

Our Ref: RP/5125/2025-05-16

16th May 2025

Planning Policy
Erewash Borough Council
By email: planningpolicy@erewash.gov.uk

Planning & Design Practice Ltd
Second Floor, Suite 3
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Vernon Gate
Derby
DE1 1UL

Dear Sir/Madam,

**RE: RESPONSE TO EREWASH CORE STRATEGY REVIEW AMENDMENT CONSULTATION
REGARDING STRATEGIC POLICY 1.6 - LAND NORTH OF COTMANHAY**

I write on behalf of my client, Nurton Residential Ltd (NRL), in relation to the proposed removal of the site from the Core Strategy Review. According to the report prepared for the Extraordinary Council meeting held on Thursday 27th March, the site has been deleted because *“This site has made insubstantive progress in the four years since it was first proposed by Council, and viability appraisal demonstrates that it is only marginally financially viable.”* I will start by summarising the Inspector’s concerns following the hearings then go on to address the Council’s concerns around lack of progress and financial viability, before going on to highlight the very strong planning reasons why this site should be retained as a housing allocation.

Inspector’s post hearings concerns

Following the Hearings in June 2024, the Inspector raised significant concerns regarding the following:

- The testing of reasonable alternatives in relation to the size of sites for housing development and the location of economic growth.
- The settlement hierarchy and spatial strategy are conflated and consequently do not provide an effective means of directing development to different locations within the Borough.
- Lack of evidence to support the exceptional circumstances necessary to justify the proposed changes to the Green Belt.
- The inability to identify what sites are deliverable and developable within the housing trajectory and the lack of evidence to support the anticipated completions that have been included in the trajectory.
- The Plan fails to identify land sufficient to meet housing needs over the plan period.
- The lack of a 5-year housing land supply upon adoption which would make the plan immediately out of date upon adoption.
- Site specific queries relating to Strategic Policy 1.3 Land at Acorn Way and Strategic Policy 1.4 North of Spondon
- Lack of evidence to support Strategic Policy 5 Green Infrastructure.
- Absence of monitoring indicators, targets and triggers within the plan.

In summary, the Inspector has identified significant concerns about the soundness of the plan at this stage, many of which relate to the ability of the plan to meet the housing requirements of the borough over the whole of the plan period, particularly within the first 5 years. Whilst concerns were raised about Strategic sites 1.3 and 1.4, it should be noted that the Inspector has not raised any concerns about my client’s Site.

In response, the Council launched a call for sites to identify additional land for housing development, undertook a Green Belt Assessment, updated their Sustainability Appraisal and housing trajectory and prepared supporting evidence for key policies. This led to the preparation of a Sustainability Appraisal Update and a Core Strategy Review Amendment, both of which are subject to the current 6-week consultation.

Progress to date

Specifically on the question of progress, whilst a call for sites submission was made in 2018, no further representations were made until 2023 because the landowners simply were not represented. In early 2023, an agreement was reached between the landowners and Hodgkinson Builders Ltd that the latter would promote the land. Following this, Planning & Design Practice (PDP) were instructed to act for Hodgkinson and a hearing statement was submitted in response to the Inspector's Matters, Issues and Questions for the Examination in Public in December 2023. Unfortunately, the hearing statement was not accepted by the Inspector, as no representations had been made in relation to previous versions of the plan. Later in December 2023 a pre-application enquiry was submitted for c.200 houses for the site and in February 2024 a highways pre-application enquiry was submitted. The highway authority's pre-application response did not raise any significant concerns. The planning authority's main pre-application concerns related to the site layout which, it was considered, did not meet the requirements of Strategic Policy 1.1 - Strategic Housing Sites or Strategic Policy 1.6 - North of Cotmanhay. Architects were then instructed to revise the scheme but, unfortunately, Hodgkinson closed as a going concern in spring/summer of 2024, which is why the revised scheme was not pursued at that time.

Towards the end of 2024, NRL, a land promoter, entered into negotiations with the landowner and PDP were instructed to re-open pre-application discussions and a new scheme for 186 houses was submitted (see Appendix A). This was paused to allow for further masterplanning work to incorporate a different surface water drainage strategy, with the expectation being that this would free up more land for development. The pre-application process has now been re-started and it is anticipated that a meeting will be held with the Development Manager in the coming weeks.

My client therefore disputes the claim that there has been a lack of progress, particularly given the circumstances set out above.

Land Ownership and Promotion

The Site, including Cotmanhay Wood, is in three ownerships. However, these belong to the same family. Until recently, the land had not been registered and this has been a factor in delaying negotiations with NRL.

Following fairly extensive discussions, land promotor NRL has agreed in principle the heads of terms for the site's acquisition. In addition, an exclusivity agreement, providing security to NRL, is due to be signed imminently.

In turn, NRL is in discussions with an East Midlands housebuilder that wishes to bring forward a mixed market and affordable scheme of 186 units. This housebuilder intends to work with a Registered Provider to build out the affordable housing element. NRL expects to receive an offer from the housebuilder in the near future.

Demand and Viability

The report of Andrew Golland Associates of February 2025 concludes that the site is not viable for any development that provides affordable housing. NRL considers that this assessment is flawed for a number of reasons:

- The purpose of the report seems to be to identify the percentage affordable housing that each prospective allocation can sustain, rather than address site viability in the round;
- The report's assessment of local values in the sub-market area for the Site are an under-estimation;
- The characteristics of the Site, such as access to Cotmanhay Wood and the surrounding countryside, will drive much higher values – effectively, being a “hot spot”;
- This will, in turn, derive a much higher GDV for the proposed development and enable a greater percentage of affordable housing.

As such, NRL takes a much more positive view on the site's viability. If it did not, it would not be spending time and money promoting the site, including pre-application consultation. Furthermore, this view is supported by the interest shown by the housebuilder currently in negotiation with NRL to develop the site. NRL is happy to share its analysis of values and the site's viability with the local authority.

Reasons why site should remain in Core Strategy

The removal of the Site from the strategic site allocations does not make sense from a planning perspective for the following reasons.

(a) Delivering Sustainable Growth

The Site ranks 4th out of 15 in the Council's Sustainability Appraisal March 2025 (Table 9), reflecting its strong alignment with key sustainability objectives across environmental, social, and economic criteria. With an overall score of 0, well above the threshold for the most sustainable half of potential allocations (which can score as low as -10), the site clearly demonstrates strong sustainability credentials. Its strengths include good public transport links and close proximity to employment opportunities within the Ilkeston Urban Area. This will help to maximise opportunities to travel on foot or by bicycle and minimise reliance on the private motor car. Located on Ilkeston's northern edge, on the edge of a Tier 2 settlement in the hierarchy, it is the only proposed housing allocation in Ilkeston. Furthermore, its inclusion as a site allocation helps to spread the housing allocations more evenly across the borough.

There is also a clear strategy to manage and invest in Cotmanhay Wood, with a commitment to improve its amenities and truly open it up as a community asset as well as a scheme for Biodiversity Net Gain.

These qualities are consistent with the core principles of sustainable development and align with both national and local policy goals aimed at reducing carbon emissions and promoting inclusive growth. As such, retaining the Site in the Core Strategy Review would make a meaningful contribution to establishing a more balanced and sustainable pattern of development across the borough.

(b) Housing Need

Within the Planning Inspectorate's Post Hearings Letter (September 2024) following the Examination of the Erewash Core Strategy Review in June 2024, the Inspector stated that

the plan period estimated a total supply of 6,128 dwellings, less than the requirement of 6,948, meaning the housing requirement for the plan would not be met. Additionally, the revised housing trajectory showed only 4.53 years' worth of housing land supply upon adoption of the plan, which was an optimistic view on delivery rates. Therefore, sufficient capacity was needed on top of the housing requirement to provide a reasonable amount of flexibility. The main task included identifying sufficient, additional housing sites to achieve a 5 year housing land supply at the point of adoption and meeting the housing requirement of the whole plan period.

The revised standard method published in the new NPPF has increased Erewash's annual housing target to 523 dwellings, up from 376, a 39% rise. This exceeds the Core Strategy Review's current annual requirement of 386 dwellings. However, over the full plan period, only 7,124 dwellings are proposed against a need for 9,414, meeting just 75% of the requirement. Given the stage the plan has reached (Regulation 22), paragraph 234b confirms that the council can continue to plan for the lower figure of housing. However, once the Local Plan is adopted, paragraph 236 of the Framework states that *"Where paragraph 234b applies, if the housing requirement in the plan to be adopted meets less than 80% of local housing need the local planning authority will be expected to begin work on a new plan, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025), in order to address the shortfall in housing need"*. This means that the Council would be compelled to begin work on a new plan immediately and, from 1 July 2026, demonstrate a six-year housing land supply instead of the usual five. Retaining the Site would, therefore, make a meaningful contribution to housing land supply and potentially have wider benefits in plan making terms.

(c) Green Belt Review

The site is partly within and partly outside the Green Belt. The Council has consistently supported the release of the site from the Green Belt. The Council's Green Belt Review (2025) assesses the site as a location with limited impact on the wider Green Belt due to existing physical and visual boundaries that already contain urban sprawl. The built-up nature of surrounding areas, such as development along Hassock Lane South extending into the Green Belt beyond the borough boundary, helps to contextualise and reduce the perceived impact of further development. Cotmanhay Wood acts as the main significant natural barrier, providing strong enclosure and limiting further encroachment. Overall, the review concludes that development on this site would have a contained and minimal impact on the wider Green Belt.

Additionally, following the publication of the revised NPPF in December 2024 and the introduction of the 'Grey Belt', we believe the site would qualify for this designation as the site does not significantly contribute to purposes a), b) and d) of the Green Belt, nor would the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) provide a strong reason for refusing or restricting development. The NPPF at paragraph 148 makes it clear that where it is necessary to release Green Belt land for development, a sequential approach should be taken, in that *"plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations."* As grey belt land, it should be prioritised over the release of other Green Belt locations.

Summary

In summary, we refute the Council's reasons for deleting the Site from the Core Strategy Review. Substantial progress has been made in the two years since the site has been actively promoted to bring this site forward and at no stage prior to March 2025 had there been any indication that the Council was considering deleting the allocation. Furthermore, the Inspector has not raised any concerns about the Site.

For the reasons outlined above, we strongly urge the Council to retain the Site within the Core Strategy Review. Its removal is not justified by the available evidence and would have negative consequences for the Borough's sustainable growth, housing delivery, infrastructure provision, and community regeneration objectives.

Should you wish to discuss the contents of this letter or require any further clarification, please do not hesitate to contact me.

Yours sincerely,



Richard Pigott BA (Hons) MSc MRTPI
Director | Chartered Town Planner

For and on behalf of Planning & Design Practice Ltd