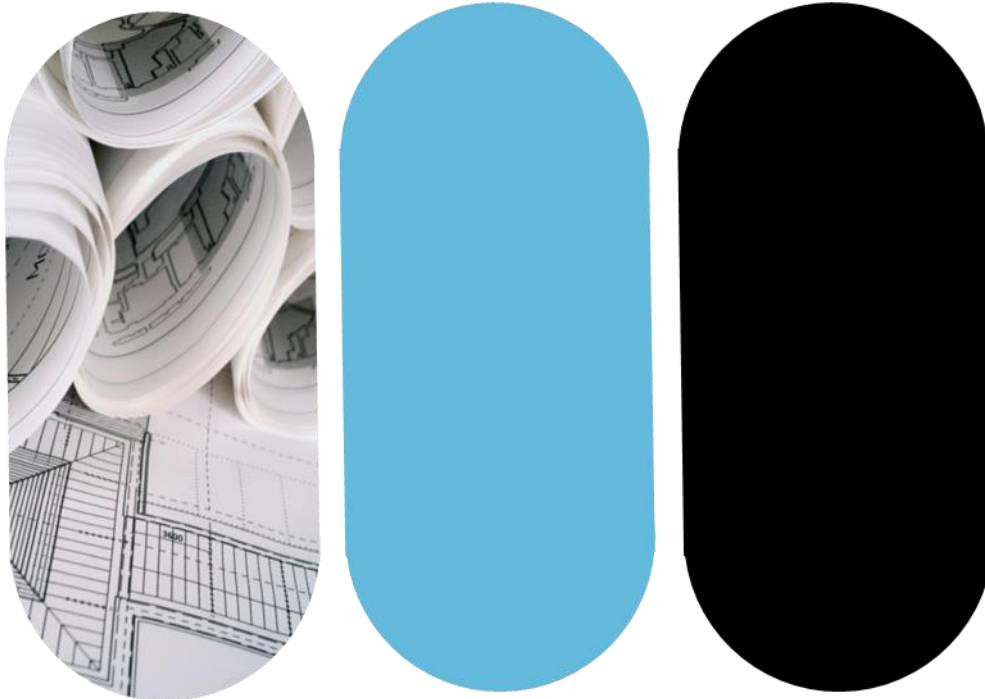




MATTER 2 HEARING STATEMENT (DUTY TO COOPERATE)

On behalf of William Davis Homes



Waterfront House, Waterfront Plaza, 35 Station Street, Nottingham, NG2 3DQ
www.marron.co.uk

ISSUE 1 – Whether the Council has complied with the duty to cooperate in the preparation of the Core Strategy Review.

Question 1: What are the inter-relationships with other authorities in terms of migration, commuting and housing markets?

1. The 2018 Nottingham Core Housing Market Boundary study concludes that Erewash Borough Council alongside the other Greater Nottingham authorities are appropriately grouped together into a Single Housing Market Area (HMA) which represents the most appropriate area over which the Duty to Cooperate (DtC) in relation to cross boundary strategic issues should be considered.
2. The 2018 Nottingham Core Housing Market Boundary considered Travel to Work Areas (TTWAs) and migration patterns. These confirm that the levels of self-containment in the HMA are considerably higher than for the individual local authorities and all well above the 70% migration target and the 67% ONS threshold for TTWAs. The data shows that 80.1% of people who live in the HMA also work in the area and 80.0% of those who work in the combined area also live in the area. In terms of the migration data, 69.7% of those who moved to the area previously lived in the area and 73.2% of previous residents of the area who moved stayed in the area.
3. The more recent work undertaken as part of the Greater Nottingham and Ashfield Housing Needs Assessment (2020) indicates at that the western areas of Erewash fall within the Derby Travel to Work Area (TTWA) and the eastern areas within the Nottingham TTWA.
4. As a result of the above, the data indicates that Erewash, particularly the eastern part of the Borough, has a strong functional affinity with the Nottingham HMA and is properly grouped within the cluster of authorities which form that HMA. There is little doubt that the Nottingham HMA forms the proper unit for the consideration of strategic issues.

Question 2: How have these been taken into account in preparing the Core Strategy Review and specifically in terms of Objectively Assessed Need for Housing (OAN) and housing provision?

5. The clear functional dependencies and interrelationships between Erewash and the wider Nottingham HMA have not been considered in formulating the housing requirement or in the overall quantity or location of housing provision. The answers presented in the Council's response to the Inspector's Initial Questions are clear that throughout the preparation of the CSR, the overall housing requirement and level of provision is derived solely from the Borough's own Local Housing Need (LHN) figure calculated using the Standard Method. The Standard

Method calculates need based on Erewash only, hence the Planning Practice Guidance's confirmation that the Standard Method does not produce a housing requirement figure but a minimum starting point, and that such a figure could be required, as is the case here, to incorporate unmet needs arising from surrounding areas (in this instance the wider Nottingham HMA).

6. Whilst it is the case that Erewash's fellow Nottingham HMA authorities experience many of the same challenges in that they, too, are constrained by the Green Belt, the Council turning its back on the wider HMA is unlikely to lead to sustainable outcomes or outcomes that appropriately balance harm to the openness and the purposes of the Green Belt with the need to accommodate housing. It is similarly unclear at this point how any unmet need arising from the wider Nottingham HMA would be apportioned between the respective authorities, including Erewash. These facts, however, do not obviate the need for the CSR to positively address the issue of unmet needs from the wider HMA and present a suitable mechanism to address these.
7. In respect of housing provision and as noted elsewhere, Long Eaton/Sandiacre has the strongest functional relationship with the Nottingham HMA in Erewash themselves being part of the Nottingham principal urban area. As such, any unmet needs arising from Nottingham itself in Erewash would be most sustainably located near to Long Eaton, Sandiacre and the surrounding area yet the CSR does not make provision for any housing in this area apart from urban windfall.

Question 3: Who has the Council engaged with in terms of overall housing provision and what form has this taken?

8. The CSR's evidence base comprises a number of "Duty to Cooperate" statements of common ground (SoCG) within which one would expect to see evidence of positive engagement on an ongoing basis with, amongst other entities, the Nottingham HMA authorities. The DtC Statement for the Nottingham HMA [CD3a] comprises two pages that evidences very little proactive and ongoing engagement despite confirming that Erewash Borough Council is appropriately grouped under the Nottingham HMA.
9. The Statement of Common Ground in respect of the Nottingham HMA states that Erewash Borough Council considers the level of need calculated by the Standard Methodology to be the appropriate target for housing provision in the Borough but there is no statement as to whether the wider HMA authorities agree with this stance. The Greater Nottingham Strategic Plan Growth Options Consultation (dated July 2020) states that "*The other Greater Nottingham Councils have responded to Erewash Borough Council's consultation, setting out the advantages of a comprehensive approach to strategic planning across the whole of the Greater Nottingham area.*" Thus there is a long-standing recognition within the HMA that Erewash has been an "island unto itself" in terms of plan-preparation

which, in turn, indicates a clear lack of positive and ongoing engagement required by the DtC.

10. Under the heading of “housing distribution” the SoCG records that the other Nottingham HMA authorities have not offered to accommodate any housing growth from Erewash which begs the question as to whether the Council has made any corresponding request for such an accommodation to be made. More particularly, the SoCG fails to specify what provision within the CSR has been made to accommodate potential unmet need arising from Nottingham City, noting that this is an entirely urban and physically constrained authority. The SoCG does not consider the issue of housing distribution or need outside of Erewash and portrays a notable lack of engagement on these important issues.

Question 4: Paragraph 141 of the National Planning Policy Framework identifies that before concluding that exceptional circumstances exist to justify changes to the Green Belt boundaries the strategic plan making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This includes the strategy being informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need. How has this been demonstrated?

11. Discussion between the Council and the other Greater Nottingham councils in respect of Green Belt has been limited. Suffice to say, other councils within the HMA have constraints of their own to address and are also constrained by the Green Belt hence cross-boundary engagement to re-apportion homes from Erewash to other Nottinghamshire HMA councils are unlikely to be fruitful in terms of avoiding Green Belt release itself, albeit a comprehensive Green Belt study across the HMA would be able to identify land across a wider geography that contributed the least to the openness and purposes of the Green Belt.
12. It is noted within the Nottingham HMA SoCG that allusion is made to Erewash playing host to particularly important strategic parcels of Green Belt that play a role in avoiding coalescence between Nottingham and Derby. That assertion is based on a Green Belt study from 2006, but does indicate that an updated sub-regional Green Belt study would be an important first step in identifying options for the distribution of housing growth across the HMA geography that would cause the least harm to Green Belt purposes. This would need to be balanced with wider sustainability considerations, since the Green Belt in Broxtowe as well as Erewash is also cited as being strategically important for preventing the merger of the Derby and Nottingham conurbations and it is unlikely that all Green Belt release across the HMA could happen within the remaining two authorities of Rushcliffe and Gedling.

13. There is a considerable lack of evidence to demonstrate that the Council has engaged with its neighbours in respect of important strategic issues, in particular the treatment of the Green Belt

Question 6: Should the Core Strategy Review seek to address any housing need from the wider Housing Market Area? If not, what are the reasons for this and is it justified?

14. The Council cannot rule out the need to accommodate housing provision from the wider HMA and hence should address this through a suitable mechanism within the CSR. As noted above, the other local authorities within the HMA are subject to their own constraints including tightly drawn urban area boundaries and Green Belt.
15. Nottingham City Council in particular is a wholly urban authority with even the areas of Green Belt around the city falling inside other local authority areas. It stands to reason that as one of the largest urban areas in the country and subject to the 35% uplift imposed by the Standard Method, Nottingham City Council will have significant growth needs that cannot be accommodated within its own administrative boundaries. The authorities on the Nottingham periphery such as Erewash will need to positively and proactively cooperate toward accommodating Nottingham's unmet need via Green Belt release and so for Erewash to pre-judge the outcome of this process by releasing Green Belt only for its own needs, ahead of any wider consideration alongside the other Nottingham HMA councils, is plainly unjustified and out of step with the DtC.

Question 7: In the Statement of Common Ground with the Derby Housing Market Area, it was agreed that housing distribution is a strategic cross boundary issue between Erewash Borough and the Derby Housing Market Area but that the Derby HMA were not able to progress any further wording of the Statement of Common Ground at the time of writing. Has there been any further updates since this time? Do the parties still take the same view?

16. Unlike the situation as regards the Nottingham and the related HMA, Derby is only constrained by Green Belt on its eastern and northern periphery. As such, there is a legitimate question as to whether Green Belt release on the edge of Derby within Erewash is an appropriate response when considering there are other unconstrained authorities in the Derby HMA that could accommodate this need, without the requirement for Green Belt release in the Derby-related part of Erewash. On the basis of the evidence currently available, clearly discussions have not progressed between the relevant parties to the point where this matter is capable of being addressed satisfactorily.

Question 9: The Planning Practice Guidance (PPG) states that Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working and not deferred them to subsequent plan updates or are not relying on the Inspector to direct them. If agreements cannot be reached, the PPG advises that plans may still be submitted for examination but that comprehensive and robust evidence of efforts made to cooperate, and any outcomes achieved, will be required. Has the Council's approach been consistent with the advice contained in the PPG?

17. In our view, the lack of evidence of comprehensive and robust engagement demonstrated within the Duty to Cooperate Statement of Common Ground with the Nottingham Housing Market Area speaks for itself. Noting the clear and significant functional links between Erewash and the Nottingham conurbation, this is problematic. It is clear from the outset of the CSR's preparation that Erewash has resolved only to understand and meet its own needs in respect of housing and no evident attempt has been made to quantify or understand needs arising from other administrative areas, particularly Nottingham City Council which has considerable housing needs and is physically constrained being almost completely washed over by urban land. We recognise that this issue may not be fully resolved in the context of Erewash's own plan-preparation exercise but the lack of any suitable mechanism within the CSR such as a dedicated housing buffer or commitment to an early review depending on work within the wider HMA is clear evidence that the CSR is not positively prepared. Therefore, the Council's approach has not been consistent with the PPG.

Question 14: Overall, has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Core Strategy Review?

18. No. The preparation of the CSR has been an entirely inward-facing exercise and critical engagement with the Nottingham HMA authorities has been absent.