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Update on Local Plan Examination

Evidence of Gary Lees BA (Hons) DipTP MRTPI

In Respect of a S.78 Planning Appeal at Land at Newark Road,
Sutton-in-Ashfield

On behalf of Hallam Land

Date: 7th January 2025 | Pegasus Ref: EMS.2254

Appeal Ref: APP/W3005/W/24/3350529 | LPA Ref: V/2022/0629

Author: Gary Lees





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Appendix 1: Local Plan Inspectors Interim Findings Letter



- 1.1. This note is to provide an update on the Ashfield Local Plan Examination. The Local Plan programme officer issued the letter at **Appendix 1** via email today – 7th January 2025. The letter is dated 3rd December 2024 and sets out the Inspectors' Initial Findings following hearing sessions for Matters 1–3.
- 1.2. In summary, the plan as submitted requires significant Main Modifications to be found sound, in particular:
 - Concerns over the effectiveness of the Plan's spatial strategy as the submitted plan results in a shortfall of 882 homes over the plan period to 2040
 - Insufficient evidence to justify that exceptional circumstances exist to remove land from the Green Belt
 - The shortfall in housing would likely result in the need for further alterations to the Green Belt boundary before the end of the plan period
- 1.3. The Inspectors' have asked the Council if it is able to identify any further sites to meet housing needs along with details of a realistic timetable to undertake potentially a further call for sites, appraisal and SA, along with further consultation. The Inspectors recognise this is a significant amount of work but have asked the Council to respond with a timetable by 10th January 2025. The January hearing sessions into Matters 4 – 12 have been postponed. Even if the Council are able to identify and propose to allocate further sites, there is likely to be a significant delay in the adoption of the plan.
- 1.4. The implications of the above for the Newark Road appeal is reduce the weight to be placed on the draft plan even further. As noted in my main evidence, there was, and remains, no substantive reason to exclude the appeal site as a proposed housing allocation in the draft plan.
- 1.5. At paragraph 6.23 of my main proof I attach limited weight to the emerging local plan; in light of the attached letter, this is reduced to very limited weight.



Appendix 1:

Local Plan Inspectors Interim Findings Letter

Examination of the Ashfield Local Plan

Inspectors: Philip Mileham BA (Hons) MA MRTPI and Graham Wyatt BA (Hons)
MRTPI

Programme Officer: Miny Schofield

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Ms. Melanie Wheelwright CMLI
Forward Planning & Economic Growth Team Manager
Ashfield District Council
Urban Road
Kirkby-in-Ashfield
Nottingham
NG17 8DA

03 December 2024

Dear Ms Wheelwright,

Initial Findings following hearing sessions for Matters 1-3

Following on from the hearing sessions for Matters 1-3 held on 12-14 November 2024, we wish to set out our position having reflected on the discussion held and in order to guide the next stages of the examination.

As you will be aware from the hearing sessions, there was considerable debate on the appropriateness of the Plan's Spatial Strategy and the accompanying role that the Sustainability Appraisal (SA) played in determining that strategy. At present, the Spatial Strategy seeks to disperse development on site allocations of 500 dwellings or fewer across the District in the locations identified in the settlement hierarchy, focussing principally on the identified Main Urban Areas.

However, as we indicated during the sessions, our concerns centre upon the effectiveness and soundness of this strategy as the Council is currently unable to identify sufficient homes to meet the housing requirement in the submitted plan, with a shortfall of 882 homes to 2040. This shortfall exists before we have examined the soundness of any sites in the Plan, or the robustness of the Council's housing trajectory. Whilst we note that the Council considers the shortfall of housing over the plan period could be partially reduced through an increased windfall allowance, we are not convinced that the revised windfall rate presented by the Council is justified, or that it will continue at the rate envisaged over the plan period. This is because the revised windfall rate has been based on a period where the Council has not had an up-to-date Local Plan and where the presumption in favour of sustainable development set out in the Framework has been applied in decision-making.

Moreover, even if we were to accept the Council's proposed new windfall rate, the recently updated Housing Land Supply Position Statement [ADC.04] shows

there would remain a shortfall to 2040. Paragraph 35 of the Framework clearly states that Local Plans should provide a strategy, which, as a minimum, seeks to meet the area's objectively assessed needs. This goes to the heart of the Government's stated aim of boosting the supply of homes. Main modifications will therefore be required to address the supply of housing and make the Plan effective.

Another main issue where we have concerns is the justification for the release of Green Belt land. As you are aware, Paragraph 140 of the Framework sets out the Government's expectations on the exceptional circumstances that must exist before altering the Green Belt boundary. Paragraph 141 of the Framework expects that before concluding that exceptional circumstances exist to justify changes to the Green Belt boundary, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for housing development. By focussing on sites of fewer than 500 dwellings, there may be other potential sites of over 500 dwellings which may result in the Council not needing to release land from the Green Belt. It appears from the representations that such sites may well exist. Therefore, there is currently insufficient evidence to justify that exceptional circumstances exist to remove land from the Green Belt at the strategic level.

We also have significant concerns that even if we were to conclude exceptional circumstances exist to alter the Green Belt boundary based on the submitted plan, the current shortfall in housing would likely result in the need for further alterations to the Green Belt before the end of the plan period. As we indicated during the hearing sessions, paragraph 143(e) of the 2023 Framework seeks to avoid this very scenario.

Therefore, on the basis of the above, we wish to know the following:

- I. whether the Council can identify any further sites for allocation in accordance with the submitted plan's spatial strategy to meet housing needs? If not, could any sites of greater than 500 dwellings be identified for allocation whilst maintaining the dispersed approach?
- II. If further sites cannot be identified, then how could the Plan and its spatial strategy be modified to make it effective, justified and sound in seeking to meet housing needs in full over the plan period.

The above may require the Council carrying out a further call for sites, followed by appraisal and SA, along with consultation with stakeholders and the public. Furthermore, it will be necessary for you to find and conclude on the most appropriate ones. This will inevitably take time as there is a potentially significant amount of work for the Council in considering and responding to the above.

We draw your attention to the letter from the Housing Minister, Matthew Pennycook to the Planning Inspectorate dated 31 July 2024 which sets out the Government's expectations on the pragmatism that Inspectors should apply when pauses to Local Plan examinations may be required. The Minister's letter states that pragmatism should not be used to address fundamental issues with the soundness of a plan, which would be likely to require pausing or delaying the

examination process for more than six months overall. It also clarifies that any extensions to the six-month pause should only be allowed at the Inspectors' discretion to deliver adopted local plans under the current system.

In this context, we request that the Council provides us with an indicative timetable for how long it would need to respond to the points above at the earliest opportunity. It would assist greatly if you would set out in a gantt chart the detailed steps necessary to progress the work we consider necessary against a timeline. This should be realistic and should make sure that each step is properly sequenced – where one step relies on the output of another that sequencing should be reflected in the chart. We ask that this gantt chart, and any other relevant information, is provided to us by not later than 10 January 2025. Once we have this information, we will consider the way forward in the light of the gantt chart and the Minister's letter, and we will write to you again at that point.

With all of the above in mind, given the importance of establishing a sound spatial strategy to set the context for the rest of the examination, we have decided to postpone the January hearing sessions for Matters 4-12 and schedule in a further hearing session at a suitable time once the Council has addressed the matters raised in our letter. Please would the Council make sure that the cancellation of these hearings is advertised on the examination web page and that everyone likely to be affected is informed.

If you have any questions, please do not hesitate to contact us via the Programme Officer and we request that a copy of this letter is placed on the examination webpages at the earliest opportunity.

Please note we are not seeking representations from any other participants on the contents of this letter at this time.

Yours sincerely,

Philip Mileham and Graham Wyatt

INSPECTORS

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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