter of national policy, the Framework is clear that local authorities should set out their policy on local standards in the local plan, including requirements for affordable housing.

90. As it stands therefore the development plan provides for a threshold of 25 dwellings and has no guidance on the proportion of affordable housing that should be sought. The Council has proposed changes to the plan, incorporated in main modifications MM13, which would introduce a threshold of 15 or more dwellings with up to 30% being sought by negotiation, subject to viability, and MM15, which would delete reference to other Local Development Documents. MM13 indicates that viability would be likely to be constrained in the Ilkeston and Long Eaton urban areas and at the SRS to lower specified figures. As indicated under Issue 3, I have further modified the SRS provision in MM13 from that put forward by the Council.

91. The evidence base on the effect of affordable housing on the viability of development is contained in an assessment undertaken in 2009 with an update in 2012 in the light of the weaker housing market since the initial study. There is a separate viability assessment for the SRS. The studies have tested the threshold and proportion of affordable homes included in the Council’s proposed modification. Other than for the SRS, which has been considered separately, the modified policy is supported by the evidence base which is adequate for the purpose of a general assessment. These aspects of MM13 and MM15 are therefore necessary for the plan to be justified and consistent with national policy.

**Total affordable provision**

92. The requirement to meet full, objectively assessed housing needs in the Framework includes those for affordable housing. The net need for affordable housing identified in the Erewash Borough Council Housing Market Assessment Update (April 2012) (HMA) exceeds the overall total housing target, an outcome not uncommon in these types of studies. However, the HMA also concludes that this is not likely to be achieved in reality. As such, the CS has a more pragmatic target of 1,500 affordable dwellings over the plan period. In line with the changes it has proposed to Policy 8, the Council has put forward modifications that would reduce the target for monitoring purposes from 1,500 to 1,200 dwellings (**MM14 and MM16**). While these lower figures would not meet the need identified in the HMA they would be based on maximising the amount of affordable housing that could be achieved without threatening the viability of development. The plan as a whole would not be unsound therefore
as a result of taking that approach.

93. My main modification (MM13) would reduce the likely proportion of affordable housing for the SRS as a consequence of viability implications to a figure below that assumed by the Council and this could therefore further reduce the total number in the Borough as a whole. However, the overall site target of 30% remains and it is viability considerations that will largely determine provision in individual cases. Some affordable dwellings may be achieved through rural exception sites or on land owned by registered providers, although these are likely to make only a small contribution. The Council has pointed to some success in achieving high proportions of affordable housing on some sites in the weaker housing market areas in the context of its current approach negotiating on a site by site basis. On this basis it is not proposed to adjust the Council’s proposed target for monitoring of 1,200 affordable homes in the light of my modification to the SRS figure.

94. A substantial proportion of the new housing proposed would be in areas where the Council’s proposed modifications indicate that viability considerations may particularly constrain the proportion of affordable homes that can be sought from market housing led development. It has been suggested that this would be a significant factor in support of a different pattern of development, with some growth being directed to locations such as the rural settlements where there may be fewer viability concerns. However, the housing market needs assessment shows that a significant part of the housing need is at Ilkeston, Long Eaton and Sandiacre and this consideration is therefore not a persuasive factor in support of an alternative housing distribution.

95. In the light of these considerations and with the main modifications indicated the CS makes appropriate provision for affordable housing.

**Issue 6 – Whether the infrastructure requirements for the Core Strategy are soundly based and deliverable and whether there are clear mechanisms for implementation and monitoring.**

**Critical infrastructure**

96. The CS contains a general policy on infrastructure (Policy 18) and a number of other policies relating to specific aspects such as transport, green infrastructure or community services. There is an infrastructure delivery plan (IDP) in Appendix D which sets out the main items required to support the proposed growth. However, the plan does not indicate which elements are critical to the delivery of the CS. The Council has proposed main modifications (MM24 and MM31) that identify the Ilkeston Travel Plan, enhancements to the Ilkeston-Stanton bus service, a two-form primary school at Stanton and increased primary school pupil places at two schools in south Ilkeston as the critical aspects. These modifications are necessary in order for the plan to be effective. Subject to more detailed considerations, below, there is reasonable certainty that the overall infrastructure requirements of the development proposed can be delivered.

**Transport**

97. Transport infrastructure priorities have been informed by the Greater Nottingham Core Strategies Transport Modelling which was most recently
updated in 2012. There are various criticisms of the modelling, including that the model used is not the most appropriate to assess the impacts of strategic development. The model was originally completed in 2010 based upon surveys undertaken in 2008 and there is concern that it has not been revalidated in the light of new developments and network changes since then. Some assumptions in the model have been questioned.

98. I note that both the county highway authority and the Highways Agency consider that the model is fit for purpose. Models can be updated and refined but there has been insufficient evidence to suggest that the one used here is not appropriate for its purpose and that its broad conclusions do not remain valid.

99. In terms of the impact of proposed development on the transport network, I note that the county highway authority has not raised any in principle issues with the CS. The Highways Agency has reservations and is particularly concerned about the implications of traffic growth for key M1 and A52 junctions. However, while the precise nature of any improvements has not been identified, it has also not raised in principle objections. There is no persuasive evidence to suggest that contributions from development towards mitigating effects on the strategic road network would be so significant that they would adversely impact on deliverability.

100. The CS relies on a ‘Smarter Choices’ approach embracing the Ilkeston travel plan, which would seek to offset some of the potential increases in car traffic through public transport, cycling and walking. However, it is evident from the transport modelling that its effects will be limited and Policy 14 provides for highway capacity improvements to deal with residual car demand. These are not specified in the plan. Nonetheless, the evidence indicates that the likely highway measures relating to the SRS would not be prejudicial to its viability. There is no persuasive evidence that any measures required to address the impacts of smaller developments elsewhere, either individually or cumulatively, would be of a scale that was unaffordable. The strategic approach to transport, mainly focused on Policy 14, should ensure that there is not unacceptable congestion as a result of development proposed in the CS.

101. The provision of improved bus services between Ilkeston and Nottingham via Stanton is necessary for development more widely than just the SRS. The Council’s suggested modification to Appendix D to indicate this (MM32) is justified for reasons of clarity and effectiveness.

102. In managing the demand for travel, Policy 14 includes a sequential approach to selecting sites for development that gives first priority to those already accessible by walking, cycling and public transport. This could restrict some development sites coming forward, especially where existing deficiencies in this regard can be overcome by appropriate new measures. It could therefore limit the supply of land, particularly that to meet housing needs. The Council’s suggested modification (MM23) to remove this requirement is therefore necessary for the effectiveness of the plan in this respect.

103. The re-opening of Ilkeston Railway station is included as an infrastructure item within the IDP but is not identified as critical to the CS. It is however a
sustainable transport initiative with significant funding already in place and a reasonable prospect of deliverability. It is appropriate for its inclusion in the IDP and CS.

104. Proposals for Phase 2 of the High Speed Rail network (HS2) from Birmingham to Manchester and Leeds include a new station at Toton (East Midlands Hub) which is in Broxtowe Borough but close to the boundary with Erewash. However, there is not yet an agreed route as consultation on the preferred route and stations in Phase 2 is taking place. Powers to construct the agreed route would not be sought until the next Parliament after 2015. Furthermore, it is currently envisaged that the first train services from London to Birmingham on Phase 1 will not run until 2026 with those on the extensions some time after that. With the CS having an end date of 2028 there is insufficient certainty at this point about the impacts HS2 might have on Erewash for this to influence the scale and pattern of development in the plan.

Water

105. The CS is supported by an Outline Water Cycle Study. This has demonstrated that at the strategic level there are no water quality, waste water, water supply or (taking account also of the results of the Strategic Flood Risk Assessment) flooding and drainage issues that would be an absolute constraint on the development proposed or would require solutions that were unaffordable.

Education

106. The additional primary school places identified as critical infrastructure are proportionate and therefore justified. There is a reasonable prospect that they would be deliverable through the SRS development and increases in the capacity of schools in south Ilkeston.

Culture, tourism and sport

107. Amongst other things, Policy 13 sets out a strategic approach to the provision of facilities for culture, tourism and sport. For clarity and effectiveness it should also include reference to the provision of replacement facilities where those existing are to be lost due to redevelopment and main modifications are proposed to achieve this (MM21 and MM22).

Safety

108. Fire safety issues are normally addressed through the Building Regulations. While recognising their importance, they are not usually considered as a strategic planning matter but in any event, if appropriate, they could be considered in the forthcoming Local Plan and addressed in individual cases through the development management process.

Planning obligations and the Community Infrastructure Levy

109. It is for the Council to decide whether it wishes to pursue the Community Infrastructure Levy (CIL) but, in the absence of that, there will be limitations on the pooling of financial contributions collected under s106 of the Act. However, the Council has indicated that it is likely that there will be only a
limited number of larger sites where contributions to critical infrastructure will be sought given the nature of the list in the IDP. There would be individual site specific requirements which could continue to be dealt with by way of planning obligations. In these circumstances the Council’s approach would be sufficient but should still be kept under review to ensure that the infrastructure implications of development are being addressed.

110. The various CS policies that may require a planning obligation to deliver necessary infrastructure are generally consistent with the tests in CIL Regulation 122.

Viability of development

111. It has been demonstrated through the Council’s viability assessment work that the development proposed in the plan would not be subject to such a scale of obligations and policy burdens in relation to infrastructure that its viability would be threatened. This takes account of main modifications proposed elsewhere in this report that affect other aspects of developer costs.

Implementation and monitoring

112. The CS identifies targets, indicators and delivery mechanisms for each policy. With the addition of the action plan for delivering housing sites (MM5) these will provide clear and proportionate arrangements for the effective delivery of the plan.

113. The conclusion on this main issue is that with the main modifications identified the infrastructure requirements for the CS are soundly based and deliverable and there are clear mechanisms for implementation and monitoring.

Issue 7 – Whether the Core Strategy would proactively drive and support sustainable economic development.

114. The Framework requires that local plans should set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth. In this context, the CS clearly sets out the main economic issues and vision for the Borough. The employment and economic strategy is in Policy 4 which seeks to address the identified problems through diversification to meet restructuring, modernisation and inward investment needs.

115. Policy 4 sets out some key aspects of the scale, types and broad distribution of employment land or floorspace but, apart from the SRS is expressed in general terms. With the main modifications to this policy and Policy 20 (MM8, MM10 and MM25) in respect of the SRS, which have already been considered and justified under Issue 3, the CS provides appropriate guidance in this regard and incorporates sufficient flexibility to ensure that it could respond to changes in economic circumstances.

116. Policy 4 includes the approach to managing existing employment sites and allocations, including the circumstances for considering their release for other uses. The Erewash Employment Land Study 2011 has highlighted that there is a growing proportion of the industrial stock which is of poor quality. The Council’s suggested main modifications to Policy 4 (MM9 and MM11) were
considered earlier in order to ensure that existing sites of this kind are promoted for housing. Overall, the approach to existing sites is consistent with the Framework.

117. The relationship between employment and population growth, and how this translates into compatible provision for land or floorspace for new jobs and housing, is far from an exact science given the large numbers of variables involved. Broadly speaking the jobs and household projections for the HMA which underpin the CS are a reasonable basis for planning. I note the concern that, with the encouragement the modified CS would give to re-use of some employment sites for housing, this could undermine the economic aims of the strategy. However, the need to diversify and modernise the economy of Erewash is a main aim of Policy 4, which also seeks to ensure that employment allocations that are most attractive to the market and the good quality sites are retained in that use.

118. The CS does not include detailed policies for the rural economy. However, some would be retained from the 2005 Local Plan and these would be applied in the context of the Framework. In any event, outside the main settlements most of rural Erewash is within the Green Belt where specific national policies would apply.

119. Overall, with the main modifications proposed the CS would proactively drive and support sustainable economic development.

**Issue 8 – Whether the Core Strategy has adequately addressed the accommodation needs of travellers.**

120. The national Planning Policy for Traveller Sites requires that local planning authorities should set pitch targets for gypsies and travellers and travelling showpeople. The Derbyshire Gypsy and Traveller Accommodation Assessment (GTAA) concludes that there is no identified need for a site in Erewash. This accorded with Policy 16 and Appendix 2 of the former RS. As such, CS Policy 9, which sets out the approach to travellers’ accommodation, makes no specific provision. However, the GTAA was based on pitch requirements between 2007 and 2012 and has not addressed needs to 2028. The Council is reviewing the GTAA evidence with other authorities in Derbyshire and has proposed a modification to the plan (MM18) that indicates that this would be concluded by April 2014. The modification goes on to state that any changes to the development plan that are necessary as a result of the review would be considered in the preparation of the Local Plan. It is necessary in order for the CS to accord with national policy in this regard.

121. In accordance with national policy, Policy 9 sets out criteria by which traveller sites would be identified or against which planning applications would be assessed. There would be a ‘sequential approach’ whereby need would have to be first met within main settlements. Taking this with other detailed wording, the policy would present very onerous requirements. However, the Council has suggested a main modification (MM17) that would remove the sequential approach. It would also delete or modify a number of the criteria and remove a specific requirement that they would all have to be met. The resulting policy would be fair in terms of facilitating the traditional life of travellers while respecting the interests of the settled community. The
modification is therefore justified in terms of complying with national policy.

122. With the two main modifications indicated above, I conclude that the CS will ensure that the accommodation needs of travellers will be identified and provision made to accord with the expectations of national policy.

**Issue 9 – Whether the Core Strategy provides a sound basis for the management and growth of town and local centres.**

123. In accordance with the Framework, Policy 6 defines a hierarchy of centres and sets out the uses that will be permitted in town centres and primary shopping areas, the extent of which are established on the Policies Map.

124. The approach to town and local centres is supported by the Erewash Retail Needs Study 2007 and a partial update in 2010. The Greater Nottingham Retail Background Paper (June 2012) includes health checks for the main centres and has reviewed whether earlier assumptions remain valid in the light of more recent difficult market conditions since the initial retail study. The CS does not propose a particular scale of retail development but equally does not apply a ceiling. No sites are identified or allocated in accordance with the overall approach in this strategic document but these could be considered in the proposed Local Plan.

125. Policy 6 defines Ilkeston and Long Eaton as Town Centres with Borrowash and Sandiacre as Local Centres and provides for a New Centre of Neighbourhood Importance at the SRS. This reflects the size and functions of these centres and would complement the hierarchy proposed in the ACS. In that context, there is no persuasive case for changing these designations or including other small centres in the hierarchy.

126. The CS does not include the sequential approach to determining planning applications for main town centre uses that is in the Framework. The Council has put forward a modification that would introduce this (MM12) which is necessary for the plan to be consistent with national policy.

127. The Policies Map includes some changes from the Proposals Map in the adopted Local Plan that have been made to rationalise the primary shopping areas in Ilkeston and Long Eaton. These have been influenced by both health check surveys and masterplans for the two town centres. The result is more focused primary shopping areas with greater flexibility in other locations. There is also an emphasis on regeneration. This is a pragmatic response to the challenges faced by these centres, not only from out of centre retailing but also the growth of internet shopping. The strategy towards primary shopping areas should assist in supporting the vitality and viability of the town centres as a whole.

128. In the light of these considerations, I conclude that with the main modification relating to the sequential test the Core Strategy provides a sound basis for the management and growth of town and local centres.
Issue 10 – Whether the Core Strategy makes appropriate provision to address climate change, for the protection or enhancement of the natural and built environment and for the safeguarding of resources.

Climate change

129. Policy 1 on climate change indicates that all development proposals will be expected to mitigate and adapt to climate change and to contribute to national and local targets on reducing carbon emissions and energy use. It places the onus on developers to justify why full compliance with policy requirements is not viable or feasible. Amongst other things, relevant development would be expected to demonstrate that a number of criteria on sustainable design and adaptation had been met. The evidence base for the policy includes the Cleaner Greener Energy Study commissioned by a number of Derbyshire authorities.

130. The Council has indicated that it is not its intention to go beyond national standards in this regard and has proposed changes to Policy 1 and supporting text that clarify its expectations. The Framework supports the move to a low carbon future but also indicates that development should not be subject to policy burdens that might threaten its viability. The proposed changes provide an appropriate balance in achieving those aims. As such, they are main modifications (MM2 and MM3) that are necessary in order for the CS to be both consistent with national policy and justified in terms of the supporting evidence base. A further main modification (MM20), not suggested by the Council, is also necessary for these reasons.

Design

131. The Framework indicates the importance of planning positively for the achievement of high quality and inclusive design. Design is dealt with in Policy 10, which is in most respects consistent with this. However, the policy includes a requirement that all development, and in particular proposals of 10 or more homes, should perform highly when assessed against best practice guidance and standards for design, sustainability and place making as set out in Local Development Documents.

132. The policy is not clear as to what high performance would entail and therefore the impact this may have on the viability of development. As worded, this could be a matter dealt with in a supplementary planning document, which in the case of standards would be contrary to the Framework (para 174). This aspect of the policy is common to the publication version of the ACS. However, my examination relates only to Erewash and, in order to address these concerns, the Council has proposed a main modification (MM19) that the requirement should be deleted. With this Policy 10 would be justified and consistent with national policy on design.

Historic environment

133. The Framework requires that local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. Policy 11 includes the strategy for the historic environment. However, it is expressed in very general terms, making no
reference to the local qualities and values of the historic resource in the Borough. This contrasts with the equivalent policy in the ACS, which includes a list of elements of the historic environment which are considered to be of particular importance.

134. The spatial portrait in the CS sets out the range of heritage assets in the Borough. As worded, Policy 11 provides flexibility while setting out a range of strategic approaches to assist in the conservation and enjoyment of the historic environment. The CS is not the whole of the local plan for the area and the Council can include appropriate, more detailed, policies in its subsequent document proposed in the LDS. The absence of a list of historic features in the policy does not make the CS ineffective in achieving its strategic purpose.

135. The Borough includes part of the buffer zone of the Derwent Valley Mills World Heritage Site (WHS). Circular 07/2009 on The Protection of World Heritage Sites indicates that appropriate policies for the protection and sustainable use of such Sites, including any buffer zone, should be included in local plans. The CS does not contain a policy for the zone but the WHS is recognised in the spatial portrait. In any event, saved Policy EV19 of the Erewash Local Plan (2005), which would not be superseded by the CS, sets out the approach to development in the WHS and buffer zone. The Council’s subsequent Local Plan can provide any appropriate detail and, taken with the saved policy, the CS is not ineffective in this respect.

136. Policy 10 on design does not refer to the setting of heritage assets as one of the factors to be considered in assessing development proposals. This is another respect in which it differs from the equivalent policy in the ACS. However, the general approach to heritage assets locally is set out in Policy 11 and the Framework sets out clearly the approach to be taken when considering the setting of a heritage asset. The CS is not unsound by not including setting in Policy 10. Overall the CS provides effective guidance on the historic environment and is sound in this regard.

Nature conservation

137. There are no protected habitat European sites within or adjacent to the Borough. A Habitat Regulations Assessment (HRA) has been undertaken on a joint basis with the other HMA authorities and takes account of the development proposed in the CS and the ACS. This concludes that with limited exceptions, which do not relate to development proposed in the Borough, the ACS (including Erewash) would not be likely to have a significant effect on any European site, alone or in combination with other plans or projects. There is no persuasive evidence that would contradict this conclusion. Natural England has not objected to the CS. Policy 17 sets out the strategy towards biodiversity and overall this is justified and is consistent with national policy.

Coal resources and ground conditions

138. There are parts of the Borough where there are coal resources capable of being extracted by surface mining operations. The Framework indicates that mineral resources should not be needlessly sterilised by non-mineral
development. The CS does not contain policies for the protection of coal reserves or the safeguarding of minerals. However, Derbyshire County Council is the minerals planning authority for the area and there is an extant joint Derby and Derbyshire Minerals Local Plan (2000), which includes policies to safeguard mineral deposits. An updated plan is in preparation. Additional wording in the CS has been suggested to clarify the relationship between the CS and the Minerals Local Plan. This would aim to ensure that sterilisation of the resource could be taken into account and, where appropriate, prior extraction of the coal deposits could take place ahead of development. However, any development proposed in Erewash would have to take into account the adopted minerals policies and the absence of cross references to this in the CS would not make the plan unsound.

139. The CS does not refer to ground conditions as a consideration in assessing development proposals. The Borough is in an area where there are coal mining legacy issues and ground conditions can be a concern. Planning policies should ensure that sites are suitable for their use taking account of ground conditions and land instability. However, apart from the SRS, the CS does not allocate individual sites. The CS is by definition a strategy and cannot be expected to cover all aspects of development. There is general provision for instability matters in the Framework. Consideration can be given to whether a detailed policy reference is necessary in the subsequent Local Plan. Similar consideration can be given to contamination but, in any event, CS Policy 20 refers to comprehensive remediation of the SRS. The CS is not unsound therefore by excluding a policy criterion on ground conditions.

140. My overall conclusion on the main issue is that with the proposed main modifications the CS makes appropriate provision to address climate change, for the protection or enhancement of the natural and built environment and for the safeguarding of resources.

Assessment of Legal Compliance

141. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<table>
<thead>
<tr>
<th>LEGAL REQUIREMENTS</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Development Scheme (LDS)</td>
<td>The Core Strategy is identified within the approved LDS Update November 2012 which sets out an expected adoption date of September 2013. This is acceptable in the light of the local circumstances of the time taken for the examination. The Core Strategy’s content is compliant with the LDS.</td>
</tr>
<tr>
<td>Statement of Community Involvement (SCI) and relevant regulations</td>
<td>An updated SCI was adopted in November 2012 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed ‘main modification’ changes (MM).</td>
</tr>
</tbody>
</table>
Overall Conclusion and Recommendation

142. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoptions of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

143. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Erewash Core Strategy local plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

M J Moore

Inspector

This report is accompanied by the Appendix containing the Main Modifications