

## EREWASH CORE STRATEGY REVIEW – REVISED OPTIONS FOR GROWTH

---

### RESPONSE TO CONSULTATION ON BEHALF OF THE RESIDENTS OF SPONDON ASSOCIATION

---

#### INTRODUCTION

1. This document has been prepared for and on behalf of the Residents of Spondon Association (***“the Association”***), an unincorporated body of concerned residents living in or local to the village of Spondon.
2. It intends to respond specifically to the proposal of Erewash Borough Council (***“EBC”***) to declassify Green Belt land South of Spondon Wood (***“SGA26”***) in substitution for a previously identified site at Land North of Lock Lane, Sawley (***“SGA17”***) as part of EBC’s Core Strategy Review.
3. In sum, the Association strenuously objects to the proposal and makes four points:
  - 3.1. EBC’s approach to this consultation exercise is inherently flawed, in circumstances where SGA26 has been identified in substitution for another site and consulted upon separately from those in the original Growth Options Consultation in 2020 (***“the 2020 Consultation”***);
  - 3.2. There has been a wholesale failure by EBC to co-operate with Derby City Council;
  - 3.3. The methodology by which the degree of encroachment into the greenbelt has been calculated at SGA26 is flawed;
  - 3.4. SGA26 is an unsuitable site on practical planning grounds.

### 3.1. EBC'S APPROACH TO THIS CONSULTATION

4. It is a matter of deep concern to the Association and its membership that this consultation is being conducted long after the substantive 2020 Consultation, where all proposed sites for greenbelt declassification were collectively considered on a level playing field.
5. The Report of the Director of Resources to the Extraordinary Council Meeting held on 25 March 2021 states (at paragraph 3.10):

*“The recommendation not to pursue development on land north of Lock Lane cannot be made without considering a replacement site in the Green Belt. The consultation process has brought forward a new site for consideration. This site is on the edge of Derby City north of Spondon and is [in] line with the strategic hierarchy. It is bounded by Spondon Wood to the north and consequently its development would have a relatively limited impact on the Green Belt. It would also have direct access to the A6096. This site is therefore recommended as a replacement proposal for the land north of Lock Lane”*

6. It is clear from the above quoted passage that the exercise of considering the suitability of SGA26 is now inherently distorted. Rather than being considered on its own planning policy merits and/or collectively with the other putative sites identified in the 2020 Consultation, SGA26 is now set up against SGA17 as a potential “*replacement*”.
7. Put simply, a separate consultation after conclusions have already been drawn following the substantive 2020 Consultation has prevented full and meaningful participation by the affected community. Their representations are now against a backdrop where the site in question is effectively presented as the only alternative option.
8. The Association submits that this is contrary to EBC's Statement of Community Involvement and paragraph 16(c) of the National Planning Policy Framework, which encourages “*early, proportionate and effective engagement between plan-makers and communities...*”. The fact is there was no community engagement until the unsuitability of SGA17, and the relative suitability of SGA 26, have been presented as *fait accompli*.

9. By way of example of the distorted nature of this consultation exercise, paragraph 3.4 of the Statement of Consultation for the 2020 Consultation sets out an extensive list of measures taken to engage with stakeholders, organisations and the community. Those measures have not been repeated a second time around, painting a picture that this consultation has been “tacked on” to consider a discrete issue, rather than looking at the suitability of potential Green Belt sites in the round.

### **3.2. FAILURE TO CO-OPERATE**

10. It is noted in the Revised Options For Growth paper dated March 2021 that Spondon “*is part of Derby City, so this proposal is an extension of the Derby conurbation into the Green Belt*”. The Strategic Growth Assessment describes that it “*directly adjoins the main built-up area (MBUA) of Derby within the administrative area of Derby City Council.*”
11. That being the case, while EBC is able to reap the benefits for the purposes of its land supply calculations, plainly the burden of dealing with practical service provision to any development (e.g. transport, highways, education and healthcare) will fall upon Derby City Council.
12. In those circumstances, it is striking that, as the Association understands it, there has been no consultation whatsoever with Derby City Council prior to the Extraordinary Council Meeting on 25 March 2021 and/or the inclusion of SGA 26 in EBC’s proposals.
13. Section 33A of the Planning and Compulsory Purchase Act 2004 imposes upon EBC a statutory duty to co-operate with other local planning authorities, in this case Derby City Council, in its preparation of development plan documents and/or other local development documents so far as they relate to “*strategic matters*”.

14. This is expanded upon at s.33A(4):

*“(4)For the purposes of subsection (3), each of the following is a “strategic matter”—*

*(a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas...*”

15. Plainly, declassification of Green Belt land would have a “*significant impact*” on both the Derby City and EBC planning areas, for the reasons set out above. Thus, there has been a wholesale failure by EBC to comply with its statutory duty to co-operate.

16. It is precisely this sort of failure to engage at an early stage which led to the rejection of the Sevenoaks District Local Plan and the authority’s unsuccessful legal challenge in *Sevenoaks District Council v Secretary of State for Housing Communities and Local Government [2020] EWHC 3054*. The Association respectfully suggests that EBC has fallen into the same trap.

### **3.3. ENCROACHMENT INTO THE GREENBELT**

17. In order to justify potential interference with the five stated purposes of Green Belt land at paragraph 134 of the National Planning Policy Framework, EBC has conducted an assessment as to how far any of the proposed sites encroach into the open countryside.

18. The methodology employed was to measure how much further the possible development would project outwards from the centre of the settlement beyond the settlement’s current extent, with the result that the greater the reported percentage, the greater the impact or encroachment into surrounding countryside.

19. Thus, for example, at SGA2 Land at Beech Lane, West Hallam, the measurement was taken from the centre point of West Hallam with the result that the site would contribute to an enlargement of 52.6% of the existing settlement. Similarly, at SGA5 East of Borrowash, the measurement was taken from the centre point of Borrowash with the result that the site would contribute to an enlargement of 59.4% of the existing settlement.
20. The measurement for SGA26 meanwhile was taken from the centre point of the city of Derby, with the result that the site would contribute to a relatively modest enlargement of Derby of 2.4%.
21. That methodology is meaningless and produces an artificially small percentage increase. Measuring from Derby city centre makes no rational, logical sense when the village of Spondon, like many of the other sites explored in the 2020 Consultation, can and does operate as a self-sufficient, self-contained settlement. Had measurement been taken from the centre of Spondon, the percentage increase in settlement size, and thereby encroachment into the established Green Belt, would have been far greater.
22. Put another way, such a measurement would have offered a more accurate insight into the extent of encroachment into Green Belt land as a proportion of the size of the existing settlement. That analysis would also have put the degree of harm likely to be occasioned by any development in a rather different light.

### **3.4. PRACTICAL PLANNING CONSIDERATIONS**

23. Individual residents have submitted their own concerns as to the practical planning implications of declassifying the Green Belt at SGA26 and any development which may follow. For convenience however, the Association summarises its position below and says, taken collectively, the site is plainly unsuitable.

### Ecology/Biodiversity

24. Proposed access and egress to the site will involve the destruction of trees and hedgerow. The Association believes there are several trees at SGA26 which are over 100 years old and are subject to Tree Preservation Orders.
25. The open farmlands adjacent to Spondon Wood provide a natural habitat for grazing deer, badgers, hedgehogs, hares, pheasants, lapwings and buzzards, which will be necessarily destroyed. The Association is aware that recent planning applications have already been held up or rejected owing to the tracking of bats in Spondon Wood and surrounding land.
26. In short, the environmental damage will be substantial. There are substantial brownfield sites in Erewash. There are no special circumstances to justify the declassification of Green Belt with the destructive implications that involves.

### Education

27. There is no local secondary school provision. The nearest school is West Park Community School which is already 12% over capacity. Thereafter, Friesland School, a considerable distance away, is already 3% over capacity.
28. Primary school provision is equally scarce. Three out of four primary schools are also over capacity. It is doubtful that these shortages could be effectively overcome by s.106 agreements or planning conditions.

### Highways and Transport

29. Traffic is already at an unacceptable level for local residents. It is not sufficient for EBC to simply abrogate all responsibility for traffic concerns and instead leave it to the relevant highways authority and/or developer to find effective solutions, particularly when the former, as noted above, has not been consulted.

30. These matters are highly relevant to the question of sustainability as an increase in traffic is the inevitable consequence of declassifying the Green Belt and opening it up for development.
31. The observations in the Strategic Growth Assessments that current arrangements allow traffic to pass through at an acceptable flow does not appear to be backed up by empirical data, nor does it accord with the first-hand experience of local residents, as will be seen from the individual responses to this consultation.

### Healthcare

32. There are two small doctors' surgeries in Spondon, both of which are oversubscribed and with average appointment waiting times between 2 and 4 days. The same is true of the two local dental practices.

### **CONCLUSION**

33. The proposal to declassify SGA26 as Green Belt land is legally, procedurally and substantively flawed. It has no place in a revised Core Strategy and will be strenuously resisted.

**FOR AND ON BEHALF OF THE RESIDENTS OF SPONDON ASSOCIATION**