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INS01 - Initial Questions Letter

On 31st January 2023, the Council received a letter from the Planning Inspectorate containing Initial Questions for the Erewash Core Strategy Review Examination. The text from the letter is shown below.

Erewash Core Strategy Review Examination

Inspector: K Ford MSc MRTPI

Programme Officer: Hannah Meehan programmeofficer@erewash.gov.uk (<mailto:programmeofficer@erewash.gov.uk>)

By email via the Programme Officer

Erewash Core Strategy Review Examination: Initial Questions

Dear Mr Dove,

1. Thank you for submitting the Erewash Core Strategy Review for examination. As you will be aware, I have been appointed by the Secretary of State to conduct the examination. I have started my preparation and have some initial questions for the Council on which I am seeking some further information and clarification. The initial questions and requests for information are not exhaustive and further reading may lead to further questions regarding legal compliance and soundness.

The Plan and Submission Documents

2. The submitted Plan is a partial review of the Council's adopted Core Strategy. By way of context, please can you provide some background information to explain the scope of the Plan and why some parts of the Plan have been reviewed and not others. Was this made sufficiently clear to interested parties at the Regulation 19 consultation stage? What format will the new Plan take and how will it be read alongside the retained policies of the adopted Core Strategy?

3. The Council has supplied a copy of the Local Development Scheme (LDS), dated March 2021. The submission date referenced in the document does not accord with the date the Plan was submitted to the Secretary of State for examination (30 November 2022). As it is a legal requirement in Section 19(1) of the Planning and Compulsory Purchase Act 2004 that Development Plan Documents are prepared in accordance with the LDS, I invite the Council to submit an up to date LDS showing the correct submission date and make the necessary consequential changes to the subsequent milestones.

4. The Council has provided a copy of representations, ordered according to the format that they were submitted.

Please can you provide a copy ordered according to subject matter e.g. legal compliance including community engagement, Duty to Co-operate and Sustainability Appraisal and representations grouped according to policy numbers.

Duty to Co-operate

5. The Planning and Compulsory Purchase Act 2004 places a legal duty on the Council to engage constructively, actively and on an ongoing basis on strategic cross boundary matters to maximise the effectiveness of local plan preparation. Paragraphs 24-27 of the National Planning Policy Framework (NPPF) identifies the requirements for maintaining effective co-operation. Paragraph 27 makes specific reference to the requirement for effective and on-going joint working to be demonstrated through the preparation and maintenance of one or more statements of common ground to be produced throughout the plan making process. The Planning Practice Guidance (PPG) clearly sets out the scope of statements of common ground and identifies when they should be produced and what they should include.
6. I note the submission of Statements of Common Ground provided between the Council and Amber Valley Borough Council, Derby City Council, Nottingham Core Housing Market Area and Derby Housing Market Area. However, they do not contain sufficient detail for me to assess whether the duty to co-operate has been met.
7. Please direct me to where I can find the following information, or alternatively, it may assist to address these matters through a further Duty to Co-operate Compliance Statement:

What are considered to be the key strategic cross boundary matters of the Plan, how and when they were identified, who was involved in their identification and what actions have been taken to engage with them.

Confirmation of the plan making authorities responsible for joint working on each of the different key strategic matters.

The governance arrangements for the co-operation between the parties.

Demonstration of how the Council has worked with neighbouring authorities and other prescribed bodies throughout the plan making process to ensure each of the identified strategic planning matters have been satisfactorily addressed, for example by providing details of the nature and timing of co-operation such as meeting notes, minutes, agreed action points and outcomes.

A record of where agreements have or have not been reached on the key strategic matters. Where agreements have not been reached, the reasons for this and the implications for the Plan.

Any outstanding matters which need to be addressed, the current position of the parties, the process for reaching resolution and likely timescales.

Housing

Housing Need

8. The Plan uses evidence on housing need that is taken from the Greater Nottingham and Ashfield Housing Needs Assessment which was published in October 2020. The PPG is clear that local housing need numbers should be kept under review and revised where appropriate. Please can the Council explain whether they consider the figure to be up to date, including what steps have been taken to keep it under review.
9. The PPG also considers when it may be appropriate to plan for a higher housing need figure than the standard method indicates, suggesting that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. This needs to be assessed prior to and separate from considering how much of the overall need can be accommodated. Has the Council carried out an assessment and if so, where is this set out?

Site Selection

10. Please can the Council direct me to the relevant parts of the evidence base which set out the housing site selection

process? If this has not been produced, or is found across several different documents, then a single topic paper may assist.

Housing Requirement

11. Strategic Policy 1 – Housing identifies a distribution strategy which includes 5 site allocations along with the following; around 700 in Long Eaton Urban Area, around 1400 in the Ilkeston Urban Area and around 350 in the rural area. There does not appear to be any allocations in these locations to meet those numbers. Without making allocations will the Plan be effective in meeting the housing requirement and spatial strategy?

Housing Supply

12. In relation to smaller sites, can the Council confirm whether there is evidence to demonstrate that at least 10% of the housing requirement would be accommodated on sites no larger than one hectare, as required by paragraph 69a of the NPPF? If at least 10% would be accommodated, please provide details of how it would be achieved.

13. To assist in my assessment of housing supply please can the Council produce a table of sites showing their current status and expected rates of delivery over each year of the plan period in an Excel format.

Employment

14. Strategic Policy 2.1 – Stanton North of the Plan allocates an 80 hectare site, expecting to deliver up to 55 hectares of employment land with the remainder contributing to transport and green infrastructure. Please provide further details on the site selection process that led to the identification of this allocation and what alternatives were considered and their reasons for rejection.

15. I note from the Council's response in their Statement of Consultation that the site could also provide for B8 use. How was this considered in the preparation of the Plan in response to the evidence? Is this a strategic cross boundary matter? If so, how did the Council engage with neighbouring Councils and prescribed bodies on this matter?

Green Belt

16. Paragraph 140 of the NPPF states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for changes to Green Belt boundaries, having regard to their intended permanence in the long term.

17. Paragraph 141 of the NPPF sets out the need to demonstrate an examination of all reasonable options for meeting identified needs for development. It states that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all reasonable options for meeting its identified need for development.

18. If changes are necessary there is then a need to identify which sites would be most appropriate to meet the identified need, having regard to Green Belt harm and other relevant considerations. Both steps are required to demonstrate that exceptional circumstances have been demonstrated. Can the Council identify where this has been done and where the exceptional circumstances are set out? A topic paper would be helpful in allowing me to understand this matter further.

19. Please also provide a document that shows every change to the Green Belt boundary proposed through the Plan.

Viability

20. Has the Council undertaken a whole plan viability assessment of the submitted Plan to ensure that the policies are realistic and that the total cumulative cost of all relevant policies will not undermine deliverability of the Plan? If so, please can you provide a copy.

Sustainability Appraisal

21. The Sustainability Appraisal (SA) does not appear to contain a nontechnical summary, as is required by Regulation 12 and Schedule 2 of The Environmental Assessment of Plans and Programmes Regulations 2004. Could the Council please direct me to where this can be found or update the SA accordingly.

Other Matters

22. The Planning and Compulsory Purchase Act 2004 requires regard to be had to the Sustainable Community Strategy prepared by the authority. Has this been done? Where can I find the evidence for this?

Conclusion

23. To avoid any undue delays to the examination it would be helpful to receive a response from the Council by 23 February 2023. If, however you need to undertake further work and require further time in order to respond fully to any of the points raised please provide me with a timetable for the completion of the work. Once I have received and considered the Council's response, I will then be able to establish a timeframe for the next stages of the examination.

24. If you have any queries regarding the above please contact me via the Programme Officer. A copy of this note should be placed on the examination website in the interests of transparency. However, I am not seeking representations from any other participants on the contents of this letter.

K Ford

Planning Inspector

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

 0115 907 2244

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