

# Ashfield District Local Plan Examination

# Matters, Issues and Questions identified by the Inspectors

# Matter 10:

# Site allocations

**December 2024**

**Ashfield District Council’s response to Inspectors’ Document INS03**

This document is Ashfield District Council’s response to the Matter, Issues and Questions (MIQs) identified for examination by Inspectors Mr. Philip Mileham and Mr Graham Wyatt, of the Planning Inspectorate, as published on the 30th September 2024. This is one of twelve separate papers produced to address the specific matters and issues identified on the front page.

Each response paper includes a number of references to specific evidence which has been relied upon in answering the MIQs. These reference numbers (shown as **[XXXX]**) relate directly to the Examination Library website, where all evidence is published: <https://www.ashfield.gov.uk/local-plan-examination/examination-library/>

The Inspectors’ questions are shown below in ***bold italics***.

The Council’s responses are shown in normal typeface below the Inspector’s questions.

|  |
| --- |
| Proposed Modifications arising from the Inspectors’ MIQs are set out in grey tint boxes. |

## Issue: Whether the proposed site allocations are justified and deliverable /developable at the point envisaged

**Relevant Policies:**

**H1 – Housing Allocations**

**S6a – Strategic Employment Allocation: Land to the North-East of Junction 27**

**S6b - Strategic Employment Allocation: Land to the South- East of Junction 27**

## Site allocations overall

***10.1 How were the site allocations chosen? What factors were considered? Is the approach justified? Is it evidence-based?***

Council’s response

10.1.1 The Council’s approach to Site selection is set out in Background Paper 1: Spatial Strategy and Site Section [BP.01]. Chapter 5 identifies various sources of sites which may be suitable for allocating in the Local Plan to meet future needs as follows:

|  |
| --- |
| Sites with Planning Permission |
| Sites with a resolution to grant planning permission subject to signing a Section 106 legal agreement |
| Sites submitted to the Strategic Housing and Economic Land Availability Assessment (SHELAA) |
| Brownfield Register and Brownfield Land Capacity Assessment |
| Windfall sites |

10.1.2 BP.01 Chapter 7 sets out the other key factors which have been taken into consideration when selecting the most appropriate sites that would deliver the Spatial Approach and achieve the Council’s vision for the future. These factors include evidence from the Sustainability Appraisal, Green Belt Harm paper, Heritage Impact Assessment, Habitats Regulation Assessment and the Accessibility of Settlements Study.

10.1.3 The Council has taken a sequential approach to selecting sites for allocation as follows:

* **Stage 1**: Sites with planning permission;
* **Stage 2**: Sites with a resolution to grant planning permission subject to signing a Section 106 legal agreement;
* **Stage 3**: Brownfield (previously developed) sites assessed through the SHELAA as ‘achievable’ or ‘potentially achievable’ and consistent with the Council’s strategic approach for sustainable growth;
* **Stage 4**: Greenfield sites assessed through the SHELAA as ‘achievable’ or ‘potentially achievable’ and consistent with the Council’s strategic approach for sustainable growth;
* **Stage 5**: Green Belt sites assessed through the SHELAA as ‘achievable’ or ‘potentially achievable’ and consistent with the Council’s strategic approach for sustainable growth.

10.1.4 BP.01 Chapter 8 describes the extent to which site allocations have been identified from each of the above stages. Table 20 summarises the housing allocations and corresponding yield from stages 1 to 5 of the site selection process. The table illustrates that the vast majority (78%) of the dwelling supply is proposed on sites which do not require Green Belt release. The remaining 22% meets a local need to support one town (Hucknall) and 3 large villages to the west of the M1 motorway, as discussed further in Chapters 9 and 10 of BP.01. The table also identifies that only 3% of supply could be achieved on non-permissioned brownfield sites.

10.1.5 Paragraphs 8.13 to 8.20 of BP.01 discuss the justification for not allocating specific SHELAA sites for housing. This includes rejecting sites dues to:

* Consistency with the Spatial Approach to growth;
* Isolated/unsustainable locations (informed by the Accessibility of Settlements Study and the assessment of sites in relation to distance from key services and facilities undertaken as part of the SHELAA process);
* Other factors such as conflict with a Neighbourhood Plan, cumulative impact on the transport system, long term unresolved issues form pending planning applications, and other issues which result in uncertainty for future delivery.

10.1.6 Paragraph 8.21 of BP.01 also discusses 2 sites which were considered as alternative employment sites for logistics provision in Ashfield.

***10.2 In deciding whether to allocate sites for development, how did the Council take into account the effects of development on:***

***• Landscape character,***

***• The availability of best and most versatile agricultural land;***

***• The local and strategic road network;***

***• The need for new and improved infrastructure (including community facilities);***

***• Heritage assets; and***

***• Nature conservation.***

Council’s response

10.2.1 The main source for identifying potential development sites which do not already benefit from planning permission is the Strategic Housing Land Availability Assessment (SHELAA). The SHELAA Methodology 2021 [SEV20] explains the process undertaken in assessing sites in detail and includes consideration of the above matters.

10.2.2 Some sites were ‘ruled out’ for development at an early stage. This is where the whole site was affected by a ‘major constraint’ including the following:

* Sites of Special Scientific Interest (SSSI)
* possible potential Special Protection Areas (ppSPA)
* Scheduled Monuments
* Historic Parks and Gardens
* Designated Local Green Space

10.2.3 Other key constraints to development were then identified through Stage 1 of the assessment process which excluded sites (at Stage 2) from the ‘pool’ considered for allocation, including:

* Confirmation from the landowner(s) that the site is not available;
* The whole or the majority of the site is affected by one or more locally designated natural asset (Local Wildlife Site, Local Nature Reserve, Tree Preservation Order or a Regional Important Geological site);
* The potential for substantial harm to or total loss of significance to a Heritage Asset (e.g., Listed Building, Conservation Area, Scheduled Monument);
* Significant highway access constraints, or the site is isolated from the public highway;
* Severe topographical constraints;
* High level of flood risk – Flood Zone 3;
* Neighbouring/adjoining use would be incompatible with the proposed development type with no scope for mitigation;
* Development of the site would result in the loss of an existing use which is not surplus to requirements and cannot be located locally;
* Delivery is anticipated to commence beyond 15 years.

10.2.4 Stage 2 of the site assessments scored the sites using a ‘RAG’ method, i.e., Red = Not currently achievable; Amber = Potentially achievable; Green = Achievable. The objective of the RAG classification is to identify areas of key concern. A ‘red’ therefore excluded a site from consideration for future development, at that point in time. This resulted in providing a ‘pool’ of sites which may be suitable to meet future development needs. The individual site reports are available in the Examination Library [SEV.20a – SEV.20d].

10.2.5 With regard to the local and strategic road network, the key evidence base documents on which the Council have worked with the Highways Authority and Highways England are the Strategic Transport Study [SEV.39.1], the Infrastructure Delivery Plan [SEV.36.1] and the Transport Review following the removal of strategic settlement sites at Whyburn Farm and Cauldwell Road. The Council have also agreed Statements of Common Ground with both National Highways and Nottinghamshire County Council as the Highways Authority. These issues are discussed in greater detail at Matter 11.

10.2.6 The need for new and improved infrastructure is considered in the Infrastructure Delivery Plan (IDP) which forms part of the evidence base for the submitted Local Plan [SEV.36.1]. The IDP describes what infrastructure that is required how, when and by whom it will be delivered and, where known, the location. It is accompanied by a schedule that prioritises infrastructure by need (as identified by the infrastructure providers), and provides an indication of likely costs, and other funding sources. This will assist in ensuring a timely provision of infrastructure.

10.2.7 The IDP is a ‘living’ document as the need for infrastructure and the ways of delivering it are constantly being reviewed by infrastructure providers. Details of infrastructure deficits, standards, and investment programmes are therefore likely to change over time. This will be reflected in future updates.

***10.3 How did the Council take into account flood risk? Has the Plan applied a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property as required by paragraph 161 of the Framework?***

Council’s response

10.3.1 As set out in paragraph 10.2.3 above, the Strategic Housing and Employment Land Availability Assessment (SHELAA) [SEV.20] excluded sites located within Floodzone 3 from consideration at Stage 2 of the assessment process. The table below is an extract from the SHLAA Methodology Appendix C which illustrates the scoring used to reach a ‘RAG’ classification for each site in respect of flooding issues.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Flood risk from water courses | Low level of flood risk – Zone 1 | **✓** |  |  |
| Moderate level of flood risk – Zone 2 |  | **✓** |  |
| High level of flood risk – Zone 3 |  |  | **✓** |
| Flood risk from surface water | No surface water flooding identified | **✓** |  |  |
| Part / all of the site has identified surface water flooding |  | **✓** |  |

10.3.2 Where constraints have been identified, due consideration has been given to how these might be overcome. The table at paragraph 4.55 in the SHELAA Methodology sets out several identified constraints and how these could be dealt with, including the following:

* Any site located in flood zone 2 will be subject to the sequential test and suitable mitigation incorporated into any scheme.
* Sites in flood zone 3 are considered unsuitable for development (except water compatible uses and essential infrastructure where the exceptions test has been met).
* All new major development will be required to provide suitable Sustainable Urban Drainage Schemes (SuDS) incorporated into the design of the development.
* Where sites do have areas of flooding, the built development should not take place on these areas.
* The advice from the Lead Local Flood Authority is that surface water flooding is very unlikely to prevent development as it can be mitigated. However, it may affect the number of dwellings and the layout of a site.

10.3.3 There is only one site put forward as a housing allocation which is affected by Floodzones 2/3, specifically H1Vj Main Road, Jacksdale (flooding at the most southern part of the site). However, this site has planning permission which was approved subsequent to consultation with the Environment Agency. No objection was raised providing that a planning condition requiring the development to be carried out in accordance with the submitted flood risk assessment was attached.

10.3.4 Any surface water flooding issues identified on or near to site allocations have been highlighted in the Local Plan supporting text to Policy H1. Development management Policy CC3 addresses flood risk and the use of SUDs to address and mitigate surface water flooding. This will be considered through the planning application process.

***10.4 Do the Plan’s policies provide sufficient specificity of the requirements expected of the larger site allocations (i.e. those of 100 dwellings and above), particularly for sites where there is no planning permission in place?***

Council’s response

10.4.1 The Council have prepared draft masterplans for all large site allocations (200+ dwellings) which do not benefit from planning permission or are at an advanced stage in the planning application process. In addition, a masterplan has also been prepared for site H1Hb at Linby Boarding Kennels due to specific on-site requirements to provide a new cricket facility, despite falling below the site size threshold (43 dwellings).

10.4.2 Key information for all non-permissioned sites is incorporated into the supporting text to Policy H1 under each site heading. This includes reference masterplans for the 6 site allocations which meet the criteria described above. It is proposed that these masterplans be included in an Appendix to the Local Plan through a modification to the submitted Plan.

10.4.3 There are only two housing allocations (not benefitting from planning permission or an advanced stage in the planning application process) which have a yield between 99 and 199 dwellings – no masterplan has been prepared for these; however, key issues are included in Policy H1 supporting text. These are:

* H1Sj Clegg Hill Drive, Huthwaite (104 dwellings) – This site is in Ashfield Council ownership and the specific site requirements will be fully considered, including the opportunity to improve the substandard recreation ground as part of a well-designed scheme.
* H1Su Rear 113-139 Beck Lane, Skegby (100 dwellings) – This greenfield site is at the lowest threshold identified by the Inspector. The site has no specific site constraints or requirements over and above a typical major housing scheme. A concise masterplan can be prepared if deemed appropriate and proportionate.

|  |
| --- |
| **Proposed Modification**  Incorporate masterplans for the following sites into a new Local Plan Appendix:   * Site H1Hb: Linby Boarding Kennels, East of Church Lane, Hucknall * Site H1Hc: Land north of A611 / South of Broomhill Farm, Hucknall * Site H1Hd: Land adjoining Stubbing Wood Farm, Watnall Road, Hucknall * Site H1Si: North of Kingsmill Hospital * Site H1Sk: Sunnyside Farm, Blackwell Road, Huthwaite * Site H1Ss: Land East of A6075 Beck Lane, Skegby |

***10.5 Do the Plan’s policies relating to the site allocations contain sufficient requirements to ensure that sites, particularly those comprised of multiple parcels of land, will be developed in a comprehensive manner?***

Council’s response

10.5.1 Yes, the Plan’s policies provide a sufficient level of detail to make it clear that sites are required to be developed in a comprehensive manner. All development proposals will be required to accord with Strategic Policy S2.

10.5.2 This policy specifies that development will be permitted where, amongst other requirements, it will (e) not prejudice the comprehensive development of an area; (h) not form part of a larger site where there would be requirement for infrastructure provision if developed as a whole and; (i) not result in piecemeal, unsatisfactory forms of development. This is further set out in the supporting text for policy S2, particularly paragraphs 3.29 and 3.32, which make it clear that development is required to come forward holistically and should not sterilise a larger site or limit the potential for contributions to affordable housing and infrastructure.

***10.6 What is the justification for the proposed restriction on development within 400m of the Sherwood Forest Possible Potential Special Protection Area (ppSPA)? Overall, will it be effective?***

Council’s response

10.6.1 At a Public Inquiry in 2011, the Secretary of State refused planning permission for an Energy Recovery Facility on land at the former Rufford Colliery site at Rainworth. This was due to likely effects of development on breeding populations of nightjar and woodlark within Sherwood Forest[[1]](#footnote-1). This area has been notified as an Important Bird Area (IBA)[[2]](#footnote-2) and identified as an indicative core area by Natural England. The boundaries of these areas are shown in Figure 6.1 of the Habitat Regulation Assessment [SD.04].

10.6.2 Following the Public Inquiry, Natural England proceeded to produce an Advice Note[[3]](#footnote-3) to Local Planning Authorities. The advice recommends a precautionary approach be adopted which ensures reasonable and proportionate steps are taken to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area.

10.6.3 Nightjar and Woodlark are both ground nesting birds, as such their nesting and feeding areas are particularly vulnerable to disturbance from people, their pets and traffic. To address these impacts, urbanisation mitigation strategies have been implemented across the UK through the establishment of buffer zones. Commonly applied urbanisation zones of influence extend around 400 – 500m from the edge of a designation as this reflects likely impacts from pets (e.g. cat predation) and the distance from which people access a site on foot. The Thames Basin Heaths Special Protection Area Delivery Framework[[4]](#footnote-4) is one such strategy which makes recommendations for accommodating development, whilst also protecting the SPA's qualifying features by establishing a 400m zone where development does not take place.

10.6.4 Given the birds of importance at the Sherwood Forest ppSPA include some of the same species as those for which the Thames Basin Heaths SPA is designated (nightjar and woodlark), it is reasonable to assume that a similar buffer distance of 400m may apply for consideration of urbanisation impacts. Further details can be found in the Council’s Habitat Regulation Assessment [SD.04].

10.6.5 The Council’s constraints maps, used in the validation of planning applications, include the 400m ppSPA buffer. This ensures that Natural England is consulted on any proposed future development which lies within the buffer.

10.6.4 Both the Local Plan and the supporting Habitat Regulation Assessment, have been developed in close consultation with Natural England. The Councils Statement of Common Ground with Natural England [SCG.06] sets out that both parties agree that:

* The HRA sets out a comprehensive assessment of the Local Plan impacts

(both alone and in-combination) on the identified Habitats Sites, including the

Sherwood Forest ppSPA.

* The conclusions of the HRA are accurate in identifying that the Local Plan will

have no adverse impact on site integrity of the Habitats sites, or upon the

ppSPA, either alone or in-combination.

## Changes to the Green Belt boundary

***10.7 Why has the Green Belt Assessment not considered sites against the Green Belt purpose of ‘assisting with urban regeneration’ as set out at paragraph 138(e) of the Framework? Is this justified?***

Council’s response

10.7.1 The assessment criteria is set out in Figure 1 of the Strategic Green Belt Review Methodology SEV.07. This states the following:

“It is considered that all land in the Green Belt assists in urban regeneration to the same extent and therefore no criteria are proposed to distinguish between the values of various sites/locations”.

10.7.2 The Council considers that this is justified as there would be no matter of difference between Green Belt sites. Therefore, this Green Belt purpose is not scored as part of the joint Greater Nottingham and Ashfield Green Belt Assessment Framework.

***10.8 Taking each site proposed to be released from the Green Belt in turn, what would be the extent of the harm to the Green Belt if the boundaries were changed in the locations as proposed? Are there any ways in which harms could be minimised or mitigated?***

Council’s response

* + 1. Tables 6 to 9 in Background Paper 1 [BP.01] summarise the overall Green Belt harm for each of the ‘developable’ Green Belt site submitted to the SHELAA and indicates where these are proposed as Local Plan allocations. Further detail can be found in Background Paper 4: Green Belt Harm [BP04] which also discusses appropriate mitigation to reduce harm to the Green Belt and how this will be achieved.

* + 1. Table 4.1of BP.04lists some mitigation measures that could be considered as part of the planning and development process. Which mitigation measures are the most appropriate will vary, depending on local circumstances and will need to be defined as part of the planning process.
    2. Only 3 allocated sites scored high or relatively high in the overall harm rating. These are:
* H1Hb, Linby Boarding Kennels Relatively High (partial planning permission)
* S6a, North-East J27 M1 Relatively High (has planning permission)
* S6b, South-East of J27 M1 High (resolution to grant permission subject to a s106 and Secretary of state call in).
  + 1. Chapter 9 in BP.01 discusses all sites in respect of the exceptional circumstances for Green Belt release and associated public benefits to be weighed against the loss of Green Belt.

***10.9 Taking each proposed change to the Green Belt boundary as set out in document ADC.02a in turn, has it been clearly defined, using physical features that are readily recognisable and likely to be permanent as required by paragraph 143 of the Framework?***

Council’s response

10.9.1 Proposed changes to Green Belt boundaries where they accommodate new Local Plan allocations are all clearly defined, typically by an existing highway, mature field boundary, woodland, watercourses, or existing property curtilages. Specific boundary details are included within the Stage 2 Green Belt Assessments [SEV.07c to SEV.07h]. Stage 2 assessments for more recent sites can be found in Background Paper 4: Green Belt Harm Assessment [BP.04].

10.9.2 The one exception to this is the Green Belt Boundary change at H1Hd Stubbing Wood Farm. The western boundary of this site follows the administrative boundary between Ashfield District and Broxtowe Borough Council. Whilst the majority of this boundary is demarcated by a water course and Starth Wood (and the southern parcel is particularly well contained), the north-western section no longer has a physical feature on the ground. Development of this site would offer the potential to re-instate a clear District Boundary in this location.

## Hucknall site allocations

***H1Ha – Seven Stars Public House, West Street/Ogle Street, Hucknall***

***10.10 Having regard to the site being a locally listed heritage asset and with archaeological potential, is the proposed allocation justified? What effect might these factors have on the potential dwelling yield?***

Council’s response

10.10.1 Supporting text to Policy H1 at Paragraph 6.9 in the Local Plan sets out that the Public House has been identified as a Local Heritage asset and that there is potential for conversion into residential accommodation.

10.10.2 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining planning applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10.10.3 For the reasons set out above, a Heritage Impact Assessment will be required to accompany any planning application, giving due consideration to the impact of the proposal on both designated and non-designated heritage assets.

10.10.4 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and potentially achievable in the SHELAA (HK009). This brownfield site is currently unused and is sustainably located within the Main urban Area of Hucknall. It falls within Stage 3 of the site selection process as set out in response to Question 10.1.

10.10.5 The potential yield of 24 dwellings is based on 90% net developable site area at 40 dwellings per hectare due to its town centre location. If the existing building is retained and converted to flats, the yield could potentially be greater.

***H1Hb – Linby Boarding Kennels, East of Church Lane, Hucknall***

***10.11 What effect does the local highway network have on the capacity of the site? What effect does the allocation have on the significance of nearby heritage assets?***

Council’s response

10.11.1 Nottinghamshire County Council as the Highways authority were consulted and provided comments regarding the prospective development of all potential allocations. It was identified that Church Lane is a narrow rural road that will require widening into the site and will reduce the yield (due to requiring a strip of land along the western edge of the site to accommodate widening of the carriageway). These comments were based on a high-level review, assuming the full delivery potential of the site. However, the potential yield is based on less than 50% of the entire site area which is also proposed to provide for an identified need for new sports facilities (more detail is included in the draft site Masterplan). As such, there is no effect on the identified potential yield.

10.11.2 Within a 300m radius area of the allocation there are 5 Listed Buildings (1 Grade II\* and 4 Grade II), 1 Conservation Area and 1 Locally Listed Building. The impact of the allocation on heritage assets has been assessed within the Heritage Impact Assessment (HIA) pages 158 to 179 [SEV.17]. This assessment established that development of the allocation will result in less than substantial harm to Linby’s conservation area and no harm or less than substantial harm to the individual assets. Please note that during the drafting of the HIA consultation was undertaken with Historic England and in response to their comments the assessment of the level of harm was increased from no harm to less than substantial. This harm can be mitigated through landscaping and design choices.

10.11.3 Assessment of the archaeological potential of the site suggests a low to moderate potential for archaeological remains to surviving due to extensive ploughing. However, the presence of medieval remains cannot be completely and evaluation to inform the need for mitigation is recommended.

***10.12 What effect does the presence of a nearby Local Wildlife Site (LWS) have on the site allocation? Is it justified?***

Council’s response

10.12.1 No Nationally Designated Natural Assets on located or adjacent to the site. However, Local Wildlife Site - Linby Paddock is situated adjacent to the northern boundary of the site as identified in Local Plan paragraph 6.11. In this respect Protected species surveys will be required. However, it should be noted that Full planning permission already exists for 9 dwellings on the northern part of the site (most recent ref. V/2024/0103).

10.12.2 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and achievable in the SHELAA (HK013). This brownfield/greenfield site falls within Stage 5 of the site selection process (despite being partially permissioned) as set out in response to Question 10.1.

***10.13 Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

Council’s response

10.13.1 Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.11 to 9.15 in BP.01 specifically relate to this site and identify the public benefits associated with the potential development.

***H1Hc: Land north of A611/ South of Broomhill Farm, Hucknall***

***10.14 How will the Plan ensure the site comes forward comprehensively, particularly having regard to highway matters?***

Council’s response

10.14.1 The majority of this site is in a single ownership and the main road corridor will be located within this area. A masterplan has been prepared for this site which, alongside the requirements of Policy S2 (see qu. 10.5) will ensure comprehensive development.

***10.15 Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

Council’s response

10.15.1 Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.16 to 9.20 in BP.01 specifically relate to this site and identify the public benefits associated with the potential development.

***H1Hd – Land adjoining Stubbing Wood Farm, Watnall Road, Hucknall***

***10.16 What effect does the allocation have on the significance of nearby heritage assets? Is it justified?***

Council’s response

10.16.1 There are 2 Listed Buildings (both Grade II) and 3 Locally Listed Buildings within 300m of the allocation boundary. These all relate to former military structures. The impact of the allocation on heritage assets has been assessed within the HIA at pages 140 to 157 [SEV.17]. The allocation site contributes the significance of the Grade II listed Battle Headquarters and development could affect the asset directly and through changes to setting. The Battle Headquarters are known to have associated underground structures (tunnels and bunkers) but their extent is unknown. This uncertainty means that total loss of or significant harm to the asset, could occur without mitigation. Recording and surveying is recommended to establish the extent of above ground and below ground structures. This information can then be used to design a masterplan that should incorporate a green buffer and landscaping between the development and the asset. The preservation (and conservation) of the watch tower should be considered as a condition of development. With mitigation, the level of harm can be reduced to negligible.

10.16.2 The Council consider that this site is justified, having been assessed as available, potentially suitable and achievable in the SHELAA (HK022). The site falls within Stage 5 of the site selection process as set out in response to Question 10.1.

***10.17 Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

Council’s response

10.17.1 Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.21 to 9.24 in BP.01 specifically relate to this site and identify the public benefits associated with the potential development.

***H1He – Phase 5b, Land at Rolls Royce, Watnall Road, Hucknall***

***10.18 What is the latest position in respect of the Planning Permission on the site?***

Council’s response

10.18.1 This site has Reserved Matters permission and is currently under construction.

***H1Hf – Phase 9, Land at Rolls Royce, Watnall Road, Hucknall***

***10.19 What is the latest position in respect of the Planning Permission on the site?***

Council’s response

10.19.1 This site has Reserved Matters permission (V/2022/0644) and is progressing with several conditions having already been discharged. It constitutes the next phase for a developer already active on site.

***H1Hg – Hucknall Town Football Club***

***10.20 What is the latest position in respect of the Planning Permission on the site?***

Council’s response

10.20.1 This site has Reserved Matters permission and is under construction.

***H1HI – Land at Shepherd Street (Rolls Royce Site)***

***10.21 What is the latest position in respect of the Planning Permission on the site?***

Council’s response

10.21.1 This site is now completely built out.

***H1Hn – Phase 2, Land at Broomhill Farm***

***10.22 What is the latest position in respect of the Planning Permission on the site?***

Council’s response

10.22.1 This site is under construction with more than half of the total development completed at 1st April 2024.

***H1Ca – Former Hucknall Police Station, Watnall Road, Hucknall***

***10.23 What is the latest position in respect of the Planning Permission on the site?***

Council’s response

10.23.1 This site has Full planning permission which has now been implemented. The former police station has been demolished and construction on the care home has commenced.

## Kirkby area site allocations

***H1Ka: Beacon Farm, Derby Road, Kirkby-in-Ashfield***

***10.24 What guidance does the plan provide to assist the consideration of mitigation requirements for Site H1Ka?***

Council’s response

10.24.1 Supporting text to Policy H1 (Local Plan paragraph 6.30) identifies that the site lies with 400m of the Sherwood Forest possible potential Special Protection Area (ppSPA). It states that mitigation will be necessary to demonstrate that development can be delivered with no adverse impact on the integrity of the ppSPA and that Policy EV4: Green Infrastructure, Biodiversity and Geodiversity provides further details.

10.24.2 The Council’s response to Question 10.25 is also of relevance.

***10.25 In light of the proposed restriction on development (Site H1Ka) within 400m of the ppSPA, is there a reasonable prospect that mitigation measures can be secured?***

Council’s response

10.25.1 Habitats Regulations Assessment [SD.04] paragraphs 11.4.5 to 11.4.13 addresses the potential impacts from proposed development of this site. Crucially it notes that the A611 is likely to provide both a source of disturbance (noise and lighting) to birds and a barrier to their movement and also to the movement of cats.

10.25.2 The justification text for Policy H1 – Housing Allocations – notes that allocation H1Ka lies with 400m of the Sherwood Forest ppSPA, and that mitigation will be necessary to demonstrate that development can be delivered with no adverse impact on the integrity of the ppSPA. This reflects requirements in Policy EV4.

10.25.3The exact details of mitigation measures which will need to be included for this allocation will be provided at the planning application stage. This reflects the hierarchical nature of plan making. Given there are widely used techniques available to mitigate urbanisation impacts, there is no uncertainty over the deliverability of these allocations.

10.25.4 This approach is compliant with case law which requires the Competent Authority to be satisfied that mitigation solutions can be achieved in practice[[5]](#footnote-5),[[6]](#footnote-6), whilst recognising the multi-staged planning and approval procedural approach to plan making[[7]](#footnote-7).

10.25.5 Taking into consideration the location of development in relation to the ppSPA, availability of mitigation techniques in relation to urbanisation effects and also the protective nature of Local Plan policy wording, it can be concluded that there will be no adverse impact on the integrity of the ppSPA from urbanisation impacts either alone or in-combination.

***10.26 Is the allocation of Site H1Ka justified? Does its identification accord with the Conservation of Habitats and Species Regulations (2017)? How has the Council considered the ‘mitigation hierarchy’ as set out in the Planning Practice Guidance 1? Would any mitigation measures affect the site’s viability?***

Council’s response

10.26.1 Yes. See response to Question 10.25. The Council consider that this site is justified, having been assessed as available, potentially suitable and potentially achievable in the SHELAA (KA002). The site falls within Stage 3 of the site selection process as set out in response to Question 10.1.

10.26.2 Viability is discussed under Matter 12. As set out in response to Questions 12.1, 12.2 and 12.3, it is expected that any abnormal costs will be reflected in a reduction in land value and site purchase price, with overall viability unaffected.

***10.27 Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

Council’s response

10.27.1 Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.26 to 9.28 in BP.01 specifically relate to this site.

***H1Kb – Land at Millers Way, Kirkby-In-Ashfield***

***10.28 What is the latest position in respect of the extant Planning Permission on the site?***

Council’s response

10.28.1 This site is almost completely built out at December 2024, with only 1 dwelling remaining.

***10.29 Is the allocation justified? Will it be effective?***

Council’s response

10.29.1 See response to question 10.28

***H1Kc – Land at Doles Lane, Kirkby-In-Ashfield***

***10.30 What effect does the allocation have on the significance of nearby heritage assets? Is there a need for mitigation to avoid harm to designated heritage assets?***

Council’s response

10.30.1 The designated assets within 300m of the allocation boundary comprise 1 Scheduled Monument, 1 Conservation Area and 12 Listed Buildings (all Grade II). The impact of the allocation on heritage assets has been assessed within the HIA at pages 118 to 139 [SEV.17].

10.30.2 Development of the allocation would cause less than substantial harm, on the lower end of the scale, to the Market Cross (a Scheduled Monument - NHLE 1012926), No 2 and 6 and Adjoining Stable Church Street (NHLE 1234864) and the Kirkby Cross Conservation Area. The development of the allocation will not harm the significance of St Wilfrid Church or 20 Chapel Street (and its outbuildings). The allocation is set back from Sutton Road, which has mostly modern residential and commercial development. Although development might be seen in views of No 2 and 6 Church Street and the Market Cross, these views already include modern houses and commercial premises, street furniture and signage.

10.30.3 Sensitive design choices, in combination with tree screening, would reduce its noticeability from the junction of Sutton Road, Church Street and Chapel Street. Access via Doles Road rather than Cow Pasture Road is also recommended, as this would reduce impacts to the setting of the Market Cross, No 2 and 6 Church Street (Grade II Listed Building) and the Kirkby Cross Conservation Area. Consultation with Historic England recommended that development be designed to reflect the vernacular architecture (magnesium limestone) and the character of the conservation area.

***10.31 What effect would the allocation of the site have in isolation in relation to the highway mitigation measures recommended by the Local Highway Authority?***

Council’s response

10.31.1 Comments received through the SHELAA process from the Highway’s authority considered the potential allocation of the wider strategic sized site (KA021) in addition to this site. As such they referred for the need for a master-planning access strategy. However, the larger site is not proposed as a housing allocation in the submitted Local Plan. This site alone was identified as having ‘access constraints which could be overcome’.

10.31.2 Furthermore, as set out in response to Question 10.5, the Plan’s policies are clear that sites are required to be developed in a comprehensive manner. All development proposals will be required to accord with Strategic Policy S2.

***10.32 Overall, is the allocation justified?***

Council’s response

10.32.1 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and potentially achievable in the SHELAA (KA011). The site falls within Stage 3 of the site selection process as set out in response to Question 10.1. It has been identified in the Council’s Brownfield Land Capacity Assessment [SEV.44]. Re-development of this site is consistent with the NPPF objectives to optimise the use of brownfield land and will also assist in achieving the dispersed spatial approach taken by the Council.

***H1Kd – Off Walesby Drive***

***10.33 What effect would the allocation of the site have in isolation in relation to the highway mitigation measures recommended by the Local Highway Authority?***

Council’s response

10.33.1 This site has Full planning permission and is currently under construction***.***

***10.34 What effect would the allocation have on non-designated heritage assets on the site?***

Council’s response

10.34.1 See response to Qu. 10.33.

***10.35 Overall, is the allocation justified?***

Council’s response

10.35.1 See response to Qu. 10.33.

***H1Ke – Land off Diamond Avenue, Kirkby-In-Ashfield***

***10.36 Is the allocation justified? Will it be effective?***

Council’s response

10.36.1 Yes. The site has been assessed through the SHELAA as available, potentially suitable and achievable. It is located within the Main Urban Area of Kirkby and is surrounded by existing residential development. The site has good access to the public highway and has previously benefitted from residential planning permission.

10.36.2 The site is in Ashfield District Council’s ownership and options for an appropriate development are currently being explored. It should be noted that the housing trajectory does not assume any delivery from this site before year 2029/2030.

***H1Kf – Warwick Close, Kirby-In-Ashfield***

***10.37 Is the allocation justified? Will it be effective?***

Council’s response

10.37.1 This site is now completely built out.

***H1Kg – Land behind 126 Skegby Road, Kirkby-In-Ashfield***

***10.38 What is the current status of the site? Has development commenced? Is the allocation necessary?***

Council’s response

10.38.1 This greenfield site has been assessed as available, potentially suitable, and achievable in the SHELAA (ref. KA038), with an estimated yield of 15 dwellings. It does not currently benefit from planning permission.

10.38.2 It is located within the Main Urban Area at Annesley and is surrounded by existing residential development to the west, south and east, with a primary school to the north. The site could come forward through the planning application process without the need for allocation. However, since it exceeds the threshold of 10 dwellings it is considered appropriate to be included as a site allocation in order to clearly identify the potential for future development in this area.

10.38.3 The housing trajectory does not assume any delivery from this site before year 2029/2030.

***H1Kh - Land off Hucknall Road, Newstead***

***10.39 Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

Council’s response

10.38.1 Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.29 to 9.32 in BP.01 specifically relate to this site and identify the public benefits associated with the potential development.

***H1Kk – Land Off Laburnum Avenue, Kirkby***

***10.40 What effect might any previous uses of the have on the allocation?***

Council’s response

10.33.1 This site has Full planning permission for 100% affordable housing and delivery is anticipated to commence from year 2025/26.

## Sutton area site allocations

***H1Sd – Adj. Oakham Business Park, Off Hamilton Road***

***10.41 What effect does the presence of nearby heritage assets have on the site allocation? Is there a need for mitigation to avoid harm to designated heritage assets?***

Council’s response

10.41.1 This site has a live application for Outline permission (V/2023/0275) for up to 250 dwellings. Details are therefore currently being assessed through the planning application process.

10.41.2 The designated assets within 300m of the site are 2 Scheduled Monuments and 1 Listed Building (Grade II). The impact of the allocation on heritage assets has been assessed within the HIA (p. 70 to 82). The allocation site currently allows a scenic approach to the King’s Mill Viaduct from Timberland Trail, which allows its aesthetic qualities to be better appreciated. The site, however, cannot be seen in any views of the asset and does not contribute to its immediate setting nor its historic or architectural interest. Development would result in no harm to the significance of the Robin Hood Railway Line or to the King’s Mill Viaduct, although it will alter the character of the approach to the latter.

10.41.3 Hamilton Hill is a scheduled monument and a prominent landmark in the landscape. The undeveloped rural setting of the asset contributes to its significance. The allocation is located directly between Hamilton Hill and reservoir and is likely to be visible in direct views from the top of Hamilton Hill. Due to the proximity of the allocation and the topography of the area, site lines are direct, and mitigation is recommended. This should include masterplan design incorporating green corridors or buffers and tree screening (see HIA Figure 66, Figure 73 and Figure 90). Restricting building height, especially in the western end of the allocation is also recommended.

10.41.4 With mitigation development would cause less than substantial harm to Hamilton Hill.

***10.42 How would the site secure the required access points recommended by the Local Highway Authority?***

Council’s response

10.42.1 This site has a live application for Outline permission (V/2023/0275) for up to 250 dwellings. Details are therefore currently being assessed through the planning application process.

***10.43 Is the allocation otherwise justified?***

Council’s response

10.43.1 Yes. The site has been assessed as available, potentially suitable, and potentially achievable in the SHELAA (Refs SA016, SA044). It is located adjacent to the existing urban area of Mansfield and is enclosed by employment development to north and east, a railway with Kingsmill reservoir beyond to the west, and countryside with employment development beyond to the south.

***H1Se – Priestic Road***

***10.44 What effect would previous uses have on the effectiveness of the allocation? Is the site deliverable having regard to potential contamination, ground stability and surface water flooding issues identified in the SHELAA?***

Council’s response

10.44.1 This brownfield site is located within the main urban area of Sutton and has previously had the benefit of outline planning permission. The site has been assessed as available, potentially suitable, and potentially achievable in the SHELAA (ref. SA017).

10.44.2 The site is a former railway cutting and licenced landfill which is surrounded by residential development. Being identified as ‘contaminated’ does not preclude it from development and responsibility for securing a safe development rests with the developer and/or landowner. A full site investigation report will be required to be submitted alongside any formal application, to allow the sites contaminants to be fully understood. This should also include full details of all remedial works which will be required to ensure the site is free from contamination once developed.

10.44.3 There is some evidence of surface water flooding within the boundary of the site, particularly along the northern boundary, although the vast majority falls outside of the site boundary. It should be noted that the site is located in Floodzone 1. Policy CC3 addresses flood risk and the use of SUDs to address surface water flooding.

10.44.4 Viability is discussed under Matter 12. As set out in response to Questions 12.1, 12.2 and 12.3, it is expected that any abnormal costs will be reflected in a reduction in land value and site purchase price, with overall viability unaffected.

10.44.5 Pre application advice has recently been sought and provided on this site (October 2024). A planning application is anticipated in due course.

***H1Sf – Rear 23 Beck Lane, Skegby***

***10.45 What effect does the presence of nearby heritage assets have on the site allocation?***

Council’s response

10.45.1 A full planning application for 36 affordable dwellings is currently being considered on this site (V/2024/0587). The application is accompanied by both a Heritage Assessment and an Archaeological Mitigation Strategy.

10.45.2 There is 1 Listed Building (Grade II) and 2 non-designated assets within 300m of the allocation. The impact of the allocation on heritage assets has been assessed within the HIA at pages 114 to 117 [SEV.17].

10.45.3 The construction of housing units on the site is will not impact upon the significance or setting of Dalestorth House and its adjoining walls. The significance of the asset is largely derived from its historical and architectural special interest. The development would extend the existing line of housing by c.40m and would not make a marked difference in views from the northern and western windows of the house. Views from the front of the house will not be affected. Primary views of the house from the front yard of the house and secondary views from Mansfield Road and Skegby Lane will also remain intact. Important views of the walled garden will not be impacted upon. The house is primarily experienced in a suburban setting and the housing development will therefore result in no harm to the significance of the asset.

10.45.4 The presence of significant prehistoric archaeology to the north of eth allocation indicates a moderate potential for the survival of archaeological remains within the site. Further evaluation to inform the need for mitigation is recommended.

***10.46 How would the site secure the required access points recommended by the Local Highway Authority?***

Council’s response

10.46.1 The pending application is supported by a Transport Statement and Travel Plan. The access to the site is proposed from Omberley Avenue. This route to the site was originally identified by the Local Highway Authority in the assessment of the site suitability in the early stages of preparing the emerging local plan. The Local Highway Authority re-iterated the need to access the site from this direction in commenting on the pre-application submission.

***H1Sg – Former Miners Welfare Sports Ground, Stanton Hill***

* 1. ***Is the allocation justified?***

Council’s response

10.47.1 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and achievable in the SHELAA (SA023). The site falls within Stage 3 of the site selection process as set out in response to Question 10.1.

10.47.2 This brownfield/greenfield site is currently unused, previously being home to Sutton Colliery Miners' Welfare Club and Sports Ground, with sports pitches, club house and associated infrastructure. It is understood that existing buildings on the site were demolished in the 1990s. It is located adjacent to the urban area of Sutton and comprises a combination of rough scrubland and a small hardstanding associated with the previous use of the site. The site is well contained by a combination of existing residential development, an ongoing residential development (H1Sw), a mature tree belt and allotments to north-west.

10.47.3 A Full planning application for 112 dwellings is currently being considered on this site (V/2023/0540).

***H1Sh – Pasture Farm, Alfreton Road***

***10.48 Is the site deliverable having regard to potential contamination and ground stability as identified in the SHELAA?***

Council’s response

10.48.1 This greenfield site has been assessed as available, potentially suitable, and potentially achievable in the SHELAA(ref.SA025). Environmental Health comments obtained set out that the potential for contamination of topsoil needs to be tested but is not anticipated to be a major issue. Ground stability could be of more significance if proven by geotechnical investigations. Potential issues are included within the supporting text to Policy H1 in order to highlight any impacts to landowners/prospective developers.

10.48.2 Viability is discussed under Matter 12. As set out in response to Questions 12.1, 12.2 and 12.3, it is expected that any abnormal costs will be reflected in a reduction in land value and site purchase price, with overall viability unaffected.

10.48.3 The Council have been made aware of developer interest on this site, with an option agreement in place to enable access to the site.

***H1Si – Rear Kingsmill Hospital***

***10.49 What effect does the presence of nearby heritage assets including Dalestorth House have on the site allocation? Is there a need for mitigation to avoid harm to designated heritage assets?***

Council’s response

10.49.1 The impact of the allocation on heritage assets has been assessed within the HIA at pages 108 to 113 [SEV.17]. The site is located c.4.2km southeast of Hardwick Hall Park, a Grade II\* Registered Park and Garden. Although the site lies within a character analysis area for the park, the two are so distant that the allocation site will not harm the significance or setting of the park.

10.49.2 The allocation would cause less than substantial harm on the higher end of the scale to Dalestorth House. The asset and its curtilage are already surrounded to the east, west and southwest by housing development. A buffer of greenery is provided by its gardens and an abundance of trees. The house is mostly visually divorced from its historically rural landscape. The asset’s location on one of the main roads out of Skegby allows the original function of as an inn for travellers to be understood.

10.49.3 Potential harm caused to views can be mitigated by retention and enhancement of trees along Skegby Lane as well as a green buffer between the road and development. This could be achieved by the retention of all or part of the Skegby Horticulture Unit. This green buffer is essential for keeping open views of the landscape to the south, which the current house was specifically designed to enjoy.

***10.50 Is the allocation justified?***

Council’s response

10.50.1 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and achievable in the SHELAA (SA033). The site falls within Stage 4 of the site selection process as set out in response to Question 10.1.

***H1Sk – Sunnyside Farm, Blackwell Road, Huthwaite***

***10.51 What effect does the identification of contamination and ground stability as identified in the SHELAA have on the allocation?***

Council’s response

10.51.1 Potential issues are included within the supporting text to Policy H1 in order to highlight any impacts to landowners/prospective developers. The SHELAA assessment assumed 50% net developable area (of 18.89Ha total) to account for topography and any other site constraints, including contamination and ground stability. At a density of 30 dph this gave a potential yield of 284 dwgs.

10.51.2 However, a sketch plan submitted as part of LP Regulation 19 consultation estimates a higher potential yield. The illustrative layout area is 11.72 Ha, less 0.55 ha to account for a Local Wildlife Site, contaminated land and surface water flooding etc, resulting in a net developable area of 11.17Ha (approx. 60%) and a potential yield estimate of 350 dwellings. This broadly conforms with density policy requirements (at 31.3 dph). A masterplan has now been prepared by the Council for this site as referred to in response to Question 10.4.

10.51.3 Viability is discussed under Matter 12. As set out in response to Questions 12.1, 12.2 and 12.3, it is expected that any abnormal costs will be reflected in a reduction in land value and site purchase price, with overall viability unaffected.

***10.52 Is it justified?***

Council’s response

10.52.1 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and potentially achievable in the SHELAA (SA057). The site falls within Stage 4 of the site selection process as set out in response to Question 10.1.

***H1Sl – North of Fackley Road, Teversal***

***10.53 Is the site at risk of flooding? Has the identification of the site been carried out in accordance with the sequential, and if necessary, the exceptions test?***

Council’s response

10.53.1 The site as identified on the Policies Map is located wholly within Floodzone 1. The river Meden, which lies outside of the site boundary to the south is identified as Floodzone 2/3. Surface water flooding is also identified along this same corridor, and crossing Fackley Road to the south.

10.53.2 It is worth noting that the Lead Local Flood Authority raised no objections to the proposals of an earlier planning application for 124 dwellings on this site (V/2022/0295), subject to conditions (to ensure that major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site). No comments/objections were raised by the Environment Agency.

***10.54 Is any mitigation for flood risk necessary? If so, what effect might this have on the allocation?***

Council’s response

10.54.1 Yes. Policy CC3 addresses flood risk and the use of SUDs to address and mitigate surface water flooding. It is considered that this is achievable within the site boundary and will not impact on the estimated yield which is based on a net developable area of 75% of the total site area.

***10.55 Is it justified?***

Council’s response

10.55.1 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and potentially achievable in the SHELAA (SA058). The site falls within Stage 4 of the site selection process as set out in response to Question 10.1.

***H1Sm – Land adjacent 88 High Hazels Drive***

***10.56 What effect does the identification of contamination and ground stability as identified in the SHELAA have on the allocation?***

Council’s response

10.56.1 Full Planning permission was granted in May 2024 for 18 dwellings (V/2021/0793). Estimated yield has subsequently been increased from 11 dwgs accordingly.

***H1Sn – Adj Molyneux Farm, Fackley Road, Teversal***

***10.57 Is the site at risk of flooding? Has the identification of the site been carried out in accordance with the sequential, and if necessary, the exceptions test?***

Council’s response

10.57.1 This site is located within Floodzone 1. However, part of the site to the north-east is subject surface water flows which will require mitigation.

***10.58 Is the allocation justified?***

Council’s response

10.58.1 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and potentially achievable in the SHELAA (SA064). The site falls within Stage 4 of the site selection process as set out in response to Question 10.1.

***H1So – Off Fackley Road, Teversal***

***10.59 What effect does the topography of the site have on the deliverability of the site?***

Council’s response

10.59.1 The site is situated on lower ground than the adjoining highway. However, advice from Nottinghamshire County Council as the Highways authority indicates that access appears possible. Local Plan paragraph 6.69 sets out that this site should be brought forward as part of a comprehensive development with site H1Sn to the east, in order to enable an acceptable access strategy and highway design. This same requirement is included at para. 6.67 with reference to site H1Sn.

***H1Sq – Hardwick Lane recreation ground, Sutton-In-Ashfield***

***10.60 What evidence is there that the site is no longer needed for open space?***

Council’s response

10.60.1 This site now has the benefit of full planning permission granted 4th November 2024. It forms part of the Council’s building programme and a scheme of 40 affordable dwellings are anticipated for completion in year 2026/27.

***10.61 Is the allocation justified?***

Council’s response

10.61.1 Yes. See response to 10.60 – it would now fall within Stage 1 in the site selection process.

***H1Sr – Land off Clare Road***

***10.62 Provide an update on the status of the site’s planning permission.***

Council’s response

10.62.1 Permission granted under ref V/2020/0791. An amended scheme for 100% affordable housing is currently being assessed (V/2023/0417).

***H1Ss - Land East of A6075 Beck Lane, Skegby***

***10.63 What effect does the presence of nearby heritage assets including the Grade II\* Listed Registered Park and Garden Hardwick Hall and the Grade II Listed Dalestorth House have on the site allocation? Is there a need for mitigation to avoid harm to designated heritage assets?***

Council’s response

10.63.1 There is an ongoing outline application for up to 230 dwellings (V/2023.0679). In respect of potential impact on heritage assets, the Council’s conservation officer agreed with the findings of the submitted heritage statement, in that there will be no harm to the significance of Dalestorth House, nor to any element of setting which contributes to its significance, thereby not triggering the requirements of the NPPF in terms of identifying harm and the need to balance public benefits against such harm. It was also agreed that there will be a minor element of harm to the setting of Ashland Farm, although this will not affect the significance of the building and therefore there were no objections to the proposals from the Conservation officer.

10.63.2 The impact of the allocation on 1 Registered Park and Garden (Grade II\*) and 1 Listed Building (Grade II) has been assessed within the HIA pages 95 to 107 [SEV.17].The site is located 3.9km southeast of Hardwick Hall Park, a Grade II\* Registered Park and Garden. Although the site lies within a character analysis area for the park, the two are so distant that proposed development will result in no harm.

10.63.3 There is a high potential for buried archaeological remains within the site and further evaluation to inform mitigation is advised.

***10.64 Is this allocation justified?***

Council’s response

10.64.1 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and potentially achievable in the SHELAA (SA074). The site falls within Stage 4 of the site selection process as set out in response to Question 10.1.

***H1St - Land off Blackwell Road/Main Street, Huthwaite***

***10.65 Is this allocation justified?***

Council’s response

10.65.1 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and achievable in the SHELAA (SA082). The site falls within Stage 4 of the site selection process as set out in response to Question 10.1.

10.65.2 It should be noted that 9 dwellings now have the benefit of Full planning permission on the southern part of this site, off Blackwell Road, granted June 2024 (V/2022/0601). An application to discharge conditions is currently being considered.

***H1Su – Rear 113 – 139 Beck Lane, Skegby***

***10.66 Is this allocation justified?***

Council’s response

10.66.1 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and achievable in the SHELAA (SA084). The site falls within Stage 4 of the site selection process as set out in response to Question 10.1.

10.65.2 It should be noted that 9 dwellings now have the benefit of Outline planning permission on the southern part of the site, granted January 2024 (V/2023/0054).

***H1Sw - Off Gilcroft Street/St Andrews Street/Vere Avenue, Skegby***

***H1Sx – Rear 249, 251 Alfreton Road***

***H1Sy – Off Brand Lane, Stanton Hill***

***H1Sz - Junction of Outram Street/Park Street***

***H1Saa - Land at Beck Lane, Skegby***

***H1Sac – The Quarry, 57 Stoneyford Road***

***H1Sad – The Pattern House, Crossley Avenue, Huthwaite***

***H1Sae – Ashland Road West***

***H1Saf – Quantum Clothing Site, North Street, Huthwaite***

***10.67 Provide an update on the status of each of the above site’s planning permissions.***

Council’s response

10.67.1 The table below provides a brief update for each of the sites listed above, plus one additional site at Pendean Way which secured planning permission post submission and is proposed to be included within the housing allocations moving forwards (H1Sai).

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Site Ref.** | **Site Name** | **Greenfield/ Brownfield** | **Planning Permission** | **Yield (Dwellings)** | **Current Status** |  |
| H1Sw | Off Gillcroft Street/St Andrews Street & Vere Avenue, Skegby | G | Yes | 168 | Under construction. 38 dwellings completed at April 2024. (Outstanding yield reduced from 206 dwgs) |  |
| H1Sx | Rear 249, 251 Alfreton Road | G | Yes | 6 | Under construction. 37 dwellings completed at April 2024. (Outstanding yield reduced from 43 dwgs) |  |
| H1Sy | off Brand Lane, Stanton Hill | G | Yes | 53 | Under construction. 17 dwellings completed at April 2024. (Outstanding yield reduced from 71 dwgs) |  |
| H1Sz | Junction of Outram Street/Park Street | B | No | 24 | Permission has now lapsed |  |
| H1Saa | Land at, Beck Lane, Skegby | G | Yes | 293 | Under construction. 29 dwellings completed at April 2024. (Outstanding yield reduced from 322 dwgs) |  |
| H1Sac | The Quarry, 57, Stoneyford Road | G | Yes | 47 | Development commenced. Street naming and numbering complete. |  |
| H1Sad | The Pattern House, Crossley Avenue, Huthwaite | B | Yes | 16 | New pending application for 16 dwgs (V/2022/0878)– formerly was for 23 dwellings. Currently finalising s106 to sign - Anticipated before end 2024. |  |
| H1Sae | Ashland Road West | G | Yes | 300 | Under construction. Bellway/Ashberry predict build rate of 72 dpa. |  |
| H1Saf | North of Midland Road | G | Yes | 0 | Site Completed (20 dwellings) |  |
| H1Sag | Quantum clothing Site, North Street, Huthwaite | B | No | 71 | Ongoing application for 61 dwellings (V/2022/0109) |  |
| H1Sai | Pendean Way | G | Yes | 12 | New windfall site - Full pp Granted 16/4/24. Named and numbered 29th April 2024. |  |

## Selston, Jacksdale and Underwood Area allocations

***H1Va – Land at Plainspot Farm, New Brinsley, Underwood***

***10.68 Does the evidence in support of the site allocation justify the exceptional circumstances required to enable the proposed alterations to the Green Belt boundaries?***

Council’s response

10.68.1 Yes. Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.33 to 9.37 in BP.01 are relevant to this site.

10.68.2 In addition, Table 1 in the Local Plan illustrates how the level of growth directed at the ‘rural village’ area (Selston Parish) is directly comparable to the percentage population in these areas, further supporting the spatial strategy taken by the Council. Whilst this demonstrates the ‘dispersed development’ strategy, it does not demonstrate how planned development fits with the settlement hierarchy in accordance with Policy S1. As such, a new table has been prepared to clarify this matter – see Table A in the Council’s Housing Land Supply Position Statement October 2024 [ADC.04]. The table demonstrates that planned housing growth is consistent with the identified settlement hierarchy with the following distribution:

* Tier a): Main Urban Areas 86%
* Tier b): Strategic Employment Areas N/A
* Tier c): Named Settlements 13%
* Tier d): Blenheim Industrial Estate N/A
* Tier e): The Remainder of the District 1%

***H1Vb – Off Westdale Road, Jacksdale***

***10.69 Is the site subject to flooding? Is this allocation justified?***

Council’s response

10.69.1 The site is located wholly within Floodzone 1. A very small area of medium risk surface water flooding has been identified in the south-eastern part of the site. In this respect, Policy CC3 addresses flood risk and the use of SUDs to address and mitigate surface water flooding.

10.69.2 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and potentially achievable in the SHELAA (SJU003). The site falls within Stage 5 of the site selection process as set out in response to Question 10.1. Please also see response at paragraph 10.68.2 above.

10.69.3 This site is the subject of an ongoing Full planning application for 74 dwellings (V/2023/0416).

***H1Vc – Land Adj. Bull & Butcher PH, Selston***

***10.70 Does the evidence in support of the site allocation justify the exceptional circumstances required to enable the proposed alterations to the Green Belt boundaries?***

Council’s response

10.70.1 Yes. Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.38 to 9.40 in BP.01 specifically relate to this site and identify the public benefits associated with the potential development. Please also see response at paragraph 10.68.2 above.

10.70.2 This site is the subject of an ongoing Outline planning application for up to 149 dwellings and 5,000 sqft retail unit (V/2022/0653).

***H1Vd – Adj 149 Stoney Lane, Selston***

***10.71 Does the evidence in support of the site allocation justify the exceptional circumstances required to enable the proposed alterations to the Green Belt boundaries?***

Council’s response

10.71.1 Yes. Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.41 to 9.43 in BP.01 specifically relate to this site. Please also see response at paragraph 10.68.2.

***H1Ve – Land Off Park Lane/South-West M1, Selston***

***10.72 Does the evidence in support of the site allocation justify the exceptional circumstances required to enable the proposed alterations to the Green Belt boundaries?***

Council’s response

10.72.1 Yes. Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.44 to 9.47 in BP.01 specifically relate to this site and identify the public benefits associated with the potential development. Please also see response at paragraph 10.68.2 above.

10.72.2 This site is the subject of an ongoing Full planning application for 137 dwellings (V/2022/0800).

***H1Vg – Land North of Larch Close, Underwood***

***10.73 Does the evidence in support of the site allocation justify the exceptional circumstances required to enable the proposed alterations to the Green Belt boundaries?***

Council’s response

10.73.1 Yes. Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.48 to 9.50 in BP.01 specifically relate to this site and identify the public benefits associated with the potential development. Please also see response at paragraph 10.68.2 above.

***H1Vh – Rear of 64-82 Church Lane, Underwood***

***10.74 Is the site subject to flooding? Is this allocation justified?***

Council’s response

10.74.1 The site is located wholly within Floodzone 1. An area of medium risk surface water flooding has been identified in the south-western part of the site. In this respect, Policy CC3 addresses flood risk and the use of SUDs to address and mitigate surface water flooding.

10.74.2 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and achievable in the SHELAA (SJU032). The site falls within Stage 5 of the site selection process as set out in response to Question 10.1. Please also see response at paragraph 10.68.2.

***H1Vi – Westdale Road/Rutland Road, Jacksdale***

***10.75 Is the site subject to flooding? Is the allocation justified?***

Council’s response

10.75.1 The site is located wholly within Floodzone 1. A very small area of medium risk surface water flooding has been identified in the western part of the site at number 82 Church Lane. In this respect, Policy CC3 addresses flood risk and the use of SUDs to address and mitigate surface water flooding.

10.69.2 Yes. The Council consider that this site is justified, having been assessed as available, potentially suitable and achievable in the SHELAA (SJU032). The site falls within Stage 5 of the site selection process as set out in response to Question 10.1. Please also see response at paragraph 10.68.2.

***H1Vj Land off Main Road, Jacksdale***

***10.76 Provide an update on the status of the site’s planning permission.***

Council’s response

10.76.1 This site has Full planning permission for 81 dwellings with a s106 agreement signed in August 2024. There has already been progress with street naming and numbering completed, and also several conditions discharged in October 2024. The developers are active in Ashfield on site H1Kd Millers Way, which is nearing completion. It has been indicated that commencement on this site will follow on from completion of the Miller’s Way site.

## Employment allocations

***Policy S6a - Land to the north-east of Junction 27 of the M1 Motorway***

***10.77 What effects would the proposed employment site allocation have on the significance of nearby designated heritage assets, including Annesley Hall and Felly Priory? Does the plan identify potential mitigation measures in respect of the heritage assets?***

Council’s response

10.77.1 This site now benefits from Outline planning permission for B8 use. The Section 106 agreement was signed in September 2024.

***10.78 What improvements are required to the Strategic and Local Highway Networks as a result of the allocation? What is the evidence to support this, and what effect does this have on the timing and deliverability of the allocation?***

Council’s response

10.78.1 See response to Qu. 10.77.

***10.79 How is the allocation anticipated to come forward for development? Will the requirements of the Policy be capable of come forward in a comprehensive manner?***

Council’s response

10.79.1 See response to Qu. 10.77.

***10.80 Is the requirement for the proposal to exceed the Building Regulations requirements for carbon emissions justified? What evidence is there to support this?***

Council’s response

10.80.1 See response to Qu. 10.77.

***10.81 Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

Council’s response

10.81.1 See response to Qu. 10.77.

***Policy S6b – Land to the south-east of Junction 27 of the M1 Motorway***

***10.82 What improvements are required to the Strategic and Local Highway Networks as a result of the allocation? What is the evidence to support this, and what effect does this have on the timing and deliverability of the allocation?***

Council’s response

10.82.1 There has been progression in respect of this site since the Local Plan was submitted. A Hybrid Planning Application Comprising: Full Application for a B2/B8 Unit with Associated Access, Parking, Drainage Infrastructure and Landscaping; and Outline Application for up to 4no. B2/B8 Units (With Point of Access and Scale Included) was resolved to be granted permission at Planning Committee on 4th December 2024, subject to a Section 106 Agreement and referral of the application to the Secretary of State as a departure from the development plan.

***10.83 Is the requirement for the proposal to exceed the Building Regulations requirements for carbon emissions justified? What evidence is there to support this?***

Council’s response

10.83.1 See response to Qu. 10.82.

***10.84 How is the allocation anticipated to come forward for development? Will the requirements of the Policy be capable of come forward in a comprehensive manner?***

Council’s response

10.83.1 See response to Qu. 10.82.

***10.85 Does the wording of Policy S6b provide sufficient clarity on when the allocation may come forward for development? Will it be effective?***

Council’s response

10.83.1 See response to Qu. 10.82.

***10.86 Is there a reasonable prospect the land allocated in Policy S6b will come forward within the plan period?***

Council’s response

10.83.1 See response to Qu. 10.82.

***10.87 Having regard to the location of land south-east of Junction 27 within the Green Belt and the HS2 safeguarding direction currently in place, is the release of this land from the Green Belt justified?***

Council’s response

10.83.1 See response to Qu. 10.82.

***10.88 Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?***

Council’s response

10.83.1 See response to Qu. 10.82. In addition, Chapter 9 of Background Paper 1 [BP.01] discusses the exceptional circumstances to justify Green Belt release. Paragraphs 9.55 to 9.62 in BP.01 specifically relate to this site and identify the public benefits associated with the potential development.

1. Communities and Local Government (2011) Town and Country Planning Act 1990 – Section 77. Application by Veolia Nottinghamshire Limited Land at Former Rufford Colliery, Rainworth, Nottinghamshire, NG21 0ET (Application Ref: 3/07/01793/CMW. Available at: [https://webarchive.nationalarchives.gov.uk/20121029114856/http://www.communities.gov.uk/documents/planning-callins/pdf/1914959.pdf](https://webarchive.nationalarchives.gov.uk/20121029114856/http:/www.communities.gov.uk/documents/planning-callins/pdf/1914959.pdf) [Date Accessed: 25/09/23] [↑](#footnote-ref-1)
2. An Important Bird and Biodiversity Area (IBA) is an area identified using an internationally agreed set of criteria as being globally important for the conservation of bird populations. [↑](#footnote-ref-2)
3. Natural England (2014) Advice note to Local Planning Authorities regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region. Available at: <https://www.mansfield.gov.uk/downloads/file/329/natural-england-s-advice-notes-on-the-sherwood-ppspa-2014> [Date Accessed: 25/09/23] [↑](#footnote-ref-3)
4. Thames Basin Heaths Joint Strategic Partnership Board (2009). Thames Basin Heaths SPA Delivery Framework. <https://www.bracknell-forest.gov.uk/sites/default/files/2021-08/thames-basin-heaths-spa-delivery-framework.pdf> [Date Accessed: 25/09/23]. [↑](#footnote-ref-4)
5. Ltd (NANT Ltd) v Suffolk Coastal District Council, Court of Appeal, 17 February 2015. Available at: <https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/Core-Strategy-and-DMP/No-Adastral-New-Town-Ltd-v-SCDC.pdf> [Date Accessed: 25/09/23] [↑](#footnote-ref-5)
6. Opinion of Advocate General Kokott delivered on 9 June 2005. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland. Failure of a Member State to fufil obligations - Directive 92/43/EEC - Conservation of natural habitats - Wild fauna and flora. Case C-6/04. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62004CC0006> [Date Accessed: 25/09/23]. [↑](#footnote-ref-6)
7. R (o a o Devon Wildlife Trust) v. Teignbridge DC [2015] EWHC 2159 (Admin). 28 July 2015. Available at: <https://vlex.co.uk/vid/r-devon-wildlife-trust-792693573> [Date Accessed: 25/09/23] [↑](#footnote-ref-7)