

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND
TRANSPORT**

10 September 2013

Report of the Acting Strategic Director – Environmental Services

**CONSULTATION ON EREWASH BOROUGH COUNCIL'S CORE
STRATEGY – SCHEDULE OF MAIN MODIFICATIONS**

(1) **Purpose of the Report** To agree the County Council's response to Erewash Borough Council's (EBC) public consultation on its Core Strategy – Schedule of Main Modifications (CSSMM).

(2) **Information and Analysis** Following an Examination in Public (EIP) of the Erewash Core Strategy Submission (ECSS) between 23 April and 3 May 2013, the Planning Inspector has recommended Main Modifications to EBC to ensure that it is both sound and legally compliant with the provisions of the Planning and Compulsory Purchase Act 2004 and Localism Act 2011. EBC is now consulting on the Main Modifications. Comments can only be made to the consultation on the Main Modifications and no other matters.

The ECSS was prepared following three previous rounds of public consultation including Issues and Options (2009), Options for Consultation (2010) and Housing Provision and Climate Change (2011). The ECSS was then published for consultation in June 2012 and submitted to the Secretary of State in November 2012. It sets out EBC's vision and planning policies to guide development in the Borough up to 2028. In particular, it includes policies for the scale and distribution of housing and employment growth, Green Belt, the environment, infrastructure delivery and the redevelopment of the Stanton Regeneration Site at Stanton-by-Dale, which is the only strategic housing and employment development site allocated in the Core Strategy.

Technical Officer comments were submitted by the County Council to EBC at each consultation stage. The majority of these comments were taken into account in the ECSS. There have also been on-going discussions between the County Council and EBC about the strategic infrastructure planning and service delivery implications of the Core Strategy, particularly relating to additional education provision associated with the proposed housing development.

Public

The Planning Inspector has recommended 32 Main Modifications to the ECSS. These modifications relate primarily to the policies and supporting text for:

- Sustainable Development.
- Climate Change.
- The Spatial Strategy.
- Employment Provision and Economic Development.
- The Role of Town and Local Centres.
- Housing Size, Mix and Choice, Monitoring Arrangements.
- Gypsies and Travellers.
- Culture, Sport and Tourism.
- Developer Contributions.
- Stanton Regeneration Site.

A full copy of the Schedule of Main Modifications is available to view at:
<http://www.erewash.gov.uk/planning-building-control/planning-policy/core-strategy/core-strategy-examination/schedule-of-modifications.html>

Local Member Comments

Councillors Birkin, Booth, Frudd, Hart, Hosker, Major, Neill, Parkinson and Walton, with electoral divisions in Erewash Borough, have been consulted. Any comments received will be reported at the meeting.

General Officer Comments

Following the EIP, the Planning Inspector has recommended Main Modifications to ensure that the Core Strategy is sound and legally compliant with the Planning and Compulsory Purchase Act 2004 and Localism Act 2011.

Officer Comment: It is considered that these Main Modifications:

- bring the policies fully into line with the requirements of the National Planning Policy Framework (NPPF);
- provide greater certainty and clarity on a number of key issues in the policies and supporting text; and
- address a number of issues previously raised by the County Council on the ECSS.

New Policy on Sustainable Development (MM1)

A new policy (Policy A: Presumption in Favour of Sustainable Development) is recommended for inclusion in the Delivery Strategy section. The policy requires EBC to take a positive approach when considering development proposals that reflects the presumption in favour of sustainable development contained in the NPPF, unless any adverse impacts of granting permission would significantly outweigh the benefits, when assessed against the policies in the NPPF.

Public

Officer Comment: The modification is supported as it brings the ECSS into line with the requirements of the NPPF, particularly Paragraph 14, which requires local planning authorities (LPAs) to prepare their development plans positively and in accordance with the presumption in favour of sustainable development.

Policy 1: Climate Change (MM2 and MM3)

Minor wording changes are suggested to the policy relating to targets on reducing carbon emissions and energy use.

Officer Comment: The proposed modifications are supported because they provide more clarity in relation to the policy approach to climate change.

Policy 2: The Spatial Strategy (MM4, MM5, MM6 and MM7)

A number of wording changes are recommended to Policy 2. The Planning Inspector recommends no change to EBC's minimum housing target of 6,250 dwellings between 2011 and 2028, and its distribution. A new policy criterion (4) is recommended which requires EBC to prepare a Comprehensive Action Plan (CAP) to identify and promote those housing sites capable of delivery in the short term and therefore able to ensure that the housing supply requirements of the NPPF are met (i.e. to deliver a five year supply).

Officer Comment: Modifications MM4 and MM6 are supported, which confirm the overall housing target of 6,250 dwellings between 2011 and 2028 and its distribution across the Borough. Derbyshire County Council supported the overall housing target of 6,250 dwellings and the broad distribution of proposed housing growth in the ECSS, as it was justified by a wide range of supporting evidence, related to the housing needs of the other Greater Nottingham authorities and its successful delivery would ensure that the Nottingham-Derby Green Belt remained protected from harmful development.

The modifications are supported from an education provision point of view. Now that EBC's proposed housing target of 6,250 dwellings up to 2028 has been confirmed, the County Council can plan education provision with much more certainty.

Modification MM5 is supported, which adds a requirement in the policy for a CAP to be produced by EBC. Derbyshire County Council raised concerns on the ECSS about whether the overall housing target of 6,250 dwellings could be delivered in the Plan period by the allocation of only one strategic site (for 2,000 dwellings) at the Stanton Regeneration Site. A CAP would provide greater detail and more certainty that the overall housing target could be delivered in the short term, aided by a range of other sites being promoted or identified for housing development in the EBC's Strategic Housing Land Availability Assessment (SHLAA).

Public

Modification MM6 deletes reference to the housing target being 'deliverable over the Plan period' and replaces it with an indication that the target is EBC's objectively assessed housing need. This is supported on the same grounds as MM5 in relation to the CAP and the deliverability issue above.

Policy 4: Employment Provision and Economic Development (MM8, MM9, MM10 and MM11)

A number of minor wording modifications are recommended to the criteria in the policy, particularly relating to employment development proposals at the Stanton Regeneration Site. Modification MM8 removes the specific requirement for a minimum 10 hectares (ha) business park to be provided on the site for office and research development. It is replaced with a more general requirement that a business park of about 10 ha will be provided on the site within use Class B1 Business.

Officer Comment: Prior to the EIP, EBC consulted the County Council on a planning application for a large mixed-use housing and employment development on the Stanton Regeneration Site. Before responding, County Council officers sought the views of the Derbyshire Economic Partnership (DEP) on the application. DEP questioned whether there was sufficient demand in the local market for employment land for a high quality business park for office and research type development on the site. DEP indicated that it receives few enquiries for office space in Erewash and that most current enquiries are for modern industrial / distribution units between 5,000 and 20,000 sq ft in size. In this context, modification MM8 is considered to provide more flexibility and opportunity for job creation on the site and is supported. These comments apply to the modifications to Policy 20 (see below).

Policy 6: The Role of Town and Local Centres (MM12)

A new policy criterion is recommended in MM12 which states that applications for retail, leisure and office development outside town centres will be refused where suitable town centre or edge-of-centre sites are available, and where there is likely to be an adverse impact on town centre investment or the vitality and viability of town centres.

Officer Comment: The modification is supported as it would bring the policy into line with the requirements of Paragraphs 24 – 27 of the NPPF and, particularly, the main sequential and impact tests for retail, leisure and office developments within it. There have been a number of recent planning applications for large-scale retail developments located on the edge of and outside the main town centres of Erewash Borough, which have had potentially significant trading impacts on the vitality and viability of the main town centres. It is important, therefore, that the Core Strategy includes the sequential and impact tests set out in the NPPF to be used in the assessment process of planning applications for retail, leisure and office development in the future.

Policy 8: Housing Size, Mix and Choice, Monitoring Arrangements (MM13, MM14, MM15 and MM16)

Minor wording changes are recommended to a number of the policy criteria. However, a significant modification is recommended in MM13 in relation to affordable housing provision and to criterion 4 of the Policy. This modification replaces the previous general approach to the provision of affordable housing in new residential sites with more specific requirements that, on sites of 15 dwellings or more, up to 30% of those units will be sought by negotiation to be delivered as affordable units subject to considerations about viability. In certain areas of the Borough, however, where viability is a particular issue, the affordable housing requirement is set at around 10% in Ilkeston urban area, between 10% and 20% at the Stanton Regeneration Site, and around 20% in Long Eaton urban area. A target of 1,200 affordable units over the Plan period is recommended in modifications MM14 and MM15 to replace the previous target of 1,500 dwellings.

Officer Comment: The modification in MM13 is supported as it provides more detail and, importantly, gives house builders and developers more certainty and a clearer understanding of what will be required of them in relation to affordable housing provision, subject to the issue of viability. The approach of setting different affordable housing requirements in different parts of the Borough is also supported as this provides more flexibility and takes into consideration specific localised circumstances of deliverability and viability in various parts of the Borough. It is not clear, however, why the target of 1,500 affordable homes over the Plan period has been reduced to 1,200 in MM14 and MM15. This needs further clarification and justification in the modifications.

Policy 9: Gypsies and Travellers (MM17 and MM18)

A number of wording amendments are made to the criteria relating to the provision and policy assessment of sites for Gypsies, Travellers and Travelling Show People, and the supporting evidence base to reflect more appropriately the requirements of the NPPF. This makes it clear that Gypsy and Traveller sites should not be located within the Green Belt, except in exceptional circumstances; and that when new evidence is available in the updated Derbyshire Gypsy and Traveller Accommodation Assessment (GTAA), EBC should review the evidence by April 2014 and identify the future accommodation requirements for the traveller community.

Officer Comment: An update of the 2008 Derbyshire GTAA has been commissioned from consultants to provide current evidence for LPAs, including EBC, to assess the future pitch requirements for Gypsies, Travellers and Travelling Show People in their area. In light of this, modifications MM17 and M18 are supported.

Policy 13: Culture, Sport and Tourism (MM21 and MM22)

Minor policy wording changes are recommended to the criteria with an additional criterion MM21 which requires that, where culture, sport and tourism facilities are lost to redevelopment, suitable alternative provision will be sought where necessary.

Officer Comment: The modification is supported as it would bring the policy into line with the requirements of the NPPF, particularly Paragraph 74.

Policy 19: Developer Contributions (MM24)

Although no modifications are recommended to Policy 19, a new paragraph (3.19.3) is recommended in the supporting policy text. It sets out that, in the Ilkeston Sub-Area, the spatial strategy will require developer contributions to be sought from relevant development proposals to enable the delivery of critical elements of infrastructure. These include an Ilkeston Travel Plan, Ilkeston and Stanton bus service, Stanton School, and Ilkeston Primary School provision.

Officer Comment: From a strategic infrastructure provision point of view, it is welcomed that the modification specifically requires developers to make financial contributions towards an Ilkeston Travel Plan, Ilkeston and Stanton bus service and primary school provision in Ilkeston.

The Travel Plan could reduce private car use. This depends, however, on the ability of EBC to monitor and enforce such travel plans. If not already covered, the monitoring and enforcement of the Ilkeston Travel Plan, as well as its measures (Smarter Choices), should be funded by developer contributions appropriate to the impacts on the transport network caused by the development.

The future expansion of schools is a potentially difficult area as most schools are at or near capacity for pupil places and they are physically constrained for space to expand. Education provision, therefore, needs to be planned carefully in the context of future housing growth proposals for Ilkeston. EBC therefore needs to assess each strategic residential planning application (ten or more proposed dwellings) in light of new school census data and the implications for school sites, which the Children and Young Adults (CAYA) and Corporate Resources departments will provide and advise on respectively.

No reference is made in the list of critical infrastructure projects in MM24 to the proposed Ilkeston Household Waste Recycling Centre expansion. This is listed in Appendix D as one of the main infrastructure projects required to deliver the growth strategy in Ilkeston. It should, therefore, be appropriately listed in modification MM24 and included in the supporting text to the Policy.

Public

In general, EBC is requested to consult the County Council on strategic planning applications in line with the Developer Contributions Protocol in order to determine their implications for strategic infrastructure and service capacity.

Policy 20: Stanton Regeneration Site (MM25, MM26, MM27, MM28 and MM29)

Minor wording changes are recommended to a number of criteria in the policy to accord with modifications to Policy 4. In particular, criterion 2 (b) (i) replaces the requirement for the site to include a high quality business park of at least 10 ha with the general requirement to include a business park of about 10 ha. The modification recommends that the supporting text is amended to state that the development of the site is a 'long term proposal' rather than 'not being expected to deliver new housing within the first 5 years of the Plan period'.

Officer Comment: The comments made above in respect of modification MM8 to Policy 4 are also relevant here. In the context of those comments, the design of the business park is important and should be of a good quality that is aspirational and sensitive to the site and its wider surroundings, particularly in terms of landscape character. This should be reflected in modification MM25 to Policy 20 (i) and the requirements for the business park.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** The recommendation in this report is made in the context of the County Council's responsibilities and services under the provisions of the Compulsory Purchase Act 2004 and the Localism Act 2011.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file 2107 by the Planning Services Manager. Officer contact details – Steve Buffery, extension 39805.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member authorises officers to respond to Erewash Borough Council on its Core Strategy – Schedule of Main Modifications, as set out in the report.

Mike Ashworth
Acting Strategic Director – Environmental Services