

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	5th March 2020	CATEGORY: (See Notes) DELEGATED or RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	TONY SYLVESTER 01283 595743 Tony.sylvester@southderbyshire.gov.uk	DOC:
SUBJECT:	EREWASH BOROUGH COUNCIL 2020 CORE STRATEGY REVIEW	
WARD(S) AFFECTED:	NONE DIRECTLY	TERMS OF REFERENCE: EDS01

1.0 Recommendations

That the Committee endorses the content of this report and authorises its submission to Erewash Borough Council as this Council's response to its Growth Options Consultation

2.0 Purpose of the Report

- 2.1** To make the Committee aware of Erewash Borough Council's (EBC) Consultation on its next Core Strategy and articulate concerns regarding the evidence presented to support the emerging Plan; the lack of information on how employment land needs will be met; the Council's outlined approach to identifying its local housing requirement and its failure, to date, to work constructively with neighbouring Authorities.

3.0 Details

- 3.1** EBC adopted its extant Core Strategy (Local Plan) in 2014. This Plan included an annualised housing requirement of 368 homes per annum. However, housing delivery has not met the authority's expectations, partly due to the failure of a large regeneration site at Stanton to come forward in a timely manner.
- 3.2** The housing delivery test results for 2019 published by the government in February 2020 indicate that housing delivery in the Borough was at 62% (three years up to 2019) of the identified requirement. In order to address this the Council is seeking to prepare a new Core Strategy.
- 3.3** Whilst the Council's desire to expedite the preparation of a new core strategy should be welcomed, clearly there is a need to ensure that the Plan is soundly based on adequate evidence, cooperative working with adjoining planning authorities and other delivery partners and covers all strategic issues. Having

reviewed the consultation materials it is considered that there are inherent risks in EBC's approach, namely:

Evidence

- 3.4 The Strategy outlined by the Council only covers housing and the spatial approach identified seems to be predicated on a paucity of evidence. In particular there would appear to be a lack of adequate environmental and other evidence in respect of landscape sensitivity, up to date Green Belt Assessment, up to date Strategic Flood Risk Assessment, Employment Needs Study, up to date Strategic Housing Market Assessment and Gypsy and Traveller Accommodation Assessment and no information setting out if or when this information will be fed into plan preparation process. However, even in light of this, EBC appears to have identified its preferred development sites.

Unmet Need and the Duty to Cooperate

- 3.5 The consultation includes a proposal for a new housing development site abutting Derby City. This is dislocated from the remainder of the Borough settlements and it is not obvious that this can meaningfully meet the Borough's local housing need given this dislocation, other than effectively 'making up the numbers'. A fact historically recognised by EBC in their 2012 Strategic Housing Land Availability Assessment (SHLAA) assessment¹ which stated, *'another factor in assessing the site [is that it] borders Derby City which is part of a different Housing Market Area. As such, it could be considered that with regards to Erewash specifically, the site forms an isolated development which has no relationship with any built form around any Erewash settlements'*. Moreover, it is unclear to what extent this and other sites already proposed in the Consultation are actually responding to the strategic growth needs of the Nottingham Housing Market Area including whether there is likely to be unmet need within that area, as well as no consideration of the need for discussion and joint working between EBC and Derby City Council as well as wider Derby Housing Market Area partners, given the clear relationship of a number of potential growth areas to Derby City.
- 3.6 As the Committee will no doubt already be aware, Local Planning Authorities have a Duty to Cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries. There is, therefore, a need for EBC to cooperate with surrounding authorities to identify and address appropriate strategic matters which will then need to be addressed through its Plan, as noted in paragraph 26 of the National Planning Policy Framework (NPPF). Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. However, no meaningful discussions have yet taken place between EBC and the Authorities in the Derby HMA despite the potential of some of the already identified sites to have cross boundary infrastructure impacts. Any ongoing failure of EBC to engage appropriately with neighbouring authorities could undermine the Soundness of any proposed Plan to the extent that any shortcoming identified later in the plan-making cannot be adequately mitigated.

¹ https://www.erewash.gov.uk/media/files/SHLAA_2012_SITE_ASSESSMENTS.pdf

Housing Requirements

- 3.7 The Growth Options Consultation fails to consider whether it may be appropriate to consider housing delivery different to that set out in the standard methodology. The Planning Policy Guidance (PPG) states that: '*... the standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply.*' Put simply, the standard method identifies a minimum annual housing need figure; it does not produce a housing requirement figure². It is the case, therefore, that the standard methodology is the starting point, rather than the end point for establishing the housing requirement. This represents the Borough's own housing need but does not address other issues such as a requirement to accommodate unmet need from the Nottingham HMA, and possibly the Derby HMA, or the need to significantly boost housing delivery in response to the delivery of the proposed HS2 railhub located just outside of the Borough at Toton.
- 3.8 Again this point is made in the PPG³ which states '*...the standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. This will need to be assessed prior to, and separate from, considering how much of the overall need can be accommodated (and then translated into a housing requirement figure for the strategic policies in the plan). Circumstances where this may be appropriate include, but are not limited to, situations where increases in housing need are likely to exceed past trends because of:*
- *growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth (e.g. Housing Deals);*
 - *strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or*
 - *an authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground;...*
- 3.9 Moreover the NPPF states strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Yet in this case there is nothing in the growth options document that seems to highlight alternative housing requirement options. Instead it assumes growth of 6,680 homes which is based on local need only.
- 3.10 In light of the above, and in response to a specific question raised by EBC in respect of housing need in the Growth Options document which seeks views on alternative approaches to calculating housing need, the standard methodology should be the starting point for identifying the Borough's housing requirement as outlined in the

² Paragraph: 002 Reference ID: 2a-002-20190220

³ Paragraph: 010 Reference ID: 2a-010-20190220

PPG, but options for higher growth should be appropriately assessed to reflect the likely requirement of the Borough to have to meet likely unmet need of neighbouring authorities as well as accommodating the potential significant economic growth requirements of HS2 (indeed the document pre-dates the recent government announcement on the HS2 programme). As it stands, no higher growth options have been identified or subject to any consideration through the plan-making and sustainability appraisal processes.

The scope of the Consultation

- 3.11 The Growth Options Consultation is narrowly focussed on housing only. It is apparent that a number of large brownfield sites which are currently in employment use will be lost to deliver proposed housing and yet there is no indication of the amount or location of new commercial development necessary to balance the proposed housing growth. It is particularly noteworthy that the current Local Development Scheme (LDS) for the preparation of the Local Plan⁴ states that the growth options consultation (Regulation 18) will be a consultation on the areas of proposed housing and employment growth, although as highlighted this is not the case.
- 3.12 There is also only very limited consideration of housing needs associated with gypsy and traveller provision. The sustainability appraisal notes that the Derbyshire Gypsy and Traveller Accommodation Assessment (GTAA) 2014 requires the provision of a single gypsy and traveller pitch within the Borough by 2019, with the single pitch amounting to the full need across the whole period covered by the Assessment (2018-2034). However, this GTAA does not cover the whole of the proposed plan period and the methodology used to identify the need for pitches is now out of date. An update of the 2014 assessment (in which EBC took part) is currently underway. Although the GTAA was commissioned on the basis that all Derbyshire Local Authorities would participate it has now been belatedly been brought to the Council's attention the EBC has withdrawn from this process. As such it is unclear what the current need for gypsy and traveller pitches in Erewash is for the whole of the proposed plan period. In any case, relying on the development management process to meet needs as suggested in the sustainability appraisal (when it so clearly has not delivered to date) is not likely to be compliant with Paragraph 10 of the Planning Policy for Traveller Sites (PPTS) 2015. A fact that was highlighted by the Planning Inspector overseeing Amber Valley Borough Council's recent Local Plan (now withdrawn) Examination who stated in her correspondence to the Council that: *"The Derby, Derbyshire, Peak District NPA and East Staffordshire Gypsy and Traveller Accommodation Assessment (2014) identifies a need for a total of 10 additional pitches in the Borough between 2014 and 2034. Where there is an unmet need, sites must be allocated to meet that need. [emphasis added]. Put simply the Authority should look to allocate a site (or if necessary, sites) sufficient to meet gypsy and traveller needs based on an up to date assessment.*

4.0 Financial Implications

- 4.1 There are no direct financial implications from this report.

5.0 Corporate Implications

⁴ Available at https://www.erewash.gov.uk/media/EBC/web-files/planning/LDS_2018_v2.0.pdf

5.1 Employment Implications: None identified.

5.2 Legal Implications: None Identified.

5.3 Corporate Plan Implications: None Identified

5.4 Risk Impact: None Identified

6.0 Community Impact

6.1 Consultation: Erewash are Consulting on the Growth Options for a period of 12 weeks with the consultation ending on Monday 20th April 2020.

6.2 Equality and Diversity Impact: None Identified

6.3 Social Value Impact: Beneficial. None Identified

6.4 Environmental Sustainability Beneficial. None Identified

7.0 Conclusions

7.1 There is a need for EBC to undertake further work and engage constructively with neighbouring Authorities and other prescribed bodies under the Duty to Cooperate to address the shortcomings identified in this report.

8.0 Background Papers

EBC Core Strategy Review; Draft Options for Growth January 2020. Consultation materials available at:

www.erewash.gov.uk/index.php/local-development-framework/2020-core-strategy-review.html