

Erewash Local Plan Review Examination in Public

Redrow Ltd

Hearing Statement - Matter 1: Procedural / Legal
Requirements

December 2023

1.0 Introduction

- 1.1 This Hearing Statement sets out submissions made by Planning and Design Group (UK) Limited on behalf of Redrow PLC. It relates to Matter 1: Procedural / Legal Requirements as set out in the Inspector's Matters, Issues and Questions document. The Statement forms the basis of our evidence, to be presented at the Examination in Public.
- 1.2 Only the questions relevant to Redrow PLC and the ongoing promotion of their land at Acorn Way, Derby, have been answered.

2.0 Matter 1:

Issue – Plan Preparation and Scope

Question 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 Yes, the Core Strategy Review has been prepared in accordance with the updated Local Development Scheme (LDS) dated March 2023. The Council fulfilled the Regulation 18 / 19 / 22 requirements as set out in the LDS.

Question 2 - How did the Council engage with interested stakeholders on the allocation of land contained in Policy 1.4 of the Core Strategy Review? Was this appropriate?

- 2.2 The Council's approach to engagement is set out in its Statement of Consultation (SoC) dated November 2022. The site 'North of Spondon' (Policy 1.4) appeared in the Regulation 18.2 SA (then SGA26) as a proposed allocation for 240 dwellings. Appendix B of the document is a schedule of specific and general consultee bodies consulted as part of Regulation 18 (Growth Options and Revised Growth Options stages). The list is extensive and complete.

- 2.3 The draft allocation 'North of Spondon' was also in the Regulation 19 version of the plan meaning there was more than sufficient time for local people and specific consultees to comment on the proposals. The SoC identifies all methods of consultation including the provision of documents online and in hard copy format, social media adverts and a media press release.

- 2.4 The SoC also sets out the comments made on the Strategic Policies in the Plan along with a Council response. Page 23 lists the comments made on Strategic Policy 1.4 North of Spondon. There are a number of issues raised for the Council to respond to. This suggests that the Council's engagement techniques were appropriate and successful. Some respondents have made reference to the shortness of the consultation periods, but all consultation regulations were followed by the Council.

Question 3 - Has the preparation of the Core Strategy Review complied with the Statement of Community Involvement?

- 2.5 The Statement of Community Involvement (SCI) dated December 2019 (ref: CD1) sets out how the Council will involve the community in the preparation, alteration and review of local Planning Policy documents and decisions on planning applications.

- 2.6 It is considered that the Council has complied with its SCI including involving key statutory consultation bodies, making the appropriate documents easily available for comment by everyone and the use of appropriate consultation media / techniques where required.

Question 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)?

- 2.7 The Council explained its approach and the relationship with existing plans in its response to the Inspector’s Initial Questions – February 2023. It explained that given the the urgency of the need to review the Borough’s spatial strategy and provide the appropriate extent of land to accommodate the Local Housing Need (LHN) as well as the relative effectiveness and continued relevance of most policies within the existing suite of Local Plan documents, it was decided to carry out a partial review of the Core Strategy. The partial review focused on five key topic areas: Housing, Employment, Town, Local & Village Centres, Green Infrastructure and Transport. The Council considered these five topic areas to be strategically intrinsic to one another and focus on these matters is required to ensure there is an appropriate policy basis for a new spatial strategy.

- 2.8 The Council also explained that it is proposed that three separate documents will make up the Local Plan and all will need to be read in conjunction with one another. These documents will be as follows (based on an assumption of adoption in 2023):

- Local Plan Saved Policies (revised 2022)
- Adopted Core Strategy (revised 2022)
- Erewash Core Strategy Review (2022)
- Policies Map (revised 2022)

Issue - Sustainability Appraisal

Question 5 - How has the Sustainability Appraisal (SA) informed the preparation of the Core Strategy Review at each stage? How has the SA been reported? Has the methodology for the SA been appropriate?

- 2.9 The SA Non-Technical Summary (ref: CD4a) at 1.3 sets out the stages of SA which have been carried out to support preparation of the Core Strategy Review. They are summarised as follows:

- The Scoping Report (2019) was undertaken in collaboration with the other Greater Nottingham Housing Market Area authorities. Its main purpose was

to decide the scope and level of detail of the Sustainability Appraisal process. This is available to view as a standalone document within the examination evidence base library (CD8).

- Sustainability Appraisal 1 – Strategic Growth Options (2020) tested eight potential approaches to growth. This is available to view as a standalone document within the examination evidence base library (CD9).
- Sustainability Appraisals 2 – Policy Options (2021) tested a range of policy options across four topic areas providing the basis for the drafting of non-housing related policies for the Regulation 19 version of the Core Strategy Review; this work can be found at Section 3.3 of the Submission Version Sustainability Appraisal, supported by appendices.
- Sustainability Appraisal 3 – Housing Allocation Options (2021) tested 25 potential housing allocations. This work is within the Submission Version Sustainability Appraisal at Section 3.4, supported by appendices.

2.10 Greater detail is set out at Section 1.3 of the main SA document (ref: CD4). The findings have been reported as set out above in the relevant documents.

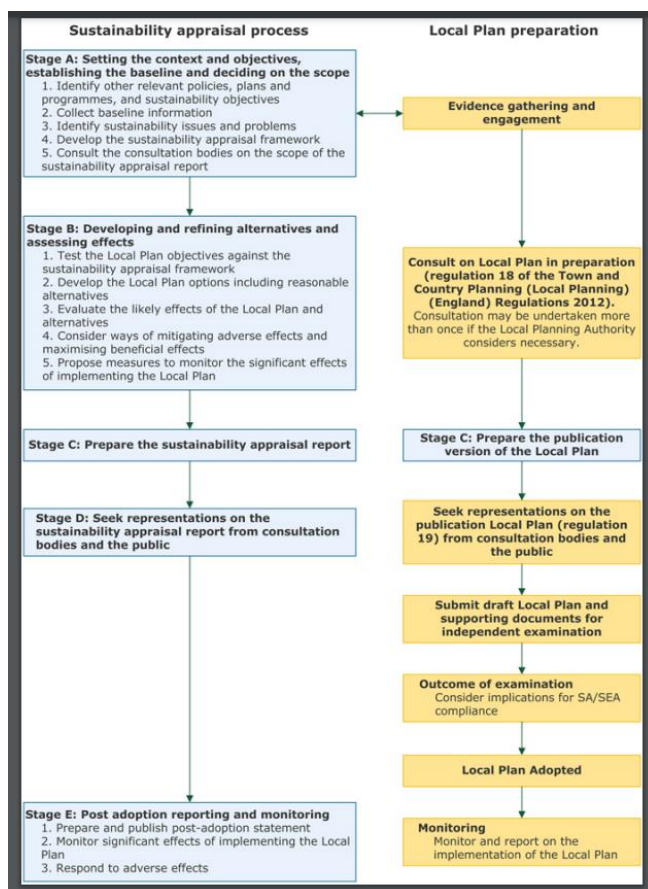


Figure 1: Government Guidance on the SA Process

2.11 Figure 1 above is a flow chart prepared by the Government which sets out the SA process. The above shows how this methodology has been followed by the Council in terms of:

- Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope.
- Stage B: Developing and refining alternatives and assessing effects.
- Stage C: Preparing the SA report.
- Stage D: Seek representations on the sustainability report from consultation bodies and the public.

2.12 It is noted that there has been some criticism of the Council's SA and the alternatives tested. Government guidance however states that the SA needs to consider and compare all reasonable alternatives as the plan evolves. It is considered that the Council has done this.

Question 6 - What options were considered through the SA for the following:

- a. The overall scale of housing and other growth*
- b. The broad distribution of development across the Borough*
- c. Potential allocation sites*
- d. Policy approaches*

2.13 In terms of a. (scale of growth), the Council did not test alternative scales of housing other than the figure produced using the standard methodology. The Council explained the reasoning in answering the Inspector's Initial Question number 9. It stated that a small number of respondents to both the Regulation 18 and 19 consultations suggested the Council plan for a higher number of homes than the Borough's LHN figure. The Council was strongly of the view that such representations were weak in their justification advocating a higher scale of housing. The responses cited economic factors, largely as a result of the scale of employment land the draft Core Strategy Review planned to allocate.

2.14 The Council has not explicitly assessed the impact of planning for a higher number of homes than that identified by the LHN. This was due to an absence of strategic scale infrastructure which would be expected to support the provision of higher numbers of new homes and sizeable increases in new employment and job creation.

2.15 Because of this, the Council was of the view that there are no realistic circumstances where housing need may be higher than the output from the Standard Method. As

a result, the Council felt that there is no justification to assess the impacts of higher housing numbers.

- 2.16 In addition, any increase above the LHN requirement would result in a need for further development in the Green Belt. Housing evidence originating from both the 2019 and 2022 SHLAAs show that the Council has exhausted brownfield land opportunities within its inset settlements across the Borough.
- 2.17 It is noted that a number of respondents have questioned this approach by the Council and considered that higher rates should have been tested. The approach and explanation from the Council as to why this didn't happen (as set out above) however would appear reasonable and fully justified.
- 2.18 For b. (distribution) SA1 tested the following broad growth options:
- Growth within Long Eaton Urban Area (the conurbation)
 - Growth within Ilkeston Urban Area (the town)
 - Growth within the Rural Area (the villages)
 - New Settlements not in the Green Belt
 - Extension of the conurbations (including Derby City) into the Green Belt
 - Extension of the town into the Green Belt
 - Extension of the villages into the Green Belt
 - New Settlements in the Green Belt
- 2.19 For c. (allocations) the final SA explains that SA3 (Housing Allocations Options) (SA3) appraised 25 potential housing allocations. These were sites which had been made known to the Council by interested parties either prior to commencement of the Core Strategy Review or over the course of the two public consultations comprising Regulation 18 which were undertaken during 2020 and 2021. All potential housing allocations known to the Council were appraised, with sites spanning the entire range of spatial strategic growth options appraised by SA1 (see above).
- 2.20 As regards d. (policy approaches), the final SA explains that SA2 (Policy Options) (SA2) was produced following completion of the Regulation 18 consultation and prior to commencement of the Regulation 19 (Publication) consultation. It considered a range of policy options across four topic areas including Employment, Green and Blue Infrastructure, Town Centres and Transport. SA2 provided the basis for the drafting of non-housing related policies for the Regulation 19 version of the new Local Plan.

Question 7 - What were the conclusions of the SA in relation to these options and how have they informed the preparation of the Core Strategy Review?

- 2.21 For b. (distribution) the Council has explained that Table 13 of the Draft SA published at Regulation 18 (Options for Growth) presents in matrix form the conclusions of the testing. This, alongside the commentary contained within the specific assessments for each of the eight options, provided the justification for the setting of a growth strategy which ultimately appeared within the Option for Growth document. The Council specifically sought views on the strategy's appropriateness, seeking views on the manner in which the Draft SA had assessed the various spatial growth options. Immediately prior to Regulation 18, the Council was able to integrate its preferred sites individually assessed into the suggested growth strategy. The proposed strategic housing locations were each able to demonstrate strong conformity in terms of their placement within the hierarchy of eight growth options. While four of the locations were situated within Green Belt, each could demonstrate higher levels of sustainability as a consequence of their proximity either to a conurbation or town (Acorn Way and Derby for example) as opposed to extensions to settlements within the rural area or a new settlement in the Green Belt.
- 2.22 For C. (site allocations) the Council has explained that ahead of the Revised Options for Growth (Regulation 18 Part 2) stage, the Council sought to address the shortfall in housing numbers caused by alterations to the sites identified at the first stage of the Core Strategy Review.
- 2.23 In seeking to address the shortfall, the Council afforded substantial weight to its draft growth strategy when considering strategic housing development options brought to its attention through public consultation over the Core Strategy Review.
- 2.24 For d. (policy options) full details are set out in the final SA at 3.3 Sustainability Appraisal 2 (Policy Options).

Question 8 - What are the overall conclusions of the SA?

- 2.25 It should be noted that the whole of Erewash Borough is covered by Green Belt (apart from existing insets). The SA recognises this and has informed the overall strategy, allocations, and the other relevant policies.
- 2.26 The Inspector should note that the Acorn Way allocation performed particularly well when assessed in the SA under the following SA objectives:
- Objective 1 (housing)

- Objective 2 (employment)
- Objective 4 (shopping centres)
- Objective 5 (health and wellbeing)
- Objective 7 (social inclusion)
- Objective 8 (transport)

Question 9 - How have the requirements of the Strategic Environmental Assessment Directive been met?

- 2.27 Yes. The main purpose of Strategic Environmental Assessment (SEA) is to consider the key likely significant effects on the environment including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, landscape and the interrelationship between the above factors.
- 2.28 The Council's SA explains that both SA and SEA are similar processes that involve a comparable series of tasks. This document encompasses the requirements of both into a single SA process. More information on the background to the relationship between SA and SEA can be found within the SA Scoping Report (2019).
- 2.29 The SA / SEA was fully consulted upon with the relevant environmental bodies throughout the process. As such it is considered that the requirements of the SEA directive have been met.