

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

Main Matter 6: Housing Allocations

Issue:

Whether the proposed housing site allocations are justified, effective and consistent with national policy.

Relevant Policies: 1.1, 1.2, 1.3, 1.4, 1.5, 1.6

Please note: In responding to the questions below the Council should identify and address specific key concerns raised in the representations.

Questions

8. Strategic Policy 1.5 South West Kirk Hallam

8A What is the background to the site allocation and how was it identified?

The hearing statement for Main Matter 3 provides additional context however, in summary:

- The original extent of the Strategic Policy 1.5 allocation was made known to the Borough Council through the Strategic Call for Sites (2019) exercise carried out across the Greater Nottingham Housing Market Area.
- The site falls within the 'Extension of the Town into the Green Belt' Growth Option tested through SA1 (**see document CD4**) which found it to be the next most sustainable option for growth available after the Borough had already exhausted more sustainable options A-E as outlined within that document. It was therefore proposed as one of the allocation options within the Options for Growth document consulted on in January 2020 (Regulation 18). Since this time, the Borough Council has worked closely with the site promoters whilst developing Strategic Policy 1.5.
- Following Regulation 18 consultation and no substantive issues being identified with the site through that process, the opportunity arose to extend the site to the south-east and compensate for the loss of part of the North of Cotmanhay site. The Revised Options for Growth document (Regulation 18.2) proposed this change and it is this version of the site which is included in the Core Strategy Review.
- Through SA3 (**see document CD4**), the version of the site contained within the Core Strategy Review was tested for its sustainability alongside 24 other development site options that had been made known to us through the Core Strategy Review process. All site options tested spanned the entire spectrum of strategic growth options appraised within SA1. The assessment tables for each housing allocation option are contained within Appendices B1-B6 of the

SA (**see documents CD7 E-K**). Strategic Policy 1.5 allocation was found to be the third most sustainable site option out of 25. The results from its assessment compared with other sites can be viewed at Table 9 of the SA (**see document CD4**).

- This site, as with the others proposed for allocation within the Core Strategy Review, is considered the most appropriate location to help accommodate the Borough's development needs.

8B What would be the effect of developing the site on the purposes of the Green Belt?

Effects from developing the site on the purposes of the Green Belt are set out within the Strategic Growth Area Assessments document under SGA25 at pg. 171 (**see document EBH1 and document EBH2 for associated mapping**).

8C Are there exceptional circumstances to alter the Green Belt in this particular case? If so what are they?

Yes. The Borough Council has failed the Housing Delivery Test (HDT) since its inception (detailed further within the Five Year Housing Land Supply Position Paper – **see document EBH3**) and can demonstrate that it has exhausted all other reasonable options before considering locations in the Green Belt, including directing development first and foremost to available land within Growth Options A-D tested by SA1 (**see document CD4**) which are all non-Green Belt options. The 2022 Strategic Housing Land Availability Assessment (SHLAA – **see document EBH4**) identifies all sites known to be available for development within Growth Options A-C and Option D (New Settlements not in the Green Belt) results in the proposed allocation of South Stanton (Strategic Policy 1.2). Even with the housing provision resulting from these sites, the Borough Council would not be able to demonstrate a Five Year Housing Land Supply without extending development via strategic allocations into land currently within Green Belt (**see document EBH3**).

The Borough Council sought to identify any potential for the redistribution of some of the Borough's Local Housing Need to Nottingham Core and Derby Housing Market Area authorities. As evident from the statements of common ground and duly made representations of those authorities, no offers to accommodate some of the Borough's Local Housing Need were received. As set out in more detail within the hearing statement for Main Matter 4 (Green Belt), the Borough Council has examined fully all reasonable options for meeting its Local Housing Need and it is clear that without de-allocating parts of the Green Belt in the Borough, the Borough's Local Housing Need cannot be met. This is considered to provide the exceptional circumstances required to justify Green Belt release.

The location of Green Belt release to accommodate Strategic Policy 1.5 allocation is justified because it accords with the spatial hierarchy assessed within SA1 (**see document CD4**). All other Growth Options which were identified as being more sustainable have been fully utilised before considering this site and any others within Option F – Extension of the Town into the Green Belt.

These exceptional circumstances are sufficient to override the effects referred to in answer to Question B above.

8D Should the policy set out what compensation measures will be expected where there is Green Belt release for development and how it will be calculated?

Yes. Paragraph 142 of the NPPF requires plans to set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. Strategic Policies 1.1, 1.3, 1.4, 1.5 and 1.6 all contain specific compensatory measures which achieve this.

Strategic Policy 1.5 requires the allocation of 27ha of additional Green Belt land between Kirk Hallam and the former Stanton Ironworks as a compensatory measure for the loss of Green Belt land required to accommodate the allocation. Its identification as a compensatory measure is further supported by Paragraph 73 of the NPPF which establishes that where a policy-making authority is planning for larger-scale development, it should consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size. The addition of new Green Belt is also supported by Paragraph 142 under the same terms considered above, as it would result in improved access to the Green Belt for existing and future residents in the locality against the context of proposals of the Core Strategy Review. The 27ha of proposed new Green Belt is significantly less than the 50ha of Green Belt that would be deleted to enable the housing development south-west of Kirk Hallam. However, that 27ha is in the location required to ensure continued separation of Kirk Hallam from the two Stanton allocations, and therefore is considered an appropriate quantum in this context. It is also worth noting that an Inspector for a recent appeal decision (APP/N1025/W/23/3319160) following a refusal of planning permission to develop part of the proposed Green Belt allocation for 197 homes, attributes significant weight to Strategic Policy 1.5 in reaching his decision to dismiss the appeal. In doing so the Inspector has recognised the strategic merits of the policy, including that which introduces new Green Belt designation.

Strategic Policy 1.5 also requires:

- Enhancement of Dale Abbey Footpath 2 and Dale Abbey Footpath 49 which link Kirk Hallam and the proposed allocation to the wider countryside (remaining Green Belt); and
- A green corridor through the site to link Pioneer Meadows Local Nature Reserve, accessible to existing Kirk Hallam residents, to the wider countryside (remaining Green Belt).

The above proposals would amount to appropriate compensation for the loss of Green Belt land required to accommodate the allocation.

8E What is the basis for the scale of development proposed and is this justified?

Strategic Policy 1.5 allocation represents the extent of land promoted to the Borough Council and has become intrinsic to delivery of the wider spatial strategy, particularly in view of the loss of previously available land elsewhere (such as Land North of Lock Lane and part of Land North of Cotmanhay which were both removed as options as a result of content within duly made representations received at Regulation 18 consultation).

Given the scale of the site promoted to the Borough Council, access has always been required via a new road; it is the Borough Council's view that it would have been inappropriate to have provided access to the site directly from existing local residential roads within Kirk Hallam. The road also forms a new defensible Green Belt boundary which is required to justify release of land from the Green Belt at this location and helps mitigate effects from growth proposals of the Core Strategy Review (the hearing statement for Main Matter 9 provides more detail on justification for the road). Ultimately these factors have contributed to justifying the relief road proposal within the Core Strategy Review, with its existence releasing land on its interior. Development of this land is required to fund the road.

8F What is the background to the specific policy requirements? Are they justified and consistent with national policy? Do they provide clear and effective guidance on constraints and suitable mitigation?

The specific policy requirements are informed both by the Sustainability Appraisal (**see document CD4**) supporting the Core Strategy Review and findings of the Strategic Growth Area Assessments (**see document EBH1**). The Borough Council has also worked closely with the site promoters through development of the Core Strategy Review which has also informed the Borough Council's understanding of site constraints. Justification for these requirements is provided in the text of the Core Strategy Review and include the following:

Criterion 1 – multiple vehicular accesses from the associated Kirk Hallam Relief Road will be required in order to provide network resilience for the new development.

Criterion 2 – additional bus halts on the A6096 Ladywood Road with safe pedestrian access from the new development (including suitable crossing of the A6096 Ladywood Road) is required to enable residents living in the new development to access existing bus services serving Kirk Hallam.

Criterion 3 – Pedestrian and cycling access from the new development to bus halts on St Norbert Drive will be required to provide onward access to the frequent bus services to Heanor via Ilkeston.

Criterion 4 – Enhancement of Dale Abbey Footpath 2 and Dale Abbey Footpath 49 that link Kirk Hallam and the new development to the wider countryside (including safe pedestrian crossing of the Kirk Hallam Relief Road) will be required to contribute to providing a comprehensive walking and cycling network and encouraging recreational access into the open countryside.

Criterion 5 – A green corridor through the site to link Pioneer Meadows Local Nature Reserve (LNR) to the wider countryside is required to maintain the wildlife interest of

the LNR. It is also required to provide flood management and recreational access benefits and through positive management should amount to a physical extension of the LNR as well as continued protection of Rifle Range Pond Local Wildlife Site (LWS) which sits within the green corridor designation afforded by this criterion.

Criterion 6 – A new local centre at the junction of the Kirk Hallam Relief Road with the A6096 Ladywood Road is required to provide a sustainable centre offering local facilities and services that can serve the whole of Kirk Hallam. It will also result in internalising traffic movements generated from the service needs of residents of the new development.

Criterion 7 – A new primary school will be required due to the scale of development proposed and will provide for educational needs as well as make a significant contribution to the establishment of a new community in this part of Kirk Hallam.

Criterion 8 – Financial contributions towards the provision of additional pupil capacity at schools in Kirk Hallam will be required to increase the capacity of nearby secondary schools which children within the site will expect to attend where there is insufficient supply of places.

Criterion 9 – It is required that 10% of the homes provided will be for affordable home ownership where viable to provide affordable routes to home ownership, in line also with requirements for the Ilkeston urban area set out in saved Policy 8: Housing Size, Mix and Choice of the Erewash Core Strategy and Government policy (Paragraph 65 of the NPPF). This requirement is limited by the relatively low housing values in Kirk Hallam as well as the abnormal development costs of providing the new Kirk Hallam Relief Road and is subject to viability.

Following a reduction in the number of dwellings being proposed by the promoters - from 1,300 to 1,000 units - the South West Kirk Hallam update to the Viability Assessment (**EBC04a**) finds that proposals set out within Policy 1.5 of the Core Strategy Review remain viable. The site promoters have also confirmed through their own viability testing that the development is deliverable on a policy compliant basis.

For the reasons outlined above, requirements within Strategic Policy 1.5 are justified and consistent with national policy and do provide clear and effective guidance on constraints and suitable mitigation.

8G What are the highways implications of the allocation and how will any impacts be mitigated?

Highways impacts of the plan as a whole are set out in EBT1.1. That work has been carried out in partnership with Derbyshire County Council, Nottinghamshire County Council and Derby City Council Highways Authorities as well as National Highways.

Strategic Policy 1.5 and Strategic Policy 4 include a range of mitigation proposals. These have been tested through the transport modelling and ultimately formed part of its mitigation strategy or have resulted from the identification of opportunities in collaboration with the site promoters, informed by discussion within the Sustainability Appraisal (**see document CD4**). The transport modelling also identifies a sub-regional list of junction improvements that can be called upon if attributed to the site

through a localised (site specific) transport assessment as part of a planning application.

Even with the proposed mitigations, the site will result in an increase in traffic. However, it is not considered that either unacceptable highway safety impacts, or severe impacts on the road network, would result from that increase in traffic that would justify the prevention of this allocation. Further, the Borough Council consider that the reduction in the proposed number of dwellings put forward by the promoters (from 1,300 to 1,000 units) will only lead to a materially reduced level of impact on the highway network than that which is reflected in **EBT1.1** (which assumes 1,300 dwellings will be delivered) given that it will result in less trips being generated by the site.

8H Does the policy identify appropriate and necessary infrastructure requirements? How will these be provided and funded? Is this sufficiently clear?

The need and provision of infrastructure requirements is addressed in answers to Questions 8F and 8G above. The approach taken is considered sufficiently clear.

8I Are there potential adverse effects not covered above? If so what are they and how would they be addressed and mitigated? (The Council's response should address key issues raised in the representations).

Key issues raised in representations include the impacts of developing the site on infrastructure such as roads, schools and shops, the impact on Pioneer Meadows Local Nature Reserve and on biodiversity in general as well as the loss of Green Belt.

Road impacts have been considered in answer to Question 8G above.

Suitable provision for schools is provided by criterions 7-8 of Strategic Policy 1.5.

Impacts on Pioneer Meadows Local Nature Reserve and on biodiversity in general are addressed by Criterion 5 of Strategic Policy 1.5 and Criterion 2-4 of Strategic Policy 1.1.

The loss of Green Belt is considered in answer to Questions 8C-8D above.

The viability of infrastructure delivery was also raised as a key issue. Delivery of the allocation including all infrastructure required by Policy 1.5 has been found to be viable in the Local Plan Viability Assessment (**see documents EBC04 and EBC10**). As dealt with in more detail in response to Question J below, the Borough Council has also worked closely with site promoters to ensure proposals are achievable.

The Statement of Consultation also covers matters raised in the representations at each stage of the plan's preparation. This can be found in the submission documents section of the Examination Library.

Given the reduction in the number of dwellings being proposed by the promoters from 1,300 to 1,000 units, any impacts from potentially adverse effects identified such as those above are now materially reduced further.

8J What evidence is there to demonstrate that the allocation is viable and deliverable within the plan period? What is the situation with regards land ownership and developer interest?

Delivery of the allocation including all infrastructure required by Policy 1.5 has been found to be viable in the Local Plan Viability Assessment (**see document EBC04**). Following a reduction in the number of dwellings being proposed by the promoters from 1,300 to 1,000 units, the South West Kirk Hallam update to the Viability Assessment (**EBC04a**) finds that the allocation and all associated requirements continue to be viable. The proposed allocation is under a single ownership with developer commitments pending the sites allocation through the appropriate local plan process. The Borough Council has worked closely with the site promoters since its emergence as a potential allocation as part of the Strategic Call for Sites process carried out across the Greater Nottingham Housing Market Area in 2019, including via the formal pre-application process. They agree that requirements of Strategic Policy 1.5 are viable and deliverable.

8K How will the site be brought forward for development? What mechanisms will there be to ensure a comprehensive and co-ordinated approach to development, ensuring that infrastructure requirements are provided?

The development is being promoted by a single developer and will be brought forward through a single outline planning application to establish an appropriate masterplan in accordance with the requirements of the proposed policy. The infrastructure requirements identified in the policy will then be delivered as conditions of Section 106 agreements associated with a planning consent, as appropriate.

8L What is the expected timescale and rate of development and is this realistic?

As set out in the Erewash Housing Trajectory (**see document EBH3a**), development is expected to commence in Year 3 of the first five years of the plan period and contribute a total of 280 dwellings to its Five Year Housing Land Supply. The reduction in the number of dwellings being proposed by the promoters - from 1,300 to 1,000 units - has not altered the allocation's contribution to the 5YLS.

8M Overall, is the allocation justified, effective and consistent with national policy?

For the reasons set out in the answer to the questions above, the allocation is considered to be justified, effective and consistent with national planning policy.