



Erewash Core Strategy Review Examination

Hearing Statement - Matters 1, 3 and 5

Representations on behalf of
Green 4 Developments Limited

Reference Ockbrook Cricket Club

December 2023

1.0 Introduction

- 1.1 These representations have been prepared by Green 4 Planning on behalf of Green 4 Developments Ltd (Green 4) in response to the Inspectors Matters, Issues and Questions specifically in relation to Matters 1, 3 and 5.
- 1.2 Green 4 Planning have now taken on the instruction in respect of the representation reference 311, which specifically referred to Ockbrook Cricket Club.
- 1.3 We note Varsity Planning are also acting on behalf of Green 4 Developments, we are instructed on different sites and our representations are made accordingly.
- 1.4 We do not wish to repeat the representation made by P&DG on behalf of Green 4 (reference 311) and therefore this response merely clarifies our position in respect of the some of the questions raised.

2.0 Matter 1 Procedural/Legal Requirements

Plan Preparation and Scope

Qu.1 Has the preparation of the Core Strategy Review been in accordance with the Local Development Scheme in terms of its form, scope and timing?

- 2.1 The LDS update published in March 2021 anticipated an EiP in June 2022 with adoption by December 2022. The delay is around 18 months.

Qu.3 Has the preparation of the Core Strategy Review complied with the Statement of Community Involvement?

- 2.2 While the Core Strategy Review may meet the requirements of the local Statement of Community Involvement, it is vital to scrutinise the extent to which the process aligns with broader statutory obligations, emphasising sustainable development. Concerns surrounding engagement, transparency, and the quality of the supporting evidence must be addressed to ensure a comprehensive evaluation of the preparation process.

Qu. 4. How does the Erewash Core Strategy Review relate to existing plans and how will they be affected by the adoption of the Core Strategy (adopted Erewash Core Strategy and made Neighbourhood Plans)?

- 2.3 Green 4 are unconvinced that Erewash Borough Council have made a legitimate decision in choosing to review a Core Strategy. Government guidance has moved away from the 'Core Strategy' approach and the language has returned to that of 'Local Plans'. A basic search has found that no other Local Planning Authorities are pursuing a similar approach. It is unclear why Erewash Borough Council chose to review a Core Strategy that had demonstrably already failed to deliver on its strategic vision, evidenced through the findings of the Housing Delivery Action Plan (EBH11). Neither is the decision-making process that led to the decision to

review transparent or recorded in committee papers.

- 2.4 The Erewash Core Strategy Review exhibits a notable lack of clarity regarding its alignment with existing plans and compliance with updated national policies. The only reference to the National Planning Policy Framework is under draft Strategic Policy 1.1. Green 4 question whether a proper analysis has been carried out of the saved policies in the Core Strategy and their compliance with the NPPF. If this has been undertaken then it is not clearly documented in the evidence base that is available.
- 2.5 This lack of clarity raises significant questions about the potential effects of its adoption on the existing plans.
- 2.6 As a potential user of a Development Plan, Green 4 wish to make a further point about clarity. Paragraph 16d of the NPPF sets out that Local Plans should, “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”. The format of the Core Strategy Review document is such that it is impossible to distinguish planning policy from supporting text resulting in significant ambiguity and the likelihood that both developers, council officers and third parties may have difficulty interpreting the intention of the plan, and it is therefore not in accordance with the NPPF.

Other Matters

Qu. 12. Do the strategic policies look ahead a minimum of 15 years from adoption, to anticipate and respond to long term requirements and opportunities as required by paragraph 22 of the National Planning Policy Framework?

- 2.7 Green 4 Developments is concerned to note that the policies in the current plan do not clearly project a minimum of 15 years into the future, as required by

paragraph 22 of the National Planning Policy Framework (NPPF). Strategic Policy 1 is clear that the CSR looks to 2037 whereas a fifteen-year time horizon should look to 2039. This omission raises a significant issue regarding the plan's alignment with the NPPF's essential criteria for addressing long-term requirements and opportunities.

- 2.8 We would have expected a Housing Topic Paper to be published that sets out how the growth trajectory will be altered to run for the full 15 years.

Qu. 13. Does the Core Strategy Review include policies designed to ensure that the development and use of land in the Borough contributes to the mitigation of, and adaptation to, climate change in accordance with the legislation? If so, which?

- 2.9 The Core Strategy Review does make reference to Climate Change through various adaptation and mitigation measures. However, additional guidelines are needed to enhance energy efficiency in both existing and new buildings, along with further measures related to green, blue, and grey infrastructure to effectively address climate change mitigation and adaptation.

- 2.10 In addition, the relative Climate Change impacts of the allocated housing sites has not been identified, and, hence, there may be additional benefits that could accrue from alternative approaches.

Qu 14. Has the Council had regard to the other relevant specific matters set out in Section 19 of the 2004 Act (as amended) and in Regulation 10 of the 2012 Regulations?

- 2.11 The CSR is solely focused on strategic and high-level policies. It doesn't contain anything in the form of 'development management' style policies which would be essential to guide development proposals in the District.

2.12 Section 19(1B) to (1E) of the Planning and Compulsory Purchase Act 2004 emphasise the need for local planning authorities to identify their strategic priorities and establish policies to address them in their development plan documents. The CSR limits itself to identifying strategic priorities but does not provide a structure for how they will be delivered.

3.0 Main Matter 3 – The Spatial Strategy

Qu. 2. Will the spatial strategy contribute to achieving sustainable development, including a sustainable pattern of development, as set out in paragraph 11a of the National Planning Policy Framework and if so, how?

- 3.0 Green 4 note that Strategic Policy 1 identifies the need to provide some 350 homes within the Borough's 'Rural Areas'. The 'Spatial Portrait' states that 15 villages and hamlets are located within the Erewash countryside and nearly all of this countryside is designated as Green Belt.
- 3.1 The Council should have undertaken a Green Belt Review to identify sites which, if developed, would offer sustainable solutions, have less of an impact on the Green Belt and could be allocated for residential development within the 'Rural Areas'.
- 3.2 The Spatial Portrait identifies that there are settlements on the western edge of the Borough including Borrowash, Breadsall, Little Eaton, Morley and Ockbrook, which are in sustainable locations closely linked to the jobs and services of a larger city. Yet no evaluation of their potential to be expanded has taken place.
- 3.3 The strategy as it stands to retain the tightly drawn green belt boundaries could result in less sustainable sites coming forward for development just because they are not in the Green Belt. Currently the Council do not know where the 350 homes could be provided they have no control through the Local Plan as to where those developments might occur bar preventing them from coming forward in the Green Belt. Which is some cases such as Ockbrook Cricket club would preclude a sustainable site well linked to services and facilities being developed.

3.4 We consider that, had a thorough and structured Green Belt review been undertaken as part of the evidence base for the Core Strategy review, then the settlement boundaries of places such as Ockbrook would have been, and should have been, examined more closely to determine whether suitable and sustainable sites were available. We can find no evidence that this is the case. Therefore we contend that without a Green Belt Review the current Local Plan Strategy will not necessarily result in the most sustainable pattern of development.

3.5 Erewash Borough Council are clearly uncertain about whether the proposed spatial strategy is the best option for the Borough. Their attempts to withdraw the Core Strategy Review and start afresh are well documented. Currently the Core Strategy Review is advancing a similar strategy to the Core Strategy which failed to deliver growth for the Borough.

Qu.7 Has the potential for development in the urban area, the use of previously developed land and increased densities been optimised?

3.6 Table 4.1.4 of the SHLAA Summary Report (EBH4) suggests that 1,916 homes will be provided on brownfield sites within Ilkeston, Long Eaton and the rural area and Table 4.1.5 suggests that these will be delivered at an average density of 71.4 dph.

3.7 We contend that Erewash Borough Council are over-reliant on brownfield sites to deliver one third of their housing requirement. The reason for suggesting this is that this approach reflects the same strategy advanced in 2014 which failed to deliver the required housing. This failure was explained in Erewash's Housing Delivery Action Plan of August 2019. The average density is high and not in some

cases reflective of the rural nature of much of the Borough.

Qu. 8. On a strategic, Boroughwide level, does the scale of housing growth required and the limited opportunities within existing built-up areas provide the exceptional circumstances to justify altering the Green Belt?

- 3.8 Yes there are exceptional circumstances however, Paragraph 140 of the NPPF tells us that exceptional circumstances needed to be “fully evidenced and justified”, and this is where the Erewash Core Strategy Review falls down.
- 3.9 The majority of Erewash is covered by Green Belt, and the Housing Delivery Action Plan of August 2019 is clear about the failures of relying on a strategy of infilling areas around the existing towns and villages. It follows that Erewash will need to alter the Green Belt boundary in order to meet their housing need.
- 3.10 Erewash did not undertake a Green Belt review as part of their evidence base to properly evidence and justify if they were able to accommodate the identified need and where this should logically go. The spatial distribution of their housing target has not been fixed in a context of evaluating Green Belt releases. Instead, there has been a Green Belt analysis, undertaken post Regulation 19 submission, of the sites that Erewash think might be deliverable in the plan period.
- 4.0 Without a Green Belt Review, based on past performance of delivery in the District and evidence from elsewhere, there is a real risk that the Council will not deliver the full amount of 350 new homes as it will have to rely purely on windfall sites coming forward within the inset village boundaries. We do not believe that there is sufficient land or sites available within these tightly defined settlements to allow this to happen. Therefore the exceptional circumstances clearly exist for a full Green Belt Review.

- 3.11 The approach taken by Erewash does not meet the requirements of the NPPF. Green Belt will need to be released in Erewash borough, the evaluation of Green Belt quality should be a significant part of the evidence supporting the spatial strategy and this has not occurred.

Qu. 13. In overall terms, is the Spatial Strategy appropriate and justified, particularly in terms of the range and mix of locations identified for growth? Is it effective and consistent with national policy?

- 3.12 The Core Strategy Review advances a failed spatial strategy approach which began with the 2014 Core Strategy. The 2019 Housing Delivery Action Plan acknowledges these failings yet the Core Strategy Review pursues the same approach of high-density brownfield site development and a reliance on small-scale Green Belt releases.
- 3.13 We maintain that a full Green Belt review may have identified 'better' locations for growth.

4.1 Main Matter 5 The Housing Requirement/Overall Housing Provision

Qu.2 In response to the Inspector's Initial Questions, the Council concluded that there are no circumstances that justify a higher housing figure. Is this conclusion reasonable and supported by evidence?

4.2 Circumstances in which a higher housing figure may be appropriate include situations where there are growth strategies for an area, where strategic infrastructure improvements are proposed or where an authority is taking on unmet housing needs from elsewhere.

4.3 Consequently, to fully conform with the PPG, Erewash Borough Council need to provide additional information to support their housing evidence that we would expect to see and this includes:

- A review of the housing trajectory to project growth to 2039
- Signed Statements of Common Ground with neighbouring authorities to establish mutual levels of unmet need. This is particularly important in the relationship with Derby City and Nottingham City where a 35% 'cities and urban centre' uplift will be applied to their standard methodologies.
- Evidence of the assumptions around windfall numbers

