

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

Matter 9: Transport and Infrastructure

Issue

Whether the approach to transport and infrastructure is justified, effective and consistent with national policy.

Relevant Policies: 4 and 5

Questions

1. What are the key infrastructure requirements of the Core Strategy Review?

Key infrastructure requirements of the Core Strategy Review are set out and justified within its strategic policies. The Infrastructure Delivery Plan (IDP) (**see document EBC06**) compiles the more significant of these requirements and also provides a more detailed analysis of assumed education related contributions based on information the Borough Council was able to obtain through Freedom of Information (Fol) requests in the absence of any data from the relevant local education authorities in response to any of the public consultations undertaken. Additionally, the transport assessment report (**see document ETB1.1**) identifies a schedule of public transport and active mode and highways mitigation measures as part of its proposed plan-wide mitigation strategy (within Phase 2 and Phase 3 respectively). The Borough Council considers that where these measures are not explicitly required by policy wording within the Core Strategy Review, they should be sought where supported by localised transport and travel assessments which are undertaken to inform development site planning applications. The retention of Policy 14 – Managing Travel Demand, Policy 15 – Transport Infrastructure Priorities, Policy 18 – Infrastructure and Policy 19 – Developer Contributions of the Erewash Core Strategy are able to accommodate this approach.

2. Paragraph 104 of the National Planning Policy Framework (NPPF) states that transport issues should be considered from the earliest stages of plan making. How has this been done?

Transport issues have been considered in a variety of manners across the evidence base from the earliest stages of plan making.

Sustainability Appraisal

The Sustainability Appraisal (**see document CD4**) considered the overall sustainability of emerging Core Strategy Review proposals and all reasonable alternatives via several stages of assessment over the course of local plan production, including at the earliest Growth Options stage (prior to Regulation 18 consultation). Sustainability Objective 8 – Transport allowed for a specific appraisal of potential impacts from emerging proposals (and reasonable alternatives) on

transport related issues including the use of existing infrastructure, impact from traffic and infrastructure on the environment, promotion of cleaner modes of travel and effects on levels of accessibility. For housing allocation options in particular, this provided a good insight into their level of sustainability in transport terms (including their effect on the environment). Policy options contained within Strategic Policy 4 (Transport) were also tested.

SGA Assessments

Prior to consultation on Regulation 18.1, site focussed appraisals (**see document EBH1**) were carried out which included a non-technical assessment of vehicular access arrangements and a junction capacity analysis. This work identified appropriate access points to sites and likely impacts from development on nearby junctions and was part of the overall assessment of the suitability of different sites as potential housing allocations. This work was updated, where required, in response to any changes to potential site allocations or their circumstances which emerged through the various stages of public consultation undertaken. The SGA Assessments also provided analysis which contributed to the assessment of the transport objective within the Sustainability Appraisal as described above.

Strategic Transport Assessment (Systra)

In February 2022 (between Regulation 18.1 and 19 consultations), Systra were commissioned to carry out a strategic level transport assessment (using the East Midlands Gateway Model) to test the emerging preferred options identified by the Borough Council following two rounds of public consultation (**see document EBT1.1**). The options tested amounted to the version of the Core Strategy Review which was later consulted on at Regulation 19 in March 2022 and eventually submitted to the Inspectorate for Examination in November 2022. The Borough Council felt strongly that a set of proposals needed to be adequately progressed prior to being open to plan-wide transport assessment and that this approach also aligns with the NPPFs call for proportionate evidence which should be focussed tightly on supporting and justifying the policies concerned (Paragraph 31). Throughout the transport assessment process, key stakeholders were engaged (including National Highways and adjacent Local Highways Authorities – Derbyshire and Nottinghamshire County Councils and Derby City Council) and had direct influence over the evolution of the work.

Critically, stakeholders were instrumental in developing appropriate mitigation options for the transport assessment to test, including highway mitigation measures contained at Section 4.3 of the report. The culmination of measures tested in the report results in sufficient levels of plan-wide mitigation. Where appropriate these mitigation proposals are included within Core Strategy Review proposals. Otherwise, their implementation will be contingent upon outputs from localised Transport Assessments attributed to each of the development proposals as elaborated on in more detail in response to Question 1 above.

Latest position

The Borough Council recently sought clarification from National Highways over their position with regards to the findings of the Strategic Transport Assessment in response to queries they raised in their original hearing statement submission to the Examination. In it they were concerned that there was modelling they had not seen, and that Derby City may seek additional mitigation on their network which would have the potential to impact on National Highway's network. The Borough Council confirmed to National Highways that they had seen all the modelling (including specifically the modelling which included the proposed junction improvements at Acorn Way/ Raynesway) and that Derby City had not requested any additional mitigation on their network including within their own hearing statement submission to the Examination. National Highways confirmed in response that they are content with the transport evidence and have no further comments.

In consideration of the above, the Borough Council considers it has appropriately addressed points under Paragraph 104 of the NPPF in developing proposals within the Core Strategy Review, whilst having regard to provisions of Paragraph 31.

3. Paragraph 20 of the NPPF identifies that strategic policies should make sufficient provision for amongst other things new infrastructure including community facilities (such as health, education and cultural infrastructure). Is the Core Strategy Review consistent with this?

New infrastructure requirements of the Core Strategy Review are set out and justified throughout its strategic policies in line with requirements of Paragraph 20 of the NPPF. These have been identified as a proportionate response to Core Strategy Review proposals. The IDP (**see document EBC06**) compiles the more significant of these requirements. They include infrastructure for transport such as proposals of Strategic Policy 4 as well as requirements attributed to each of the proposed allocations including education provision.

In support of and in addition to specific requirements of the Core Strategy Review, Policy 18 – Infrastructure of the Erewash Core Strategy (March 2014) is being saved and this requires new development to be supported by the required infrastructure at the appropriate stage. It is a fact therefore that in addition to the specific strategic infrastructure requirements set out within the Core Strategy Review, direct provision or contributions can be sought via Policy 18 from development proposals which give rise to the need for new infrastructure based on an assessment of proposals coming forward as part of the planning application process. In further support of this, Policies 14 - Managing Travel Demand, 15 - Transport Infrastructure Priorities and 19 - Developer Contributions of the Core Strategy are all being retained and taken together will enable the provision of appropriate infrastructure at the right time.

In terms of cultural infrastructure, Policy 13 - Culture, Sport and Tourism of the Core Strategy will be saved and this sets out how further provision of culture, sport and tourism facilities will be supported. It also requires as a starting point the protection of existing facilities and sets out what is required in response to the loss of any facilities to development. The Borough Council has also undertaken a Playing Pitch Strategy (PPS) (**see document EBEN2**) to establish any requirements for strategic or non-strategic sport and recreational needs in response to the planned strategic

growth arising from allocations. The PPS does not identify a need for the proposed allocations of the Core Strategy Review to provide additional sporting facilities. Notwithstanding this, Policy R5 of the Saved Policies document is also being saved and this provides additional protections for existing sports facilities, as well as public open space and allotments, informed by an appropriate evidence base such as the aforementioned PPS as well as the Open Space Needs Assessment (see document **EBEN1**).

The local Integrated Care System (formally the Erewash Clinical Commissioning Group (CCG)) did not make known any facility requirements in response to any of the public consultations undertaken in development of the Core Strategy Review and thus none are proposed through the Core Strategy Review. Notwithstanding this fact, strategic policies of the Core Strategy Review do contribute to addressing health issues through infrastructure provision, such as through the promotion of active travel (especially via Strategic Policies 4 and 5) and in any case, Core Strategy Policies 18 – Infrastructure and 19 – Developer Contributions provide a strong basis for health provision to arise from development should the need be identified through the planning application process.

Strategic policies 1.1-2.1 all require new infrastructure intrinsic to the sustainability of the proposed allocations. For example, Strategic Policy 1.1 – Strategic Housing Sites requires a broad diversity of new infrastructure to be delivered on each of the proposed allocations through appropriate design including in relation to green infrastructure, open space, pedestrian connectivity and sustainable urban drainage. Each of the individual allocation policies build on these base requirements and call for site specific infrastructure measures.

In consideration of the above, the Borough Council believes the Core Strategy Review is consistent with provisions of Paragraph 20 of the NPPF.

4. What mechanisms will there be to ensure necessary infrastructure is provided? How will the mechanisms be reviewed and kept up to date?

As detailed already within this hearing statement, necessary infrastructure is directly required and justified through strategic policies of the Core Strategy Review (with significant infrastructure requirements also listed within the IDP (**see document EBC06**)). A range of other infrastructure enabling policies within the existing Core Strategy are also being retained – such as those mentioned in response to Question 3. The granting of planning permission for proposals which accord with the Core Strategy Review (including through the use of appropriate conditions) and Local Plan as a whole (including the saved policies of the existing Core Strategy) will therefore be the primary mechanism by which necessary infrastructure will be delivered. In setting out infrastructure requirements in the Core Strategy Review, the Borough Council is confident of their deliverability, and this is further supported by findings of the Viability Assessment (**see documents EBC04 and EBC10**).

Strategic policies of the Core Strategy Review and their progress and effectiveness will be subject to ongoing monitoring via the annual Authorities Monitoring Report (AMR); a requirement set out in Section 113 of the Localism Act 2011. The AMR

therefore will monitor delivery of infrastructure as fundamental components of strategic policies of the Core Strategy Review. Additionally, the Infrastructure Funding Statement (IFS) which the Borough Council is required to complete and submit to Government annually monitors Section 106 progress and, as such, provides an additional avenue through which to monitor the delivery of infrastructure required by the Core Strategy Review. Indications of failure of the Core Strategy Review to ensure necessary infrastructure is provided - as identified through either of these mechanisms - could ultimately result in a review and update of policies themselves through a Local Plan Review.

5. Should Policy 4 include requirements related to rail crossings?

A proposed strategic housing allocation North of Lock Lane was removed from Core Strategy Review proposals following Regulation 18.1 consultation as a result of access constraints associated with its location adjacent to the railway line and being dependent on vehicular and pedestrian access via an existing level crossing. This was partly in response to an objection to the allocation by Network Rail. Since this modification, the Borough Council is of the view that the Core Strategy Review does not contain any proposals which pose risk to the safe functioning of existing railway crossings; nor do any proposals rely on the implementation of new or changes to existing crossings. With this in mind, it would not be justified to contain within Strategic Policy 4 any additional requirements relating to rail crossings.

6. Should policy 4 include reference to the Derby and Sandiacre Canal?

The route of the Derby and Sandiacre Canal is already a functioning route which provides for National Cycle Route 6. It is safeguarded from development by Policy R4 of the Local Plan Saved Policies 2005 (amended 2014) document which protects the route within Erewash from any development which might prejudice the reinstatement of the former canal. Policy R4 is proposed to be saved. In view of this, it is not considered justified for Strategic Policy 4 to contain separate provisions for the route.

7. What evidence is there to support the requirement for the Kirk Hallam Relief Road? How will it be funded and when will it be delivered?

The relief road proposal is an essential component of the Core Strategy Review Spatial Strategy. It is primarily a response to the scale of development proposed through the Core Strategy Review but is required on several grounds. In summary, it will:

- Provide appropriate access to the largest of the preferred housing allocations (South West Kirk Hallam);
- Provide a new defensible Green Belt boundary;

And, critically it will:

- Help mitigate effects from the growth proposals of the Core Strategy Review in particular proposals at South Stanton and Stanton North

(Strategic Policies 1.2 and 2.1 respectively) and South West Kirk Hallam (Strategic Policy 1.5).

The concept of a relief road at the same broad location goes back as far as evidence to support the Stanton Regeneration Site SPD produced in 2016. This found that any development at the former Stanton Ironworks site would significantly increase traffic flow through Kirk Hallam, and that a relief road at this location would provide a clear shift in that traffic flow away from the centre of Kirk Hallam. It was this evidence which established the principle of a relief road as potentially having a role to play in the Borough in mitigating highways impacts from future growth. The Borough Council has already granted planning permission for employment provision at Stanton North and it is clear that significant levels of traffic will be generated from a strategic-scale regeneration site and that a relief road is justified on the basis of these proposals alone although the Core Strategy Review proposes significant further growth; in particular proposals at Strategic Policy 1.2 (1000 dwellings) and 1.5 (1300 dwellings).

The South West Kirk Hallam site to be allocated under Strategic Policy 1.5 was promoted to the Borough Council and was tested in the same way all other site options were – through the Sustainability Appraisal (**see document CD4**) and Strategic Growth Area Assessments (**see document EBH1**). The version of the site ultimately included within the submission version of the Core Strategy Review was included because it was found to be one of the most sustainable options for housing growth (assessed within Sustainability Appraisal 3 – Housing Allocations), also falling within the sustainable ‘Extension of the Town’ Growth Option tested in Sustainability Appraisal 1 – Growth Options. Even at Regulation 18 when the site proposed was smaller (c. 600 dwellings), it was clear that access would need to be achieved via a new road (and not via Kirk Hallam) and as described above, it was expected that this road would be able to provide mitigation to highways impacts resulting from Core Strategy Review growth proposals. As such, the road became an intrinsic part of the emerging spatial strategy.

The Transport Assessment undertaken by Systra (**see document EBT1.1**) – detailed further in answer to Question 2 of this hearing statement – demonstrates that the relief road provides mitigation to Core Strategy Review growth proposals. Specific findings can be viewed within Section 5 and 6 of the report.

The Kirk Hallam Relief Road will be entirely funded by the development at South West Kirk Hallam. The South West of Kirk Hallam update to the Viability Assessment (**see document EBC04a**) confirms that all proposals set out in Policy 1.5 of the Core Strategy Review – including delivery of the relief road – remain viable when taking into account the site promoter’s proposed reduction in dwelling capacity from 1,300 to 1,000. The Borough Council has worked closely with the developers who are aware of the road’s interrelationship with successful delivery of the South West Kirk Hallam allocation and are in support of Policy 1.5 of the Core Strategy Review. Specifically, they concur with findings of the Viability Assessment that the site is able to fund delivery of the road. Delivery of the road will be linked closely with a phased approach to construction of the housing allocation, to be determined in detail at

planning application stage once detailed phasing has been agreed as part of the masterplanning process.

8. In overall terms, is the approach to transport and infrastructure appropriate and justified? Is it effective and consistent with national policy?

In view of the answers to Questions 1-8, the Borough Council considers that the approach taken to transport and infrastructure is appropriate, justified and effective as well as consistent with national policy.