

**Statement of Consultation  
for the  
Publication (Regulation 19) Version  
Core Strategy Review**

**November 2022**

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**Please note:** Appendices D & E are separate documents and can be accessed back from the main Core Strategy Review submission webpage

## **1.0 Introduction:**

- 1.1 This Statement of Consultation ('the statement') provides a record of the public consultation carried out over a six-week period between **March 14th** and **May 9th 2022** in response to Erewash Borough Council releasing a Publication (Regulation 19) version of the Erewash Core Strategy Review local plan document. This represents the third stage of public consultation following prior formal engagement involving the Growth Options (Regulation 18) and Revised Growth Options (Regulation 18 Part 2) stages. These periods of consultation took place between **January and April 2020** and **March and May 2021** respectively.
- 1.2 The Statement of Consultation forms part of the Council's Submission document. Within it, the Council provides a range of information required by **Regulation 22(c)(i-vi)** of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the Regulations"), in order to contribute towards and ensure the lawful production of a local plan.
- 1.3 **Regulation 22(c)(i-vi)** presents a range of information a council is required to publish in order to assist the Secretary of State in understanding the matters raised as part of all previous consultations. To ensure the Council can readily demonstrate how all regulatory requirements have been met, the Statement of Consultation directly addresses and provides information in respect of the following:
- i. which bodies and persons were invited to make representations under Regulation 18;
  - ii. how those bodies and persons were invited to make such representations under Regulation 18;
  - iii. a summary of the main issues raised by the representations made pursuant to Regulation 18;
  - iv. how any representations made pursuant to Regulation 18 have been taken into account;
  - v. if representations were made pursuant to Regulation 20, the number of representations made and a summary of the main issues made in those representations.
  - vi. if no representations were made in Regulation 20, that no such representations were made.
- 1.4 For clarity, the structure of the statement is configured in a way that reflects the information sought by Regulations 22(c)(i-vi). The availability of representations made in accordance with Regulation 20 (a requirement of Regulation 22(d)) will be address separately with these published on the Council's website.
- 1.5 To assist with the collection of information contained in submitted representations, the Council utilised the Planning Inspectorate's (PINS) model representation form in designing its own form setting out how comments

about the content of the Publication Version Core Strategy Review (and supporting documents) should be made. A copy of this can be found at **Appendix A**. This represented a change to how comments could be submitted from previous consultation stages mentioned at **1.1** with the Council seeking views on whether its Regulation 19 version document was legally compliant, sound and complied with the Duty-to-cooperate.

## **2.0 Regulatory requirements:**

### **Which bodies and persons were invited to make representations under Regulation 18 – *Regulation 22(c)(i)***

- 2.1 The Council is legally required to notify a diverse range of consultees about its plan-making activities. The list of consultees the Council invited to make representations is set out at **Appendix B**. This list should also be read in conjunction with the Council's adopted Statement of Community Involvement (SCI), a document that establishes the consultation and engagement arrangements to be undertaken through plan making.

### **How those bodies and persons were invited to make such representations under Regulation 18 – *Regulation 22(c)(ii)***

#### ***Who was consulted?***

- 2.2 All Specific and General Consultees, as required by Local Planning Regulations and listed in the Council's adopted SCI, were contacted prior to the commencement of the consultation in order to provide details of where information could be found and how representations could be submitted. A list of all those consulted who fall within the Specific and General groups is presented at **Appendix B**.
- 2.3 In addition to the specified consultees, the Council also notified those who had opted to receive local plan consultation updates, amounting to 1,850 separate contacts, which included a sizeable number of the respondents to the Regulation 18 consultation undertaken in 2020. This amounted to many more 'direct' contacts being made, helping to broaden knowledge and awareness of the ongoing Core Strategy Review.
- 2.4 Aside from making direct contact as detailed above, the Council employed a variety of additional mechanisms to promote engagement with stakeholders, organisations and communities from right across the Borough. Details of these can be found at **2.5** below. The first Covid-19 lockdown, announced by the then Prime Minister Boris Johnson on **March 23<sup>rd</sup> 2020**, occurred within the three-month period of public consultation being undertaken for the Growth Options (Regulation 18) stage. However, by this point of the consultation all public events connected with the consultation had been successfully held. The three-month consultation was well in excess of the minimum six-week consultation required by the Council's SCI, and with formal consultation commencing at the end of January 2020, consultation had already been 'live' for eight weeks before the first lockdown was announced.

***How was the consultation undertaken?***

- 2.5 The Council has utilised a variety of methods to engage with stakeholders, organisations and communities across Erewash. Details of how consultation was undertaken at both stages of Regulation 18 (Growth Options Parts 1 and 2) are documented at **Appendices D** and **E** of this document.
- 2.6 As well as the regulatory requirements arising from Local Planning Regulations and those set out within the Erewash SCI, the Council’s Communications team also were instrumental in widening knowledge of the Core Strategy Review across a range of media partners, whilst also providing details of how individuals and organisations were able to get involved with the consultation. The following table sets out and describes some of these methods.

**Table 2.6.1: Methods of consultation**

<b>Mode of consultation</b>	<b>Evidence</b>
<b>Provision of documents online</b>	<p>All documents pertaining to this stage of Core Strategy Review were published on the Council’s website and included:</p> <ul style="list-style-type: none"> <li>• Core Strategy Review Policy Document;</li> <li>• Core Strategy Policies Map;</li> <li>• Statement of Consultation;</li> <li>• Strategic Growth Area (SGA) Assessments and accompanying Mapbook;</li> <li>• Sustainability Appraisal and Appendices;</li> <li>• Habitats Regulation Assessment (HRA); and</li> <li>• Statement of Common Ground;</li> </ul> <p>Representation forms were provided online alongside detailed instructions for their use, including a frequently asked questions (FAQs) document. Additionally, the option of submitting a representation via a live online e-Form (see 1.5) was provided for additional convenience.</p>
<b>Provision of documents in hardcopy form at identified locations</b>	<p>Hard copies of the Core Strategy Review Policy Document, Policies Map and Statement of Consultation were made available at all deposit points set out within the Erewash SCI. Due to the large size of other documentation, a guidance sheet was provided at each deposit point explaining whereabouts online they could be found. Alternatively, if a stakeholder wished to view a document in person, details were also provided to make individuals aware of whom to contact within the Council’s Planning Policy team to arrange access to the materials.</p>

Mode of consultation	Evidence
<p><b>Social media adverts</b></p>	 <p><i>Figure One – Example of promotion via Twitter on 14 March 2022.</i></p> <p>The Council utilised its social media platforms to post adverts to raise awareness of the consultation. At the time of the consultation, the Borough Council had approx. 5,500 followers. Notification was also added to the Council’s Facebook page too, with this account followed by approximately 12,000 people.</p>
<p><b>Media press release</b></p>	<p>A media release was prepared and published on February 23rd 2022 by the Council’s Communications team. A number of articles were subsequently published by local news organisations over the course of the consultation. The Derby Telegraph, BBC Radio Derby, Derbyshire Times and East Midlands Today (TV) were all notified of the consultation.</p> <p><small>Created: 23 February 2022</small></p> <p><small>Erewash Borough Council’s Core Strategy – a new blueprint that sets out positive ways forward for the borough over the next 15 years – will be discussed at next week’s Full Council meeting.</small></p> <p><small>The draft strategy is a detailed document that features the proposed sites for new housing, including development on some green belt land.</small></p> <p><small>The meeting, which begins at 7pm on Thursday 3 March, is being held at Long Eaton Town Hall as it has a much larger public gallery for any residents that wish to attend. The meeting will also be streamed live on <a href="#">YouTube</a>.</small></p> <p><small>Comments received following a second consultation on proposed housing sites were reviewed, with the suggested sites remaining as still the best options.</small></p> <p><small>As well as the preferred options to meet the borough’s housing needs, the Core Strategy is a ‘masterplan’ that also sets out a wide range of policies to take the borough forward through key issues like town centre regeneration, employment, transport and green infrastructure.</small></p> <p><small>Next week’s meeting is expected to agree that the detailed draft strategy should go out for public consultation, when residents can make comments online or via forms available from Ilkeston and Long Eaton Town Halls. Copies will be available to view online, at the town halls and local libraries.</small></p> <p><small>Two earlier rounds of public consultation focused on the proposed housing sites, while the third round will ask for views on the whole core strategy.</small></p> <p><small>Councillor Michael Powell, Erewash Borough Council’s Lead Member for Regeneration and Planning, says:</small></p> <p><small>“Our Local Plan is one of the most important strategies that the council produces. It is there to influence and set out how Erewash will change and the opportunities to grow in the years ahead.</small></p> <p><small>“It doesn’t come without having to make difficult decisions, especially in terms of the pressure to build more houses. We have taken advice and listened to all views put forward and the preferred housing sites we previously highlighted are still the best options.”</small></p> <p><small>View the <a href="#">agenda</a> and <a href="#">background papers</a>.</small></p> <p><i>Figure Two - Example of press release on Erewash Borough Council's website.</i></p>

***A summary of the main issues raised by the representations made pursuant to Regulation 18 - Regulation 22(c)(iii)***

2.7 The main issues raised in response to Regulation 18 (Growth Options Part 1 and 2) are set out in **Appendices D** and **E**.

***How representations made pursuant to Regulation 18 have been taken into account – Regulation 22(c)(iv)***

2.8 Information on how representations made pursuant to both stages of Regulation 18 (Parts 1 and 2) can be found in **Appendices D** and **E**.

***The number of representations made and a summary of the main issues made in pursuant to Regulation 20 – Regulation 22(c)(v)***

2.9 This section of the Statement looks at and analyses the number of representations received to the Regulation 19 (Publication) consultation stage before moving on to look at a summary of the main issues raised in response to consultation on the Publication Version Core Strategy Review. It is confirmed however that **Regulation 22(c)(vi)** which asks that notification is given if no representation is made in Regulation 20 does not in this instance apply with this element of the regulations not necessary given the response shown by Table 2.10.1 below.

2.10 Further to information found earlier in this Statement at 1.5 describing the Council's approach to understanding matters of soundness ahead of a future Local Plan Examination, an official electronic representation form (referred to from here as an e-form) was produced. Despite this, the Council also accepted representations made in other formats as demonstrated in the table below that presents the total number of duly made representations.

**Table 2.10.1: Total number of duly made representations**

<b>Representation type</b>	<b>Number of people who made a representation</b>	<b>Total number of representations</b>
<b>e-Form</b>	88	109
<b>Email</b>	200	227
<b>Letter</b>	2,909	2,914
<b>Total</b>	<b>3,177</b>	<b>3,250</b>

2.11 The reason why two figures are shown for each representation type is that this addresses instances where a consultee submitted the same representation in multiple formats (i.e. submitted an e-form and an email). In a small number of instances, a consultee submitted multiple responses but which all differed.

- 2.12 A small number of representations were rejected by the Council. The reasons for this included early or late submission outside of the six-week consultation period, illegible forms where details could not be read or where there was an absence of contact details meaning the Council could not determine the identity of a sender.
- 2.13 The largest proportion of representations submitted to the Council at the Regulation 19 (Publication) stage came from a generic mass-circulated objection letter regarding opposition to the proposed developments mainly at sites North of Cotmanhay (Strategy Policy 1.6) and South West Kirk Hallam (Strategic Policy 1.5). A breakdown of these representations and the sites they relate to is below.

**Table 2.13.1: Breakdown of mass-circulated objection**

<b>Policy</b>	<b>Number of people responded with generic representation</b>	<b>Number of generic representations</b>
<b>South West of Kirk Hallam</b>	<b>2,628</b>	<b>2,633</b>
<b>North of Cotmanhay</b>	<b>277</b>	<b>277</b>
<b>North of Spondon</b>	<b>4</b>	<b>4</b>
<b>Not site specific</b>	<b>69</b>	<b>69</b>
<b>Total</b>	<b>2,978</b>	<b>2,983</b>

- 2.14 In addition to the 2,983 representations shown above, 267 other representations were submitted by a range of specific and general stakeholders making a total of 3,250 representations. Table 2.14.1 shows a breakdown of the format in which these representations were submitted, whilst Table 2.14.2 shows a breakdown of the stakeholder types.

**Table 2.14.1: Breakdown of individual representations**

<b>Rep Type</b>	<b>Number of people who made an individual representation</b>	<b>Total Number of individual representations</b>
<b>e-Form</b>	<b>88</b>	<b>109</b>
<b>Email</b>	<b>124</b>	<b>148</b>
<b>Letter</b>	<b>10</b>	<b>10</b>
<b>Total</b>	<b>212</b>	<b>267</b>

**Table 2.14.2: Breakdown of stakeholder types of individual representations**

<b>Rep Type</b>	<b>Number of people who made an individual representation</b>	<b>Total Number of individual representations</b>
<b>General public responses</b>	171	186
<b>Specific and General stakeholders</b>	41	81
<b>Total individual representations</b>	<b>212</b>	<b>267</b>

2.15 Table 2.14.2 shows there were 171 members of the public who submitted a duly made individual representation, not including the mass-circulated objections. The 186 representations made by the members of the public have been broken down in Table 2.15.1 which shows the sites these representations have referenced. Some representations have mentioned multiple sites that helps to clarify why the total number of site references is in excess of the number of representations received.

**Table 2.15.1: Sites mentioned within the publics individual representations**

<b>Site mentioned</b>	<b>Erewash resident</b>	<b>Non-Erewash resident</b>	<b>No address given</b>	<b>Total</b>
<b>North of Spondon</b>	35	78	5	<b>118</b>
<b>South West of Kirk Hallam</b>	44	8	1	<b>53</b>
<b>North of Cotmanhay</b>	35	8	0	<b>43</b>
<b>Acorn Way</b>	1	16	2	<b>19</b>
<b>South Stanton</b>	3	5	0	<b>8</b>

2.16 Another method of submitting a representation involved the use of the aforementioned e-form. As shown by Table 2.10.1, the responses made by those submitting representations via the e-form comprised only a small proportion of the total representations received by the Council.

2.17 In total, 109 e-form representations were submitted as part the consultation. This forms 0.03% of the total number of representations received. However, removing the numbers of mass-circulated objections increases the proportion of those using e-forms to 41% of the 267 individual representations.

2.18 One of the main benefits of producing an e-form was allowing a consultee to submit a representation which specifically set out whether in their view the Regulation 19 (Publication) version was sound or not. Those representations

submitted in different formats (i.e. email and letter) did not always readily present information about the soundness of the draft Plan.

- 2.19 As a result, the Council have been able to analyse the 109 representations submitted as e-forms in substantially more detail with information about this presented below.

**Table 2.19.1: The % of representations who answered no to e-form questions**

Question	Percentage answered No
Do you consider the Core Strategy Review is <i>legally compliant</i> ?	72%
Do you consider the Core Strategy Review is <i>Sound</i> ?	91%
Do you consider the Core Strategy Review complies with the <i>duty to cooperate</i> ?	74%

**Table 2.19.2: The percentage of representations making comments relating to policies, policies maps or other text**

Commented on	Percentage of reps commented on
Policies	59%
Policies maps	32%
Other text	57%

- 2.20 46% of the representations said they agreed to participate in examination hearing sessions.

- 2.21 Details of individuals and organisations who responded to the consultation over the Publication Version Core Strategy Review can be found at **Appendix C** of this statement. In accordance with General Data Privacy Regulations, only names and organisations are presented. The Council's secure Local Plan contacts database holds full details of those who have consented to having their contacts held by the Council in connection with the Core Strategy Review.

## 2.22 **Consultation questions:**

- 2.23 This section of the Statement considers the contents of responses received to the consultation for the Publication version of the Core Strategy Review.
- 2.24 To assist understanding of the main issues raised by stakeholders, this section has been structured into the format of the Publication version document itself. This saw 12 separate policies, in addition to other parts of the Core Strategy Review that could be commented upon such as the spatial portrait, Sustainability Appraisal, Habitats Regulation Assessment etc.
- 2.25 Given the broadness and diversity of comments made under individual headings (most of which are policies), further categorisation has taken place to group together similar comments made about particular matters for ease of clarity.

## 2.26 ***Strategic Policy 1 – Housing:***

### **Comments concerning increasing the planned for housing requirement in the Plan.**

- 2.26.1 A higher figure than the 5,800 homes requirement should be planned for due to historic under-delivery and the need for flexibility.
- 2.26.2 May need to increase housing requirement to deal with the unmet needs of Nottingham City Council (DtC).
- 2.26.3 Plan must make provision for a higher number of homes if it is to provide greater affordable housing, meeting Local Enterprise Partnership ambitions and counterbalance an aging resident population.
- 2.26.4 Questions why a housing requirement above the local housing needs/standard methodology figure was never considered.
- 2.26.5 Council should add a buffer to its LHN because of persistent under-delivery of housing.
- 2.26.6 Welcomes recognition in Policy that the 5,800 dwellings requirement is a minimum, therefore going beyond this is acceptable.
- 2.26.7 Strategic Policy 1 considered to be sound.

### **Council response:**

- 2.26.8 The Borough Council have planned for a number of homes that is consistent with the way housing is calculated as part of the national approach. This has been undertaken through the application of the standard methodology and local housing need mechanisms set out in planning guidance. It is not felt appropriate to plan for a higher figure, as the Council do not feel any robust justification or evidence exists which would see any possible future unmet housing needs arising from councils in the Nottingham Core or Derby Housing Market Areas

transferred to Erewash. With the Council having exhaustively analysed its urban areas to identify suitable non-Green Belt sites with potential for housing development, it is felt that any further uplift from the calculated 5,800 homes would result in the need for further sites to be released from the Green Belt.

### **Comments advocating rejected sites or promoting new sites**

- 2.26.9 More sustainable strategic housing options exist at North of West Hallam and North of Breaston and Draycott than the site North of Spondon.
- 2.26.10 Supports the inclusion of site SGA31: South of Longmoor Lane, Breaston because the 2012 Derby Principal Urban Area Green Belt study confirmed Green Belt at the site performed poorly.
- 2.26.11 Two sites around the Stanton North and South allocations are identified as possible growth sites – North of Lows Lane and West of Seven Oaks Road, with both not thought to contribute to the objectives of Green Belt.
- 2.26.12 Land on western edge of Breadsall should be allocated for modest housing development.
- 2.26.13 The plan has failed to recognise the benefits of development at SGA19: Maywood Golf Course and should revisit the SGA assessment undertaken for the site.
- 2.26.14 The plan should reconsider the merits of SGA27: Land at Hopwell Hall based on information from representations which propose a smaller allocation for 2,080 homes, 4 hectares of mixed employment and a village centre.
- 2.26.15 Proposal for a site made at Stanley Village that could deliver 25 dwellings.
- 2.26.16 Sites promoted in the Green Belt at Land North of Croft Lane, Breadsall (SGA24), Land off Draycott Road, Breaston (Part of SGA20), Rushy Lane, Risley (SGA28) West of Borrowash (SGA6), Land off Larch Drive, Sandiacre (new site), Land at Grange Farm, Breaston (new site), Land at Thacker Farm, north-west of Kirk Hallam (new site) and Ockbrook Cricket Club (new site).

### **Council response:**

- 2.26.17 The Borough Council have extensively assessed growth options around Erewash right from the outset of the Core Strategy Review in late 2019. The location of identified housing sites were informed by the establishment of a spatial growth hierarchy that sought to direct growth to more sustainable locations where advanced forms and networks of infrastructure are present. Both the spatial strategy and the choices of individual growth sites were comprehensively tested across the Core

Strategy Review process, but particularly by the Sustainability Appraisal. The sites that form allocations in the submitted version of the Core Strategy Review are considered the most appropriate locations to accommodate the Borough's development needs whilst being achieved in sustainable locations and when combined with sites identified in the 2022 SHLAA, provides for sufficient land to meet Erewash's longer-term housing needs.

### **Comments concerning the suitability of the spatial strategy**

- 2.26.18 The validity of site selection decisions made by the Council is questionable.
- 2.26.19 Feels a strategy reliant on urban extensions was developed ahead of providing the necessary evidence to support such a strategy.
- 2.26.20 Concern about the process followed by the Council that has led to the identification of strategic housing sites located within the Green Belt. An absence of a strategic Green Belt review is disappointing, as is the absence of reference to the most recent two Green Belt reviews which cover Erewash Borough.
- 2.26.21 Proposed allocations stem from an unjustified spatial strategy and seems to take influence more from the spatial portrait and a lack of key evidence base adds further doubt to decisions on suitability of housing locations. Absence of updated SHLAA, 5YLS paper and AMR undermines the approach to the spatial strategy.
- 2.26.22 Spatial strategy should be more explicit in addressing how it would deal with any unmet housing needs from the Derby and Nottingham Core HMAs.
- 2.26.23 The plan has failed to explore the option of non-Green Belt extensions in either Ilkeston or Long Eaton.
- 2.26.24 The settlement hierarchy used to influence the spatial strategy has unfairly discounted the suitability of a settlement in the Green Belt.
- 2.26.25 Spatial strategy is based on political expediency and growth should be distributed more equitably.
- 2.26.26 The plan should offer favourable weight to potential development sites where they can demonstrate proximity to services and facilities that sustainable modes of transport are able to be access.

### **Council response:**

- 2.26.27 The development of a spatial growth hierarchy strategy as part of the Core Strategy Review was predicated on the need to locate strategic growth in sustainable locations that benefitted from existing infrastructure and patterns of built-up development. The spatial strategy developed through the Core Strategy Review was rigorously

tested through the Sustainability Appraisal to reaffirm its suitability as a way in which to understand the suitability of strategic growth options. In conjunction with the suite of Strategic Growth Assessment (SGA) appraisals, the spatial strategy has proven effective in helping to achieve the right balance in growth around the Borough with housing sites directed to areas of Erewash that have been shown to be the most sustainable locations.

### **Comments regarding the mix and composition of chosen sites**

- 2.26.28 Plan should make better provision for small and medium sized housing sites.
- 2.26.29 Plan is highly susceptible to delivery issues if any of the sites fail or if the overall housing requirement increases – particularly in light of difficulties in redeveloping brownfield land.
- 2.26.30 Not clear what progress has been made for Stanton South (17% of total housing requirement) to continue to be relied upon to deliver housing. Estimation of the site’s ability to contribute towards housing delivery must be realistic given its constraints.
- 2.26.31 A mix of sites should be accommodated within the Core Strategy Review to ensure a sufficient supply of housing land exists.
- 2.26.32 Overreliance on a small pool of large allocations is a risk to overall housing delivery that may lead to pressures for development in unsustainable locations.
- 2.26.33 Spatial strategy lacks the flexibility to provide an adequate buffer and also to provide a range of sites.
- 2.26.34 Suggests building new homes at West Hallam Storage Depot. More clarification around the site’s potential for housing is needed as the site could offer flexibility around housing requirements.
- 2.26.35 More reliance needed on smaller housing sites.
- 2.26.36 Greater flexibility in land supply is necessary as 58% of all supply comes in the form of proposed allocations that have long lead-in times before delivery can commence.
- 2.26.37 At least 10% of the land supply should come from sites smaller than 1 hectare.
- 2.26.38 Reliance on smaller pool of strategic allocations poses risk to overall delivery. A further allocation of sites would create a more robust plan and introduce additional flexibility.

### **Council response:**

- 2.26.39 The Borough Council believe that it has been able to demonstrate the identification of an effective and diverse mix of strategic and non-

strategically-sized housing sites to help meet Erewash's assessed housing needs. The Core Strategy Review has been tasked with identifying suitable locations for strategic-scale housing sites, and therefore the five allocations within the document contribute development of varying sizes in sustainable locations around the Borough. When the non-strategic housing sites identified by the 2022 SHLAA are also factored in to the overall availability of current and future housing land, it is considered that a sufficient blend of housing sites of differing types exists to meet the needs of the Borough. The portfolio of sites also offers sufficient diversity to prove their attractiveness to the market and those developers wishing to build new housing.

### **Comments regarding aspects of Green Belt**

- 2.26.40 Recognition that the delivery of local housing need/housing requirement in areas outside the Green Belt is difficult due to the prevalence of the designation across the Borough.
- 2.26.41 Changes to the Green Belt have not been sufficiently evidenced in respect of strategic allocations. Need to show what the exceptional circumstances are for release and additions more clearly. Additional Green Belt designation between Kirk Hallam and Ilkeston does not meet the NPPF tests.
- 2.26.42 Weak justification for the addition of Green Belt land between the South West Kirk Hallam site and the North Stanton industrial site.
- 2.26.43 Due to the lack of GB review, Council have overlooked other sites that may also be suitable for GB release.

### **Council response:**

- 2.26.44 The Borough Council's use of Green Belt to help it plan to meet its overall housing requirement has not been taken lightly and is justified as a result of the exhaustive approach taken to identifying brownfield land options across Erewash, firstly through the 2019 SHLAA and then reaffirmed by the 2022 version. These exercises have demonstrated that despite attempting to maximise the use of brownfield land across the Borough, the limited options have led to a need to identify land beyond the boundaries of inset areas. Evidence on the impact of strategic-scale housing development on Green Belt across Erewash can be found within the Council's assessments of a significant number of Strategic Growth Areas (SGA). Regarding the addition of a proposed area of Green Belt designation between Kirk Hallam and Ilkeston, the two major areas of development at each end of the proposed area (South West Kirk Hallam – 1,300 homes and Stanton North employment site – 80 hectares) ensures that it is critical for remaining

land between Kirk Hallam and Ilkeston to remain open. This will offer long-term protection from coalescence.

**Comments over the level of housing need (numbers or housing type)**

- 2.26.45 The plan has failed to consider, or attempted to meet any housing needs from adjacent housing market areas.
- 2.26.46 Too few homes are planned for Long Eaton.
- 2.26.47 The Council's Strategic Housing Land Availability Assessment (SHLAA) must be updated in order to show that sufficient land exists to meet the Plan's housing requirement.
- 2.26.48 Housing numbers from the Acorn Way and North of Spondon strategic housing sites should count towards the Derby City housing requirement rather than Erewash's.
- 2.26.49 No evidence exists that the Council have planned for beyond the housing needs beyond the proposed duration of the Core Strategy Review to allow Green Belt boundaries to endure.
- 2.26.50 Council must publish its evidence which confirms the deliverability of its spatial strategy.
- 2.26.51 Difficult to interpret the plan-wide requirement as no background evidence exists to give a direction on aspects such as the 20% buffer provision.
- 2.26.52 Limited nature of review pre-supposes that much of the 2014 Erewash Core Strategy is still deliverable when no evidence supports this.
- 2.26.53 Need to confirm that the planned for economic growth is adequately supported by the Borough's Local Housing Needs figure.
- 2.26.54 No headroom exists between the Borough's Local Housing Needs figure and the overall housing land supply.
- 2.26.55 Longer-term housing needs must be considered and additional land released from the Green Belt to meet the needs of the future.
- 2.26.56 The plan should be addressing the high numbers of vacant properties across the Borough before proposing the use of Green Belt land.
- 2.26.57 No needs-based evidence exists for why 300 homes are needed in Cotmanhay and 1,300 homes in Kirk Hallam.

**Council response:**

- 2.26.58 The Borough Council is satisfied that through the Core Strategy Review, an appropriate number of homes are being planned for to meet Erewash's assessed housing needs and that these homes are in spatially sustainable locations. The accompanying Sustainability Appraisal (SA) clearly shows the constraints (and opportunities) of growth around the Borough and has helped the Council to take decisions about suitable locations for new growth. The production of a

2022 Strategic Housing Land Availability Assessment (SHLAA) and updated Five-Year Housing Land Supply statement to support the Submission Version document help to provide further information and clarity about the availability of housing land in Erewash and demonstrate the existence of a 5-year land supply. The 5,800 new homes will also adequately provide for affordable housing needs across the Borough, whilst site promoters of the four housing allocations on Green Belt have provided the Council with sufficient evidence to demonstrate each can deliver a timely and early boost to the supply of new housing and address the persistent under-delivery of new homes in Erewash. The sites located along the shared local administrative boundary between Erewash and Derby are located within Erewash Borough and housing at these sites should therefore contribute fully to the Erewash's housing requirements. However, the Council are mindful of the need to provide suitable infrastructure within the peripheral areas inside Derby City as not to overburden services and facilities in locations such as Spondon and Oakwood.

#### **Comments relating to housing issues in rural parts of the Borough**

- 2.26.59 Housing provision should provide some growth in the larger and more sustainable villages such as Breaston and Borrowash. Without sustainable growth larger villages will stagnate.
- 2.26.60 Questions choices made by the Council in respect to the identification of sites in the rural west of the Borough.
- 2.26.61 The evidence to support the delivery of 350 homes in the Derby without there being an allocation with the full amount expected to be built within inset settlements is inadequate. A Green Belt review, including re-evaluation of village boundaries, should have been undertaken to identify additional land to assist with the delivery of this figure.
- 2.26.62 No detail offered as to where the 350 homes in the rural part of the Borough are likely to be developed.
- 2.26.63 Better balance in the distribution of growth is necessary which will enable villages to benefit from development.
- 2.26.64 A greater proportion of the Council's housing requirement should be redistributed to rural parts of the Borough.
- 2.26.65 The proposed spatial strategy appears to continue an ineffective current strategy and a redistribution of the housing requirement to settlements in the rural part of Borough is supported.
- 2.26.66 Lack of clarity over where the proposed growth in rural areas of the Borough will occur.
- 2.26.67 A mix of sites including those in rural areas that are smaller in size should form part of the Plan's delivery.

2.26.68 Growth in the villages should form part of the wider strategy.

**Council response:**

2.26.69 The Erewash SHLAA 2022 identifies a range of non-strategic housing sites throughout the rural parts of the Borough that can contribute towards the need for new housing and help sustain vitality in Erewash's rural settlements. The Borough Council, through the development of the spatial strategy has helped distribute strategic housing sites to appropriate locations within Erewash where advanced forms of infrastructure are more readily available to cope with the additions of larger scales of new development. As well as environmental and landscape-based reasons, it is not felt that the promotion of strategically sized housing allocations away from the Borough's towns represents a sustainable growth strategy. This is due to the distance from key services/facilities, and difficulties in making effective connections to the localised road network with challenges for sustainable travel via public transport.

**Comments relating to growth at Ilkeston**

2.26.70 Housing policies should not stymie housing development and growth within the Ilkeston urban area. The plan should be clear that there will be a presumption in favour of sustainable development for new housing in urban areas.

2.26.71 Plan fails to address the potential Ilkeston has, whilst the town's residents are ignored due to local politics.

2.26.72 Ilkeston requires major investment/regeneration if it is to shoulder the majority of the Borough's growth.

**Council response:**

2.26.73 The Core Strategy Review identifies Ilkeston as the location for a sizeable amount of new strategic and non-strategic housing development. This reflects the advanced forms of infrastructure and availability of services and facilities to be found in and around the town, whilst a large number of brownfield redevelopment opportunities have been identified through the 2022 SHLAA. The scale of growth fully recognises the potential Ilkeston has, and the rise in population brought about by the planned 2,950 homes in and adjoining the town will act as a catalyst for the ongoing regeneration of Ilkeston's town centre, providing additional footfall and trade for businesses, helping to boost the local economy.

***Strategic Policy 1.1 – Strategic Housing Sites:***

2.27.1 The lack of any viability assessment for allocation sites raises questions over the soundness of the plan.

- 2.27.2 Policy could be enhanced by specific mention of sustainable surface water management, the drainage hierarchy and avoiding new connections of surface water to the combined sewerage system.
- 2.27.3 The Plan allocations may have more localised and detailed environmental implications on several specialised subjects. Recognition that the SA provides appropriate assessment of environmental impacts from the allocations.
- 2.27.4 Strategic Policy 1.1 is considered effective, positively planned and consistent with national policy.
- 2.27.5 Priority should be given to retention of overhead lines where possible, with design principles included in the allocation policy to safeguard the retained lines and incorporate sensitively into the development.
- 2.27.6 Early engagement is encouraged to understand whether key utilities can be accommodated on the strategic housing sites and if diversions of existing infrastructure will be necessary. This might require site-based master-planning.
- 2.27.7 Justification needed for why 200 dwellings constitutes a strategic allocation.
- 2.27.8 Justification sought on what is considered an appropriate level of Biodiversity Net Gain (BNG). This must be done within the context of development viability.
- 2.27.9 The requirement for one off-street parking space with EV charging point is unjustified. Requirements should be limited to those set out in Building Regulations (Document S (2021) – Section 3).
- 2.27.10 Electric Vehicle Charging Points requirement should be deleted.
- 2.27.11 Public transport should be able to realistically serve growth within all urban areas. Difficulties, but mainly financial, in serving the proposed allocations – these will have to rely on developer contributions to increase the frequency of bus services. A more thorough focus on active travel and public transport options in policies would be welcomed.
- 2.27.12 Allocations may have more localised and detailed environmental implications on several specialised subjects. Recognition that the SA provides appropriate assessment of environmental impacts from the allocations.

**Council response:**

- 2.27.13 The Core Strategy Review is strategic in nature. Housing sites have been defined within it at a strategic level with the expectation that more detailed matters will need to be addressed as part of any planning applications which come forward. The Borough Council is satisfied that the combination of policies within the National Planning Policy Framework and Core strategy Review as well as those being retained

from the Core Strategy and Saved Policies Document will provide a robust basis for addressing more detailed issues in planning in detail for the strategic housing sites. Given that the strategic housing sites identified and the policies which support them have been developed with input from site owners and promoters, it is considered they represent viable proposals in strategic terms. The Sustainability Appraisal finds all of the proposed allocations to be sustainable options, albeit not exclusively.

**Strategic Policy 1.2 – South Stanton:**

- 2.28.1 Development identified at site presents a high risk to sewage infrastructure.
- 2.28.2 Proposals not fully compliant with NPPF paras 98-99, although site information is insufficient to form a full view. Broadly supportive of policy otherwise, and developer contributions can be used to meet demands for access to sport, leisure facilities and pitches from new development.
- 2.28.3 Concerns about highway impacts arising from development. Modelling must show the impacts and identify suitable mitigation. Unclear as to how additional traffic from Stanton will be mitigated for when arriving in Sandiacre, Long Eaton and Ilkeston and modelling must show this.
- 2.28.4 Cumulative impacts on junctions inside Broxtowe must be better considered by the policy.
- 2.28.5 No reference to historic environment, whilst none of the outcomes outlined in the Heritage Impact Assessment (HIA) for the site have been incorporated into the policy text.
- 2.28.6 Requests additional detail in the HIA that clarifies what remains on site and its historic significance.
- 2.28.7 South Stanton's housing potential should be reduced. Despite being considered suitable and available for over 10 years, development has yet to come forward. Delivery is also not expected in the first 5 years of the plan period.
- 2.28.8 Inspector's report into ECS 2014 raised issues over prospects of Stanton's delivery. Alternative sites at Hopwell (SGA27) and Maywood (SGA19) suggested as suitable options to plug a gap left by Stanton's deliverability challenges.
- 2.28.9 Allocation policies not positively prepared or justified.

**Council response:**

- 2.28.10 The South Stanton site has been defined at a strategic level with the expectation that more detailed matters will need to be addressed as part of a future planning application. This may include matters of

heritage, transport impacts, drainage and open space provision for example which would be addressed as part of a detailed masterplan for the site. A combination of policies in the NPPF, Core Strategy Review, Core Strategy and Saved Policies Document will provide a robust basis for considering these detailed issues. A transport assessment to compliment the Core Strategy Review provides additional scope of evidence on impacts from growth on the road network. The Stanton site is considered deliverable within the plan period albeit the Borough Council recognises past challenges. This has resulted in the much reduced scale of the site from previous Core Strategy proposals and a requirement for it to deliver just half the number of dwellings over a longer time frame and outside of the first five years of delivery. Redevelopment of the site continues to be a priority given its current state, the need for remediation and its privileged status as a potential strategic housing site outside of Green Belt designation.

***Strategic Policy 1.3 – Acorn Way:***

- 2.29.1 The site's development will have a detrimental effect on traffic passing through Breadsall with no mitigation proposed.
- 2.29.2 Development identified at site presents a high risk to sewage infrastructure.
- 2.29.3 Development of the site could prejudice the playing field on adjacent land and cites para 187 of NPPF as requiring suitable mitigation to ensure no harm occurs to existing facilities.
- 2.29.4 Policy does not refer to the historic environment, heritage assets or their settings.
- 2.29.5 Strategic Policy 1.3 is considered effective, positively planned and consistent with national policy.
- 2.29.6 Infrastructure required to support development should accord with what is set out within Derby City Council's Developer Contributions SPD as pressures will fall on Derby City's services.
- 2.29.7 Scepticism about the impact of proposed public transport measures to reduce reliance on private car.
- 2.29.8 Concerns over the ability of local unclassified roads and junctions to cope with additional traffic.
- 2.29.9 Suggests that the Policy introduces flexibility over the expectations for where school places are made available to accommodate additional primary aged pupils. Should not be in Derby City simply as default.
- 2.29.10 Policy fails to make any provision, or reference the need, for secondary school places.

- 2.29.11 Seeks confirmation as to whether the site could contribute towards any of Derby City's unmet needs.
- 2.29.12 Policy should consider whether some of the affordable provision could be earmarked for local nominations for those in Derby City.
- 2.29.13 Site is deeply unsuitable with more sustainable options elsewhere. A number of constraints in the vicinity of SGA1 make development unsustainable.
- 2.29.14 Deep disappointment over the way Erewash Borough Council have failed to meaningfully engage with Officers and Members of Derby City Council and general criticism of consultation methods employed.
- 2.29.15 Proposals would overburden local infrastructure (highways/air quality and education) with no evidence that Erewash Borough Council has engaged with providers in drawing up plans.

**Council response:**

- 2.29.16 The Borough Council has consulted on the potential inclusion of the Acorn Way site with all stakeholders including Derby City and infrastructure providers on three separate occasions between 2020 and 2022 and is therefore satisfied that it has carried out its duties insofar as stakeholder engagement is concerned and is also of the view that consultation methods have been appropriate and proportionate. The Sustainability Appraisal carried out clearly identifies the site as a sustainable option. Whilst there is no longer a requirement for sites taken forward to be classified as the *most* sustainable, the Borough Council considers Acorn Way as one of five of the most sustainable site options available to it. The site's location adjacent to advanced infrastructure provided by the conurbation provides the basis for this. Given the Borough Council is forced to consider existing Green Belt land to accommodate its own housing needs, it would be inappropriate and unjustified for identified sites to contribute to the needs of other authorities. The Acorn Way site has been defined at a strategic level with the expectation that more detailed matters will need to be addressed as part of a future planning application. This may include matters of heritage, transport impacts, drainage, ecology and open space provision for example which would be addressed as part of a detailed masterplan for the site. A combination of policies in the NPPF, Core Strategy Review, Core Strategy and Saved Policies Document will provide a robust basis for considering these detailed issues. A transport assessment to compliment the Core Strategy Review will provide additional scope of evidence on impacts from growth on the road network. In any case, it is unreasonable to expect that all aspects of potential future mitigation could be confirmed and promised within a strategic level local plan.

**Strategic Policy 1.4 – North of Spondon:**

- 2.30.1 Scepticism about the impact of proposed public transport measures to reduce reliance on private car.
- 2.30.2 Concerns over the ability of local unclassified roads and junctions to cope with additional traffic.
- 2.30.3 Suggests that the Policy introduces flexibility over the expectations for where school places are made available to accommodate additional primary aged pupils. Should not be in Derby City simply as default.
- 2.30.4 Policy fails to make any provision, or reference the need, for secondary school places.
- 2.30.5 Consultation with Derby City Council over school place planning has been poor.
- 2.30.6 Seeks confirmation as to whether the site could contribute towards any of Derby City's unmet needs.
- 2.30.7 Policy should consider whether some of the affordable provision could be earmarked for local nominations for those in Derby City.
- 2.30.8 Failure to see how the Council have made the case that development in the Green Belt at the North of Spondon side can demonstrate exceptional circumstances.
- 2.30.9 Proposals would overburden local infrastructure (highways/air quality/education/healthcare) with no evidence that Erewash Borough Council has engaged with providers in drawing up plans.
- 2.30.10 Concern over the lack of ecological surveys showing the impact of development at the site and how the adjacent ancient woodland can be kept safe from harm.
- 2.30.11 Site has a history of flooding.
- 2.30.12 The consultation process, particularly around SGA26, has been wholly inadequate and not allowed Spondon residents a voice.
- 2.30.13 Would welcome the Borough Council requiring developer contributions for access to sport, leisure facilities and pitches from the site's development.
- 2.30.14 Policy does not refer to the historic environment, heritage assets or their settings.
- 2.30.15 Strategic Policy 1.4 considered to be sound.
- 2.30.16 Site performs poorly against the five Green Belt purposes set out in national guidance, establishing the exceptional circumstances to justify residential development in Green Belt.
- 2.30.17 Concern about the bringing of the urban edge into contact with the woodland.

- 2.30.18 Housing numbers from the site should be allocated to Derby City rather than Erewash.
- 2.30.19 Site has been identified and promoted without any appraisal of urban areas in Erewash.
- 2.30.20 Queries what are the exceptional circumstances that have led to the selection of SGA26 - North of Spondon?
- 2.30.21 The addition of 240 homes will only worsen levels of pollution in an area which already suffers from poor air quality, impacting the health of existing residents.
- 2.30.22 What ecological surveys were carried out prior to the site's identification? Site is diverse in its ecology with presence claimed of protected species.
- 2.30.23 Disputes the assessment of current traffic patterns and behaviour around the site. Based on assumptions rather than evidence. Traffic in Spondon is already unacceptable.
- 2.30.24 Area around Spondon Wood should be left clear and undeveloped and given conservation status as a habitat of importance.
- 2.30.25 Disagrees with using edge of Spondon Wood as a robust Green Belt boundary.
- 2.30.26 A TPO tree exists on the site boundary (and the Erewash/Derby City border) which is not mentioned in the SGA26 SGA assessment.

**Council response:**

- 2.30.27 The Borough Council has consulted on the potential inclusion of the North of Spondon site with all stakeholders, the public (including residents within Derby City) and infrastructure providers on two separate occasions (satisfying both Regulation 18 and 19) and is therefore satisfied that it has carried out its duties insofar as stakeholder engagement is concerned. This has included the local education authority and the input from Derbyshire County Council will continue to play a role in resolving more detailed aspects around site delivery including education contributions that might be required. The Borough Council has carried out extensive work to review and identify capacity within the urban areas, such as through the SHLAA, and this evidence demonstrates that the extent of available land falls well short of what is required to accommodate the Borough's housing need. Further, no neighbouring authorities have been able to confirm that they are able to take any of the borough's requirement, and the combination of these two factors represent exceptional circumstances. It is upon this basis that sites within the Green Belt have had to be identified. The North of Spondon site has been defined at a strategic level with the expectation that more detailed matters will need to be addressed as part of a future planning application. This may include

matters of heritage, transport impacts, drainage, ecology and open space provision for example which would be addressed as part of a detailed masterplan for the site. A combination of policies in the NPPF, Core Strategy Review, Core Strategy and Saved Policies Document will provide a robust basis for considering these detailed issues.

***Strategic Policy 1.5 – South West of Kirk Hallam***

- 2.31.1 Development identified at site presents a high risk to sewage infrastructure.
- 2.31.2 Concerns with the viability of Kirk Hallam Relief Road and how it is going to be funded.
- 2.31.3 Council must be clearer about impacts of development on Pioneer Meadow Local Nature Reserve (LNR) and site cannot be considered deliverable until this occurs.
- 2.31.4 Concerned that development of the site could prejudice the use of adjoining school playing fields. This should be assessed and any if any harm arises then developers should provide all necessary funding for mitigation with this set out in the site policy.
- 2.31.5 Would welcome the Borough Council requiring developer contributions for access to sport, leisure facilities and pitches from the site's development.
- 2.31.6 Policy does not refer to the historic environment, heritage assets or their settings.
- 2.31.7 Unclear as to how additional traffic from Kirk Hallam site will be mitigated for when arriving in Sandiacre, Long Eaton and Ilkeston and modelling must show this.
- 2.31.8 Concern over alignment of proposed relief road in relation to Western Power Distribution's existing infrastructure, but particularly in respect to a 132Kv overhead power line that follows a similar route.
- 2.31.9 Requests the policy makes provision for the need to prepare a masterplan ahead of the determination of a planning application.
- 2.31.10 Confirmation that the policy requirements can all be met by the development.
- 2.31.11 The proposal to designate 27 hectares of land as Green Belt is not considered necessary to have within the policy as it relates to a different piece of land.
- 2.31.12 No objection to the 10% affordable homes requirement, but there is no assessment of viability to justify this position.
- 2.31.13 The policy to develop at SGA25 is unsound and unethical.
- 2.31.14 Concerned about the size and the scale of the proposed allocation.

- 2.31.15 Worried about the impact of the relief road on the countryside.
- 2.31.16 Strategic Policy 1.5 is supported.
- 2.31.17 Kirk Hallam suffers from reduced local services and the plan as it stands will lead to the failure of Ilkeston's infrastructure.

**Council response:**

- 2.31.18 The South West Kirk Hallam site has been defined at a strategic level with the expectation that more detailed matters will need to be addressed as part of a future planning application. This may include matters of heritage, transport impacts, drainage, ecology and open space provision for example which would be addressed as part of a detailed masterplan for the site. A combination of policies in the NPPF, Core Strategy Review, Core Strategy and Saved Policies Document will provide a robust basis for considering these detailed issues. Notwithstanding this, the Core Strategy Review specifically requires that the site will deliver the relief road to provide access to the site but also help alleviate traffic issues in the area. Transport modelling demonstrates a positive effect on the local road network resulting from its implementation and the site promoters are committed to delivering the relief road as set out in their own representations. They are also committed to delivering an enhancement to the adjacent LNR as part of proposals within the Core Strategy Review for Strategic Green Infrastructure Corridors. The site will be developed around a central expansion of the LNR's characteristics westwards through the site as shown on the Policies Map and thus the proposal does not pose risk to the existing LNR. Whilst the site represents the largest of the proposed allocations, it is as result of this that a range of infrastructure enhancements will be provided including a new primary school, local centre, green space network and relief road, all of which will add considerably to the service and infrastructure offer in Kirk Hallam. With regards to the historic environment and carrying out HIA for the South West Kirk Hallam Site, Historic England provided advice in response to Regulation 18 consultation which confirmed which proposed allocation sites required HIA. This advice did not require the carrying out of HIA for the South West Kirk Hallam site.

***Strategic Policy 1.6 – North of Cotmanhay***

- 2.32.1 Development identified at site presents a high risk to sewage infrastructure.
- 2.32.2 Would welcome the LPA to require developer contributions to meet demands for access to sport, leisure facilities and pitches from new development.
- 2.32.3 Concerns about highway impacts arising from development. Modelling must show the impacts and identify suitable mitigation.

- 2.32.4 Cumulative impacts on junctions inside Broxtowe must be better considered by the policy.
- 2.32.5 Concern about the potential specific harm to the Green Belt between Heanor and Ilkeston that would arise from the proposals.
- 2.32.6 Acknowledged that site is in an appropriate location as part of the Ilkeston urban area and this accords with the proposed spatial hierarchy.
- 2.32.7 Recognition that the site has been reduced in scale from original proposals and aspects of the policy include requirements that will result in wider benefit – such as bringing Cotmanhay Wood into community use.
- 2.32.8 High volume of objections to the site’s development have been ignored by politicians leading to feelings of ‘tokenistic’ consultation leaving residents powerless and disengaged.
- 2.32.9 The policy to develop at SGA7 is unsound and unethical.
- 2.32.10 Cotmanhay suffers from reduced local services and the plan as it stands will lead to the failure of Ilkeston’s infrastructure.
- 2.32.11 Objects to the incremental pressure that development will place upon local infrastructure.

**Council response:**

- 2.32.12 The North of Cotmanhay site has been defined at a strategic level with the expectation that more detailed matters will need to be addressed as part of a future planning application. This may include matters of heritage, transport impacts, drainage, ecology and open space provision for example which would be addressed as part of a detailed masterplan for the site. A combination of policies in the NPPF, Core Strategy Review, Core Strategy and Saved Policies Document will provide a robust basis for considering these detailed issues. Notwithstanding this, strategic transport modelling indicates that effects from development of the site on the immediate road network will be minimal if noticeable at all. Many of the issues identified by residents are pre-existing road capacity issues which modelling indicates would not be exacerbated by the proposal. Assessment of implications on the Green Belt between Ilkeston and Heanor has demonstrated that there would not be a narrowing of the gap between the two settlements given the northern boundary of the site stops short of existing development on Hassocks Lane South (A6007). As a result the Borough Council considers that impacts on the purposes of Green Belt at this particular location would be minimal. The Borough Council has consulted on the potential inclusion of the North of Cotmanhay site with all stakeholders including residents on three separate occasions and in line with regulatory requirements. All comments received have been taken into account and affected change where considered materially required.

## **Strategic Policy 2 – Employment**

- 2.33.1 Considers the scale of need for industrial land in Erewash to be significantly higher than that evidenced in the 2021 Employment Land Needs Study (ELNS).
- 2.33.2 The 2021 ELNS has shortcomings in how it assesses need for B8 land and facilities.
- 2.33.3 Policy cannot be sound (not positively prepared) as it is not based on an appropriate evidence base detailing the full, objective employment needs of the Borough.
- 2.33.4 A clear need exists to identify additional sites that can assist the Borough Council to meet its needs.
- 2.33.5 Cites the area around M1 J25 as having major locational advantages and is situated in a prime area of demand for the logistics sector.
- 2.33.6 Points out a recommendation from the 2021 ELNS recommending the production of a bespoke logistics study to investigate in detail the sector's needs.
- 2.33.7 The Borough Council has failed to assess the promoted site as a development option (land SW of M1 J25) and suggests it extends the scope of the Core Strategy Review to look at sites that would help meet employment needs arising from logistics development. Where this involves the use of Green Belt, produce all necessary evidence.
- 2.33.8 Detailed economic analysis is provided to support the planning case for the inclusion of the promoted site.
- 2.33.9 The policy is supported.

### **Council response:**

- 2.33.10 The Council has strong confidence that the employment needs set out within the Nottingham Core & Outer HMA Employment Land Needs Study (2021) undertaken by Lichfields represent an up-to-date and robust assessment of need within the Borough. Whilst the ELNS concludes a need for around 40 hectares of new employment space in the Borough, the proposed Stanton North allocation has scope to provide in excess of this figure and as much as 55 hectares of new employment land across a strategically-sized site. This offers flexibility to advance the amount of new employment created at the site, comfortably accommodating new and relocating businesses, whilst also making provision for logistics and distribution facilities - benefitting through the planned reopening of a rail spur from the adjacent Erewash Valley mainline east of the site. The allocation of the Stanton North site makes full use of a former ironworks facility and prevents the need to identify land within the Green Belt to meet the Borough's economic and employment needs.

### **Strategic Policy 2.1 – Stanton North**

- 2.34.1 Development identified at site presents a high risk to sewage infrastructure.
- 2.34.2 In principle support for reconnecting Stanton North to the rail network.
- 2.34.3 Policy should safeguard sufficient land to establish a rail link and then be supported by requirement for site-wide masterplan and/or phasing strategy to allow delivery of rail prior to site's wider development.
- 2.34.4 Information provided regarding the requirements to accommodate reconnection to the main rail network with sidings and head shunt up to 775 metres in length.
- 2.34.5 Specific wording is offered to adapt policy to help meet considerations of Network Rail.
- 2.34.6 Local Plan review over-relies on delivery of employment space from the allocation. A lack of evidence demonstrating delivery of development results in the policy being neither effective nor justified.
- 2.34.7 Stanton North does not have the locational advantages that a promoted site SW of M1 J25 enjoys with access also notably constrained.
- 2.34.8 Site likely to have a significant impact on local highway network and junctions around Broxtowe in Nottinghamshire.
- 2.34.9 Policy should be better influenced by transport modelling evidence to show how road conditions at two roundabouts in Broxtowe do not suffer through the implementation of mitigation measures.
- 2.34.10 The site's re-use for employment is supported.
- 2.34.11 Comments made by Derbyshire County Council in response to the now-approved employment scheme for the site should also be seen as being applicable to the allocation policy.
- 2.34.12 Policy is supported in terms of the benefits it is able to deliver from other (but mainly Transport and Green Infrastructure) policies.

#### **Council response:**

- 2.34.13 Further to the response provided at 2.33.10, the Council's view is that the Stanton North site represents a sustainable location in which the Borough's employment needs can be fully met. With the Council having approved an outline application for up to approx. 260,000sqm of employment floorspace as part of ERE/1221/0002, many of the details around the site's redevelopment in terms of vehicular and transport access, landscaping/biodiversity and rail connectivity have already been established. Consultees, but particularly statutory ones, will have already been offered an opportunity through the planning application process to have inputted useful information about specific aspects of plans to comprehensively redevelop the site. Along with the support

offered for the re-use of the site to accommodate various employment uses, input from specialist consultees will have helped to shape the approved outline scheme.

### ***Strategic Policy 3 – Town, Local and Village Centres***

- 2.35.1 Allocating land at Risley Lane, Breaston would inherently increase the footfall in the centre of Breaston and further protect the Village Centre.

#### **Council response:**

- 2.35.2 The site in question is not being pursued as a strategic housing allocation. The village centre is a proposed designation, introduced by the Core Strategy Review. As such, the Council feels there is sufficient footfall and trade already present within Breaston (and all other proposed village centres) to justify the designation without reliance on additional housing sites to help generate the necessary footfall to boost vitality within the centre.

### ***Strategic Policy 4 – Transport***

- 2.36.1 No mention in the policy of safety at level crossings that Network Rail consider one of their largest operational risks.
- 2.36.2 Requests a policy statement making clear to new developers that no new crossings will be permitted, new developments increasing usage of crossings will be resisted and where development prejudices safe operation then the provision of an alternative bridge crossing will be required at a developer(s) expense.
- 2.36.3 Specifically request reference be made to the Derby & Sandiacre Canal in the policy. The Canal has the potential to deliver on the objectives of the draft policies.
- 2.36.4 Lack of evidence supporting the requirement for Kirk Hallam Relief Road, with no reference to this within the Derbyshire Local Transport Plan 2011-2026.
- 2.36.5 Policy is supported in terms of the benefits it is able to deliver from other (but mainly Transport and Green Infrastructure) policies.

#### **Council response:**

- 2.36.6 The Borough Council notes comments regarding safety and functioning of existing railway crossings. A strategic allocation North of Lock Lane was removed from proposals following Regulation 18 consultation as a result of the access constraints associated with its location adjacent to the railway line and a crossing. The Borough Council is confident that proposals now being pursued do not pose risk to the safe functioning of existing railway crossings. Whilst the Borough Council recognises the role played by the Derby and Sandiacre Canal multiuser route, the

focus of this policy and justification for identification of the two multiuser trails within it is to help accommodate the strategic growth set out in the Core Strategy Review. The existing Derby and Sandiacre Canal multiuser trail is not linked or related to growth, nor is it considered strategic in nature as a transport route. The justification for the Kirk Hallam relief road is the level of growth being proposed adjacent to Ilkeston. Transport modelling indicates a significant contribution is made towards mitigating highway impacts caused by growth proposals within the Core Strategy Review. The road would not appear within the Derbyshire Local Transport Plan due to the age of the document and emergence of growth proposals within Erewash being as a result of the Erewash Core Strategy Review process, not any plans emerging from the Highway Authority. In any case, delivery of the road will be a developer responsibility in this case.

### **Strategic Policy 5 – Green Infrastructure**

- 2.37.1 Supports the provision of Green Infrastructure corridors, particularly in contributing towards achieving active and healthy communities through linkages to multi-functional green and open spaces.
- 2.37.2 Specifically request reference be made to the Derby & Sandiacre Canal in the policy. The Canal has the potential to deliver on the objectives of the draft policies.
- 2.37.3 Objects to the inclusion of a promoted housing site within the Nutbrook Green Infrastructure Corridor (GIC). The land is agricultural and does not display any of the natural assets listed by the Policy except for a small section of flood plain.
- 2.37.4 The Nutbrook GIC should be focused along the Nutbrook Canal, Nutbrook and Nutbrook Trail.
- 2.37.5 Welcomes the new policy on Green Infrastructure but considers that it should reference recently launched GI Principles and Standards and the accompanying mapping resource.
- 2.37.6 Supportive of policy – but specifically in relation to the Stanton North employment site (Strategic Policy 2.1) where the cycle route is to be retained and diverted.
- 2.37.7 Disagrees with southern part of the former Oakwell Brickworks SHLAA site being designating within the Nutbrook Strategic GI corridor given the site is available, achievable and deliverable.

### **Council response:**

- 2.37.8 The Green Infrastructure Corridors are strategic in nature and have been defined through reference to existing assets on the ground such as existing trails (including the Nutbrook Canal and Trail); the Borough Council is confident that the selection of land to be included within the

designation offers the best compromise in delivering on the associated policy ambitions whilst being consistent with sensible extents and linked appropriately with growth areas. Moreover, the Strategic Green Infrastructure Corridor designations do not necessarily preclude development within them. The policy instead seeks to provide benefits set out within the policy – including sustainable floodwater management and biodiversity improvement - and it is expected that at least in part these benefits will be achieved through delivery of appropriate development.

### ***Core Strategy Review - Evidence base***

#### **Comments relating to aspects of the transport modelling work**

- 2.38.1 Evidence base must be enhanced with transport modelling to ensure strategic approach to mitigating impacts from development on the strategic road network.
- 2.38.2 Concern that transport modelling is not yet available to help evidence the Plan.
- 2.38.3 The transport modelling offered by the Plan is considered a minimum, although it is accepted that results will show what, if any, further mitigation is needed.
- 2.38.4 Concern that evidence on transport modelling showing impacts on the road network and plan-wide viability are not yet available.
- 2.38.5 Derby City Council request participation in the commissioned transport modelling work to be able to understand the outputs. The Council then reserve the right to submit further comments once this work is complete.
- 2.38.6 Would like the transport modelling currently being undertaken to involve a wider range of transportation stakeholders – in particular, bus operators.

#### **Council response:**

- 2.38.7 The Council have commissioned transport consultants Systra to undertake modelling work that will assess the traffic and highway impacts of strategic growth planned through the Erewash Core Strategy Review. The Council have fully engaged with all relevant highway authorities as part of the programme of works undertaken by Systra, with authorities strongly encouraged to put forward mitigation measures and highway-related schemes considered appropriate to limit the impact of any assessed additional traffic generated by development proposals/allocations.

### **Comments about the general lack of evidence (or timing of its availability)**

- 2.38.8 The Plan is unsound because of an absence of critical evidence.
- 2.38.9 Evidence base is inadequate. Its limited nature does not justify the policies proposed, including allocations that would deliver more than 3,000 new dwellings. Such scale of proposals should include as a minimum: Green Belt review, transport evidence (modelling), heritage evidence, landscape evidence, viability & affordable housing evidence, Infrastructure Delivery Plan and baseline assessment of settlement healthcheck.
- 2.38.10 The SGA assessments and SA do not amount to proportionate evidence on their own.
- 2.38.11 Plan in its current form is unlikely to be found sound in the absence of a proportionate evidence base.
- 2.38.12 Significant concerns that Regulation 19 document is supported by a very limited evidence base. This results in no clear justification on the proposed approach, as it is felt the Council has failed to fully assess all reasonable growth opportunities.
- 2.38.13 Evidence base is not adequate. Over reliance made on SA and SGA assessments.
- 2.38.14 Evidence currently being undertaken (transport modelling and Playing Pitch Strategy) should be part of a Regulation 19 consultation and available for scrutiny.
- 2.38.15 If evidence base has/is not updated then the Plan cannot be considered as properly prepared.
- 2.38.16 Serious concern around the fact that additional evidence will be provided at submission stage and was not available at the Regulation 19 consultation stage. Plan cannot therefore have been informed by evidence.
- 2.38.17 The Plan is based either on a historic evidence base or no evidence at all.

### **Council response:**

- 2.38.18 The Council is of the view that the evidence base, which was produced both in-house and via external consultants, is proportionate to the scope of the Core Strategy Review. The document, whilst vital to identifying the scale and location of strategic growth allocations, plans to retain most of the policies that are found within its existing Local Plan. As such, the production of evidence such as the 2022 SHLAA, an Employment Land Needs Study (ELNS) and the extensive suite of Strategic Growth Area (SGA) assessments that look at a diverse range of issues in relation to proposed housing allocations help to provide much of the justification necessary to support the development of new policies which appear in the Core Strategy Review.

### **Comments about housing evidence**

- 2.38.19 Details of Site 197 in 2019 SHLAA incorrect, with reference to it not being available and with an unknown landowner despite planning application being submitted for new housing in recent years.
- 2.38.20 No evidence to demonstrate the Plan meets the Borough's objectively assessed housing needs and therefore cannot be considered as positively planned.
- 2.38.21 SHLAA needs to be updated to make sure the evidence base is up-to-date.
- 2.38.22 No housing land supply statement accompanies the Regulation 19 document making it difficult to assess the spatial development options.
- 2.38.23 Borough's market and affordable housing needs are not evidenced.
- 2.38.24 Potential to go beyond the Standard Method which has not been tested.
- 2.38.25 Absence of a housing trajectory to show how growth strategy should be delivered and if that housing is deliverable.
- 2.38.26 Insufficient work has occurred to maximise the use of brownfield sites in urban areas over the need to identify Green Belt for new housing. Urban capacity studies or data not available to understand what has guided the promoted strategy.

### **Council response:**

- 2.38.27 As alluded to above, the Council have now completed a new 2022 SHLAA which has updated details of existing sites, whilst also incorporating a substantial number of new potential housing locations. The availability of an up-to-date SHLAA and accompanying Five-Year Housing Land Supply, alongside the identified strategic housing allocations, helps to demonstrate how the Council plan to meet the assessed level of local housing need as derived from the standard method over the plan period. As shown by the 2022 SHLAA, the Council have worked exhaustively to identify as many suitable brownfield development opportunity sites to accommodate new housing. However, with inset areas outside the extent of Green Belt designation relatively small, there needs to be realism over how much new development the Borough's urban areas and inset settlements can accommodate.

### **Comments about supporting evidence to justify Green Belt releases**

- 2.38.28 Feels that the approach to assessing impacts from growth on GB falls short of the necessary GB review needed to justify the exceptional circumstances of release.

- 2.38.29 Soundness of Plan could be questioned with regard to the need to fully evidence the justification for exceptional circumstances as cited by NPPF. Unclear where assessments of options for Green Belt release have been assessed and compared against the five GB purposes.
- 2.38.30 Confusion over where the review of Green Belt has been undertaken (in SA or elsewhere?).
- 2.38.31 Greater focus needed on potential areas for growth within Green Belt should be carried out. Makes case for Stanton to accommodate growth as village is inset from GB and isn't as open as other Erewash villages and is more urban in nature.
- 2.38.32 A lack of evidence flagging what exceptional circumstances exist to deallocate and develop Green Belt land.

**Council response:**

- 2.38.33 The Council's evidence around Green Belt release originates from the suite of Strategic Growth Assessments (SGAs) undertaken earlier on in the Core Strategy Review process. This appraised the impacts of potential strategic developments in respect of the five purposes of Green Belt as set out at Paragraph 138 of the National Planning Policy Framework (NPPF). The Council are of the view that despite arguments to the contrary from objectors to the Core Strategy Review, no explicit provision is made in national planning policy stating that a Green Belt Review must be undertaken where development is planned to occur on designated Green Belt. Exceptional circumstances as to why the Council plan to deallocate and develop Green Belt land stem largely from the outcome of the 2022 SHLAA which has exhaustively assessed land inset from the Erewash portion of the Nottingham-Derby Green Belt. With around 73% of the Borough subject to restrictive Green Belt policy, successive Local Plans have been able to avoid the use of any designation to contribute towards past housing requirements. However, the diminishing supply of suitable brownfield land within the Borough's towns and inset villages has resulted in a need to look for the most sustainable locations to develop within the Green Belt.

**Comments about other aspects of the evidence base**

- 2.38.34 Encourages the Borough Council to continue working with Greater Nottingham councils on developing joint evidence to secure better strategic outcomes.
- 2.38.35 The Plan should reference the Derbyshire-wide Renewable Energy Study due to be completed in May 2022 as a part of the Plan's evidence base.

- 2.38.36 Assumptions around education contributions (based on Developer Contributions SPD from 2015) is another example of a flawed evidence base as needs around this matter will have changed.
- 2.38.37 Accepts that a Statement of Common Ground commonly appears at the Examination in Public stage of plan making, but no evidence that Duty to Cooperate has been met within the evidence base for this stage.
- 2.38.38 Lack of evidence on the need and considerations for the relief road, lack of infrastructure assessment and delivery plan.
- 2.38.39 No clear justification in evidence for Green Infrastructure Corridors and a lack of evidence around landscape impact and visual appraisal.
- 2.38.40 A representation-orientated evidence base should be published.
- 2.38.41 Disagrees with the basis in which encroaching into the countryside carried out through the SGA assessment has been measured. Not correct in SGA26's case to measure from centre of Derby, and should have been measured from centre of Spondon.
- 2.38.42 Timeframe for housing requirements (2022-37) unrealistic as unlikely Council will adopt prior to the end of this (2022) year. Extending to 2038 brings Plan in line with Greater Nottingham Joint Plan – otherwise, joint evidence could be undermined.

**Council response:**

- 2.38.43 The Council continues to work with other Greater Nottingham councils to develop and update its evidence base, with a number of collaborative studies produced over the course of this particular Core Strategy Review helping to inform the process of policy development. With regards to the accuracy of evidence, the contents of documents such as the Developer Contributions SPD will be reviewed in a contextual fashion, recognising the date in which it was adopted. In recognition of the need for new infrastructure requirements (e.g. new and/or expanded educational facilities) necessitated by strategic-scale housing growth, the allocation policies set out what forms of infrastructure are required to give those involved in the development of the site certainty around what is expected through progressing each to the planning application stage. The relief road which is planned to be delivered alongside the South West Kirk Hallam site, is required to support the growth in this part of the Borough and its need is demonstrated by transport modelling work which is currently nearing its completion.

***Core Strategy Review – Sustainability Appraisal***

- 2.39.1 The assessment of Policy 2 in the Sustainability Appraisal (SA) is unduly positive and may result in adverse economic reasons as it

justifies a scale of employment that is less than the full, objective needs of the Borough.

- 2.39.2 Criticism of the SA in regards to how it had informed site selection.
- 2.39.3 No assessment of reasonable alternatives that does not satisfy SEA/NPPF requirements.
- 2.39.4 The SA only assesses 25 housing allocations and there is no alternative approaches to the spatial strategy that would enable the housing requirement to increase above the local housing need (which should be a minimum).
- 2.39.5 The objectives of the Plan have not been tested through the SA.
- 2.39.6 The Plan has failed to test higher growth scenarios through its SA.
- 2.39.7 The SA does not meet the requirements as set out by Para 32 of the NPPF.
- 2.39.8 Concerns raised about the process the SA has followed. Those undertaking the assessments have been overly critical of the impacts of potential development sites within the Green Belt. The content is inconsistent and skewed to punish Green Belt proposals.

**Council response:**

- 2.39.9 The Borough Council is confident that the Sustainability Appraisal (SA) process it has pursued is proportionate to the ambitions of the Core Strategy Review as well as compliant with policy and regulatory requirements. The SA has considered a range of reasonable alternative housing allocations and the results of this have directly informed the proposed Spatial Strategy. In addition, the SA has considered a range of policy options across a number of key policy areas to which the Core Strategy Review is focussed; on Employment, Green and Blue Infrastructure, Town, Local and Village Centres and Transport. Again, the results of this have directly informed the policy options which have emerged within the Core Strategy Review. All of the options tested have been marked against a wide range of hybridised criteria questions which test their effect against 16 objectives covering a wide range of topics including housing, social inclusion, pollution and air quality, heritage and economic structure and innovation. The Borough Council considers that the SA in this case has genuinely influenced the trajectory of Core Strategy Review and has proved to be a valuable policy making tool.

***Core Strategy Review – Duty to Cooperate***

**Duty to cooperate over employment matters**

- 2.40.1 Due to shortcomings over the Duty to Cooperate (DtC) with regard to not being able to demonstrate how it has worked with partners to

deliver employment needs, it is unclear as to whether the Plan review is legally compliant.

2.40.2 No evidence available that shows Council have discussed the wider need for B8 development across the HMA area. This fails to meet the legal tests set out around DtC.

2.40.3 Council should publish its information around how it has discussed B8 needs with its partners.

**Council response:**

2.40.4 The Council has worked productively and cooperatively with its partner councils from the Nottingham Core HMA and from the Nottingham Outer HMA to comprehensively understand the needs for new employment space. This was achieved through the externally commissioned Employment Land Needs Study (ELNS) undertaken by consultants Lichfields. The ELNS assessed the needs for different types of employment, with it concluding around 40 hectares of space would be sufficient to meet the need for new and relocating businesses. As demonstrated by Strategic Policy 2.1 (Stanton North) (see 2.32.10), a sizeable amount of space in excess of the assessed need for the Borough can be provided for – including a large portion of land for logistics and distribution (B8) development capitalising on the site’s ability to be served with a rail spur off the adjacent mainline. Further work around the wider needs for B8 development over a longer-term was addressed by an externally commissioned study undertaken by consultants Icen (published during summer 2022) who concluded a need for a sizeable amount of space to accommodate continued growth in the sector. However, the Council consider that the provision made by North Stanton would be sufficient to meet a realistic share of the assessed needs. Other suitable locations in Erewash to site such development at (around M1 J25) would involve the need to deallocate Green Belt.

**Duty to cooperate over planning for housing numbers**

2.40.5 For the Plan to be sound it must benefit from a Statement of Common Ground (SoCG) that agrees on matters on how to address unmet need within a HMA. Cannot yet agree on a final SoCG as remaining Greater Nottingham councils have yet to determine a preferred conurbation-wide housing distribution.

2.40.6 Believes the Council have met provisions connected with the DtC – outstanding issue over unmet need between Erewash and Nottingham Core HMA, but as this figure is unknown then Erewash are not in a position to address any unmet need in the review. This is also the same with the Derby HMA, albeit with even greater uncertainty over unmet needs.

- 2.40.7 Critical of the Council's lack of cooperation with Derby City Council in how sites have been identified on or near the shared boundary. The Green Belt should only be changed in conjunction with consultation with neighbouring councils.
- 2.40.8 Council has not done enough work with neighbouring authorities to determine whether they can meet some of Erewash's housing needs.
- 2.40.9 Council looking to progress its plan separately to avoid having to deal with any unmet need from Greater Nottingham authorities. Council should consider a trigger mechanism to enable Erewash to take greater need if it transpires it is required. Nowhere does the Plan address the potential for unmet needs from neighbouring authorities – something at odds with NPPF requirements.
- 2.40.10 Absence of DtC agreement with neighbouring authorities as it is unclear how Council have decided release of the GB land is only option and the locations and scale of development at each. St Albans City Council were unable to proceed their Local Plan under similar circumstances.
- 2.40.11 Limited input from partner and neighbouring authorities in respect of the Council deriving its housing land requirement – such as in considering unmet need from elsewhere.
- 2.40.12 Council accused of failing its DtC with Derby City over how sites were identified and selected on the boundary between the two areas.
- 2.40.13 Greater Nottingham Joint Planning Advisory Board (JPAB) focused only on general plan updates and the issues of unmet need for Derby/Nottingham Core HMA does not appear to have been tackled.
- 2.40.14 No evidence within consultation documents of Council having undertaken their duty to cooperate with adjacent authorities. Therefore, it is unknown whether the Plan's housing requirement takes into account any unmet need arising from elsewhere.
- 2.40.15 Erewash Borough Council should confirm that they do not expect Derby Housing Market Area authorities to take any unmet need.

**Council response:**

- 2.40.16 The Council have worked diligently with partners from the Nottingham Core and neighbouring Derby Housing Market Areas in order to secure agreement over what constitutes spatial cross-boundary matters and how any can be satisfactorily resolved where disagreement exists. The main issues flagged in discussions have concerned the distribution of housing numbers within each HMA and whether a need exists to export unmet housing needs between councils. Agreement has been reached by Joint Planning Advisory Board (JPAB) that there is no requirement to transfer housing needs in either direction between Erewash and the remaining Core HMA councils. The Council have been committed to

identifying and resolving issues with the Derby HMA over the same matter of whether a need exists to transfer housing needs between Erewash and a neighbouring HMA. Whilst progress has been made in understanding the issues, the Council are of the view that it is not necessary to consider housing transfers across the HMA boundary, whilst noting that if such transfers were appropriate then the balance of evidence would favour transfers from Erewash to the Derby HMA in order to relieve pressure on the Nottingham-Derby Green Belt.

### **Duty to cooperate matters over perceived lack of dialogue with partner councils**

- 2.40.17 Disagrees that the lack of response from neighbouring authorities referred to in the March 3<sup>rd</sup> 2022 Full Council report should not act as an impediment to the Plan's progression. If neighbouring authorities have chosen not to engage, this is a critical issue the Council must address.
- 2.40.18 The DtC relates to the preparation of the plan and cannot be rectified post-submission.
- 2.40.19 The lack of response from neighbouring authorities is not in the spirit of DtC.
- 2.40.20 Council have failed to demonstrate how it has met its Duty to Cooperate. Neighbouring councils have already objected to a flawed approach in terms of cooperation.
- 2.40.21 Council must make available the outcomes of any conversations with neighbouring authorities (by publishing an audit trail) to see if they are able to accommodate any of Erewash's housing needs.
- 2.40.22 The Publication (Regulation 19) version of the Plan was not accompanied by a signed SoCG.

### **Council response:**

- 2.40.23 The Council have engaged with partner councils to ensure clear levels of dialogue have existed throughout the Core Strategy Review process. This has been aided in the Core HMAs case with meetings of the Joint Planning Advisory Board (JPAB) which have seen discussion occur between each of the councils' portfolio holders over conurbation-level spatial planning matters. As a consequence of this dialogue, the Council have now reached agreement with the Core HMA over a common position in terms of the distribution of housing between Erewash and the rest of Greater Nottingham. This demonstrates that the Council have been involved in effective dialogue over spatial planning matters. In respect of discussions with Derby HMA councils, officers from the Council have attended several meetings to discuss cross-boundary planning matters of a strategic level and significance.

Whilst agreement over the matter of housing needs has been more difficult to achieve consensus over than with Greater Nottingham councils, engagement has been ongoing – particularly since the release of the Publication version of the Core Strategy Review in early-2022. Details of discussions with both the Core and Derby HMAs can be found in a Statement of Common Ground (SoCG) paper produced by the Council.

### **General comments about duty to cooperate matters**

- 2.40.24 Advocates the benefits of a joined-up strategy across the whole of Greater Nottingham underpinned by a conurbation-wide Transport Assessment.
- 2.40.25 Stresses importance in continued engagement with neighbouring authorities, both in Derbyshire and Greater Nottingham.
- 2.40.26 Council are regularly present amongst several groups that discuss strategic planning matters.
- 2.40.27 Should agree education provision with Derby City and Derbyshire County Councils through a SoCG.
- 2.40.28 Derby City remain committed and willing to work with the Council to develop a SoCG that addresses issues raised around infrastructure, traffic and education.
- 2.40.29 Confirms that previous concerns over the DtC from the Derby HMA have now been overcome.
- 2.40.30 Spondon is part of Derby City and the development of SGA26 would be an extension of Derby, adding no value to Erewash residents but stretching the infrastructure burden on Derby City.
- 2.40.31 Highlights the benefits that could have been derived from the production of a single, common coherent strategy.

### **Council response:**

- 2.40.32 As already set out at **2.40.4**, **2.40.16** and **2.40.23**, the Council has been involved in extensive discussions with neighbouring authorities over cross-boundary, strategic planning matters. This has resulted in agreements being established over mutually identified issues, largely involving the need for any redistribution of housing needs. Other dialogue has been ongoing throughout the Core Strategy Review process, such as between Council officers and Derbyshire County Council in their role as one of the education authorities who will be expected to provide any new or expanded school facilities needed as a result of planned growth in Erewash. The Council recognises that growth around the periphery of the city, but which ultimately falls within Erewash Borough, will inevitably add pressures to existing infrastructure networks. Again, these pressures are reflected within the

allocation policies of the Core Strategy Review document with specific infrastructure identified as being necessary to support the development of sustainable strategic housing sites.

**Core Strategy Review – Consultation:**

- 2.41.1 Concern raised over the manner in which interested stakeholders have been able to comment on the selection of North of Spondon (SGA26).
- 2.41.2 Regulation 19 requires consultation should be undertaken on the submission document. The current version of the document falls well short of the industry standard.
- 2.41.3 Council accused of very poor consultation and having total disregard to Spondon residents over how SGA26 came to be included in the Plan.
- 2.41.4 No prior warning given to Spondon residents over plans to develop at SGA26, and consultation biased towards Erewash residents by adding North of Spondon in a low-key manner to make it as difficult as possible for Spondon residents to comment.
- 2.41.5 Feel that those in Derby City have not been able to voice objections throughout the process.

**Council response:**

- 2.41.6 The Council have fulfilled all statutory requirements which originate from current Local Planning regulations insofar as their consultation and engagement arrangements are concerned. This is demonstrated by this document, together with **Appendices D and E**. With specific reference to consultation arrangements leading to the identification of the North of Spondon site (SGA26 – Strategic Policy 1.4), the Council are under no legal obligation to notify anyone, specific or general consultees, of the identification of specific sites prior to their inclusion within an emerging, draft Local Plan. Furthermore, this was not practice that the Council followed with any other proposed allocation which featured in the earlier stages of the Core Strategy Review. Any proposed site appearing in a draft version of the Local Plan has an opportunity to be commented upon as part of the council's statutory consultation requirements, with the North of Spondon allocation having now been subject to two separate periods of consultation at the Regulation 18.2 and 19 stages. This has allowed anyone with views about the possible inclusion of the site as a strategic housing allocation to make their comments known to the Council for consideration.

**Core Strategy Review – Other matters:**

- 2.42.1 Concern over absence of key topics from the Plan. No climate change Green Belt, Landscape, Gypsy & Traveller, Sustainable Travel,

- Infrastructure & Developer Contributions policies. Council need to provide clarity on how it plans to address planning issues for each.
- 2.42.2 Suggests there should be a separate policy on mitigating for, and adaptation to, climate change.
- 2.42.3 No separate overarching policy on implementing Biodiversity Net Gain, particularly a concern due to the Environmental Act that places a duty on all councils to have regard to relevant Local Nature Recovery Strategies.
- 2.42.4 References to climate change resilience appears to be missing from the Plan's policies. The Plan should be clearer about the impacts arising from climate change to ensure new development is future-proofed as far as possible.
- 2.42.5 Ensuring development is net-zero, or net-zero enabled should be central to the Plan. More information on how this can be delivered would be beneficial.
- 2.42.6 No Borough-wide policy for provision of on-site affordable housing.
- 2.42.7 Concerned that Saved Policies R1 and T4 & T5 are being replaced and are not as strong in relation to the protection and restoration of the Derby and Sandiacre Canal.
- 2.42.8 Have policies retained from previous Local Plans been tested against the NPPF?
- 2.42.9 The Plan does not list of policies the Council considers strategic (Para 21 NPPF) and non-strategic (Para 28 NPPF).
- 2.42.10 Unclear if the intention is to progress straight from strategic policy to planning applications or whether a Part 2 Local Plan providing more detailed Development Management requirements will be forthcoming.
- 2.42.11 The Council's Local Development Scheme needs to be updated.
- 2.42.12 Disagrees with the Spatial Portrait. Ignores nearby instances of a regional importance that should have shaped the Borough's role in its wider setting.
- 2.42.13 Saved policies from 2005 and 2014 have not been sufficiently reviewed to ensure their continued conformity with national planning policy.
- 2.42.14 Requests a document be prepared which shows how conclusions have been reached about why particular policies have been retained or discontinued.
- 2.42.15 Unclear as to what is policy and what is supportive text. Urges document to be properly reformatted so that it is clear and unambiguous in its message.
- 2.42.16 The Plan fails to include details of how infrastructure issues are to be addressed.

- 2.42.17 Raises historic examples of development in Ilkeston failing to capture sufficient infrastructure funding or providing for required services/facilities.
- 2.42.18 Council has a duty of care to address the issues and perceived shortcomings and alter the Plan.
- 2.42.19 Plan should encourage higher densities by building low-level apartment blocks and town houses.
- 2.42.20 Need to clarify how strategic policies comply with Para 140 of the NPPF and better explain how options for GB review have been considered against provisions of NPPF Para 138.
- 2.42.21 Spatial portrait has not been influenced by regional changes (e.g. contents of the Midlands Engine strategy) and it should have been.
- 2.42.22 Portfolio of documents making up the Plan is convoluted and relatively inaccessible.
- 2.42.23 No evidence presented that saved Local Plan policies intending to be carried forwards have been reviewed.
- 2.42.24 SGA26 at North of Spondon was directly added because SGA17 at Lock Lane, Sawley was withdrawn from the plan. Why were other rejected SGAs not reconsidered?
- 2.42.25 Process has not felt fair and has been overly political.

**Council response:**

- 2.42.26 It should be borne in mind that a large suite of strategic policies from the Erewash Core Strategy (adopted in 2014) are intended to remain as part of the Borough's Local Plan. This will ensure the document will continue to provide a comprehensive policy framework to help guide decisions over the suitability of all development proposals. Specialist matters concerning aspects relating to biodiversity net gain (BNG) are being addressed at a policy allocation level with requirements set out within each policy in the Core Strategy Review. This is also the case where new forms of infrastructure are necessary to deliver and support sustainable strategic growth, with aspects such as specialised transport and highways and education facilities.

## Appendix A: Screenshots of the Council's e-Form based from the Planning Inspectorate's (PINS) model representation form

[www.erewash.gov.uk](http://www.erewash.gov.uk)



### Core Strategy Review Representation

The consultation runs between Monday 14th March and May 9th 2022.

For representations to be valid, a full name and address must be provided.

If you need to continue with more space for any of your answers, please attach further pages to this form.

All fields marked with an Asterisk (\*) must be completed.

Title(\*)

First Name(\*)

Surname(\*)

Job Title (where relevant)

Organisation (where relevant)

Address(\*)

Postcode(\*)

To which part of the Core Strategy Review does this representation relate? (one or more must be ticked)(\*)

Policies  Policies Map  [Other text](#)

Please use the box below to tell us specifically where the representation relates to (a policy, the policies map or other text). Do not use the box to make your comments as this is required further down the form.(\*)

Do you consider the Core Strategy Review is Legally Compliant? (\*)

Yes  No

Do you consider the Core Strategy Review is sound?(\*)

Yes  No

Do you consider the Core Strategy Review Representation complies with the duty to operate?(\*)

Yes  No

Please give details of why you consider the Erewash Core Strategy Review is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.  
If you wish to support the legal compliance or soundness of the Core Strategy Review or its compliance with the duty to co-operate, please also use this box to set out your comments.

## **Appendix B: Schedule of Specific and General Consultee Bodies consulted as part of Regulation 18 (Growth Options and Revised Growth Options stages)**

### **Specific Consultation Bodies:**

#### **Erewash Parish Councils (PC)**

Breaston PC  
Breadsall PC  
Dale Abbey PC  
Draycott PC  
Little Eaton PC  
Morley PC  
Ockbrook & Borrowash PC  
Risley PC  
Sandiacre PC  
Sawley PC  
Stanley & Stanley Common PC  
Stanton-by-Dale PC  
West Hallam PC

#### **Adjoining and covered Local and County Councils:**

Amber Valley BC  
Broxtowe BC  
Derby City Council  
Derbyshire County Council  
Leicestershire County Council  
Rushcliffe BC  
South Derbyshire DC  
North West Leicestershire DC  
Nottinghamshire County Council

#### **Parish and Town Councils adjacent to Erewash Borough:**

**Amber Valley area:** Aldercar & Langley Mill PC, Duffield PC, Holbrook PC, Horsley PC, Mapperley PC, Shipley PC and Smalley PC

**Broxtowe area:** Awworth PC, Cossall PC, Greasley PC, Stapleford Town Council and Trowell PC

**North West Leicestershire area:** Castle Donington PC and Lockington & Hemmington PC

**Rushcliffe area:** Barton-in-Fabis PC and Thrumpton PC

**South Derbyshire area:** Aston-on-Trent PC, Elvaston PC and Shardlow & Great Wilne PC

**Other Specific Consultation Bodies:**

The Coal Authority  
Environment Agency  
Highways England  
Homes England  
Historic England  
Severn Trent (i.e. a sewerage undertaker)  
Severn Trent Water (i.e. a water undertaker)  
Western Power Distribution  
Natural England  
Network Rail  
East Midlands Airport  
Marine Management Organisation  
Derby, Derbyshire & Nottingham, Nottinghamshire (D2N2) - Local Enterprise Partnership  
Local Nature Partnership (Lowland Derbyshire & Nottinghamshire LNP)  
NHS Derby & Derbyshire Clinical Commissioner Group (CCG)  
Any Neighbourhood Forums designated under Section 61F(3) of the 1990 Town & Country Planning Act (as amended)

Those to whom the electronic communications code applies by virtue of a direction given under **section 106(3)(a) of the Communications Act 2003** – a full list is held by Ofcom.

There is also a requirement to consult prescribed bodies to comply with Section 33A of the Town & Country Planning Act 1990 (as amended). These are listed at Section 4(1) the 2012 Local Planning Regulations (as amended)

**General Consultation Bodies:**

A diverse range of local groups and organisations were consulted at each of the individual stages of consultation undertaken in support of progressing the Core Strategy Review.

**Appendix C: Schedule of respondents to Regulation 19 (Publication version)  
stage of the Core Strategy Review**

**Specific Consultee Bodies:**

<b>Forename</b>	<b>Surname</b>	<b>Organisation</b>
Janet	<b>Belfield</b>	<b>Sport England</b>
Steve	<b>Buffery</b>	<b>Economy, Transport &amp; Environment - Derbyshire County Council</b>
Paul	<b>Clarke</b>	<b>Derby City Council &amp; Derby Housing Market Area</b>
Rachael	<b>Coates</b>	<b>Amber Valley Borough Council</b>
Roslyn	<b>Deeming</b>	<b>Natural England</b>
Joseph	<b>Drewry</b>	<b>Environment Agency</b>
Steve	<b>Freek</b>	<b>Highways England</b>
Matt	<b>Gregory</b>	<b>Nottingham Core HMA</b>
Liz	<b>Holgate</b>	<b>Breadsall Parish Council</b>
Melanie	<b>Lindsley</b>	<b>The Coal Authority</b>
Nicala	<b>O'Leary</b>	<b>Breaston Parish Council</b>
Stephen	<b>Pointer</b>	<b>Planning Policy - Nottingham County Council</b>
Tony	<b>Rivero</b>	<b>Network Rail</b>
Jack	<b>Robinson</b>	<b>Severn Trent</b>
Kezia	<b>Taylerson</b>	<b>Historic England</b>
Lucy	<b>White</b>	<b>Western Power Distribution</b>

### General Consultee Bodies:

Forename	Surname	Organisation
Tom	Armfield	On behalf of Bellway Homes Limited
Gareth	Barton	Turley on behalf of Tata Steel UK Limited
James	Beverley	Fisher German
George	Breed	Persimmon Homes
Pippa	Cheetham	Varsity Town Planning on behalf of Green 4 Developments Ltd
Tamsin	Cottle	On behalf of Green 4 Developments
Fred	Davis	Harris Lamb on behalf of Wulff Asset Management Limited
Ellie	Dukes	RGP
Kevin	Exley	Marrons Planning on behalf of William Davis
Paul	Harvey	Icarus Media
Jon	Imber	JMI Planning Ltd
Ian	Long	Boyer Planning
Stuart	Mills	On behalf of GLP
Lois	Partridge	Sworders
Kam	Saini	Carney Sweeney
Andy	Williams	Advance Land and Planning
Bob	Woollard	Planning and Design Group on behalf of Redrow Homes
John	Ydlibi	CPRE – Derbyshire branch

### Councillors:

Forename	Surname	Organisation
Denise	Bond	Erewash Borough Council councillor
Matthew	Eyre	Derby City Council councillor - Oakwood Ward
Pauline	Latham	Member of Parliament for Mid Derbyshire
Frank	Phillips	Erewash Borough Council councillor
Evonne	Williams	Derby City Council councillor - Spondon Ward

### Members of the General Public:

As explained elsewhere at Table 2.13.1, a sizeable number of duly made representations originated from community efforts to raise objections to the choice of housing allocations in the Core Strategy Review. With 2,978 individuals responding to the Regulation 19 consultation, it is unrealistic to include a schedule of names within this Statement of Consultation. However, the names do appear on the relevant page of the Council's Core Strategy Review submission website.