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## Ashfield Local Plan (2023-2040) Regulation 19 Pre-Submission Draft Representation Form

**YOU ARE ADVISED TO READ THE GUIDANCE NOTE BEFORE COMPLETING THIS FORM**

Ashfield District Council is seeking your comments on the Ashfield Local Plan (2023-2040) Regulation 19 Pre-Submission Draft. Comments received at this stage should be about whether the Plan is **legally compliant, sound, and whether it has met the duty to cooperate**. **All representations must be received by the Council by 5.00pm Monday 29<sup>th</sup> January 2024.**

Please submit comments using this form by the following methods:

- Online form at: <https://www.ashfield.gov.uk/ashfield-local-plan-2023-2040>
- E-mail form to: [localplan@ashfield.gov.uk](mailto:localplan@ashfield.gov.uk)
- Post form to: Forward Planning Team, Ashfield District Council, Urban Road, Kirkby-in-Ashfield, Nottingham, NG17 8DA

This form has two parts:

**Part A** – Personal/Agent contact details and further notification requests.

**Part B** – Your representations (Please fill in a separate part B for each aspect or part of the Local Plan you wish to comment on). Documents to support your representations (optional) should be referenced within Part B.

### Data Protection Terms

Any personal details submitted as part of a representation will be processed by Ashfield District Council in accordance with the Data Protection Act 2018 and used in connection with the development and adoption of the Ashfield Local Plan. Please note, **the Council cannot accept anonymous responses**. All representations received will be made available for public inspection and therefore cannot be treated as confidential. They will also be:

- Published in the public domain;
- Published on the Council's website;
- Shared with other organisations for the purposes of developing/adopting the Ashfield Local Plan;
- Forwarded to the Secretary of State for consideration;
- Made available to the Planning Inspector appointed by the Secretary of State to examine the Local Plan; and
- Used by the Inspector to contact you regarding the Examination of the Plan.

When making representations available on the Council's website, the Council will remove all telephone numbers, email addresses and signatures.

By submitting your Response Form/representation you agree to your personal details being processed in accordance with these Data Protection Terms.

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## Part A

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In circumstances where individuals/groups share a similar view, it would be helpful to the Inspector to make a single representation, stating how many people the submission is representing and how the representation was authorised.

### I. Personal Contact Details

If an agent is appointed, only complete Title, Name & Organisation in section I, and all of section 2.

Title	Mr
First Name	Rod
Last Name	Brown
Organisation	Arromax Property Company Ltd
Address	
Postcode	
Telephone Number	
Email Address	

### 2. Agent Contact Details

Title	Mr
First Name	Samuel
Last Name	Pepper
Organisation	DLP Planning Ltd
Address	Office 106, Cumberland House, 35 Park Row, Nottingham
Postcode	NG1 6EE
Telephone Number	0115 896 6620
Email Address	East.Midlands@dlpconsultants.co.uk

### 3. Requests for Further Notification

Please tick the relevant boxes below to receive notifications (via e-mail) on the following events:

- Local Plan submitted to the Secretary of State for Inspection.
- Examination in Public hearing sessions.
- Planning Inspector's recommendations for the Local plan have been published.
- Local Plan has been formally adopted.

**Part B** (Please fill a separate Part B for each individual representation)

Please fill in your Name and Organisation here for every Part B sheet that you submit:

Name: Mr Samuel Pepper, DLP Planning Ltd on behalf of Mr Rod Brown

Organisation: Arramax Property Company Ltd

**I. To which part of the Local Plan does this representation relate?**

Part of Local Plan:	Tick if Relevant (✓):	Specify number/ part/ document:
Local Plan Paragraph Number		Paragraph Number:
Local Plan Policy Number	✓	Policy Number: Policies S1, S2, S5 and S7
Local Plan Policy Map		Part of Policy Map:
Sustainability Appraisal		Paragraph Number:
Statement of Consultation		Paragraph Number:
Supporting Evidence Base		Document Name: Page / Paragraph:

**2. Do you consider the Local Plan to be LEGALLY COMPLIANT?**

Yes  No

**3. Do you consider the Local Plan to be SOUND?**

Yes  No

*If you have answered NO, please answer Question 3a.*

**3a. The Local Plan is not sound because it is not:**

- (i) Positively Prepared
- (ii) Justified
- (iii) Effective
- (iv) Consistent with national policy

**4. Do you consider the Local Plan Document to comply with the DUTY TO CO-OPERATE?**

Yes  No

**5. Please provide precise details of why you believe the Local Plan is, or is not, legally compliant, sound or in compliance with the duty to cooperate, in the below box.**

If you wish to provide supplementary information to support your details, please ensure they are clearly referenced below.

Please refer to the site specific report prepared and submitted alongside this form for additional information on the below.

**Policy S1 – Spatial Strategy to Deliver the Vision**

Policy S1 sets out the overarching spatial strategy for the Ashfield Local Plan. This provides a comprehensive overview that will guide the distribution of development and underpins the structure and direction of the subsequent strategic policies.

These representations take no issue with the emphasis Policy S1 places on sustainable development. We also support the focus on locating growth in sustainable and accessible locations, including prioritising sites within and adjoining the Main Urban Areas.

Point 5 of Policy S1 supports delivery of homes '*via dispersed development, focusing on sites of less than 500 dwellings*'. The Council's justification for focusing development on sites of less than 500 dwellings is unclear and unjustified. In particular, it is unclear whether this applies to adjoining sites where the combined total number of units may be greater than 500. We therefore suggest that point 5 of Policy S1 is re-worded as follows:

*"...focusing **mainly** on sites of less than 500 dwellings, **except where there is evidence that conjoined sites can deliver in the plan period**".*

The previous Regulation 18 version of the Ashfield Local Plan had a large focus on new settlement delivery, with the aim to place 35% of all housing to be developed and delivered on new settlement sites. Whilst the deliverability of such sites was questioned, and we fully support their removal from the current Regulation 19 draft, large-scale allocations in sustainable locations next to adjoining settlements can make an important contribution to housing supply, as supported by paragraph 74 of the Framework.

The emphasis in point 5 of Policy S1 on delivering homes '*via dispersed development*' also contradicts the prioritisation of sites '*within and adjoining the Main Urban Areas*', as stated in point 3. It is not possible to focus growth in certain areas whilst also pursuing a dispersed pattern of development. Clarification of the Council's overall strategic spatial approach to development should be provided in this policy; as currently worded the policy is not effective.

We therefore object to Policy S1 as currently worded on the basis that it is **neither fully justified nor effective**.

### **Policy S2 – Achieving Sustainable Development**

Policy S2 sets out criteria for achieving sustainable development, including in the determination of planning applications.

The criteria set out within this policy are broadly supported, however we object to point 2(h) which states that *'Development will be permitted without delay...where it does not form part of a larger site where there would be a requirement for infrastructure provision if developed as a whole'*. This criterion is unnecessarily restrictive and could potentially result in applications being refused on sites that would otherwise be considered acceptable.

The term 'larger site' is ambiguous, as it is unclear precisely what scale of site this is referring to, and whether this refers to a single, large allocated site or immediately adjacent smaller sites which, when grouped together, could be considered a 'larger site'.

Furthermore, applications should be assessed on their own merits, including whether any mitigation is required to make them acceptable in planning terms. This would include appropriate contributions towards necessary infrastructure, where required. The delivery of a smaller parcel within a larger development site (or individual smaller sites in the vicinity of one another) should therefore not be contingent on other sites in that area being brought forward. Where significant infrastructure is required to support larger scale allocations, this should be set out in the allocation policies. This criterion is therefore **not justified** and superfluous to requirements and should be deleted.

Point 4 of Policy S2 states that *'All development should be located, designed, constructed and operated so as to maximise and deliver social value'*. The supporting text goes on to provide a definition of social value (in paragraph 3.33) and states that further details of how the Council's objective of maximising social value will be applied to individual development proposals are set out in Policy SD1. Policy SD1 requires the submission of a Social Value Strategy for all major applications which demonstrates *'how social value is achieved throughout the lifecycle of the development, based on a comprehensive masterplan of the whole site'*. This requirement is therefore only applicable to major developments.

As currently worded, point 4 of Policy S2 is therefore **not effective** as it would not apply to all developments. The wording of point 4 should be clarified to state it is only applicable to major developments, and to include an appropriate cross-reference to Policy SD1.

The Local Plan policies should clearly state how social value is calculated, how it is achieved, and how that will be possible on all the allocations and sites that will come forward within the authority area.

Paragraph 8 of the Framework recognises that the planning system has three key objectives in achieving sustainable development, one of which is a 'social objective'. This is reflected in point 1 of Policy S2. The Framework itself does not include any references to, and nor does it explicitly define, 'social value' as a term.

Point 4 of Policy S2 is therefore also **not consistent with national policy**.

Point 3 of Policy S2 is unnecessary repetition of national policy and should be deleted.

### **Policy S5: High Quality Buildings and Places through Place Making and Design**

Point 3 of Policy S5 states that *"Neighbourhood plans / orders can have a key role in placemaking and allows communities to have more influence and control over their local area to ensure they get the right type of development for their neighbourhood"*. Whilst we do not object to this statement in principle, we object on the basis that this criterion is not currently **consistent with national policy**.

Paragraph 13 of the Framework states that *"Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies"*. In order to ensure conformity with national policy, it is therefore necessary to provide clarification in point 3 of Policy S5 as follows: *"Neighbourhood plans / orders can have a key role in placemaking and allows communities to have more influence and control over their local area to ensure they get the right type of development for their neighbourhood **where this is in accordance with overarching strategic policies**"*.

### **Policy S7: Meeting Future Housing Provision**

Policy S7 sets out Ashfield's housing requirement and housing delivery strategy.

Point 1 of Policy S7 states that a minimum of 7,582 new dwellings will be delivered in Ashfield over the period 2023 to 2040.

The policy supporting text specifies that the housing requirement figure is based on a Local Housing Need derived from the standard method calculation, which results in a housing need figure of 446 dwellings per annum (dpa) as of April 2023.

We agree, in principle, that the Council's calculation of the annual housing requirement using the standard method is correct and that over the 17 year plan period (2023 to 2040) the total housing requirement based on the standard method would therefore be 7,582 dwellings.

However, the plan currently only identifies a total housing supply of 6,700 dwellings over the plan period, which is a deficit of 882 dwellings and represents just 13 years' supply. Therefore we object to Point 1 of Policy S7 as it is currently not **positively prepared nor effective**, as it states that 7,582 dwellings will be delivered over the plan period, despite the fact that within this figure there are 882 dwellings that have not been positively planned for and it is unclear how these 882 dwellings would be delivered. No further clarity is provided in the associated Background Paper 2: Housing, submitted alongside the core development documents in the supporting evidence base.

This background paper establishes that the current supply of deliverable and developable sites combined with extant permissions (as at April 2023) allow the authority to only confirm the delivery of 6,700 of its 7,582 target, leaving a clear deficit of 882 dwellings for the plan period.

While this shortfall is acknowledged by the Council, it is justified (in paragraph 7.3 of Background Paper 2) on the basis that it is compliant with paragraph 68 (now paragraph 69) of the Framework because:

*“...the Plan currently provides for 6700 dwellings against a need of 7582 to the year 2040, amounting to approximately 13 years supply post adoption (to year 2038/39). It is considered to be consistent with NPPF paragraph 68 which requires policies to identify a sufficient supply and mix of sites, (taking into account their availability, suitability and likely economic viability), with specific, deliverable sites for years one to five of the plan period, and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan” (Background Paper 2: Housing, paragraph 7.3)*

These are the years which paragraph 69 of the Framework states must be effectively planned for and covered by any emerging local plan, with specific deliverable sites for the first five years identified, developable sites identified for the 6-10 year post-adoption period, and, where possible, found for the 11-15 year post-adoption period. Assuming the plan period is only, and only, 15 years.

As the Ashfield Local Plan covers the 17 year period 2023 to 2040, and given the tendency for local plan adoption dates to slip, in order to ensure the Plan is sound at the point of adoption it would be prudent for the Council to identify further developable sites at this stage to avoid unnecessary delays during the Examination process should further allocated sites be required.

Furthermore, paragraph 22 of the Framework states that “*strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities*”. Paragraph 23 of the Framework also states that “*strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs **over the plan period***” (emphasis added).

The Ashfield Local Plan covers a period of 17 years (2023 to 2040), and therefore in order to comply with national policy its strategic policies should plan to meet the housing needs identified over that defined plan period.

The test in the Framework is that a minimum of 15 years' supply **should** be identified if it is possible to do so. It is not accepted that it is impossible to identify 17 years' supply. As this and other objections highlight, there are clearly sufficient deliverable sites that could be allocated, it is simply the Council's choice not to do so. In this respect the level of housing provision is not in accordance with the Framework as it is possible to allocate deliverable sites for the whole of the plan period and the Council's justification for not doing so is simply inaccurate and not borne out by the evidence.

As stated above, Policy S7 is **not positively prepared nor consistent with national policy** because the level of housing provision that has been planned for (as also set out in the housing allocations identified in Policy H1) does not meet the identified needs for the plan period.

In order to ensure the plan is positively prepared and consistent with national policy, the Council should ensure that sufficient sites are identified which, as a minimum, meet the housing requirement for the whole plan period (7,582 dwellings), including through allocating further deliverable and developable sites, as required.

It is also concerning that the supply figures only just cover a 15-year requirement ( $446 \times 15 = 6,690$  dwellings). There is no buffer included, therefore should any identified developable sites fail to be delivered, the minimum housing requirement would not be met.

This further supports our recommendation that the Council should allocate further sites to ensure Ashfield's identified housing needs for the plan period are met in full.

It is also noted that Policy S8 (Delivering Economic Opportunities) identifies an employment land requirement of 81 ha over the plan period (2023 to 2040). As set out in Table 36 of Background Paper 3: Economy & Employment Land, this figure is based on a scenario derived from past take-up rates. This can be compared with the labour supply scenario derived from the current standard method local housing need figure (446 dpa) of 16.84 ha. The amount of employment land being planned for is therefore significantly in excess of the amount of employment land required under the labour supply scenario.

Whilst it is acknowledged that some of this past take-up trend relates to wider strategic needs rather than local 'indigenous' needs of Ashfield's residents, paragraphs 8.111 and 8.112 of Background Paper 3 identify the past take-up figure attributable to 'local needs' as being 27.5 ha. This is still in excess of the 16.84 ha that would be required based on the standard method housing requirement figure of 446 dpa.

Paragraph 8.112 of Background Paper 3 states that “*planning for this higher figure will help to ensure a choice of employment land supply by size, type, location and quality of sites and premises for businesses, and maximising future job opportunities for the local workforce (including those who may currently commute elsewhere)*”. However, in planning for this higher figure it is also necessary for the Council to consider whether there is sufficient housing available to meet the identified growth in jobs. Paragraph 61 of the Framework states that the outcome of the standard method is ‘*an advisory starting-point for establishing a housing requirement for the area*’ and that there may be exceptional circumstances which justify an alternative approach to assessing housing need, including an approach that reflects ‘*market signals*’.

To further ensure that Policy S7 is **consistent with national policy**, it is again important that the Council identifies a supply of housing land that, as a minimum, will deliver 7,582 dwellings over the plan period to ensure the housing needs of the local labour force (which are already being planned for in terms of employment land supply) are being fully met. This is required to ensure the Council’s needs are being met locally and to prevent increased in-commuting.

As set out below, there is additional suitable, available and deliverable land available on non-Green Belt sites and in sustainable locations within Ashfield that could be allocated. Full and clear consideration should be given to the options presented in these representations prior to the plan being submitted for Examination.

**6. What change(s) do you consider necessary to make the Local Plan legally compliant or sound or to meet the duty to co-operate, with regards to the issue(s) identified above?**

**Please precisely outline why these change(s) will make the document legally compliant, sound or meet the duty to cooperate. It would be helpful to include suggested revised wording if necessary.**

Please refer to the site specific report prepared and submitted alongside this form for additional information on the below.

**Policy S1 – Spatial Strategy to Deliver the Vision**

Point 5 of Policy S1 supports delivery of homes ‘*via dispersed development, focusing on sites of less than 500 dwellings*’. This should be re-worded as follows:

“...focusing **mainly** on sites of less than 500 dwellings, **except where there is evidence that conjoined sites can deliver in the plan period**”.

In addition, clarification of the Council’s overall strategic spatial approach to development should be provided in this policy. These changes would ensure that this policy would be sound by virtue of being fully justified and effective.

## **Policy S2 – Achieving Sustainable Development**

Criterion 2(h) states that: *‘Development will be permitted without delay...where it does not form part of a larger site where there would be a requirement for infrastructure provision if developed as a whole’*. This criterion should be deleted as it is unnecessarily restrictive and could potentially result in applications being refused on sites that would otherwise be considered acceptable. This would ensure that this policy is sound by virtue of being justified.

Point 3 of Policy S2 is unnecessary repetition of national policy and should be deleted.

Point 4 of Policy S2, which states that *All development should be located, designed, constructed and operated so as to maximise and deliver social value*, should be clarified to state that it is only applicable to major developments, and to include an appropriate cross-reference to Policy SD1, so as to ensure that it is justified. This point is also not consistent with national policy.

## **Policy S5 – High Quality Buildings and Places through Place Making and Design**

Point 3 of policy S5 currently states that *“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”*. In order to clarify this point and bring it in to line with national policy, this should be changed to: *“Neighbourhood plans / orders can have a key role in placemaking and allows communities to have more influence and control over their local area to ensure they get the right type of development for their neighbourhood **where this is in accordance with overarching strategic policies**”*.

## **Policy S7 – Meeting Future Housing Provision**

Policy S7 is not positively prepared nor consistent with national policy because the level of housing provision that has been planned for (as also set out in the housing allocations identified in Policy H1) does not meet the identified needs for the plan period.

In order to ensure the plan is positively prepared and consistent with national policy, the Council should ensure that sufficient sites are identified which, as a minimum, meet the housing requirement for the whole plan period (7,582 dwellings), including through allocating further deliverable and developable sites, as required. This would ensure that the plan is positively prepared.

As set out in the enclosed representation, there is additional suitable, available and deliverable land available on non-Green Belt sites and in sustainable locations within Ashfield that could be allocated. Full and clear consideration should be given to the options presented in these representations prior to the plan being submitted for Examination.

**7. Do you wish to participate at the hearing sessions at Examination?**

Yes



No



*If you have answered YES, please answer Question 7a.*

**7a. If you wish to participate at the hearing sessions at Examination, please outline in the box below why you consider this to be necessary.**

**Please Note:** the Planning Inspector will determine who will be invited to speak at the examination hearing sessions.

DLP Planning Ltd have significant experience both in plan making and in local plan examinations, especially in terms of the tests of soundness, so their experience on these matters will be of assistance to the Inspectors.

The issues raised in this representation are not stand alone but must be regarded as part of wider representations to the Local Plan.

In order to full demonstrate the arguments raised in this representation and to appropriately test the soundness of the Local Plan, this will require attendance of suitably knowledgeable persons at the hearings.



Signed: **Samuel Pepper, MRTPI**

Date: **29/01/2024**

Please refer to the first page of this questionnaire for the submission information.

**If you require any further information or assistance in completing this Representation Form, please contact the Forward Planning Team at:**

Website	<a href="https://www.ashfield.gov.uk/planning-building-control/local-plan/">https://www.ashfield.gov.uk/planning-building-control/local-plan/</a>
Telephone	01623 457 302
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Post	Forward Planning Team, Council Offices, Urban Road, Kirkby-In-Ashfield, Nottingham, NG17 8DA.



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For and on behalf of  
**Arromax Property Company Ltd**

**Representation to Ashfield District Council Local Plan  
Regulation 19 Consultation**

**Land at Riverbank Farm, Fackley Road, Stanton Hill**

**Prepared by  
DLP Planning Ltd  
Nottingham**

January 2024



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Date:	January 2024

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## 1.0 INTRODUCTION

- 1.1 These representations in response to the Ashfield Draft Local Plan (Regulation 19) consultation have been prepared by DLP Planning Limited on behalf of our client, Arromax Property Company Ltd, who are the owners of land at Riverbank Farm, Fackley Road, Stanton Hill.
- 1.2 These representations promote the allocation of land located to the east of Fackley Road, including the area currently in use as a Golf Centre, as shown on the site location plan enclosed with these representations and shown in figure 1 below.



**Figure 1: Site Location Plan**

- 1.3 The following sections of this report are structured as follows:
- Section 2 sets out the National Planning Policy Context for the Local Plan Preparation Process.
  - Section 3 presents our comments on the overarching Local Plan Strategy and the proposed approach to meeting housing needs in Ashfield District.
  - Section 4 presents our comments on the suitability, availability, and deliverability of a proposed allocation at Riverbank Farm.

## 2.0 NATIONAL PLANNING POLICY CONTEXT

2.1 The December 2023 version of the National Planning Policy Framework ('the Framework'), prepared by the Department for Levelling Up, Housing & Communities (DLUHC), is the current document that sets out the Government's planning policies for England and how these are expected to be applied.

2.2 Those policies that are relevant to the plan-making process and these representations in respect of the Ashfield Local Plan 2023 to 2040: Regulation 19 Pre-Submission Draft are summarised below.

### **Presumption in Favour of Sustainable Development**

2.3 At the heart of the Framework is a presumption in favour of sustainable development, which should apply to both plan-making and decision-taking (paragraph 11). For plan-making, this means:

*a) All plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*

*b) Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*

*i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*

*ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

### **Plan-making**

2.4 Paragraphs 15 to 37 of the Framework relate specifically to 'plan-making'.

2.5 Paragraph 15 states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for

meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

- 2.6 Paragraph 16 requires that plans be prepared with the objective of contributing to the achievement of sustainable development, and that plans are prepared positively, in a way that is aspirational but deliverable.
- 2.7 Paragraph 20 requires that strategic policies should set out an overall strategy for the pattern, scale, and design quality of places, making sufficient provision for, amongst other things, housing (including affordable housing), employment, and conservation and enhancement of the natural, built, and historic environment.
- 2.8 Paragraph 22 states that strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
- 2.9 Paragraph 23 states that strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area.
- 2.10 Paragraphs 24 to 27 require local planning authorities to cooperate with one another, and with other relevant bodies, to address strategic matters and consider whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. Statements of common ground should be prepared to document progress on addressing cross-boundary matters.
- 2.11 Paragraph 31 requires that the preparation of policies should be underpinned by relevant, up-to-date, adequate, and proportionate evidence.
- 2.12 Paragraph 32 states that local plans should be informed throughout their preparation by a sustainability appraisal that meets legal requirements and demonstrates how the plan has addressed relevant economic, social, and environmental objectives. Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse

impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).

2.13 Paragraphs 35 to 37 of the Framework set out guidance around examining local plans.

2.14 Paragraph 35 explains how local plans and spatial development strategies will be assessed against certain legal and procedural requirements and the tests of soundness set out in paragraphs 35(a) to (d), as replicated here:

*Plans are 'sound' if they are:*

*a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

*c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

*d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

## **Identifying Land for Housing**

2.15 Paragraph 69 of the Framework requires that planning policies identify a sufficient supply and mix of sites, taking into account their availability, suitability, and likely economic viability. Planning policies should identify a supply of:

- (a) specific, deliverable sites for five years following the intended date of adoption (with an appropriate buffer, as set out in paragraph 77 of the Framework); and
- (b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.

- 2.16 Paragraph 70 of the Framework states that to promote the development of a good mix of sites local planning authorities should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare.
- 2.17 Paragraph 74 of the Framework recognises the important contribution that larger scale development can make, stating that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.

### **Representations to Regulation 19 consultation**

- 2.18 The following representations have been prepared in the context of the tests of soundness set out in paragraph 35 of the Framework. Where it is considered that the draft policies of the Ashfield Regulation 19 Draft Local Plan are not sound, by failing to demonstrate one of the above four 'test of soundness' criteria, the reasons for this are explained and highlighted below.
- 2.19 It is also understood that the drafted local plan utilises the standard method figure as the basis for identifying a local housing requirement. It is important to note that the outcome of the standard method is an 'advisory starting point' for establishing a housing requirement for the area (Framework, paragraph 61) and that there may be exceptional circumstances which justify an alternative approach to assessing housing need, for example reflecting growth ambitions linked to economic development or including provision for neighbouring areas (Framework, paragraph 67). The housing requirement figure should also show the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period (Framework, paragraph 67).
- 2.20 This housing requirement should therefore make certain that it has taken into consideration the assessment of not only the findings of the standard method calculation of local housing need, but any alterations to this figure which would be necessary in order to fully meet the objectively assessed housing need for Ashfield over the plan period (2023 to 2040).
- 2.21 The following section of these representations also provide commentary around this objectively assessed need in the context of the overarching spatial strategy and draft strategic policies set out in Chapter 3 of the draft Regulation 19 Local Plan.

### 3.0 SPATIAL STRATEGY AND STRATEGIC POLICIES

3.1 These representations have the following comments, considerations, and objections regarding the spatial strategy and strategic policies proposed through the Regulation 19 draft of the Ashfield Local Plan.

3.2 Objections are raised in relation to Strategic Policies **S1**, **S2**, **S5** and **S7**. Explanation, reasoning, recommendations, and suggestions have been set out for each of these policies.

#### **Policy S1 – Spatial Strategy to Deliver the Vision**

3.3 Policy S1 sets out the overarching spatial strategy for the Ashfield Local Plan. This provides a comprehensive overview that will guide the distribution of development and underpins the structure and direction of the subsequent strategic policies.

3.4 These representations take no issue with the emphasis Policy S1 places on sustainable development. We also support the focus on locating growth in sustainable and accessible locations, including prioritising sites within, and adjoining the Main Urban Areas.

3.5 Point 5 of Policy S1 supports delivery of homes “*via dispersed development, focusing on sites of less than 500 dwellings*”. The Council’s justification for focusing development on sites of less than 500 dwellings is unclear and unjustified. In particular, it is unclear whether this applies to adjoining sites where the combined total number of units may be greater than 500. We therefore suggest that point 5 of Policy S1 is re-worded as follows:

*“...focusing **mainly** on sites of less than 500 dwellings, **except where there is evidence that conjoined sites can deliver in the plan period**”.*

3.6 The previous Regulation 18 version of the Ashfield Local Plan had a large focus on new settlement delivery, with the aim to place 35% of all housing to be developed and delivered on new settlement sites. Whilst the deliverability of such sites was questioned, and we fully support their removal from the current Regulation 19 draft, large-scale allocations in sustainable locations next to adjoining settlements can make an important contribution to housing supply, as supported by paragraph 74 of the Framework.

3.7 The emphasis in point 5 of Policy S1 on delivering homes ‘*via dispersed development*’ also contradicts the prioritisation of sites ‘*within and adjoining the Main Urban Areas*’, as stated in point 3. It is not possible to focus growth in certain areas whilst also pursuing a dispersed

pattern of development. Clarification of the Council's overall strategic spatial approach to development should be provided in this policy; as currently worded the policy is not effective.

- 3.8 We therefore object to Policy S1 as currently worded on the basis that it is **neither fully justified nor effective**.

### **Policy S2 – Achieving Sustainable Development**

- 3.9 Policy S2 sets out criteria for achieving sustainable development, including in the determination of planning applications.
- 3.10 The criteria set out within this policy are broadly supported, however we object to point 2(h) which states that *'Development will be permitted without delay...where it does not form part of a larger site where there would be a requirement for infrastructure provision if developed as a whole'*. This criterion is unnecessarily restrictive and could potentially result in applications being refused on sites that would otherwise be considered acceptable.
- 3.11 The term 'larger site' is ambiguous, as it is unclear precisely what scale of site this is referring to, and whether this refers to a single, large, allocated site or immediately adjacent smaller sites which, when grouped together, could be considered a 'larger site'.
- 3.12 Furthermore, applications should be assessed on their own merits, including whether any mitigation is required to make them acceptable in planning terms. This would include appropriate contributions towards necessary infrastructure, where required. The delivery of a smaller parcel within a larger development site (or individual smaller sites in the vicinity of one another) should therefore not be contingent on other sites in that area being brought forward. Where significant infrastructure is required to support larger scale allocations, this should be set out in the allocation policies. This criterion is therefore **not justified** and superfluous to requirements and should be deleted.
- 3.13 Point 4 of Policy S2 states that *'All development should be located, designed, constructed and operated so as to maximise and deliver social value'*. The supporting text goes on to provide a definition of social value (in paragraph 3.33) and states that further details of how the Council's objective of maximising social value will be applied to individual development proposals are set out in Policy SD1. Policy SD1 requires the submission of a Social Value Strategy for all major applications which demonstrates *'how social value is achieved*

*throughout the lifecycle of the development, based on a comprehensive masterplan of the whole site*'. This requirement is therefore only applicable to major developments.

- 3.14 As currently worded, point 4 of Policy S2 is therefore **not effective** as it would not apply to all developments. The wording of point 4 should be clarified to state it is only applicable to major developments, and to include an appropriate cross-reference to Policy SD1.
- 3.15 The Local Plan policies should clearly state how social value is calculated, how it is achieved, and how that will be possible on all the allocations and sites that will come forward within the authority area.
- 3.16 Paragraph 8 of the Framework recognises that the planning system has three key objectives in achieving sustainable development, one of which is a 'social objective'. This is reflected in point 1 of Policy S2. The Framework itself does not include any references to, and nor does it explicitly define, 'social value' as a term.
- 3.17 Point 4 of Policy S2 is therefore also **not consistent with national policy**.
- 3.18 Point 3 of Policy S2 is unnecessary repetition of national policy and should be deleted.

### **Policy S5 – High Quality Buildings and Places through Place Making and Design**

- 3.19 Point 3 of Policy S5 states that *“Neighbourhood plans / orders can have a key role in placemaking and allows communities to have more influence and control over their local area to ensure they get the right type of development for their neighbourhood”*. Whilst we do not object to this statement in principle, we object on the basis that this criterion is not currently **consistent with national policy**.
- 3.20 Paragraph 13 of the Framework states that *“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”*. In order to ensure conformity with national policy, it is therefore necessary to provide clarification in point 3 of Policy S5 as follows: *“Neighbourhood plans / orders can have a key role in placemaking and allows communities to have more influence and control over their local area to ensure they get the right type of development for their neighbourhood **where this is in accordance with overarching strategic policies**”*.

## Policy S7 – Meeting Future Housing Provision

- 3.21 Policy S7 sets out Ashfield’s housing requirement and housing delivery strategy.
- 3.22 Point 1 of Policy S7 states that a minimum of 7,582 new dwellings will be delivered in Ashfield over the period 2023 to 2040.
- 3.23 The policy supporting text specifies that the housing requirement figure is based on a Local Housing Need derived from the standard method calculation, which results in a housing need figure of 446 dwellings per annum (dpa) as of April 2023.
- 3.24 We agree, in principle, that the Council’s calculation of the annual housing requirement using the standard method is correct and that over the 17-year plan period (2023 to 2040) the total housing requirement based on the standard method would therefore be 7,582 dwellings.
- 3.25 However, the plan currently only identifies a total housing supply of 6,700 dwellings over the plan period, which is a deficit of 882 dwellings and represents just 13 years’ supply. Therefore we object to Point 1 of Policy S7 as it is currently not **positively prepared nor effective**, as it states that 7,582 dwellings will be delivered over the plan period, despite the fact that within this figure there are 882 dwellings that have not been positively planned for and it is unclear how these 882 dwellings would be delivered. No further clarity is provided in the associated Background Paper 2: Housing, submitted alongside the core development documents in the supporting evidence base.
- 3.26 This background paper establishes that the current supply of deliverable and developable sites combined with extant permissions (as of April 2023) allow the authority to only confirm the delivery of 6,700 of its 7,582 total dwellings target, leaving a clear deficit of 882 dwellings for the plan period.
- 3.27 While this shortfall is acknowledged by the Council, it is justified (in paragraph 7.3 of Background Paper 2) on the basis that it is compliant with paragraph 68 (now paragraph 69) of the Framework because:

*“...the Plan currently provides for 6700 dwellings against a need of 7582 to the year 2040, amounting to approximately 13 years supply post adoption (to year 2038/39). It is considered to be consistent with NPPF paragraph 68 which requires policies to identify a sufficient supply and mix of sites, (taking into account their availability, suitability and*

*likely economic viability), with specific, deliverable sites for years one to five of the plan period, and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan” (Background Paper 2: Housing, paragraph 7.3)*

- 3.28 These are the years which paragraph 69 of the Framework states must be effectively planned for and covered by any emerging local plan, with specific deliverable sites for the first five years identified, developable sites identified for the 6–10-year post-adoption period, and, where possible, found for the 11–15-year post-adoption period. Assuming the plan period is only, and only, 15 years.
- 3.29 As the Ashfield Local Plan covers the 17 year period 2023 to 2040, and given the tendency for local plan adoption dates to slip, in order to ensure the Plan is sound at the point of adoption it would be prudent for the Council to identify further developable sites at this stage to avoid unnecessary delays during the Examination process should further allocated sites be required.
- 3.30 Furthermore, paragraph 22 of the Framework states that *“strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities”*. Paragraph 23 of the Framework also states that *“strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs **over the plan period**”* (emphasis added).
- 3.31 The Ashfield Local Plan covers a period of 17 years (2023 to 2040), and therefore in order to comply with national policy its strategic policies should plan to meet the housing needs identified over that defined plan period.
- 3.32 The test in the Framework is that a minimum of 15 years’ supply **should** be identified if it is possible to do so. It is not accepted that it is impossible to identify 17 years’ supply. As this and other objections highlight, there are clearly sufficient deliverable sites that could be allocated, it is simply the Council’s choice not to do so. In this respect the level of housing provision is not in accordance with the Framework as it is possible to allocate deliverable sites for the whole of the plan period and the Council’s justification for not doing so is simply inaccurate and not borne out by the evidence.

- 3.33 As stated above, Policy S7 is **not positively prepared nor consistent with national policy** because the level of housing provision that has been planned for (as also set out in the housing allocations identified in Policy H1) does not meet the identified needs for the plan period.
- 3.34 In order to ensure the plan is positively prepared and consistent with national policy, the Council should ensure that sufficient sites are identified which, as a minimum, meet the housing requirement for the whole plan period (7,582 dwellings), including through allocating further deliverable and developable sites, as required.
- 3.35 It is also concerning that the supply figures only just cover a 15-year requirement (446 x 15 = 6,690 dwellings). There is no buffer included, therefore should any identified developable sites fail to be delivered, the minimum housing requirement would not be met.
- 3.36 This further supports our recommendation that the Council should allocate further sites to ensure Ashfield's identified housing needs for the plan period are met in full.
- 3.37 It is also noted that Policy S8 (Delivering Economic Opportunities) identifies an employment land requirement of 81 ha over the plan period (2023 to 2040). As set out in Table 36 of Background Paper 3: Economy & Employment Land, this figure is based on a scenario derived from past take-up rates. This can be compared with the labour supply scenario derived from the current standard method local housing need figure (446 dpa) of 16.84 ha. The amount of employment land being planned for is therefore significantly in excess of the amount of employment land required under the labour supply scenario.
- 3.38 Whilst it is acknowledged that some of this past take-up trend relates to wider strategic needs rather than local 'indigenous' needs of Ashfield's residents, paragraphs 8.111 and 8.112 of Background Paper 3 identify the past take-up figure attributable to 'local needs' as being 27.5 ha. This is still in excess of the 16.84 ha that would be required based on the standard method housing requirement figure of 446 dpa.
- 3.39 Paragraph 8.112 of Background Paper 3 states that "*planning for this higher figure will help to ensure a choice of employment land supply by size, type, location and quality of sites and premises for businesses, and maximising future job opportunities for the local workforce (including those who may currently commute elsewhere)*". However, in planning for this higher figure it is also necessary for the Council to consider whether there is sufficient

housing available to meet the identified growth in jobs. Paragraph 61 of the Framework states that the outcome of the standard method is *'an advisory starting-point for establishing a housing requirement for the area'* and that there may be exceptional circumstances which justify an alternative approach to assessing housing need, including an approach that reflects *"market signals"*.

- 3.40 To further ensure that Policy S7 is **consistent with national policy**, it is again important that the Council identifies a supply of housing land that, as a minimum, will deliver 7,582 dwellings over the plan period to ensure the housing needs of the local labour force (which are already being planned for in terms of employment land supply) are being fully met. This is required to ensure the Council's needs are being met locally and to prevent increased in-commuting.
  
- 3.41 As set out below, there is additional suitable, available, and deliverable land available on non-Green Belt sites and in sustainable locations within Ashfield that could be allocated. Full and clear consideration should be given to the options presented in these representations prior to the plan being submitted for Examination.

#### **4.0 LAND AT RIVERBANK FARM, FACKLEY ROAD, STANTON HILL**

4.1 We wish to promote the allocation of the land outlined in red on the enclosed site location plan as an additional housing allocation within the Ashfield Local Plan.

##### **Site and Context**

4.2 The site is a part greenfield, part brownfield site measuring approximately 14 hectares in size. Our Client, Arromax Property Company Ltd, owns the land and has confirmed that the site is **immediately available** for development.

4.3 The site is in a sustainable location, immediately abutting Stanton Hill and in close proximity to facilities, services and employment opportunities in both Stanton Hill and Sutton-in-Ashfield. The site is within walking distance of existing bus routes on Fackley Road, which provide services to Sutton-in-Ashfield, Kirkby-in-Ashfield, and Nottingham. The site is located approximately 2.5 kilometres northwest of Sutton-in-Ashfield town centre and 4 kilometres northwest of Sutton Parkway railway station.

4.4 The site is bounded to the west by Fackley Road with residential development beyond, to the north by agricultural land which is included in the regulation 19 draft local plan as a proposed draft allocation (site H1SI), to the east by pasture, and to the south by the built-up area of Stanton Hill.

4.5 The site has a substantial previously developed frontage, and the western portion of the site currently being in use as a Golf Centre, with a driving range, parking area, associated amenities, and some former agricultural buildings. In addition to these facilities are fields in use as pasture which are designated as a group of Local Wildlife Sites (sites EV4wfs, EV4wgk and EV4wdg), as well as an area of woodland described in the Local Plan as an area of Ancient Woodland.

4.6 There are no significant physical constraints to the site's development. In terms of topography, the site slopes downhill from south to north. The site has a low risk of flooding, being almost entirely situated in Environment Agency Flood Zone 1 with only a very small area immediately adjacent to the River Meden at the northern boundary of the site being at an elevated risk of flooding from either fluvial sources or surface water. The site does not contain any listed buildings and is not located within a Conservation Area.

- 4.7 In addition to the Local Wildlife Sites present within the site as described above there is a large group of trees designated under a group TPO (TPO RefNo 038), as well as an area of ancient woodland, both of which would be conserved and enhanced as part of any future development scheme. There is also a public footpath crossing the site from Fackley Road up to Barker Avenue, which again would be incorporated into any future scheme design.
- 4.8 Access to the site is gained from Fackley Road at the western edge of the site by a large existing access point which it is anticipated would be retained as part of any future development, subject to appropriate assessment and alterations as necessary.
- 4.9 The site is therefore considered to be **suitable** for development, in respect of physical and other constraints.

### **Teversal, Stanton Hill and Skegby Neighbourhood Plan**

- 4.10 The site is located within the Teversal, Stanton Hill and Skegby Neighbourhood Plan area. It is shown on map 14 of the neighbourhood plan (see figure 2 below), and the associated supporting text states *“Map 14 shows one part of [the green corridor between Stanton Hill and Teversal] that is particularly sensitive. The tree belt to the rear of Barker Avenue helps to screen the urbanised area of Stanton Hill from the rural spaces beyond. It is visually prominent space and should development occur it would be highly visible eroding the landscape character of the valley.”*



**Figure 2: Map 14 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan**

- 4.11 We consider that this description does not apply to the westernmost portion of this land as there is a draft allocation for residential development immediately to the north such that the “green gap” function of the land would no longer be present. This description in the Neighbourhood Plan clearly does not align with the Council’s strategy for the district as set out in the draft local plan, such that it is considered that the site should not be discounted as a potential housing site on the basis of this outdated neighbourhood plan policy alone, which conflicts with the emerging position of the draft local plan.
- 4.12 It is also considered that the site, especially the section adjacent to Fackley Road, would form a logical infilling of the existing urban form in this area and would in fact have less impact on landscape character than the adjacent draft allocation. Additionally, planting and other such measures would be considered and enacted where these would mitigate the impact of any forthcoming proposed development.

### **Capacity and Delivery**

- 4.13 We anticipate that the site is capable of delivering up to 250 dwellings, based on a density of 30 dwellings per hectare and a net developable site area of 8.3 hectares (75% of the site area when the ancient woodland area is excluded (11 ha)).
- 4.14 We anticipate that the site could commence delivery within years 2 – 5 of the plan period (i.e., 2024/25 onwards).

### **Strategic Housing and Economic Land Availability Assessment (SHELAA)**

- 4.15 The site has not previously been presented to or assessed in the SHELAA process on account of ongoing legal matters with regards the ownership of the site. However, this has now been resolved, and our client can confirm that the site is **available immediately**.
- 4.16 The adjacent draft allocation was assessed in the SHELAA as site SA058. The assessment of this adjacent site found it to be potentially suitable, despite it not being especially well located in terms of sustainability due to the distance between it and the services available in Stanton Hill. Notably, the site subject to this representation is significantly more sustainable in this regard, with access to services in Stanton Hill being within 400m of the site. With regards all other constraints, the site fares no worse than the adjacent draft allocation in the SHELAA assessment. Given this it is considered that the site should be considered **suitable for development**.

## Summary

- 4.17 The land at Riverbank Farm, Fackley Road, Stanton Hill is **available, suitable, deliverable**, and is capable of delivering up to around 185 dwellings within the Local Plan period. The site is situated in a sustainable location on the edge of Stanton Hill within close proximity to a number of services and amenities. The development of this site therefore represents a sustainable form of development on non-Green Belt land which would represent a logical extension of the existing settlements, and would complement the adjacent draft allocation (Site H1S1).
- 4.18 We therefore wish to promote the allocation of this land for housing in the Ashfield Local Plan.



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