

Erewash Core Strategy Review Examination Response to Matters, Issues & Questions (MIQs)

Main Matter 2: The Duty to Co-operate

Issue:

Whether the Council has complied with the duty to co-operate in the preparation of the Core Strategy Review

Questions:

Housing Provision

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

Migration, commuting and housing market inter-relationships are by definition conjoined, and have been recognised through the establishment of Housing Market Areas. As set out in Appendix 2 to EBC01 (the Council's response to the Inspector's initial questions in INS01), the 2018 Nottingham Core Market Area Boundary Study prepared on behalf of the Nottingham Housing Market Area concluded that Erewash Borough fell within that Housing Market Area. Conversely the 2018 Derby Housing Market Area study prepared on behalf of the Derby Housing Market Area concluded that Erewash Borough was not in that Housing Market Area. These findings reflect the far higher level of migration, commuting and housing market interaction between Erewash Borough and the Nottingham Core Housing Market Area than between Erewash Borough and the Derby Housing Market Area. This is due to the fact that 75% of the population of Erewash is located in the Long Eaton and Ilkeston Urban Areas that abut the Nottingham Conurbation, with the remaining rural area being split between facing the Nottingham Conurbation and Derby City, leaving only 16% of the population of Erewash living on the fringe of Derby City in the Derby Travel to Work Area.

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?

The Government's standard methodology for the assessment of OAN is by definition carried out on a local planning authority area basis. Because the Council cannot deliver that level of housing without building in the Green Belt, all local planning authorities across both the Nottingham Core and Derby Housing Market Areas were requested to take some of that housing growth. As evident from the statements of common ground and duly made representations of those Housing Market Areas and local planning authorities, no such offers were received. Conversely, as can also be

seen from the statements of common ground and duly made representations of those Housing Market Areas and local planning authorities, so far no requests for Erewash Borough to accommodate the housing needs of neighbouring authorities have been made either.

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

As set out in Appendix 2 to EBC01, the Council is a member of the Nottingham Core Housing Market Area Joint Planning Advisory Board (JPAB), and an observer of the Derby Housing Market Area Joint Advisory Board (JAB). Engagement has taken place through formal meetings of these bodies, and through the informal officer meetings associated with those bodies.

4. Paragraph 141 of the National Planning Policy Framework identifies that before concluding that exceptional circumstances exist to justify changes to 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?

As indicated in the responses to Questions 2 & 3 above, informal discussions were held with both the Nottingham Core and Derby Housing Market Area partnerships on this issue, alongside formal requests made through the Regulation 18 consultations. As indicated in the statements of common ground and duly made representations of those Housing Market Areas and their constituent local planning authorities, no offers to take additional housing in order to reduce pressure on the Erewash Green Belt were received.

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

Given that the Council cannot accommodate its own OAN without building on the Green Belt, it is self-evident that any additional provision from other local planning authorities would also be on the Green Belt. In respect to the Nottingham Core Housing Market Area, such provision is not required due to the substantial Green Belt releases in Rushcliffe Borough made through the last round of local plans. In respect to the Derby Housing Market Area, the abundant availability of non-Green Belt land in each of that Housing Market Area's constituent local planning authorities makes such provision inappropriate.

6. In the statement of Common Ground with the Derby Housing Market Area it was agreed that housing is a strategic cross-boundary issue between Erewash Borough and Derby Housing Market Area, but that the Derby HMA were

not able to progress any further wording of a Statement of Common Ground at the time of writing. Do parties still take the same view?

At the time of writing, the Council has had no update on that matter from the Derby Housing Market Area. This is despite a direct question to that effect being put to the Derby HMA Joint Advisory Board on 20/02/2024.

7. In the Statement of Common Ground with Derby City Council reference is made to education, affordable housing and highways matters. In response to the Inspector's initial questions Erewash Borough Council identified that further engagement with the City Council would seek to resolve the outstanding matters. What is the most up to date position of the parties on this matter?

The Council has endeavoured to progress these matters further by drafting a separate statement of common ground on education with both Derby City and Derbyshire County Council Local Education Authorities, and progressing further the statement of common ground on the remaining issues with Derby City. Despite a meeting with the Local Education Authorities, and the submission of a revised draft statement of common ground to them on 26/10/2023, no further response has been received from them since. A copy of that draft statement of common ground is attached at Appendix 1 to this hearing statement.

A response was received from Derby City to the draft statement of common ground on 14/12/2023. A copy of the latest draft of that statement of common ground is attached at Appendix 2 to this hearing statement.

It has subsequently been noted that Derby City do not recognise the attachment in Appendix 2 as a statement of common ground. That view is wrong as a matter of fact: the statement accurately reflects the strategic cross-boundary issues between the two planning authorities and where areas of disagreement lie. Derby City have not proposed any additional changes to that statement. It would have aided the entire process had Derby City understood that a statement of common ground is one that sets out areas of agreement and disagreement, and is not just a statement agreeing to whatever it is Derby City want at the time.

8. The Statement of Common Ground with Amber Valley Borough Council and Derbyshire County Council identify a number of areas of disagreement. Have any of the matters identified been resolved? Is it considered that the remaining matters of disagreement relate to matters of soundness rather than the Duty to Cooperate?

The issue of the impact on the Green Belt between Ilkeston in Erewash Borough and Heanor in Amber Valley Borough has not been resolved. The issue that Derbyshire County Council is not a strategic planning authority has not been resolved. It is considered that these matters relate to soundness and not to the Duty to Cooperate.

9. The Planning Practice Guidance (PPG) states that Inspectors will expect to see that strategic plan 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 advised that plans may still be submitted for examination but states that comprehensive and robust evidence of the efforts made to cooperate, and any outcomes achieved, will be required. Has the Council's approach been consistent with the advice in the PPG?

Yes. In respect to the Nottingham Housing Market Area, there are no strategic cross boundary issues to address. In respect to Derby Housing Market Area, even though the Derby Housing Market area do not, at the time of writing, know what they want, whatever it is there is no requirement to address it through the Core Strategy Review.

In respect to Derby City, the strategic cross boundary issue of the impact on education has been addressed in the policies allocating housing development on their boundary, as supported by the evidence extracted from the Local Education Authorities by a Freedom of Information Request. The substantive strategic cross boundary issue of impacts on Derby City's transport network has been addressed through Derby City's engagement with the transport modelling evidence that has identified the two junctions in Derby City where improvements would be sought through subsequent planning applications. The non-substantive issues of Derby City's desire to allocate residents to any affordable housing generated by schemes on their border, and their unevidenced claim that the proposals are not in sustainable transport locations, can be addressed as matters of soundness.

Economic Growth / Employment Land Provision

10. What are the cross-boundary issues relating to economic growth and employment land provision?

No strategic cross-boundary issues relating to economic growth or employment land provision have been identified by any Duty to Cooperate party.

11. Who has the Council engaged with on economic growth / employment land matters? When did this engagement take place and what form did it take? What was the outcome of this engagement?

As indicated in the responses to Questions 2 & 3 above, informal discussions were held with both the Nottingham and Derby Housing Market partnerships on this issue, alongside formal requests made through the Regulation 18 consultations. In particular, the issue of the over-allocation of employment land at Stanton North was specifically raised with the Nottingham Housing Market Area. As a result, no strategic

cross-boundary issues relating to economic growth or employment land provision have been identified by any Duty to Cooperate party.

The Nottingham Core and Outer HMA logistics study (EBE 2) was not published until August 2022, three months after statutory consultation on the Publication Draft of the Erewash Core Strategy Review had concluded. It was therefore produced too late to influence the development of the plan. In any case, the study concludes that adequate provision is already being made in the combined housing market areas to meet their own logistics needs. The study does not usefully consider the geographical scale at which additional regional and national distribution needs should be assessed.

12. What is the position of other authorities in terms of the Council's approach to these issues? What specific concerns were raised through the duty to cooperate discussions or representations on the Core Strategy Review and have they been resolved?

No strategic cross-boundary issues relating to economic growth or employment land provision have been identified by any Duty to Cooperate party.

Other Strategic Matters

13. Are there any other strategic matters and if so have they been addressed through cooperation and what was the outcome?

No other strategic cross-boundary issues have been identified by any Duty to Cooperate party.

Overall

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?

As set out in Appendix 2 to EBC01, and the answers to question 1 to 14 above, it is considered that the Council has engaged actively, constructively and on an ongoing basis to maximise the effectiveness of the preparation of the Core Strategy Review.

Appendix 1 - Duty to Cooperate Statement of Common Ground Between Erewash Borough Council and both Derby City Council and Derbyshire County Council Local Education Authorities at 26/10/2023

The potential impact of the allocation of around 600 homes adjacent to Derby City by Strategic Policy 1.3 Acorn Way and of around 200 homes adjacent to Derby City by Strategic Policy 1.4 North of Spondon on education provision in Derby City is a strategic cross-boundary issue.

On this issue, it is common ground that:

Strategic Policy 1.3 Acorn Way

In respect to the site allocated for around 600 homes adjacent to Derby City by Strategic Policy 1.3 Acorn Way:

The proposed housing allocation is in the catchment areas of:

- Cavendish Close Infant School, Chaddesden, Derby,
- Cavendish Close Junior School, Chaddesden, Derby, and
- Lees Brook Community Sports College, Chaddesden, Derby.

A development of around 600 homes would generate:

- Around 72 infant school pupils (Reception, Year 1 & Year 2),
- Around 96 junior school pupils (Years 3, 4, 5 & 6), and
- Around 120 secondary school pupils (Years 7, 8, 9, 10 & 11).

The current capacity of schools in the catchment area is:

- Cavendish Close Infant School, 17 places,
- Cavendish Close Junior School, 46 places, and
- Lees Brook Community Sports College, 54 places.

The allocation would therefore create a current demand for around:

- Around 55 new places at Cavendish Close Infant School,
- Around 50 new places at Cavendish Close Junior School, and
- Around 66 new places at Lees Brook Community Sports College.

At Derby City Local Education Authority's current contribution rate of £19,483 per primary school pupils place and £29,321 per secondary school pupil place this would equate to a current requirement for a financial contribution of:

- Around £1,071,565 towards new places at Cavendish Close Infant School,
- Around £974,150 towards new places at Cavendish Close Junior School, and

- Around £1,935,186 towards new places at Lees Brook Community Sports College.

Strategic Policy 1.4 North of Spondon

In respect to the site allocated for around 200 homes adjacent to Derby City by Strategic Policy 1.4 North of Spondon:

The closest schools to the proposed housing allocation are:

- Borrow Wood Primary School, Spondon, Derby and
- West Park Secondary School, Spondon, Derby.

A development of around 200 homes would generate:

- Around 56 primary school pupils (Reception & Years 1, 2, 3, 4, 5 & 6),
- Around 40 secondary school pupils (Years 7, 8, 9, 10 & 11).

The current capacity of schools in the catchment area is:

- Borrow Wood Primary School, 95 places,
- West Park Secondary School, 0 places.

The allocation would therefore create a current demand for around:

- Around 0 new places at Borrow Wood Primary School,
- Around 40 new places at West Park Secondary School.

At Derby City Local Education Authority's current contribution rate of £19,483 per primary school pupils place and £29,321 per secondary school pupil place this would equate to a current requirement for a financial contribution of:

- Around £0 towards new places at Borrow Wood Primary School,
- Around £1,172,840 towards new places at West Park Secondary School.

Notwithstanding the above, the site allocated by Strategic Policy 1.4 North of Spondon is in the normal school area of:

- St Andrew's Church of England Primary School, Stanley, Derbyshire and
- Kirk Hallam Community Academy, Kirk Hallam, Derbyshire.

However, both of those schools are significantly further away from the allocation site than the schools in Spondon, neither is reasonably accessible by walking or cycling as are the schools in Spondon, and St Andrew's Primary is not accessible by public transport either.

General Issues

It is acknowledged that the details of vacancies at the schools identified above will change over time, and could either increase or decrease.

Areas of Disagreement

Derbyshire County and Derby City Local Education Authorities consider that the issue of how best to accommodate demand arising from these two housing allocations should be dealt with through their existing protocol at the time that applications are made, so that the circumstances at the time can be taken into account.

Erewash Borough Local Planning Authority considers that the evidence of the response of Derbyshire County Council to the current planning application for housing at Land North of Spondon (which has been to request financial contributions towards increased provision at St Andrews Primary School in Stanley and Kirk Hallam Community Academy in Kirk Hallam) demonstrates that the protocol is not effective in managing this issue, and that the clear requirement for the contributions to go to schools in Derby City included in policy 1.3 and 1.4 as drafted is necessary to ensure sustainable development.

Appendix 2 - Duty to Cooperate Statement of Common Ground Between Erewash Borough Council and Derby City Council at 15/12/2022

Housing distribution will be subject to a separate Statement of Common Ground between Erewash Borough Council and the Derby Housing Market Area.

Education provision will be subject to a separate Statement of Common Ground between Erewash Borough Council, Derby City Council Local Education Authority and Derbyshire County Council Local Education Authority.

The remaining bi-lateral strategic cross boundary issues between Erewash Borough Council and Derby City Council are the impact of housing allocations at land west of Acorn Way and north of Spondon on affordable housing provision and transport in Derby.

Affordable Housing Provision

Erewash Borough Council does NOT agree that:

- Derby City Council should have nomination rights to affordable housing provided by the housing allocations at Acorn Way or north of Spondon.

Transport

It is common ground in relation to the site allocated for around 600 homes adjacent to Derby City by Strategic Policy 1.3 Acorn Way that:

- Access to the site is available from the adopted highway at Morley Road in Derby City.
- The opposite side of Morley Lane has access to the following surfaced pathways, providing off-road routes for pedestrians and cycles:
 - Paths linking Ashgrove Court and Rosemoor Lane
 - Path linking Beesthorpe Close and Swinderby Drive
 - Public Footpath Chaddesden 12 to Oakwood Park
 - Paths to Fiskerton Way
- The adjoining stretch of Morely Road includes the Beesthorpe Close bus halts, which are served hourly by the No.32 bus from Ilkeston to Derby.
- Core Strategy 1.3 includes requirements for creation of at least two junctions with suitable pedestrian access onto Morley Road, and financial contributions to increase the frequency of bus services along Morley Road.

It is common ground in relation to the site allocated for around 200 homes adjacent to Derby City by Strategic Policy 1.4 North of Spondon that:

- Access to the site is available from the adopted highway at Dale Road.
- The adjoining stretch of Dale Road carries the half-hourly Ilkeston Flyer bus service from Ilkeston to Derby.

- Core Strategy 1.4 includes requirements for creation a new vehicular junction and pedestrian access on to the A6096 Dale Road, associated pair of bus halts, and a pavement along the west side of the A6096 Dale Road to Spondon.

Derby City Council does NOT agree that:

- The site at Acorn Way is half a mile from Oakwood District Centre, less than half a mile from Lees Brook Community College, and one mile from Cavendish Close Junior and Infant Schools.
- The site North of Spondon is a mile from Spondon District Centre, one and a half miles from West Park Secondary School, and half a mile from Borrow Wood Primary School.
- The principle of development on land west of Acorn Way or north of Spondon are sustainable, due to being in car dependent locations.