

Core Strategy Review Representation

The consultation runs between Monday 14 March and May 9 2022.

For representations to be valid, a full name and address must be provided.

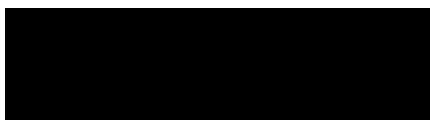
If you need to continue with more space for any of your answers, please attach further pages to this form.

All fields marked with an Asterix (*) must be completed.

Title(*)	Mr
First Name(*)	James
Surname(*)	Smith
Job Title (where relevant)	Managing Director
Organisation (where relevant)	Peveril Homes Limited
Address(*)	c/o Agent
Postcode(*)	c/o Agent
Telephone number(*)	c/o Agent
Email Address(*)	c/o Agent

Agent's details (if applicable) Include name, address, contact number and email

Mrs Kamaldeep Saini,
CarneySweeney, 156 Great Charles Street Queensway, Birmingham, B3 3HN





To which part of the Core Strategy Review does this representation relate? (one or more must be ticked)(*)

Policies

☒

Policies Map

☐

Other text

☒

Please use the box below to tell us specifically where the representation relates to (a policy, the policies map or other text). Do not use the box to make your comments as this is required further down the form.(*)

Sustainability Appraisal; Draft Policies and Spatial Structure

Do you consider the Core Strategy Review is Legally Compliant? (*)

Yes

☐

No

☒

Do you consider the Core Strategy Review is sound? (*)

Yes

☐

No

☒

Do you consider the Core Strategy Review Representation complies with the duty to operate? (*)

Yes

☐

No

☒

Please give details of why you consider the Erewash Core Strategy Review is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Core Strategy Review or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see response in our representations accompanying this form.



Please set out the modification(s) you consider necessary to make the Core Strategy Review legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Core Strategy Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see response in our representations accompanying this form.

Please note in your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?(*)

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We would welcome an opportunity to address an Inspector during any hearing sessions for the Core Strategy Review to discuss the matters raised in our representations submitted during the various stages of consultation.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination



Please use this space to continue any of your answers.

Please see our full representations accompanying this form, which includes the promotion of our client's site – Land at Grange Farm, Breaston.

Crossway
156 Great Charles Street Queensway
Birmingham
B3 3HN

kam.saini@carneysweeney.co.uk

6th May 2022

Planning Policy Team
Erewash Borough Council
Town Hall,
Wharnccliffe Road,
Ilkeston, Derbyshire,
DE7 5RP

Sent via email only: planningpolicy@erewash.gov.uk

Dear Sir/Madam,

REPRESENTATIONS TO THE DRAFT EREWASH CORE STRATEGY REVIEW (PUBLICATION VERSION) REGULATION 19 CONSULTATION ON BEHALF OF PEVERIL HOMES LIMITED AND SITE PROMOTION

Introduction

CarneySweeney are instructed by Peveril Homes Limited (referred to as 'our client' hereafter) to submit representations to the current Regulation 19 Consultation on the draft Erewash Core Strategy Review (Publication Version). Our client is also the owner of land shown edged in red on the enclosed Site Location Plan (Appendix 1), referred to as 'Land at Grange Farm, Breaston', which in the context of these representations is being promoted for development.

Whilst our client supports the Authority's approach to release land from the Green Belt to deliver new development, we have significant concerns with the Regulation 19 Consultation as it is supported by very limited evidence base as per the documents available on the Council's website (see Appendix 2 for a copy of the consultation page). The absence of a robust evidence base brings into question the soundness of the plan-making process as there is no clear justification for the proposed approach, which again raises the significant concern that the Authority has not fully assessed all reasonable opportunities for growth in the Borough.

These representations are therefore submitted in response to the consultation questions forming part of this Regulation 19 Consultation, in the context of the matters set out above with regards to the Sustainability Appraisal and Draft Strategic Policy 1 – Housing; with the promotion of our client's site.

Do you consider the Core Strategy Review is Legally Compliant?

No. The Core Strategy Review fails to be supported by appropriate evidence base documents to justify the proposed approach for the distribution of housing growth in the Borough ((see Appendix 2 for a copy of the consultation page). Furthermore, the Sustainability Appraisal for this Regulation 19 consultation has failed to demonstrate that the authority has considered reasonable alternatives to accommodate growth.

Guidance on the preparation of a Sustainability Appraisal (SA) during the plan-making process is set out in the Planning Practice Guidance (PPG) dated March 2014 (as amended), where Paragraph 001 Reference ID: 11-001-20190722 states as follows:



“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...” (Underlining is our emphasis).

As such, to assess the extent to which an emerging plan will help achieve relevant environment, economic and social objectives, there is an obligation on the authority that such an assessment is judged against reasonable alternatives.

Whilst the Sustainability Appraisal summarises the various ‘housing growth’ options, it fails to set out firstly, the options for calculating the Objectively Assessed Housing Need (OAHN), and secondly, how the various housing growth ‘options’ have been assessed against the delivery of the preferred OAHN figure against environmental, economic and social objectives.

We would expect the Sustainability Appraisal to assess reasonable alternatives in identifying the Borough’s OAHN. For example, through applying the Standard Methodology as required by Paragraph 61 of the National Planning Policy Framework (published July 2021) but also applying a ‘buffer’, which would be a reasonable alternative in light of the authority having under delivered against their housing requirement in previous years. This continues to be reflected in the recent Housing Delivery Test 2021, which shows Erewash Borough Council as a ‘buffer’ authority due to a lack of housing delivery between the period of 2018-2021, with 782 dwellings being delivered in this period against a housing requirement of 990 dwellings i.e. 79% delivery rate. The lack of housing delivery should therefore be taken into account as part of any housing need for the emerging plan period.

In our view, the SA does not currently provide a sound appraisal that supports the proposed strategy for the Core Strategy Review as it has not had regard to all reasonable alternatives.

Do you consider the Core Strategy Review is sound?

No. The Regulation 19 consultation fails to meet the tests of soundness as required under Paragraph 35 of the National Planning Policy Framework (NPPF) as it has not been positively prepared or justified in the absence of appropriate evidence base documents.

Part 1 of Draft Strategic Policy 1 – Housing, refers to an Objectively Assessed Housing Need (OAHN) of 5,800 net new homes. There is no evidence accompanying this Regulation 19 Consultation which demonstrates how the authority have calculated the OAHN and so cannot be viewed as being positively prepared or justified. The authority has not included a Housing Land Supply Statement in support of this Regulation 19 Consultation. In the absence of this, through our separate research, we have found that within the authority’s 5 year land supply statement – dated December 2019, the authority is found to have a 3.43 years supply. But, this document and neither any updated version forms part of documents supporting this Regulation 19 Consultation.

The authority has been under delivering against its housing need, which is reflected in the Housing Delivery Test 2021, but also previous Housing Delivery Test results, and so it is unclear if the proposed OAHN takes account of this.

The Settlement Hierarchy at Part 2 of Draft Strategic Policy 1 Housing also proposes the allocation of land into the Green Belt. Paragraph 140 of the NPPF outlines that *“once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans...”* (Underlining is our emphasis).

Our client does not necessarily disagree that the authority would need to look at land within the Green Belt, but there is no evidence of the authority undertaking a Green Belt Review Assessment. It is noted that the Strategic Growth Assessment (dated March 2021) supporting this Regulation 19 consultation includes an assessment of proposed allocations against the five purposes for including land within the Green Belt, which are set out at Paragraph 138 of the NPPF.



However, this does not represent a Green Belt Review Assessment in the context of justifying the exceptional circumstances to remove land from the Green Belt and demonstrating that the most suitable sites have been identified to accommodate growth. 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.

Do you consider the Core Strategy Review Representation complies with the duty to cooperate?

No. Paragraph 24 of the National Planning Policy Framework (NPPF) states that *“local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”* There is no evidence within the consultation documents of Erewash Borough Council having undertaken their duty to cooperate with the adjoining authorities or prescribed bodies etc. as required under Paragraph 24 of the NPPF. This means that it is unknown if the Objectively Assessed Housing Need (OAHN) within Draft Strategy Policy 1 – Housing, has taken account of any unmet need outside the authority's administration area, and therefore, is unlikely to have been prepared effectively as required under the tests of soundness at Paragraph 35 of the NPPF.

Site Promotion – Land at Grange Farm, Breaston

Our client's site is located in the Green Belt, comprising 2.88 hectares (ha) of land abutting the eastern boundary of Breaston Village. The site is greenfield and has no existing buildings. The M1 motorway abuts the eastern boundary of the site, which is screened by existing on site landscaping. The A6005 abuts the northern boundary and again, part of the northern boundary has existing landscaping. The Golden Brook sits along the southern boundary of the site. The site is not shown to be at risk of flooding as per the gov.uk online flood mapping facility, but it is noted that the southern boundary of the site and the land beyond is located within an area of flood risk. The extent of land is shown on the location plan included at Appendix 1 of these representations.

The site is in a sustainable location in close proximity to both existing services and transport linkages offering connectivity as it abuts Breaston Village. Breaston also offers a wide range of everyday facilities and is identified as a “larger settlement” in the currently adopted Core Strategy along with Draycott, West Hallam and Borrowash. We do not agree with the authority reclassifying Breaston as a ‘village and hamlet’ within the proposed Spatial Structure in the Core Strategy Review. Breaston is a sustainable settlement within the Borough and sits in good proximity to both Nottingham to the east and Derby to the west and so is capable of accommodating a proportionate level of development, which our client's site offers.

We note that the position of the site next to the M1 Motorway will require matters relating to noise and air quality to be fully assessed and mitigated as necessary. However, the sites position next to the M1 Motorway should not preclude it being considered in the context of the principle for redevelopment potential in the first instance.

With this parcel of land falling in the Green Belt, its proposed removal has been assessed against the provisions of Paragraph 138 of the NPPF, which identifies the five purposes for including land in the Green Belt as follows:

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

In assessing our client's site against the five purposes of including land within the Green Belt, we comment as follows:



- **Green Belt Purpose a): Checking the Unrestricted Sprawl of Large Built-Up Areas** - The site is not isolated from the existing built form of Breaston as it abuts the village along its western boundary and the M1 to the east, which is a physical barrier between Breaston and Long Eaton on the adjacent side of the M1. As such, its release from the Green Belt would not result in unrestricted sprawl of large built up areas and would not therefore conflict with Purpose a).
- **Green Belt Purpose b): Preventing the Merging of Neighbouring Towns** – Our client's site would not result in the merging with another town as it comprises a parcel of land abutting Breaston with the M1 motorway along its eastern boundary. As commented above in respect of Purpose a), the M1 motorway forms a physical barrier between Breaston and Long Eaton and so the release of the site from the Green Belt would not conflict with Purpose b).
- **Green Belt Purpose c): Safeguarding the Countryside from Encroachment** – The site is not isolated or disconnected from Breaston. When viewed in the context of Breaston Village as a whole, which is identified as a larger settlement within the adopted Core Strategy, we do not believe that this site would lead to an unacceptable level of development in the context of Purpose c).
- **Green Belt Purpose d): Preserve the Setting and Special Character of Historic Towns** – The site is not located within a Conservation Area and neither does it contain other heritage designations. Therefore, we do not believe that the development of this site would result in unacceptable heritage harm in the context of Purpose d).
- **Green Belt Purpose e): To assist in urban regeneration, by encouraging the recycling of derelict and other urban land** – Due to the site being greenfield, it is acknowledged that it's development would not assist in the regeneration of derelict or other urban land. However, the authority accepts there is insufficient brownfield sites within the Borough to meet the identified need and so the release of this site would not conflict with Purpose e).

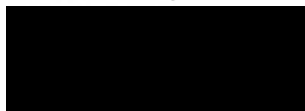
Overall, the release of this site for development would not result in significant impact on the five purposes of including land in the Green Belt and represents an appropriate redevelopment site to accommodate growth in a sustainable location.

Summary and Conclusions

As noted above, whilst our client supports the authority's approach in releasing land from the Green Belt to accommodate growth, as discussed in detail above, there are significant concerns with the Regulation 19 Consultation as there is a very limited evidence base to justify the authority's proposed approach. Therefore, we do not consider the consultation meets the tests of soundness as required under Paragraph 35 of the NPPF as it has not been positively prepared or justified. Prior to any submission of the draft Core Strategy Review to the Secretary of State for Examination, we request that the authority publish the supporting evidence base for a re-consultation process. Our client's site, which is in the Green Belt, has been demonstrated above to be a suitable and deliverable site, and one that would not conflict with the purposes of including land within the Green Belt and should be reconsidered by the authority as a proposed allocation.

We trust that our representations will be taken into account as part of the ongoing preparation of a Core Strategy Review.

Yours faithfully,



Kam Saini
Director
CarneySweeney
Enc.



APPENDICES

Appendix 1 Location Plan – ‘Land at Grange Farm, Breaston’

Appendix 2 Copy of Erewash Borough Council's Regulation 19 Consultation webpage.



Appendices



Appendix 1



Appendix 2

