

Peveril Homes Limited

Hearing Statement

Respondent Reference Number:

177 to 181, 183 and 184

by CarneySweeney

Date: November 2023



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1.0 Introduction

CarneySweeney are acting on behalf of Peveril Homes Limited in making representations to the emerging Erewash Core Strategy Review, with representations having been made to the previous rounds of consultation.

Our previous representations are not repeated here, but should be read in conjunction with this Hearing Statement to the following Inspector's Matters, Issues and Questions, discussed in turn in the following chapters:

- Matter 1 – Procedural/Legal Requirements
- Matter 3 – The Spatial Strategy
- Matter 4 – The Green Belt
- Matter 5 – The Housing Requirement / Overall Housing Provision
- Matter 7 – Housing Land Supply

The Respondent Reference Number is: 177 to 181, 183 and 184.



2.0 Matter 1 - Procedural/Legal Requirements

Respondent Reference Number: 177 to 181, 183 and 184

Issue

Whether the Council has complied with relevant procedural and legal requirements.

Question/s: Plan Preparation and Scope

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)?

Within the Council's Response (EBC01) to the Inspector's Initial Questions (INS01) we note that the authority has confirmed that the Core Strategy Review is a partial review. Whilst the Submission Version of the Core Strategy Review document set out which policies would be superseded; it did not make it clear within the introductory chapters that the process is a partial review and so the relationship with any retained policies could not be fully assessed during previous consultation stages.

There is also an absence of setting out the context and the procedural matter of the authority undertaking a Green Belt Review which proposes land to be released to deliver strategic allocations.

As the adopted Core Strategy sets out the Strategic Policies for the Borough, we question the appropriateness of undertaking a partial review of strategic policies. If the Inspector is content with the authority continuing with a partial review, the Core Strategy Review needs to clearly set out how it relates to any existing development plan documents and also address the strategic matter of reviewing the Green Belt.

Question/s: Sustainability Appraisal

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?

Having reviewed the Examination Library, we note that a Sustainability Appraisal dated November 2022) is available (document reference: CD4), which seeks to be an overarching document summarising the Sustainability Appraisal process. However, whilst this makes reference to the Sustainability Appraisal (SA) having informed the preparation of the Core Strategy Review, how this has been undertaken is not clearly documented. Paragraph 13 of the PPG (Paragraph: 013 Reference ID: 11-013-20140306) outlines the various stages of the Sustainability Appraisal process and the Submission Version of the SA (CD4) is not clear in demonstrating how the authority have complied



with each of these stages, such as Stage B *'refining and developing alternatives and assessing effects'*.

We raised concerns through our representations to the Regulation 19 Consultation Stage that the SA (CD4) has not demonstrated how the authority has discharged its statutory duty and considered reasonable alternatives. The SA (CD4) does not deal with the strategic matter of the Green Belt, with the document being silent on this point. Furthermore, Sustainability Appraisal 2 (Policy Options 2021) referred to in CD4 outlines that this considered a range of policy options across four topic areas, but this does not include the Green Belt.

The absence of any consideration of the Green Belt through the SA raises a question of whether the baseline evidence base gathering under Stage A of the Sustainability Appraisal process summarised in the PPG has been effectively undertaken. Our representations to the Regulation 19 consultation raised the concern of the Core Strategy Review being accompanied by a very limited Evidence Base and the lack of any consideration of the Green Belt through the SA process maintains this concern. We would welcome the authority to clarify why the SA has not taken into account the strategic matter of the Green Belt.

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*

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?

8. What are the overall conclusions of the SA?

Question 6-8 above are matters that the Council need to respond to in terms of the options considered through the SA process, the conclusions of the options and how this informed the Core Strategy Review. Depending on the Council's response to the above questions, we may have further comments to make during the Examination Hearing sessions.



Question/s: Other Matters

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?

The Core Strategy Review is proposing strategic sites for allocation and with a plan period of 15 years, and so we would not look to dispute that the authority has not sought to address the principle of paragraph 22 of the National Planning Policy Framework. Our concern with the Core Strategy Review is the limited Evidence Base that has been available during the previous consultation stages to justify the approach of the Core Strategy Review which has been adopted by the authority.



3.0 Matter 3 – The Spatial Strategy

Respondent Reference Number: 177 to 181, 183 and 184

Issue

Whether the Core Strategy Review is justified, effective and consistent with national policy in relation to the Spatial Strategy.

Questions

1. Does the Core Strategy Review have a vision, strategic objectives and provide a clear and cohesive framework for the future growth and development of Erewash?

The Core Strategy Review fails to address this point entirely as there is no review of the Vision & Strategic Objectives within the adopted Core Strategy. The authority should review the Vision and Strategic Objectives, a matter that should have been applied from the outset.

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?

Whilst Draft Strategic Policy 1 suggests directing development towards 'urban' and 'non-Green Belt' locations, the draft policy does not allow for growth in other sustainable locations, such as adjoining existing villages and hamlets. The Core Strategy Review places an emphasis on the delivery of strategic sites of 200 units or more. Whilst we do not disagree that such scale of development should be planned for, the reliance on strategic sites fails to make a sufficient allowance for development in the circumstance of non-delivery of the proposed strategic sites.

The adopted Core Strategy allocated Stanton for 2,000 homes, which has not come forward and is now being proposed to be reallocated for 1,000 homes. The reconsideration of an existing strategic site allocation provides an indication to a degree of the complexities associated with the delivery of strategic sites. To secure a sustainable pattern of development, the Core Strategy Review should allow for flexibility in the supply of housing land through a range of sites being brought forward.



3. What were the options for accommodating growth and how were they considered? Have all reasonable alternatives been considered?

4. What is the basis for the conclusions on each of the growth options and are these justified?

5. How was the settlement hierarchy in Strategic Policy 1 derived? Is the methodology used to determine the hierarchy appropriate and sufficiently robust?

6. How has the level of development anticipated in different settlement categories in Strategic Policy 1 been arrived at? Does the settlement hierarchy appropriately reflect the role and function of these settlements?

Questions 3-6 above are matters that the Council need to respond to. Depending on the Council's response to the above questions, we may have further comments to make during the Examination Hearing sessions.

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?

Erewash Borough Council has accepted that it has exhausted all the brownfield land opportunities within its inset settlements across the Borough, and that the review of further Green Belt land will be inevitable. Furthermore, its persistent lack of delivery against its housing land requirement in our view identifies that the currently adopted Core Strategy has failed to deliver and therefore, a review of the Green Belt is required. Therefore, we agree that exceptional circumstances do exist to undertake a review of the Green Belt. However, we do not agree with the Council's approach for undertaking this review as per our response to Question 8, 9 and 10 under Matter 4 – The Green Belt.

9. What factors were taken into account regarding the suitability of each of the rural villages/settlements to accommodate growth? What is the basis for the conclusions in each case and are these justified?

Question 9 above is a matter that the Council need to respond to. Depending on the Council's response to the above question, we may have further comments to make during the Examination Hearing sessions.



10. How were different sites considered for inclusion as allocations? What process did the Council follow in deciding which sites to allocate?

Question 10 above is a matter that the Council need to respond to. Depending on the Council's response to the above question, we may have further comments to make during the Examination Hearing sessions.

11. How did the Council consider the viability and deliverability of sites in deciding where to allocate development?

Question 11 above is a matter that the Council need to respond to. Depending on the Council's response to the above questions we may have further comments to make during the Examination Hearing sessions.

12. How did the Council consider the infrastructure requirements of the proposed development in the Strategy and how did this inform the site selection process?

Question 12 above is a matter that the Council need to respond to. Depending on the Council's response to the above question, we may have further comments to make during the Examination Hearing sessions.

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?

The settlement hierarchy in draft Strategic Policy 1 – Housing does not take into consideration the opportunities that could be available for growth adjoining the Rural Area Settlements. The hierarchy moves from Growth within the Rural Area Settlements to New Settlements on brownfield land not in the Green Belt.

The authority acknowledges within the Spatial Portrait that “...the Borough is predominantly rural, with 15 villages and hamlets being located within the Erewash countryside...”. With limited brownfield opportunities available in the Borough, a point accepted by the authority in the Council's Response (EBC01) to the Inspector's Initial Questions (INS01), growth adjoining the Rural Area Settlements should be also assessed to ensure that other opportunities are taken into consideration.



4.0 Matter 4 – The Green Belt

Respondent Reference Number: 177 to 181, 183 and 184

Issue

Whether the approach to the alteration of the Green Belt and development within it is justified and consistent with national policy.

Question/s: Green Belt Review

8. The Council has produced Green Belt Technical Paper (EBC05). Was the Council's approach to assessing Green Belt appropriate? What are your reasons for this view?

The Strategic Growth Review Assessment (EBH1) is the only document forming part of the Evidence Base which looks at Green Belt matters. The format of EBH1 focusing on Strategic Growth Areas fails to demonstrate how the authority has reviewed all the land which forms part of the Green Belt against the purposes at Paragraph 138 of the NPPF. The absence of this information brings into question the Council's plan making process of how it has identified the 31 Strategic Growth Areas (SGA) forming part of EBH1.

We agree that the NPPF, and we note neither the PPG, make an explicit reference to a 'Green Belt Assessment' needing to be undertaken. Whilst there is no national standard for undertaking a Green Belt Assessment, good practice methodologies are identified through Green Belt Reviews in England.

The purpose of undertaking a Green Belt Assessment, is to assess the designated Green Belt against the five purposes set out at Paragraph 138 of the NPPF. The requirement of a Green Belt Review is not, as the authority makes reference to, "...to justify any potential release of land to meet identified needs" (Page 16 of EBC05). This therefore brings into question the appropriateness of the work underpinning the Strategic Growth Review Assessment (EBH1) which is being relied upon by the authority as its assessment of the Green Belt against the purposes at Paragraph 138 of the NPPF.

The approach taken by the authority does not align with how Green Belt Assessments are undertaken by other authorities as part of their Evidence Base. Based on good practice methodologies, a Green Belt Assessment should review the Green Belt as a whole against the purposes of including land within the Green Belt, followed by a further assessment of those parcels/areas found not to be contributing towards the purposes of including land within the Green Belt and assessed for potential release.

From our review of the Strategic Growth Assessment (EBH1), this suggests that the authority have identified 31 Strategic Growth Areas from the outset, in the absence of undertaking a Borough wide review of the Green Belt.



As such, how the authority identified these 31 Strategic Growth Areas is neither clear or evidenced.

The absence of a Green Belt Review Assessment means that it is difficult to quantify that the authority has not overlooked other sites, which may also be suitable for removal from the Green Belt to accommodate growth.

We therefore would welcome further clarity regarding the methodology applied by the authority to undertaking the Green Belt Review.

9. How has the assessment of Green Belt land informed the Core Strategy Review and specifically proposals to alter the Green Belt to accommodate development needs?

10. How has the Council assessed the suitability of land parcels and their contribution towards the purposes of including land in the Green Belt?

In response to Questions 9 and 10, the Green Belt Technical Paper (EBC05) and the Strategic Growth Assessment (EBH1) do not clearly evidence how the authority has identified the 31 SGA's forming part of the initial assessment. There is also a lack of evidence to support the conclusions through the assessment of these Growth Areas against the purposes of including land within the Green Belt. As such, our response to Question 8 above should also be taken into consideration in respect of Question 9 and 10.

Question/s: Exceptional Circumstances

11. Are there exceptional circumstances to alter the Green Belt in the Borough in principle? If so what are they? If not, how could housing and employment needs be met in other ways?

Erewash Borough Council has accepted that it has exhausted all the brownfield land opportunities within its inset settlements across the Borough, and that the review of further Green Belt land will be inevitable. Furthermore, its persistent lack of delivery against its housing land requirement in our view identifies that the currently adopted Core Strategy has failed to deliver and therefore, a review of the Green Belt is required. Notwithstanding this, we do not agree with the Council's approach for undertaking this review as per our response to Questions 8, 9 and 10 above.



5.0 Matter 5 – The Housing Requirement / Overall Housing Provision

Respondent Reference Number: 177 to 181, 183 and 184

Issue

Whether the Core Strategy Review has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the housing requirement and overall housing provision.

Questions

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?

The authority has persistently under delivered against its housing land requirement, contrary to the Government's objective of significantly boosting the supply of homes as set out in NPPF Paragraph 60, and has accepted this position in its response (EBC01) to the Inspector's Initial Questions (INS01). In our view, the persistent lack of housing delivery should be taken into consideration as part of a Local Plan review.

PPG Paragraph: 010 Reference ID: 2a-010-20201216 states "*the standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area.*" (our emphasis) i.e. the housing numbers, as calculated by the Standard Method, does not determine the housing requirement of an area. PPG Paragraph: 010 Reference ID: 2a-010-20201216 goes on to set out examples wherein increases may be justified, including growth strategies for the area; strategic infrastructure improvements; and taking on unmet need from neighbouring authorities. However, this is not an exhaustive list of circumstances.

Importantly, a housing requirement uplift would be more likely to deliver a step-change in housing completion rates. We also consider that an increase in the housing requirement should be utilised to support economic growth and ensure that the plan is future-proofed and provides flexibility, choice, and competition in the housing market, reflecting PPG Paragraph: 010 Reference ID: 2a-010-20201216. Whilst we acknowledge that applying a higher housing figure will require assessing additional land for release from the Green Belt, by applying the standard methodology, the authority is not addressing the shortfall in housing land supply to date.



4. Will the proposed supply of dwellings set out in Strategic Policy 1 incorporate a sufficient 'buffer' to allow for non-delivery as well as providing choice and flexibility in the supply of housing land?

No. The policy acknowledges that the housing land requirement is a minimum requirement, but it does not include for any buffer to address the circumstances of non-delivery and/or flexibility in the supply of housing land. Meeting the housing land supply is reliant on the proposed strategic housing allocations. The LPA are at risk of overlooking other large, medium and small sites in sustainable locations to deliver a buffer in the event of non-delivery but also to help meeting the housing need.

By undertaking the Strategic Growth Assessment, the very nature of this work being 'strategic' means that parcels of land have been assessed in the wider context against the purposes of including land within the Green Belt as opposed to looking at opportunities within the parcels to bring forward smaller land parcels to deliver flexibility in the land supply.



6.0 Matter 7 – Housing Land Supply

Respondent Reference Number: 177 to 181, 183 and 184

Issue

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach to housing land supply.

Question/s: 5 Year Housing Land Supply

13. What flexibility is there within the Core Strategy Review should some of the housing allocations not come forward in line with the expected timescales?

There is no flexibility in the Core Strategy Review to allow other sites which have not been allocated to come forward. The Core Strategy Review places an emphasis on the delivery of strategic sites of 200 homes or more to secure the housing requirement. However, the delivery of sites of this scale can be complex and not always guaranteed.

The authority is proposing a reduction to the proposed allocation of the remaining brownfield site of Stanton from 2,000 homes to 1,000 dwellings, now known as Stanton South. The lack of any housing delivery on this site is an example of the complexity of bringing strategic sites forward. The authority should look to complement strategic site allocation/s with policies to allow small, medium and larger scale sites to come forward through a policy compliant process.

Our client's representations to the previous rounds of consultation have proposed a number of sites to come forward, including an expansion of Strategic Policy 1.5 South West of Kirk Hallam, which offer development opportunities and should be given further consideration.

