

To: Erewash Borough Council

From: Inspector Kelly Ford

Date 17 April 2023

**Inspector's Further Questions to the Council, Arising from Councils' Response
EBC01 to Inspector's Initial Questions in INS01**

Following on from the Council's responses to my initial questions I have a couple of queries which I would be grateful if you could raise with them.

I note that the Council did not assess a higher development figure in the Sustainability Appraisal. What is the reason for this?

With regards the work undertaken to inform allocations in the Green Belt I still have reservations about the lack of a whole Green Belt Assessment. It may be appropriate to explore this further at the Hearings with the benefit of other participants.

The Council has not undertaken a viability assessment. I would welcome their views on how the lack of a viability assessment accords with the part of the Planning Practice Guidance which states that 'The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan'.

I will consider their responses before deciding on how to proceed with the examination.

EBC01 – Initial Questions Response

Erewash Core Strategy Review: Initial Questions from the Planning Inspector

The Council did not assess a higher development figure in the Sustainability Appraisal. What is the reason for this?

Planning Practice Guidance states the following:

A sustainability appraisal is a systematic process that must be carried out during the preparation of local plans and spatial development strategies. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. (Paragraph: 001 Reference ID: 11-001-20190722)

The Council is planning for delivery of its housing needs as calculated by the Government's Standard Method. Practice guidance states that the standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area. It sets out scenarios whereby it might be appropriate to plan for a higher housing need figure higher than the standard method.

Circumstances where this may be appropriate include, but are not limited to situations where increases in housing need are likely to exceed past trends because of:

- *growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth (e.g. Housing Deals);*
 - *strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or*
 - *an authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground;*
- (Paragraph: 010 Reference ID: 2a-010-20201216)

It can be demonstrated that none of the three circumstances outlined above are applicable to Erewash, thereby diminishing any argument in favour of higher housing figures. The first (growth strategies) is irrelevant as no such initiatives exist in the borough.

Having regard to the council's comments set out in (reference EBC02) Need for Green Belt Assessment), it has already been established that Erewash is a Green Belt authority, and that the standard method figure alone necessitates the use of Green Belt land for housing. Any increase to this figure would inevitably require further Green Belt release, and it is considered that this would not be justifiable under NPPF paragraph 140 which states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. During the plan's preparation, there was no evidence of any such exceptional circumstances that could justify the assessment of alternative growth scenarios.

Consultation findings

The Options for Growth Consultation (Regulation 18 Part 1) asked the following question:

“Is there an alternative method of calculating our housing requirements that should be used instead of the Government’s standard methodology? If so, what is it and why should it be used?”

The Statement of Consultation (Regulation 18 Part 1) found that 7% of representors opted to engage with this question. It was also raised by some representors in the Revised Options for Growth (Regulation 18 Part 2) consultation. A summary of arguments in favour of a higher development figure and the council's response can be found below:

Strategic Infrastructure: The arrival of HS2 necessitating a higher level of housing growth

The Integrated Rail Plan (IRP), published in November 2021 announced that the previous proposal to create a regional East Midlands hub rail station at Toton Sidings was no longer part of plans to develop the HS2 network. No alternative proposals or funding for them have been published. Therefore, in the absence of any national investment in local infrastructure, there is no requirement to explore a higher level of housing growth in this area.

The council should be planning for more than the Standard Method figure owing to poor historic rates of delivery to ensure greater flexibility

Guidance advising on the calculation of an annual local housing needs figure already incorporates an allowance for past under-provision of housing so this should not be cited as a factor which influences the setting of a standard methodology figure. Regarding the greater flexibility of growth options, the Council is of the view that the identification of four Green Belt, greenfield sites as preferred locations for housing growth offers a suitable range of development sites that will positively address the Council's current weak five-year housing land supply position.

The Council's overall housing requirement as shown at Strategic Policy 1(3) states that the 5,800 home figure represents “a minimum”. This figure represents Erewash's local housing need and is therefore considered a robust requirement in which to plan for. In addition, the Core Strategy Review provides for a flexible approach to strategic housing growth by removing a long-standing saved policy which protected the West Hallam Storage Depot against non-employment uses (Saved Policy E5). Its white land status offers the potential to pursue, in conjunction with a supportive landowner, housing-led regeneration at this site in the long-term – contributing to a degree of flexibility in the Borough's plan-wide housing supply.

Neighbouring unmet need/ duty to cooperate matters

Some local authorities and alternative site promoters sought a higher housing figure in order to meet unmet need from neighbouring councils. The Council, as is required by the Duty to Cooperate, has formally asked neighbouring authorities in the Derby

Housing Market Area (where areas outside of the Green Belt exist) if councils are able to accommodate any of Erewash's housing requirement intended to be delivered in its Green Belt. Though neighbouring Local Planning Authorities have not offered to take any of the Borough's need, neither have they requested that the Borough accommodates any of their need. Meanwhile the Council is also aware of the recently introduced 35% uplift in housing need which applies to the neighbouring cities of Derby and Nottingham. Guidance contained in the National Planning Practice Guidance (NPPG) requires a 35% uplift be added to those council's housing needs figure as calculated through the standard method. As the NPPG states, there is an expectation that the uplift should be met in the area where it is needed, with any redistribution into neighbouring authorities (such as Erewash) being at odds with the intended impact of the requirement.

It should be noted that the matters cited above are set out in the Statement of Consultation, Appendix C - (Regulation 18.1) and Appendix D (Regulation 18.2) which can be found in the submission library.

EBC02 – Initial Questions Response

Erewash Core Strategy Review: Initial Questions from the Appointed Planning Inspector

Need for Whole Green Belt Assessment

As set out in the answer to Q2 in EBC01, at the commencement of the preparation of the Erewash Core Strategy Review it was apparent that new designated sites would be required to meet the objectively assessed housing need in respect of both the five year land supply and the whole plan period supply. It was also apparent, from the evidence of the SHLAA 2019, that the majority of the extra provision to be identified on new sites would have to be in the Green Belt.

National policy on Green Belt is set out in Chapter 13 of the NPPF.

It was and is considered that:

- the inability to deliver the objectively assessed housing need of the Borough over the plan period, and
- the inability to deliver the objectively assessed housing need of the Borough over the five years from the projected adoption of the plan, and
- the failure to satisfy the Housing Delivery Test in the Borough over every year since it was introduced,

all supported the conclusion that the exceptional circumstances required to alter Green Belt boundaries established by NPPF paragraph 140 were and are extant.

Consideration of the rate of development in the Borough over the last ten years, of the capacity of the land in the Brownfield Register, and of the capacity of additional suitable sites in the SHLAA 2019, lead to the conclusion that the tests in NPPF paragraph 141(a) and 141(b) had been met. At the first and each following consultation opportunity, the constituent local planning authorities of the Nottingham

Core Housing Market Area and the adjacent Derby Housing Market Area were asked if they could meet some of Erewash Borough's objectively assessed housing need in order to reduce pressure on the Green Belt. To date none of those parties has identified such an opportunity. Consequently, it is considered that the test in NPPF paragraph 141(c) has also been met.

In accordance with NPPF paragraph 142, the need to promote patterns of sustainable development was taken into account in proposing changes to Green Belt boundaries. As set out in the answer to Q10 in EBC01, the site selection process followed the requirements of NPPF Chapter 5. In particular, a sustainability appraisal informed a strategy to identify the most suitable sites from those identified as available and deliverable by the SHLAA 2019 and subsequent calls for sites. These sites were further assessed for their suitability and deliverability through the Strategic Growth Area Assessments, which included an assessment of the impact the development of each site would have on the five purposes of the Green Belt identified in NPPF paragraph 138. Each site was also subject to individual sustainability appraisal which confirmed that the growth strategy had proven to be sustainable in practice.

In defining proposed amendments to the Green Belt boundary, primary consideration was given to the requirement in NPPF paragraph 143(a) to "ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development," as has been detailed above. At a site specific level, the other criteria of NPPF paragraph 143 were also taken into account, resulting in proposals that will be defensible beyond the period of the Core Strategy Review.

A challenge to this process has been raised principally by Derbyshire County Council, but also by the other members of the Derby Housing Market Area, who have suggested that a separate Green Belt Review is required. It is noted that neither the terms Green Belt Review or Green Belt Assessment occur in the NPPF, or consequently in its supporting guidance in the NPPG, or in any sector lead guidance. However, it is clear from references to previous work by Derbyshire County Council that they intend to mean a review of the whole of the Green Belt to determine whether any parts of it are no longer considered to meet the criteria set out in NPPF paragraph 138 and so should be deleted from it.

It is not considered that a Green Belt Review as suggested by third parties is either necessary or appropriate. It is not necessary because, in accordance with NPPF paragraph 137, one of the two essential characteristics of Green Belt are their permanence. There is therefore no requirement to periodically review their boundaries, as there would be for a local land designation. It is not appropriate because it is not relevant to the issue at hand, which is to provide sufficient development land to meet locally assessed housing needs through a sustainable development strategy. Green Belt is rightly excluded from sustainability assessment as it is neither an environmental, social or economic matter. It is a national policy in its own right. There is therefore no sense in which a Green Belt Review, in isolation, can direct a sustainable strategy.

To be clear, Erewash Local Planning Authority is not suggesting that the land proposed for development in the Green Belt is somehow not suitable for inclusion in the Green Belt. It is considered that all of those sites are suitable for inclusion in the Green Belt by the very fact that they are in the Green Belt, in accordance with NPPF paragraph 137. Erewash Local Planning Authority is stating clearly that notwithstanding the Green Belt designation of that land, it is required in order to provide a sustainable pattern of development to meet objectively assessed local needs. In addition, site specific assessment in the Strategic Growth Area Assessments determined that removal of the selected sites from the Green Belt will not undermine the five purposes as set out in NPPF paragraph 138. On that basis, as indicated above, the Local Planning Authority stands by its view that a proportionate evidence base has been provided to justify the deletion of those sites from the national Green Belt policy that would otherwise prevent the achievement of sustainable development in Erewash.