



Derby City Council

Ms Kelly Ford  
Planning Inspector

**By email**

Chris Henning  
Executive Director - Place  
County Hall  
Matlock  
Derbyshire  
DE4 3AG

Dear Ms Ford,

## **EREWASH CORE STRATEGY REVIEW EXAMINATION IN PUBLIC**

### **STATEMENT ON BEHALF OF DERBYSHIRE COUNTY COUNCIL AND DERBY CITY COUNCIL**

#### **INS01 – INSPECTOR’S INITIAL QUESTIONS LETTER**

- 1.1 This statement has been drafted jointly on behalf of Derbyshire County Council and Derby City Council Officers to reiterate their concern regarding the approach taken by Erewash Borough Council with regard to the planning of education provision relating to the strategic sites proposed for allocation in the Erewash Core Strategy Review Submission and particularly the sites at Land North of Spondon (SP1.4) and Land West of Acorn Way (SP1.3).
- 1.2 The Inspectors Initial Questions were received by Erewash Borough Council on 31 January 2023. Question numbers 5-7 concerned Duty to Cooperate matters.
- 1.3 In response to the Inspector’s initial questions Erewash Borough Council (EBC01) provided their ‘Initial Questions Response’ in February 2023. Appendix 2 of this response provides a Duty to Cooperate Statement. Paragraph 4.4 concerns education provision on the 2 sites on Land North of Spondon and Land West of Acorn Way which abut the Derby City administrative boundary. Paragraph 4.4 states ‘*The Erewash Core Strategy Review makes specific proposals that education contributions from development west of Acorn Way and north of Spondon should be spent in the adjacent parts of Derby City to improve provision at the schools children living on those housing developments are most likely to attend*’.

#### **Core Strategy Review Revised Options for Growth**

- 1.4 Following an initial ‘Core Strategy Review Options for Growth’ consultation in 2020, Erewash Borough Council re-consulted on a ‘Revised Options for Growth’ on 29 March 2021. In this consultation a new site allocation in the Green Belt north of Spondon was proposed. Derbyshire County Council’s response dated 10 May 2021 provided an assessment of the likely school place provision needs of all the sites proposed and specifically with regard to the 2 sites bordering Derby City.

Given the additional site proposed at Land North of Spondon, the cumulative impact of both sites was also addressed in this response.

- 1.5 Derby City Council also provided a response on the Revised Growth Options document in May 2021, which also set out concerns at the assumption that pupils arising from the Acorn Way and North of Spondon sites would attend schools within the City. The response identified that due to their location, the responsibility for school place planning for these sites rests with the County but that Derby City Council and Derbyshire County Council will continue to work together closely to consider short term and long term school place planning options for sites close to the City/County boundary. Very careful consideration will need to be given to how primary and secondary pupil numbers from the additional proposed sites will be accommodated.

### **Draft Core Strategy Review (Regulation 19)**

- 1.6 The Draft Core Strategy Review (Regulation 19) consultation on the Erewash Core Strategy Review ran from 14<sup>th</sup> March to 9 May 2022.
- 1.7 Derbyshire County Council reiterated its position as per the Revised Options for Growth consultation. The assessment provided by Derbyshire County Council as the Local Education Authority for both sites does not appear to have been reflected in Strategic Policies 1.3 and 1.4 in the Publication Version or Submission Version of the draft Erewash Borough Draft Core Strategy Review (Publication Version).
- 1.8 Derby City Council's response identified that the Erewash Core Strategy Review draft policies for both the Acorn Way and North of Spondon sites (Strategic Policies 1.3 and 1.4) had not sought to remove the assumption that pupils arising from the Acorn Way and North of Spondon sites would attend schools within Derby City. It was requested that specific reference to pupils from these sites attending City schools should be removed, both from the policy and supporting text. Amended wording was provided and suggested to be used as a basis for a Statement of Common Ground. It was also requested that the policy makes clear that developer contributions for school places should not be limited to primary places but should also refer to secondary school contributions.

### **Comments**

- 1.9 Both of these proposed allocations are within the administrative area of Derbyshire County Council. Once a planning application consultation is received, the application would be assessed with regards to need for contributions towards education provision in line with Derbyshire County Council's [Developer Contributions Protocol](#) (DCP). As well as containing nine local planning authorities itself, Derbyshire also borders a great number of unitary and county authorities and the DCP is successfully employed on sites in cross boundary areas. Liaison would therefore take place with Derby City Council to assess the most appropriate solution and ensure that any request for developer contributions made at the planning application stage is in line with the 3 tests as set out in the CIL Regulations 2010 (as amended).
- 1.10 The County Council set out in its consultation responses to the Erewash Core Strategy Review at the 'Revised Options for Growth' stage and at the Publication Version (Reg 19) stage that the responsibility for education provision at Acorn Way

and Spondon rests with Derbyshire County Council. Being rural areas, these two allocations are served by a small primary school which would not have sufficient site capacity to expand to serve either development. The Publication Version response identified that should both sites come forwards a strategic response i.e. a new primary school may be required subject to the overall number of dwellings and the capacity of existing schools to expand. As set out in the DCP, where there is insufficient capacity at the existing normal area school to accommodate the pupils generated by a development, and there is no scope for the normal area school to expand, the DCP identifies the need for flexibility to expand an alternative local school or to provide a new school if required.

- 1.11 It is acknowledged that currently the Acorn Way proposed allocation is not covered by a primary school catchment area. This however is a border anomaly which is in the process of being rectified. It was not previously considered an issue as the area was solely agricultural fields.
- 1.12 Rather than the prescriptive approach set out in policies SP1.3 and SP1.4 as drafted, a flexible approach is required to the planning of education provision for the sites at Land North of Spondon and Land West of Acorn Way in line with the DCP. It is considered important to ensure that the proposals developed for accommodating estimated pupil numbers are based on the latest available information and data at the point at which planning applications are received. Once planning applications are received, careful consideration would be given to a range of factors including the following:
- the education needs arising from the developments, based on up-to-date pupil yield factors;
  - any surplus capacity and expansion capability of the normal area schools in line with the DCP, noting that other new housing developments may progress in the area in advance of planning applications being received for the two proposed allocations. Any wording included in Erewash Borough Council's Core Strategy Review draft policies at this stage cannot 'reserve' capacity at existing schools for a future date. Under the admissions criteria, any children arising from the proposed allocations in a Derbyshire school's normal area would not have a priority for places at Derby City schools.
  - any new education infrastructure which may offer a solution for accommodating the estimated pupil numbers
  - the cumulative impact of the two sites and the most appropriate primary and secondary place planning solutions, should both of the sites be allocated.
- 1.13 Effective on-going communication between planning and education officers is essential to ensure that education needs are met. There are planning processes in place which are working well in relation to other large-scale housing developments underway just outside Derby City Council's boundary, within the administrative area of Derbyshire County Council. The process is for Derbyshire County Council, as the Council with the statutory duty for ensuring sufficiency of school places in their area, to carry out an assessment of all relevant information when planning applications are received, in consultation and close partnership working with Derby City Council.
- 1.14 Officers from Derbyshire County Council and Derby City Council meet quarterly to review school places planning. Derby City Council and Derbyshire County Council

will continue to work together closely to consider short term and long term school place planning options for sites close to the City/County boundary. Careful consideration will need to be given to how primary and secondary pupil numbers from the additional proposed sites will be accommodated.

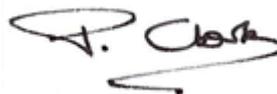
- 1.15 To allow this flexibility to be built into Strategic Policies 1.3 and 1.4, it remains the preferred approach of the County and City Council's to remove the specific reference to pupils from these sites attending City schools, both from the policy and supporting text. Instead it is suggested that the policy and supporting text be amended with a more flexible approach, as proposed in the previous consultation responses, which suggested that the relevant criterion of policies 1.3 and 1.4 could be amended to refer to "*financial contributions towards the provision of primary and secondary schools to serve the development at schools identified through discussion with the Local Education Authority*". The City and County Councils also wish to reiterate that the policy should make clear that developer contributions for school places should not be limited to primary places but should also refer to secondary school contributions.
- 1.16 At the time of the Inspector's questions, no Duty to Cooperate Statement with Derbyshire County Council as the local education authority for both sites had been proposed by Erewash Borough Council despite education being included as an issue in the Duty to Cooperate Statement of Common Ground with Derby City Council. Both Derbyshire County Council and Derby City Council were happy to progress a Statement of Common Ground (either separately or collectively) with EBC to address the need for flexibility in school place planning in relation to sites SP1.3 and SP1.4.
- 1.17 The City and County Council invited a representative from Erewash Borough Council to attend their school places planning meeting on 25<sup>th</sup> October 2023 to provide the opportunity to explain and discuss their approach. A draft Statement of Common Ground was circulated prior to the meeting, which formed the basis of the discussions. Following the meeting the draft Statement of Common Ground was updated by Erewash Borough Council, however Erewash Borough Council does not agree with the approach taken by the 2 Local Education Authorities. The City and County Councils' both have published approaches to addressing school places planning which have been successfully delivered across their respective areas and in cross boundary situations.
- 1.18 The County Council's response to the current planning application for Land North of Spondon as reported in the draft Statement of Common Ground, does not provide the full context of the County Council's response. It must be noted that the County response did not limit the increased provision to St Andrews Primary as is reported in the draft Statement of Common Ground but identified that there was little or no scope for expansion at St Andrews Primary and requested the right to seek agreement to utilise the primary contribution at an alternative local school, or towards a strategic response for additional provision.
- 1.19 In conclusion for the reasons set out in paragraphs 1.17 and 1.18 of this statement that the County and City Councils have not been able to agree a statement of common ground with Erewash in time for the submission of the hearing statements. Notwithstanding their joint concerns with the approach to education provision taken by Erewash Borough Council in the Core Strategy Review Submission relating to

the two sites on land north of Spondon and land west of Acorn Way, Derbyshire County Council and Derby City Council wish to assure the Inspector that the two Education Authorities will work together to ensure that the primary and secondary school place provision needs of the two sites will be appropriately met should they be confirmed for allocation in the Core Strategy Review.

Yours sincerely,

*Steve Buffery*

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