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harrislamb
PROPERTY CONSULTANCY

Planning Policy
Erewash Borough Council
Town Hall
Wharncliffe Road
Ilkeston
Derbyshire
DE7 5RP

Grosvenor House
75-76 Francis Road
Edgbaston
Birmingham B16 8SP

T 0121 455 9455
F 0121 455 6595

BY EMAIL: planningpolicy@erewash.gov.uk

Dear Sir / Madam

RE: Core Strategy Review Amendment - Consultation

Harris Lamb Planning Consultancy has been instructed by Wulff Asset Management to prepare this representation to Core Strategy Amendment consultation.

Wulff Asset Management is the promoter of the Site CSR-0050: Sowbrook Lane, a non-Green Belt site that adjoins Ilkeston. Following the hearing sessions the proposed Green Belt designation on this has been removed from the Site. Wulff Asset Management fully support this amendment on the grounds that its designation would not have met the requirements for providing compensation for the release of other sites from the Green Belt. The proposed designation was, therefore, contrary to the provision of the NPPF.

The above notwithstanding, we consider that the plan remains unsound for two reasons. The first is that an insufficient supply of housing sites have been identified to provide a realistic prospect that the minimum housing requirement will be met in the plan period. The second is that it remains the case that all sources of non-Green Belt sites have not been exhausted before Green Belt has been released as required by Paragraph 141 of the National Planning Policy Framework September 2023. In both cases we consider there are solutions that would promptly address these matters, and we remain willing to work with the Council to assist in this regard.

BIRMINGHAM
0121 455 9455

NOTTINGHAM
0115 947 6236

STOKE-ON-TRENT
01782 272555

WORCESTER
01905 22666



Supply of Housing Sites

A review of proposed Trajectory reveals that the total housing supply equates to only 176 dwellings more than minimum housing requirement of 6948 dwellings. This provides very little in the way of flexibility to ensure the minimum housing requirement is met and it would only take 177 dwellings to not come forward in the way that has currently been predicted for the plan to fail to meet the housing requirement.

To be positively prepared, Paragraph 35 of the NPPF states that plans should, as a minimum, seek to address the area's objectively assessed need. To achieve this, we need to learn from past experiences, and it is widely recognised that it should not be assumed that all proposed allocations will come forward as planned. Some of the allocation will inevitably not come forward as planned and this will reduce the supply accordingly. What this means in practice is that if we are planning to meet the minimum housing requirement, that a degree of flexibility should be built into the supply to allow for sites that might not be delivered or come forward as planned. Our view is that for sufficient flexibility to exist, the proposed sources of supply should exceed the minimum housing requirement by 10-20%.

To address this matter and to meet the 'positively prepared' test, Wulff Asset Management consider that more housing sites should be added to the proposed draft allocations.

Exhausting all non-Green Belt options to justify exceptional circumstances

During the examination hearing sessions, we set out why we did not consider that the Council had exhausted all sources of non-Green Belt sites and that in the absence of demonstrating this that the provisions of Paragraph 141 of the NPPF are not met. This remains the case and we maintain that to rectify this, that site CSR-0050: Land at Sowbrook Lane should be added to the plan as a housing allocation.

The addition of this site as a housing allocation would also help provide additional flexibility to the supply of housing to meet the minimum housing requirement.

Site CSR-0050: Land at Sowbrook Lane appears to have been discounted as an allocation through the Council's assessment of potential sites. Harris Lamb have reviewed the site assessment score CSR-0050 – Sowbrook Lane. In doing so we have identified a number of scores for CSR-0050 which are inconsistent with other sites within the assessment and scores where we do not consider the Council have taken all matters into consideration when determining their score.

In addressing these matters, we consider that CSR-0050 should have scored substantially better than the Council's assessment. The table below provides a summary of the Council's position and compares this to the scores following our assessment.

Categories	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Total Score
Council's Score	+1	0	0	0	+1	-2	0	-3	-2	1	-1	0	2	-2	-2	-3	-10
Harris Lamb Score	+2	0	0	+1	+3	-2	0	+3	-1	1	-1	+1	2	-1	-1	-2	+5
Net Position	+1	0	0	+1	+2	0	0	+6	+1	0	0	+1	0	+1	+1	+1	+15

Table 1: Comparison of Site Assessment Score for CSR-0050 – Sowbrook Lane

Before delving into the details of the site assessment, it is worth remembering here that site CSR-0050 is not in competition with Green Belt sites for an allocation. So, when assessing whether the score supports the allocation of the site, this should not be a comparative exercise against 'competing' sites. It should also be noted that the supporting text to the assessment is clear that a negative score does not mean a site should not be allocated. This is notable because, a negative score suggests a site should not proceed, but there are cases where sites with negative scores can still be allocated. So, this requires a care judgement of the facts of the case and the context of the site.

To support our assessment, we set out our commentary on how we reached these scores below:

- Category 1, Question 1.1 – Our site scores zero for its contribution towards housing and affordable housing, whereas CSR-0037 – Land at Lees Brook scores +1. The site at Lees Brook is predicted to deliver 200 dwellings and the site at Sowbrook Lane of 196 dwellings. It is our view that the site at Sowbrook Lane should also score +1.
- Category 4, Question 4.1 – Other sites (e.g. CSR-0003 – East of Breaston) have scored +1 because they will provide additional footfall to nearby services and facilities. In the case of CSR-0003: East of Breaston the Council's assessment notes the services that the development will support are within the village and in Long Eaton Town Centre. By comparison the assessment of Sowbrook Lane site does not factor in those services in Kirk Hallam which is less distance from the site than Long Eaton Town Centre is from East of Breaston. Furthermore, the assessment of CSR:0050: Sowbrook Lane does not also consider the new village centre that will be delivered at South Stanton, which is one of the major allocations in both the adopted and emerging Plan. When corrected, it is apparent that Sowbrook Lane performs equally well against this question and should also score +1.

- Category 5, Questions 5.1 to 5.3 –

- The Council's assessment does not take into consideration the large volume of employment land that both exists and is proposed in this location. CSR:050: Sowbrook Lane is located immediately adjacent to an existing employment estate. It also adjoins the substantial employment development known at the Stanton Regeneration Site which recently secured planning permission. These would be within easy walking distance of the Site and would substantially reduce the prospect of workers getting in the car to commute to work.
- The assessment does not take into consideration the allocation at South Stanton. South Stanton is proposed to provide a new village with a local centre and primary school. These will be within easy walking distance of the Site and would help to meet the day-to-day needs of future occupiers.
- In the Council's assessment South Stanton scores substantially better on these questions than CSR0050: Sowbrook Lane. We acknowledge that South Stanton would score higher in places because it is providing these services/facilities, however, CSR0050: Sowbrook Lane would also benefit from the delivery of these services and facilities and, in a local plan context, it is perfectly normal that Sowbrook Lane would score better due to the proximity of these services/facilities.
- It is also the case that the homes on the Sowbrook Lane site would increase the prospect of the service and facilities being delivered as proposed and then retained thereafter. For example:
 - The more homes in the locality the more likely a convenience store would be attracted in the first instance and would generate more custom once they are open.
 - The estimated 1,000 homes to be delivered at South Stanton is on the low side for delivering a primary school, particular with falling birth rates. The provision of an additional 200 homes at Sowbrook Lane would provide the additional security around the delivery of the school and its sustainability into the future.

For these reasons we consider that Sowbrook Lane site should score +1 for questions 5.1, 5.2 and 5.3.

- Category 8, Questions 8.1 to 8.3 – In the case of South West Draycot and East of Breaston (CSR-0040 and CSR-0003) just being in proximity to services in the village to which they are attached and Long Eaton (which is a comparable (further) distance to Kirk Hallam from Sowbrook Lane) was sufficient to score those sites a rating of zero against questions 8.1

and 8.2. When Sowbrook Lane is considered in the context of South Stanton coming forward it should also score zero.

Furthermore, the site at Sowbrook Lane would enhance existing transport infrastructure through the provision of improved bus service and bus stops and improved pedestrian facilities on Sowbrook Lane to Kirk Hallam (a scheme was agreed with the existing bus provider to provide two additional services at peak times, and this would be secured in any future application). These were both matters agreed with the Highway Authority through the previous planning application on the site and would increase the score for 8.1 to +1.

Regarding 8.2, the aforementioned improvements would help to develop a transport network that minimised the impact on the environment by providing a bus service and improved pedestrian connectivity to the recently approved employment scheme at the Stanton Regeneration Site and the existing employment sites that surrounds it. The bus service was not upgraded when the Stanton Regeneration Site came forward, which means commuting by bus is not currently a realistic option for the thousands of employees who will/do work on the Stanton Regeneration Site and the wider employment area in this location. The proposed improvements would help encourage a larger volume of workers in this location to commute by means of transport other than the car.

We also consider that the site should score +1 for 8.3 because it would reduce journeys undertaken by car by encouraging alternative modes of transport. It is worth mentioning here that by improving the bus service it would not just benefit the Sowbrook Lane site and the employment sites around it but would also improve the service for the residents that live along the remainder of the route.

- Category 9, Question 9.2 – The site would minimise the impact on biodiversity, both through focusing the development on the arable part of the site and maintaining the core biodiversity features around the periphery of the Site. Mitigation has also been agreed with the Council and the Derbyshire Wildlife Trust on a nearby site on Seven Oaks Road. Wulff Asset Management control both sites and the mitigation scheme would be delivered in any future application. In this context we consider the site should score zero for 9.2.
- Category 12, Question 12.3 – Sites such as East of Breaston only score -1 for 12.3 rather than -2. For consistency we consider Sowbrook Lane to score -1 as well.
- Category 14, Question 14.1 – It was common ground through the recent appeal that the proposal would not conflict with the Council's Landscape Character Assessment. The reason for this is because the character area in which the site is located is not only defined by its natural features, but also the inclusion of regular urban features both along the edge

of Ilkeston and in the pockets of development that surround it. Based on the Council's more detailed assessment at the application stage which concluded that a residential development on this site would not conflict with their own Landscape Character Assessment, then we consider this site should score zero for 14.1.

- Category 15, Question 15.1 – It is agreed that the proposal would have an adverse impact on the significance of the listed cottages at Twelvehouses due to the introduction of development to its setting. However, it was common ground through the recent appeal that this harm was less than substantial and at the lower end of the less than substantial scale. With the harm being less than substantial and at the lower end of the scale, we consider this would be a minor negative and therefore a score -1 rather than -2 would be more appropriate.
- Category 16, Question 16.6 – Sites such as South Breaston and South West Drayton all score -1 against this question and we consider the same should be applied for Sowbrook Lane.

The key takeaway from our review of the Council's Site Assessment are as follows:

- 1) The site should not be considered in isolation. It is surrounded by existing and proposed employment areas and not far from one of the Council's largest proposed housing allocations (i.e. South Stanton). The scores in the site assessment should reflect this.
- 2) When assessing a site in a Local Plan context, consideration should be given to what is coming forward as part of the Plan as well as what exists on the ground. In this case this includes the 1000 homes planned round the corner at South Stanton and the services and facilities this will be delivering.
- 3) The more detailed assessment work that was undertaken through the planning application process and agreed with the Council, Wildlife Trust and Highway Authority have not been factored into the site assessment, resulting in lower scores that this assessment work concluded.
- 4) The improvements to the bus service and footway provision along Sowbrook Lane agreed through the planning application and with the LHA, along with the wider benefit of these has not been factored into the Council's assessment.
- 5) The proposal would provide direct links into the Nutbrook Trail and canal towpath, contrary to the Council's assessment which says this would not be possible. Again, this was agreed with the Highway Authority and the Council through the application process.

It is evident when these matters are taken into consideration, the Sowbrook Lane site should have scored significantly better. Overall, we would have concluded a positive score of +5 and this is more than sufficient to support the residential allocation of CSR-0050.

Furthermore, even within the context of the Council's current assessment which provides a score of -10, measures could be secured through criteria in the allocation policy to address a number of the concerns, and so this does not demonstrate that the site should not be allocated.

Summary

We recognise the changes to the plan period, housing requirement and supply of sites. We consider that these changes have all made positive steps to delivering a sound plan. However, we consider that further changes are needed.

To rectify the issues identified, we consider that:

- site CSR-0050 Land at Sowbrook Lane should be allocated. Without this, exceptional circumstances to release Green Belt land will not have been demonstrated in accordance with the provisions of the NPPF; and
- additional housing allocations are needed to provide the flexibility needed to give confidence that the plan will deliver the minimum housing requirement. This is common practice and a surplus of 176 dwellings is nowhere near sufficient.

We trust that you will find these comments helpful and constructive, and Wulff Assessment Management would welcome the opportunity to work with the Council to help rectify these matters.

Yours sincerely



Sam Silcocks BSc (Hons) MA MRTPI
Director
sam.silcocks@harrislamb.com
DIRECT DIAL: 0121 213 6003