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Representations to the Ashfield
Local Plan (2023-2040)
Regulation 19 Pre-Submission
Draft consultation and
promotion of land at Whyburn

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Date: January 2024



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Executive Summary

These representations have been prepared and are submitted on behalf of the Whyburn Consortium to the Ashfield Local Plan (2023-2040) Regulation 19 Pre-Submission Draft consultation stage, referred to as the 'Pre-Submission Draft Local Plan' hereafter.

The Pre-Submission Draft Local Plan proposes a substantial change from the Regulation 18 consultation stage, being a change to the spatial strategy, from one of a sustainable settlement strategy to now a radically different 'dispersed development' approach. This change in the spatial strategy has led to the removal of the two new settlements option, which included our client's site at Whyburn.

The Council's reliance on a "significant level of objections" received to the new settlements option as being a reason to change its strategy is irrational as the reason wrongly places an emphasis on the quantity of objections received as opposed to the land use merit of the objections raised. This preferred spatial strategy option has not been justified or evidenced, and also fails to meet the Council's minimum objectively assessed housing need, resulting in a shortfall, that the authority claims would be circa 13 years supply. The reasons for why the dispersed development option had been dismissed at the Regulation 18 stage have also not been addressed.

The Pre-Submission Draft Local Plan is therefore not sound as the evidence base does not provide a justification as to why the preferred dispersed development approach is an appropriate strategy. To be made sound, the plan needs to revert to the previous, sound and evidentially justified, spatial strategy and in particular restore the previous draft allocations including the Whyburn site.

Whyburn remains a suitable and sustainable location to accommodate growth. It offers a unique opportunity to deliver a sustainable community, through a strategic scale of development capable of providing infrastructure to support the development and existing communities. The site's close proximity to the existing urban area of Hucknall and its scale of development to support infrastructure, will allow communities to gain access to both existing and new facilities, through improving connectivity to Hucknall, supporting a sustainable pattern of development.



1.0 Introduction

1.1 Overview

- 1.1.1 CarneySweeney have been instructed on behalf of the Whyburn Consortium (referred to as 'our client/s' hereafter), to submit these representations to the Ashfield Local Plan (2023-2040) Regulation 19 Pre-Submission Draft consultation stage (referred to as the 'Pre-Submission Draft Local Plan' hereafter).
- 1.1.2 The Whyburn Consortium comprises owners of land at Whyburn, a Green Belt site previously proposed for release and allocation to deliver a New Settlement within the Ashfield Draft Local Plan Regulation 18 consultation stage (former Strategic Policy S6 – Land at Whyburn Farm, Hucknall). A plan showing the extent of the Whyburn site is enclosed at Appendix 1 of these representations.
- 1.1.3 The authority outline that a number of changes have occurred in the Pre-Submission Draft Local Plan since the Regulation 18 consultation stage, one of which being a change in the spatial strategy from a sustainable settlement strategy to a 'dispersed development' approach (*Sustainability Appraisal Option 3*). This change in the spatial strategy has led to the removal of the two new settlements option, Sustainability Appraisal Option 10, which included our client's site at Whyburn.
- 1.1.4 The reason provided for the revised spatial strategy approach refers to a significant level of objections received to the new settlement proposal, along with anticipated announcements from the Government regarding planning reforms. Since the announcement of the Regulation 19 Pre-Submission Draft Local Plan consultation stage, the Government published the revised National Planning Policy Framework on 19th December 2023 (revised NPPF). Whilst the revised NPPF includes changes, such as the monitoring of housing land supply and undertaking of Green Belt reviews, the transitional arrangements set out at Paragraph 230 of Annex 1 states the following:

“The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements...”



- 1.1.5 These representations have therefore been prepared in line with the provisions of the previous NPPF issued in September 2023, referred to as the NPPF hereafter.
- 1.1.6 Following a review of the Regulation 19 consultation documents, the Pre-Submission Draft Local Plan is not considered to be sound as the evidence base does not provide a clear justification as to why the preferred dispersed development approach is an appropriate strategy. Our representations are therefore made within this context to the following matters:
- Sustainability Appraisal, 2023
 - Ashfield Local Plan 2023 to 2040: Regulation 19 Pre-Submission Draft, November 2023 document – relevant draft policies and any relevant evidence base documents.
- 1.1.7 In addition, and accompanying our representations to the above, we have sought to demonstrate the obvious opportunity offered by our client’s site at Whyburn to deliver a strategic scale of development in a highly sustainable location, supported by a Vision Document enclosed at Appendix 2 of these representations.
- 1.1.8 The Vision Document provides an overarching view of why the Whyburn site remains a suitable and sustainable location for growth and should be reconsidered for release from the Green Belt for allocation to address the authority’s housing shortfall. The purpose of this review is to demonstrate the benefits and opportunities available from the Whyburn site in delivering sustainable development.
- 1.1.9 The plan in its current form is unsound and to be made sound it would be necessary to revert to the previous (sound and evidentially justified) spatial strategy and in particular restore the previous draft allocations including the Whyburn site.
- 1.1.10 The structure of these representations comprises the following chapters, and should be read as a whole alongside the enclosed appendices:
- Chapter 2: Representations to the Sustainability Appraisal, dated 2023
 - Chapter 3: Representations to relevant draft policies within the Pre-Submission Draft Local Plan document
 - Chapter 4: Promotion of Whyburn, alongside consideration of Green Belt matters and alignment with non-strategic policies forming part of the Pre-Submission Draft Local Plan document



2.0 Sustainability Appraisal

2.1 Sustainability Appraisal (2023)

Housing Growth

2.1.1 The housing growth options assessed in the 2023 Sustainability Appraisal (referred to as the 'SA' hereafter) for the Pre-Submission Draft Local Plan are noted to be as follows:

- Preferred Option using the Standard Methodology – housing growth requirement of 446 dwellings per annum (dpa), 7,582 dwellings over the plan period.
- Reasonable Alternative Flexible buffer (20% buffer) – equating to 535 dwellings per annum (dpa), 9,095 dwellings over the plan period.

2.1.2 Appendix E of the SA looks at the 'impacts' associated with the 'Preferred Option' against the 'Reasonable Alternative Flexible Buffer' option. Overall, this assessment identifies very minor impacts for the authority in adopting a higher level of housing compared with the figure derived from the standard method.

2.1.3 The similarities between the two housing options are reinforced at Paragraph 5.3.18 of the SA which states as follows:

“The flexible buffer option (535 dpa) is considered to perform similarly to the Preferred Option figure (446 dpa) for the remaining objectives”.

2.1.4 Where the scoring is noted to differ between the two options, it relates to the impacts upon natural resources and travel & accessibility, the assessment identifies appropriate mitigation measures through the provision of local plan policies. The only 'uncertainty' noted in both circumstances is that *“the exact location of development is unknown at this stage.”*

2.1.5 We acknowledge that Paragraph 61 of the NPPF identifies that *“...to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance...”*. Notwithstanding this, the NPPF requires the objectively assessed need to be met, which is made clear at Paragraph 11b, Paragraph 23, Paragraph 119 and particularly in the tests of 'soundness' at Paragraph 35.



- 2.1.6 The use of the standard method, whilst identifying a ‘minimum’ housing need, does not preclude an authority from planning for additional housing above the ‘minimum’ requirement. A higher housing growth option should be taken on board in those circumstances where the SA process does not identify severe differences between the options being assessed, such as that found in the SA for the Pre-Submission Draft Local Plan.
- 2.1.7 The uncertainty surrounding where to accommodate additional homes should not outweigh the need to plan for growth through the plan-making process, particularly where limited impacts associated with a higher housing option are found to be capable of mitigation. The significant positive effects identified against *SA Objective 16: Economy* for the Reasonable Alternative Flexible Buffer Option has been ignored compared to the preferred standard method which saw a positive effect against *SA Objective 16: Economy*. This is plainly a failure to properly justify the approach of the Pre-Submission Draft Local Plan.
- 2.1.8 The SA acknowledges the link between housing growth and economic benefits in both the short term i.e. through the construction period, but also in the longer term stating that “... *new housing and associated population growth will in turn support investment in services and facilities. Additionally, this would enhance the viability of businesses in Ashfield, educational facilities, and the vitality of the town centres as well as other centres, encouraging additional investment...*” (SA Paragraph 5.3.7). The preferred option however then goes on to undermine this view as it would not provide the same level of economic benefits as the Reasonable Alternative Flexible Buffer Option which sees additional housing growth.
- 2.1.9 The authority should be looking to apply the Reasonable Alternative Flexible Buffer Option (535 dwellings per annum) to deliver much needed homes and also support economic growth which is found to be a significant positive benefit.

Spatial Strategy

- 2.1.10 Section 1.4 of the SA identifies the changes to the Pre-Submission Draft Local Plan that have occurred since the 2021 Regulation 18 consultation stage, which amongst a number of matters, includes a substantial change from its previous evidence base spatial strategy approach.
- 2.1.11 The preferred option for the spatial strategy is now a ‘dispersed development’ approach of no large sites of 500 or more dwellings (SA Option 3), as opposed to the previous spatial strategy approach at Regulation 18 stage, being SA Option 10 “*Two new settlements with one in Hucknall’s Green Belt (approx. 3,000 dwgs with around 1,600 in the plan period) and one at Cauldwell Road (approximately 300 dwgs in plan period) with further moderate Green Belt*”



release around Hucknall and more limited development in/adjoining Sutton and Kirkby, and existing rural settlements”.

2.1.12 It is acknowledged that an emerging Local Plan can be the subject of change. However, such a change must be justified, and the Council must demonstrate that it meets the tests of soundness as required under Paragraph 35 of the NPPF.

2.1.13 The role of a Sustainability Appraisal is also stated:

“...to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

...

It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met.

...”

(Planning Practice Guidance (PPG) Paragraph: 001 Reference ID: 11-001-20190722)

2.1.14 Based upon the evidence base, the Regulation 19 SA preferred dispersed development spatial strategy approach does not meet the objectives of national policy to deliver sustainable development.

2.1.15 As the Council has changed its preferred spatial strategy approach, the SA outlines that a reappraisal of the options has been undertaken. However, the reappraisal of Option 3 (dispersed development) through the Regulation 19 SA process is the same as the overall appraisal of this option undertaken through the Sustainability Appraisal process for the Regulation 18 consultation stage. This point is referred to as such at Paragraph 5.5.1 of the SA stating that:

“Following the review, no changes to the scoring outlined in the 2021 SA Report have been identified. The Council’s reasoning for the selection of the preferred approach and rejection of others is set out after the summary appraisal.”

(underlining is our emphasis)



2.1.16 With the stated position of the SA being “no changes” for the reappraisal of the spatial strategy options, Option 3 ‘dispersed development’ was dismissed through the Sustainability Appraisal for the Regulation 18 consultation stage for the following reason:

“This option would rely on the development of smaller sites (i.e. sites of less than 500 units) dispersed across the District. This approach has not been selected as it does not represent an option which would best meet the identified housing needs and would result in sites coming forward in less sustainable locations.

The small-scale nature of the sites under this option would not provide the economies of scale necessary to deliver infrastructure in the district in line with the identified vision in the plan. Furthermore, there would be inadequate opportunities to build on existing transport links, again due to the dispersed nature of the sites and their scale.”

(Source: Extracted from Table 5.5: Sustainability Appraisal 2021 – Regulation 18 consultation stage)

2.1.17 We would agree with the sense of the reasoning above for dismissing Option 3 (dispersed development) through the Regulation 18 consultation stage. The delivery of a dispersed development approach often relies on a larger number of smaller sites that would not necessarily trigger the requirement to deliver infrastructure to support existing communities, services and the environment.

2.1.18 The reason for no longer taking forward Option 10 Two New Settlements (Whyburn and Cauldwell Road) is stated to be as follows:

“The Council received a significant number of objections to the proposed new settlements identified in the 2021 Regulation 18 Draft Local Plan, with many objections about the allocation of land to meet housing needs further into the future where this required the release of Green Belt land (in relation to Whyburn Farm), the loss of countryside and heritage impacts...”

(Paragraphs 5.5.78 of the Regulation 19 SA)

2.1.19 The SA supporting the Regulation 19 consultation stage now comments that the Council believes Option 3 (dispersed development) to be the “...most appropriate strategy to meet the needs of Ashfield’s communities, taking into account analysis of consultation responses, consideration of national policy, the evidence base, and the extent to which adverse effects could be mitigated whilst achieving the Vision” (Paragraph 5.5.84 of the Regulation 19 SA).



2.1.20 In the context of the above reason to dismiss SA Option 10, our review of the evidence base supporting the Pre-Submission Draft Local Plan stage has identified that it includes, with the exception of the new/updated documents set out below, the same evidence base documents that formed part of the Regulation 18 consultation stage:

Updated Background Papers:

- Background Paper 1: Spatial Strategy and Site Selection (dated October 2023)
- Background Paper 2: Housing (dated October 2023)
- Background Paper 3: Economy & Employment (dated October 2023)
- Background Paper 4: Green Belt Harm Assessment (dated September 2023)

Updated Evidence Base documents:

- Green & Blue Infrastructure and Biodiversity Strategy 2022 – 2032, September 2022
- Health Impact Assessment for the Ashfield Local Plan (2023 – 2040) Regulation 19 Pre-Submission Draft, September 2023
- Strategic Flood Risk Assessment – Level 1, November 2023
- Whole Plan & CIL Viability Assessment, March 2023
- Town Centre/Local Centre Study, November 2023
- Playing Pitch Strategy 2023-2027
- Infrastructure Delivery Plan (dated November 2023)

New documents prepared:

- Ashfield Local Plan Strategic Transport Modelling Assessment Full Report V2, 28th September 2023
- Ashfield Local Plan Strategic Transport Modelling Assessment Figures Document, 3rd March 2023
- Strategic Distribution and Logistics Background Paper, September 2023
- Saving Water - Water Stress and Ashfield, October 2023



- 2.1.21 From a review of the limited updated evidence base since the Regulation 18 consultation stage, it is unclear how the new preferred spatial strategy approach, Option 3 (dispersed development), has been justified. With “no changes” to the SA conclusion for the reappraisal of all the options, the preferred spatial strategy for the Pre-Submission Draft Local Plan cannot sensibly be found sound based upon the Council’s own evidence base.
- 2.1.22 We have undertaken a review of the published ‘Ashfield District Council Local Plan Statement of Consultation Regulation 18’ (August 2022). We note a number of objections, including a signed petition and e-petition, are recorded for Strategic Policy S6 (Land at Whyburn Farm) at the Regulation 18 stage. In terms of the issued petitions, the Council have recorded this as follows in the Statement of Consultation (August 2022):

“ Development of Green Belt Land in and around Whyburn Farm, Hucknall

Paper petition of 4,149 signatures and an e-petition total of 3,504 ‘signatures’.

(Please note there may have been some duplication between the paper petition and the e-petition. No analysis of this aspect has been undertaken by the Council).

The petition states: “We the undersigned petition the council to reject the proposal to permit the development of the Green Belt land in and around Whyburn Farm, Hucknall.”

The following further detail was also included by the Petition Organiser as further information for the petition.

“Hucknall has seen an exponential growth in housing recently. The infrastructure is already at maximum capacity. There has been no increase in secondary schools, doctors or dentists. Hucknall used to be surrounded by green fields and wooded areas, these are slowly being eroded and the use of the Whyburn Farm land including the potential removal of the Misk Hills will detrimentally change the characteristic of the town. The public footpaths criss-crossing this land are a refuge for the residents of Hucknall as was demonstrated during the pandemic. The area is used by families, social groups such as walking groups, cyclists and nature lovers. The area is also the natural habitat for hedgehogs, newts, Deer, Bats, Badgers, foxes, buzzards and other raptors including the Red Kite.

The land in question already acts as an absorbent buffer in times of heavy rain, reducing the incidences of flooding in the town centre. Covering the land with buildings, block paving, tarmac etc will surely reduce the ability of the land to protect the town from flooding. The council have seen fit to implement a Tree Preservation Order on a



brown field site within the proposed area, yet this proposal would strip acres of designated greenbelt land.

The Misk Hills are of historical interest having been the inspiration for some of Lord Byron's works, particularly 'The Hills of Annesley'. The area is also mentioned by the famous local author D.H.Lawrence in Sons and Lovers and the works of poet Alan Sillitoe."

(Source: 5.3, Page 14 of Ashfield District Council Local Plan Statement of Consultation Regulation 18, August 2022)

- 2.1.23 The "further information" submitted with the petition is a statement consisting of a description of the site and surroundings, and an opinion regarding the state of infrastructure matters for nearby Hucknall. The details provided as part of the petition are viewed in the context of 'information' only as stated. The statement in the petition that "*infrastructure is already at capacity*", indicates that there is a need for strategic development to provide the economies of scale to support new and existing communities.
- 2.1.24 Part of the reason provided by the Council for changing the spatial strategy approach wrongly places an emphasis on the quantity of objections received as opposed to the merit of the objections raised. An objection has to be based upon land use merits for it to be a meaningful basis for changing a position. If a point has no land use merits, then it does not make any difference how many times it is repeated. As the Court of Session observed in the case of Glasgow City Council v The Noble Corporation "*94 times nothing is still nothing*" [The Noble Organisation Ltd v City of Glasgow District Council (no 3) 1991 SLT 213].
- 2.1.25 The objections/comments recorded to the previous Strategic Policy S6 (Land at Whyburn Farm) have also been considered with regards to the authority's response within the Regulation 18 Statement of Consultation (August 2022). The authority's response was clear on its reasoning for the adoption of the spatial strategy of 'two new settlements' in the context of the proposed allocation at Whyburn. The Council were also clear on their approach to dealing with other comments regarding housing land supply, flood risk/drainage; heritage; ecology; infrastructure matters etc. The authority's response was not to propose a change or a reconsideration of the spatial strategy approach.
- 2.1.26 The reliance on the number of objections as part of the reason for dismissing SA Option 10 'two new settlements' is unjustified. The approach undertaken to select Option 3 (dispersed development) based upon the same sustainability criteria is also patently unjustified and is not evidenced.



2.1.27 The reasons why Option 3 had been dismissed at the Regulation 18 stage have not been addressed, with the SA not demonstrating how the revised spatial strategy for Option 3 (dispersed development) is now an appropriate strategy to support sustainable development particularly as there are “no changes” to the reappraisal of the options.



3.0 Regulation 19 Pre-Submission Draft Local Plan Representations

3.1 Introduction

3.1.1 These representations to the Pre-Submission Draft Local Plan document are provided with respect to the following matters, each of which are addressed in turn below:

- Strategic Policy S1: Spatial Strategy to Deliver the Vision (also addressing Policy H1: Housing Site Allocations)
- Strategic Policy S7: Meeting Future Housing Provision (also addressing Policy H1: Housing Site Allocations) – further representations to the council’s Housing Land Supply are included at Appendix 3 of these representations.
- Strategic Policy S9: Aligning Growth and Infrastructure - representations have also been prepared by mode transport planning included at Appendix 4.
- Policy SD10: Transport Infrastructure - representations have also been prepared by mode transport planning included at Appendix 4.

3.2 Representations

Strategic Policy S1: Spatial Strategy to Deliver the Vision (and Policy H1: Housing Site Allocations)

3.2.1 The spatial strategy for the Pre-Submission Draft Local Plan proposes a ‘dispersed development’ approach, with a specific reference to focusing on sites of less than 500 dwellings (Sustainability Appraisal Option 3). This is a substantial change from the Regulation 18 consultation stage which proposed a ‘two new settlement’ spatial strategy approach (Sustainability Appraisal Option 10).

3.2.2 The reason provided for the revised spatial strategy approach within the Sustainability Appraisal, dated 2023 and Background Paper 1: Spatial Strategy and Site Sections, dated 2023, respectively refer to a “significant number of objections” and a “significant level of objections”, received to the new settlement proposal, along with anticipated announcements from the Government regarding planning reforms.

3.2.3 We have set out our representations to the Sustainability Appraisal in the previous chapter regarding the revised spatial strategy approach and the findings of the reappraisal of the alternative options. Whilst we do not wish to repeat those representations here, there are matters to be reinforced in the context of the preferred spatial strategy within Strategic Policy



S1, discussed as appropriate below.

- 3.2.4 Background Paper 1 outlines that it discusses the rationale for the spatial strategy, which “...aims to deliver sustainable growth across Ashfield over the period 2023-2040”. The document further notes that the paper addresses how different options were considered and assessed to arrive at the Pre-Submission Draft Local Plan.
- 3.2.5 When reviewing Strategic Policy S1 against the evidence base and also the process of assessing alternative options as part of the Sustainability Appraisal process, the preferred spatial strategy option for a ‘dispersed development’ approach has not been justified.
- 3.2.6 The Regulation 19 Sustainability Appraisal states that there are “no changes” to the reappraisal of the spatial strategy options, which includes the now preferred Option 3 dispersed development. Option 3 had been ruled out through the Sustainability Appraisal for the Regulation 18 consultation stage for the following reason:

“This option would rely on the development of smaller sites (i.e. sites of less than 500 units) dispersed across the District. This approach has not been selected as it does not represent an option which would best meet the identified housing needs and would result in sites coming forward in less sustainable locations.

The small-scale nature of the sites under this option would not provide the economies of scale necessary to deliver infrastructure in the district in line with the identified vision in the plan. Furthermore, there would be inadequate opportunities to build on existing transport links, again due to the dispersed nature of the sites and their scale.”

(Source: Extracted from Table 5.5: Sustainability Appraisal 2021 – Regulation 18 consultation stage)

- 3.2.7 The justification for the dispersed development approach being an appropriate strategy to deliver sustainable development is not addressed in the evidence base. The authority is inconsistently seeking to rely upon a limited updated evidence base which supported a different spatial strategy approach at the Regulation 18 consultation stage. A summary table of the updated and new documents forming part of the evidence base is included within Appendix 5 of these representations.
- 3.2.8 Background Paper 1 (dated 2023) also refers to the Council wishing to discourage isolated development in areas with little access to services, whilst separately commenting they wish to avoid allocating sites that may not be delivered in a timely manner. On the latter point, Background Paper 1 refers to “...Identifying a range of site sizes and locations, whilst



focussing on those which would deliver less than 500 dwellings can help to provide a steady supply of housing land to meet needs right from the start of the Local Plan time period..." (Paragraph 2.26 of Background Paper 1, dated 2023).

- 3.2.9 The evidence base for how the authority has established that sites of less than 500 units would be an appropriate scale of development is unknown and has therefore not been justified. Background Paper 1 (dated 2023) does not address this matter. Also, having reviewed the proposed allocations within Policy H1, there is only 1 site shown to be of a scale close to 500 units, with the remaining sites varying in scale. There is no justification whatsoever for the scale of development for any dispersed development approach to be limited to 500 units or less.
- 3.2.10 Whilst Background Paper 1 (dated 2023) refers to urban extensions having a longer lead in period, which we would not disagree with, such matters can be overcome through the phasing of development as part of any planning application process to allow a steady supply of housing.
- 3.2.11 In parallel to the "...dispersed development approach, focusing on sites of less than 500 dwellings...", Strategic Policy S1 also identifies a settlement hierarchy. There is an obvious and irreconcilable inconsistency between the relationship of accommodating growth in line with the settlement hierarchy, whilst also proposing a dispersed development approach. The only change to the settlement hierarchy from the Regulation 18 consultation stage is the removal of the 'New Settlement' level.
- 3.2.12 Policy H1 sets out the proposed site allocations supporting the preferred spatial strategy, but subject to some limited changes, the site allocations remain largely the same from the Regulation 18 consultation stage. How the proposed allocations would deliver dispersed development is unclear in the context that they supported a previous spatial strategy option which included a strategic scale of development. A summary of the changes between the proposed allocations from the Regulation 18 consultation stage is included at Appendix 6.
- 3.2.13 The spatial strategy proposed in the Pre-Submission Draft Local Plan has not been justified and would not be consistent with national policy in delivering sustainable development and so cannot be found sound against the tests of NPPF Paragraph 35.



Strategic Policy S7: Meeting Future Housing Provision (and Policy H1: Housing Site Allocations)

- 3.2.14 Strategic Policy S7 identifies a minimum of 7,582 new dwellings to be delivered within the plan period 2023 to 2040 to be dispersed across the district in accordance with the Council's spatial strategy for growth.
- 3.2.15 This policy acknowledges that to meet the identified need, land would need to be released from the Green Belt – we agree with the Council's justification for the need to review the Green Belt as part of this plan-making process.
- 3.2.16 Paragraph 3.63 of the Pre-Submission Draft Local Plan document refers to the duty to co-operate and the Council having agreed with the adjoining authorities of Mansfield and Newark & Sherwood that each district will accommodate their own local housing need. However, Table 2 of the Pre-Submission Draft Local Plan document identifies a Net Dwellings Provision of - 963 against Local Housing Need 2023 to 2040, providing a circa 13 years supply (Paragraph 3.63 of the Pre-Submission Draft Local Plan). The dispersed development spatial strategy has not been positively prepared as it fails to meet the minimum objectively assessed housing need for the district as required at Paragraph 35 of the NPPF and does not support the provisions of Paragraph 11b) of the NPPF.
- 3.2.17 The delivery of housing supply through the dispersed development approach is not sufficient to meet the housing requirement over the plan period, and so additional sites will be needed, which may also require an early review of the Local Plan.
- 3.2.18 A review of the housing land supply position at Appendix 2 of the Pre-Submission Draft Local Plan has been undertaken with further representations included at Appendix 3 and should be taken into account as part of this Regulation 19 consultation stage.

Strategic Policy S9: Aligning Growth and Infrastructure

- 3.2.19 Strategic Policy S9 identifies that the council would work with the relevant parties to facilitate the requirements for economic, social and environmental infrastructure to support development. The 2023 Infrastructure Delivery Plan (IDP) “... describes what infrastructure that is required how, when and by whom it will be delivered and, where known, the location...” (Paragraph 1.2 of the IDP).



- 3.2.20 The IDP refers to the County Council and NHS calculations for education and health provision. Whilst this provides a quantitative output in terms of infrastructure needs, it does not take account of the scale and distribution of development being proposed through the Pre-Submission Draft Local Plan spatial strategy of dispersed development.
- 3.2.21 The Council's reason for dismissing the dispersed development approach at the Regulation 18 consultation stage stated that *"...the small-scale nature of sites under this option would not provide the economies of scale necessary to deliver infrastructure ..."* (Table 5.5 of the Sustainability Appraisal 2021, Regulation 18 consultation stage). The evidence base has not addressed why this point has now been overcome, and neither has it been addressed through the IDP how the scale of development being proposed is capable of delivering the infrastructure aspirations of Policy S9. The reliance on a "small-scale nature" of sites to deliver infrastructure requirements does not take in to account the risk of such sites having viability issues and in turn, not being capable of delivering a full infrastructure package.
- 3.2.22 Part 2 of Policy S9 refers to *"... proposed development, including development adjacent to, but outside the District boundary, shall contribute towards the economic, social and environmental infrastructure requirements of the area..."*. How this would be achieved is unclear, particularly, with regards to *"...development adjacent to, but outside the District boundary"*.
- 3.2.23 The land to the north of our client's site, on the adjacent side of the A611, falls within Gedling Borough Council. This land comprises a strategic allocation in Gedling known as Top Wighay Farm.
- 3.2.24 The IDP outlines that through discussions with the County Council, for the primary planning area of Hucknall, there would be sufficient places in primary schools to meet future needs. However, in terms of secondary provision, the IDP states the following:

"There is forecast to be insufficient capacity to meet future needs and therefore all allocations within Hucknall will be required to make contributions relative to their pupil yield towards the expansion of Holgate Academy. Therefore, in Ashfield, secondary contributions will be required through Section 106 agreements and from Top Wighay Farm, contributions will be obtained from Gedling Borough Council's Community Infrastructure Levy, as stated in its Infrastructure Funding Statement."

(Source: Paragraph 7.13 of the IDP)



- 3.2.25 Paragraph: 155 of the Planning Practice Guidance (Reference ID: 25-155-20190901) states that *“Charging authorities may pass money to bodies outside their area to deliver infrastructure that will benefit the development of the area. For example, these bodies may include the Environment Agency for flood defence or, in 2-tier areas, the county council, for education infrastructure...”*.
- 3.2.26 Acknowledging that there is a mechanism for a charging authority, in this case being Gedling Borough Council, to pass on CIL Levy payments outside of its area, this not a mandatory requirement as the PPG states that they “may” do this. The ability for Ashfield District Council to benefit from any CIL Levy payment made to Gedling Borough Council is entirely at the discretion of the adjoining authority to pass these funds to the education authority, then subsequently being distributed to Ashfield District Council. There is no guarantee that this would happen.
- 3.2.27 There is no evidence of any such agreement having been made with the adjacent authority to pass such CIL Levy payments to the education authority to help address insufficient capacity in secondary school provision. In the absence of any such agreement, development in the adjacent authority would offer no benefit to Ashfield from these edge of boundary developments.
- 3.2.28 Further representations to Policy S9 have been prepared by mode transport planning which are set out in Appendix 4 of these representations and should be taken into account as part of this Regulation 19 consultation stage.

Policy SD10: Transport Infrastructure

- 3.2.29 Representations to Policy SD10 have been prepared by mode transport planning which are set out in Appendix 4 of these representations and should be taken into account as part of this Regulation 19 consultation stage.



4.0 Whyburn – Land Promotion

4.1 Introduction

4.1.1 Whyburn presents a unique opportunity to deliver a sustainable community, offering a strategic scale of development that would provide infrastructure to support the development but also complement existing communities. The extent of the site is shown on the location plan at Appendix 1. Removal of this site has rendered the plan unsound and its reinstatement is essential to remedy this issue.

4.1.2 The site is located in close proximity to the north-west of Hucknall and is bound by the A611 to the east, Whyburn Lane to the south and arable land to the west and north. In terms of distance to existing centres, the site is situated circa 1.6km northwest of the centre of Hucknall and circa 10.5km north of Nottingham City Centre. Hucknall is being recognised as an area of regional importance and a sustainable location for growth.

4.1.3 The site presents a natural 'rounding off' to Hucknall and its close proximity to an existing urban area provides an opportunity to improve connectivity through a range of sustainable modes. A combination of the site's location and its scale of development to support infrastructure, will allow communities to gain access to both existing and new facilities supporting a sustainable pattern of development.

4.1.4 The following section of this chapter sets out why the Whyburn site is suitable for a strategic scale of development and how the site can deliver a sustainable new settlement, demonstrated through the Vision Document included at Appendix 2. This chapter also gives consideration to its Green Belt designation and how the site and the proposed scale of development would align with the non-strategic policies in the Pre-Submission Draft Local Plan, which are discussed at Section 4.3 and Section 4.4, respectively below.

4.2 Site Promotion

4.2.1 Whyburn offers an opportunity to develop a high quality residential-led mixed use scheme that is capable of integrating into the existing site context and provide wider benefits for new and existing communities. The site's position in close proximity to Hucknall represents an opportunity to bring forward a strategic scale of development that would present a natural rounding off to an existing urban area capable of delivering the following:

- Circa 3,000 new homes, including appropriate affordable housing provision, to provide a mix of house types to deliver a balanced community, along with



opportunities for self-build and custom build properties.

- Improved access to jobs with circa 13ha of employment land, offering employment opportunities both during the construction and operational phase.
- A new community supported by a new primary school, local centre, health, community, sport and recreational facilities.
- Delivery of an accessible new community supported by transport infrastructure, with improvements to connectivity with existing communities through a focus on walking, cycling and public transport connections.
- Supporting a healthy lifestyle with extensive areas of accessible open space for informal and formal recreational use, including the retention of existing public rights of way, in addition to including new footways and cycleways.
- Supporting biodiversity net gain and providing extensive areas of planting, woodlands, green and blue infrastructure that underpins a landscape led approach for a strategic scale of development.
- Delivering an environmentally sustainable development through the use of energy efficient and carbon reduction measures, alongside prioritising travel via sustainable modes of transport.
- Delivering opportunities to improve linkages to services and facilities through enhancements to existing pedestrian and cycle infrastructure offering better connectivity with the surrounding area, allowing both new and existing communities to gain access to services and facilities at Whyburn and in Hucknall.

4.2.2 The Whyburn site will offer a number of opportunities and benefits associated with the key deliverables above. These opportunities and benefits are discussed below, alongside how the development would mitigate any impacts:

- **Accessibility and Connectivity:** The site will provide integrated pedestrian footpaths and cycleways, and incorporation of bus stops within the site, placing homes and non-residential land-uses within easy reach of public transport services. There are also opportunities to enhance the existing pedestrian and cycle infrastructure outside of the site boundary to Hucknall through connecting route infrastructure, additional crossing points on key desire lines and improved wayfinding and publicity.



- **Transport Infrastructure:** The site's location in close proximity to an existing urban area and its strategic scale of development would offer the economies of scale to bring forward a package of transport infrastructure to maximise the use of sustainable transport modes through:
 - The diversion and enhancement of existing bus services into the site.
 - Safeguarding of land to allow any future expansion of NET.
 - Safeguarding of land to enable the delivery of a Park and Ride to serve either an extension to NET to provide an additional stop or for use by a bus based public transport solution.
 - Opportunity for bus stops to perform a mobility hub role providing focal points within the development for all sustainable travel infrastructure.
 - Retention and enhancement of existing Public Rights of Way (PRoW) within the site boundary.

- **Investment in community infrastructure:** The scale of development would enable major integrated investment and provision of community infrastructure, including education, healthcare, community spaces and a local centre.

- **Healthy Lifestyle:** The site would deliver a mixed use settlement providing residents with access to essential services and facilities, such as a primary school, leisure, retail, community and employment opportunities, reducing the need for travel to gain access to day-to-day services. The landscaped led approach for the site also encourages connections with nature and the proposed uses, supporting everyday active travel and wellbeing, providing accessible and high quality multi-functional green spaces.

- **Environmental Sustainability:** The location of the site offers the potential for mine-water heating, which could take all new properties off the grid and generate 100% renewable heating. A specialist consultant has been engaged and initial discussions have been held with the Coal Authority.

- The development would also look to implement sustainable measures to reduce impact on the climate through:
 - The provision of low carbon, sustainable heat sources.



- Maximising the use of solar panels, along with the inclusion of electric vehicle charging points.
 - The incorporation of sustainable urban drainage systems.
 - Minimising the consumption of energy and water.
 - Incorporating measures to encourage recycling and waste management.
 - Inclusion of extensive areas of landscaping, green spaces and vegetation to aid the mitigation of climate change, increasing carbon capture, and alleviating noise and air pollution.
- **Landscape and Visual Amenity:** The site forms a topographical bowl providing a natural defensive form, screened in part by the surrounding woodland Park Forest/Wighay Wood and Dob Park. The site provides an opportunity to preserve and enhance the surrounding landscape setting through the delivery of large areas of parkland within the northern and southern parts of the site, retained hedgerows, and a network of formal and informal landscaped areas across the site to create an integrated landscape network.
 - **Ecology and Biodiversity:** The site would support biodiversity net gain, enhanced by a creative and integrated network of green and blue infrastructure. The sites close proximity to the Sherwood Forest possible potential Special Protection Area (ppSPA) would be the subject of continued ecology surveys and demonstrate appropriate measures to mitigate any adverse impact upon the integrity of the ppSPA.
 - **Green and Blue Infrastructure:** The incorporation of a network of green and blue infrastructure corridors will interconnect habitats and connect people to nature. Water features, both new and existing, would offer an integrated system of landscape, biodiversity and drainage, as well as enhancing the attractiveness of open spaces and providing opportunities for interaction and relaxation.
 - **Flood Risk and Drainage:** The site is located within Flood Zone 1 and so at a low risk of flooding. Together with green and brown roofs, green walls, swales, attenuation basins, rain gardens and other drainage features, would create multi-functional sustainable drainage systems.
 - **Heritage Protection:** The Grade II* Listed Annesley Hall Park and Gardens is located to the north of the Whyburn site. To avoid any meaningful impact on the significance of this heritage asset and its setting, the site would offer a significant buffer along



the northern boundary to protect and enhance existing woodland already along this boundary. Whyburn House, which is locally listed, would look to be retained as part of any proposals.

- **Deliverability:** The site is within the ownership of the Whyburn Consortium, who combined have 85 years of experience in delivering strategic developments. They also have a track record of delivering infrastructure requirements to support such a scale of development.

4.2.3 The Whyburn Consortium are committed to the delivery of a sustainable new settlement at this site which, as summarised above, offers a range of opportunities and benefits that would support both a new community, but also existing communities.

4.2.4 The location of the site in the Green Belt is a consideration and is discussed in the following section.

4.3 Green Belt Considerations

4.3.1 During the Regulation 18 consultation stage, Whyburn was proposed as a strategic allocation to be removed from the Green Belt as part of the previous preferred spatial strategy.

4.3.2 A Strategic Green Belt Review, dated August 2016 (Addendum 2021), continues to form part of the evidence base supporting the Regulation 19 consultation stage, along with Background Paper 4: Green Belt Harm Assessment (dated September 2023). In Background Paper 4 (September 2023), Whyburn is site reference: HK028/H09 and is given a score of 13 out of 20, a moderate overall harm to the Green Belt. It should be recognised that Whyburn, as a site capable of delivering a strategic scale of development, is not the worst performing site in terms of the assessment of 'overall harm'.

4.3.3 The overall harm rating for Whyburn is precisely the same as the score given for the Whyburn site in the Green Belt Harm Assessment report, dated 2021 for the Regulation 18 consultation stage, which supported the release of the Whyburn site to bring forward a New Settlement as part of the previous preferred spatial strategy.

4.3.4 With there being no change to the evidence base for undertaking the Green Belt review and the overall harm scoring unchanged for the Whyburn site since the Regulation 18 consultation stage, there is therefore no justification for the removal of this site as an allocation. The Whyburn site offers significant opportunities and benefits through delivering a sustainable strategic level of development, and its reinstatement as an allocation is essential to ensure a sound plan.



4.4 Alignment with other non-strategic policies

4.4.1 The Pre-Submission Draft Local Plan includes a series of non-strategic policies, which have been considered in the context of the Whyburn site and the development aspirations in the Vision Document (see Appendix 2). The table below provides our commentary on how a strategic scale of development at Whyburn would align with the relevant non-strategic policies:

Pre-Submission Draft Local Plan: relevant non-strategic policies	Commentary
<p>Policy CC1: Zero/Low Carbon Developments and Decentralised, Renewable, Low Carbon Energy Generation</p>	<p>A development proposal at Whyburn would look to mitigate against and adapt to climate change to meet zero/low carbon development and maximise opportunities to reduce demand by taking account of landform, location, layout, building orientation, design, massing and landscaping.</p> <p>The Vision Document and Site Promotion at Section 4.2 above sets out the sustainable design principles that would be employed for the site, which includes the following measures supported under Policy CC1:</p> <ul style="list-style-type: none"> • incorporating blue & green corridors • energy and water efficiency measures • appropriate sustainable urban drainage systems • use of electric vehicle charging points • the potential use of mine-water heating - a specialist consultant has been engaged and initial discussions have been held with the Coal Authority • inclusion of extensive areas of planting to offer carbon offsetting



	<ul style="list-style-type: none"> • encourage sustainable travel
Policy CC2: Water Resource Management	Appropriate technical studies would be undertaken to demonstrate an adequate supply of water, appropriate sewage and surface water infrastructure and sewage treatment capacity, with any impacts being addressed through appropriate mitigation measures. Water efficiency measures would also be provided to minimise water consumption.
Policy CC3: Flood Risk and Sustainable Drainage Systems (SuDs)	The Site is located within flood zone 1 and would not conflict with the policy direction to locate development on land with the lowest risk of flooding. Notwithstanding this, due to the size of the Whyburn site, a Flood Risk Assessment and Drainage Strategy would look to address any matters of flood risk including from surface water, and also incorporate a Sustainable Drainage System (SUDs) to manage surface water drainage.
Policy EV4: Green Infrastructure, Biodiversity and Geodiversity	The site would be capable of delivering green infrastructure and achieve the minimum 10% biodiversity net gain. Opportunities to exceed the minimum 10% would be explored and incorporated. Ongoing ecology surveys would identify any impacts and appropriate mitigation measures.
Policy EV6: Trees, Woodland and Hedgerows	The Vision Document (see Appendix 2) illustrates a landscape led approach that would see significant areas of soft landscape planting, both informal and formal, and retention of hedgerows.
Policy EV7: Provision and Protection of Allotments	The provision of allotments to address any additional demand would be delivered through either mechanism in the policy i.e. through the provision of on-site open space, or through a planning contribution to improve existing allotments or provide new allotments elsewhere.



Policy EV9: The Historic Environment	A Heritage Statement would be undertaken to assess the impact of development on the significance of a designated heritage asset and its setting.
Policy EV10: Protection and Enhancement of Landscape Character	The Vision Document illustrates how a landscaped led approach would look to protect and enhance the landscape character of the site and surroundings through extensive areas of landscaping and incorporating green and blue infrastructure.
Policy H3: Affordable Housing	A strategic scale of development would look to deliver a policy compliant affordable housing contribution.
Policy H5: Public Open Space in New Residential Developments	A strategic scale of development would look to provide a minimum 10% of the gross housing area as public open space.
Policy H6: Housing Mix	A strategic scale of development would provide a mix of housing tenures, types and sizes to create a mixed and balanced community.
Policy H7: Housing Density	A strategic scale of development would deliver a range of housing densities across the site.
Policy EM5: Education, Skills and Training	The Vision Document illustrates that the site would be capable of providing a primary school.
Policy SD1: Social Value	<p>The Vision Document and Section 4.2 above sets out the deliverables of the Whyburn site, and also the opportunities and benefits, which align with the following Social Value aspects of Policy SD1:</p> <ul style="list-style-type: none"> • Placemaking • Health and Wellbeing • Local employment, regeneration and growth



	<ul style="list-style-type: none"> • Community resilience • Safeguarding the environment and responding to climate change
Policy SD2: Good Design Considerations for Development	The Vision Document illustrates a landscape led approach to delivering a strategic scale of development, which will respond to the site context and form; deliver a high quality design, encourage movement through a network of footpaths and cycle ways that would also interlink with the areas of green and blue infrastructure.
Policy SD3: Amenity	Measures to safeguard the amenity provision of existing and future users/occupants will be informed by appropriate technical reports. The Vision Document illustrates how proposed uses could be distributed across the site to minimise conflict between commercial and residential uses, but also offer access to landscaped areas, footways/cycleways, retail, education and community facilities.
Policy SD4: Recycling and refuse provision in new development	Appropriate locations and design for recycling and refuse would be incorporated as part of any detailed design stage for all proposed uses.
Policy SD5: Developer contributions	<p>A strategic scale of development would look to meet all reasonable costs associated with the infrastructure requirements, and where appropriate, contribute to the delivery of infrastructure.</p> <p>The Vision Document illustrates that the Whyburn site includes for affordable housing, education provision, a new local centre; provision of sport and recreation facilities; new and improved open space, green and blue infrastructure; and necessary transport infrastructure.</p>
Policy SD9: Environmental	The assessment and inclusion of appropriate mitigation measures to address any matters relating to noise,



Protection	lighting, air quality and soils would be informed by appropriate technical reports.
Policy SD13: Provision and protection of health and community facilities	A strategic scale of development would look to meet all reasonable costs associated with the infrastructure requirements, and where appropriate, contribute to the delivery of infrastructure. The Vision Document illustrates that the Whyburn site includes for the provision for health and community facilities.

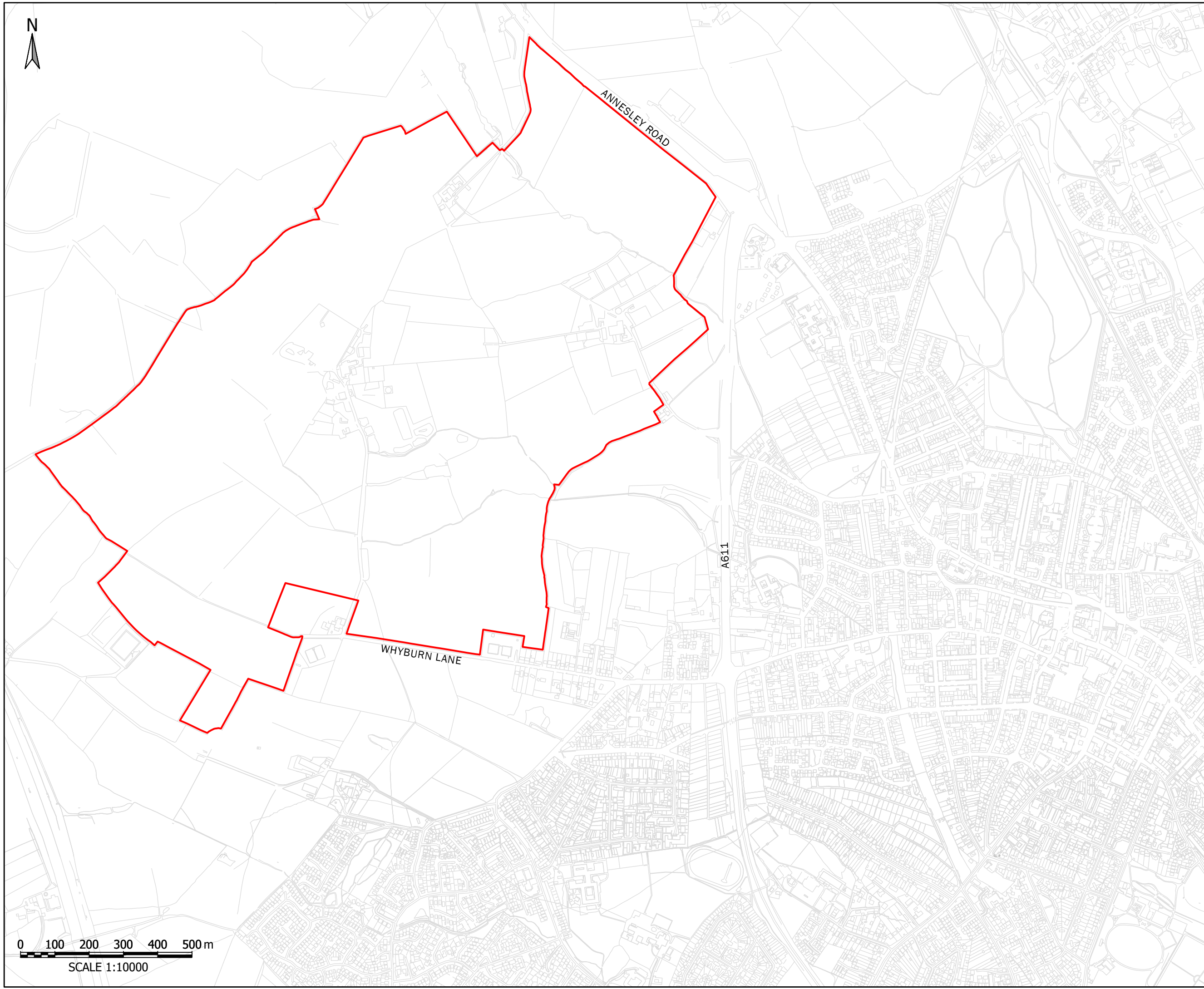


Appendices



Appendix 1





KEY
[Red line symbol] RED LINE BOUNDARY

PRELIMINARY ISSUE

Rev	Description	Date	Drn / Ck / App

Issuing Office
Tetra Tech Manchester
 2nd Floor, 11 York Street,
 Manchester, M2 2AW, United Kingdom
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 www.tetraeteurope.com
 Client:



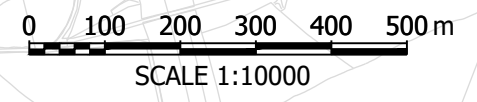
WHYBURN CONSORTIUM

Project Name
WHYBURN FARM

Sheet Title
RED LINE BOUNDARY

Model Reference
N/A

TTE Project Number	Drawn By	Date	Checked By	Date	Approved By	Date	Scale @ A3	Status
B040692	TP	Jan '24	BR	Jan '24	BR	Jan '24	As Shown	S0
Client Project Number	Originator	Function	Spatial	Form	Role	Number	Revision	
B040692	- TTE	- 00	- ZZ	- DR	- S	- 0001	-	



Appendix 2



WHYBURN

- Sustainable community -



Why Whyburn?

A NATURAL EXPANSION OF HUCKNALL - A DISTINCTIVE SUSTAINABLE COMMUNITY, WITHIN A CONTAINED LANDSCAPE.

The unique context of Whyburn gives an opportunity to provide significant growth in Hucknall, creating a new community that will provide new facilities as well as support the wider district and regeneration of the Town Centre through:

- a unique topography and landscape which will allow major new development to sit within a landscape bowl
- clearly delineated and defensible planted landscape edges to the north and west
- an ability to meet on-site requirements for community infrastructure
- a strong contribution to the district through sustainable Park and Ride, linked to bus and tram provision

- new employment opportunities and household spend and revenue
- enhancements to connectivity to enable the fuller regeneration of Hucknall Town Centre

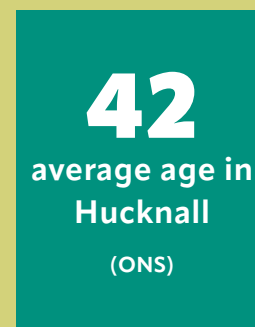
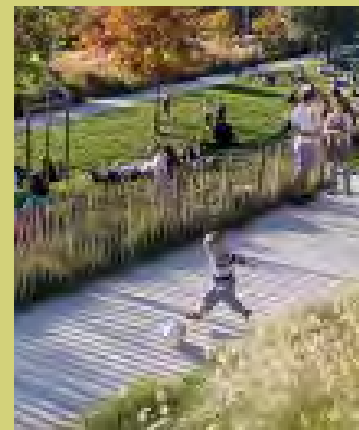
UNDERSTANDING THE CONTEXT

Whyburn is currently farmland, accessible only by Public Rights of Way.

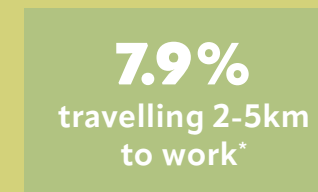
The vision can help address broader societal and environmental considerations such as:

- improved community cohesion and inclusiveness
- civic pride and supporting regeneration of Hucknall Town Centre
- addressing the Climate Change Emergency
- physical and mental health improvement

Local challenges and statistics >



Site location >



Church of St Mary Magdalene, Hucknall >

*Source: Census 2021 data

Where is Whyburn?

WHYBURN PRESENTS AN OPPORTUNITY TO DEVELOP A **HIGH-QUALITY, RESIDENTIAL-LED MIXED-USE SCHEME** IN A **HIGHLY SUSTAINABLE LOCATION** THAT INTEGRATES INTO THE EXISTING CONTEXT AND PROVIDES **WIDER BENEFITS** FOR NEW AND EXISTING COMMUNITIES.

STRATEGIC CONTEXT

Whyburn is situated approximately 2km northwest of Hucknall Town Centre, Nottinghamshire.

Hucknall is a market town located 12km, or a 10-minute cycle, north of Nottingham City Centre. The town is well connected to the bus and tram links providing services to local destinations. Rail services are also available from Hucknall Station which operate between Nottingham, Worksop and Mansfield Woodhouse.

There are several large connected greenspaces to the north of the site that are accessible for recreational use. To the south, Bestwood Country Park and Bulwell Hall Park provide

more formal accessible greenspaces.

Whyburn is in close proximity to established residential areas on the northwest edge of Hucknall and is well connected to amenities within an 800m walk of the site.

Top Wighay is a committed development directly opposite the site on Annesley Road. The site will accommodate new offices for the County Council and could provide the ability to align housing with jobs.

SITE CONTEXT

Whyburn has the potential to provide up to 3,000 new homes and significant major infrastructure, as well as supporting wider regeneration opportunities for Hucknall. We would engage with councillors, local stakeholder, local residents and Ashfield District Council officers to deliver a landmark development.

The strategic nature of this promotion presents the opportunity to bring forward a high-quality development that can safeguard the council's housing supply

whilst providing key benefits including:

- infrastructure delivery
- high quality, zero-carbon housing

2.5 HOURS
by train to London

15 MINS
by public transport to Nottingham via tram

20 MINS
by public transport to Mansfield via tram

Existing and proposed strategic context plan >



The strategic opportunity

A NEW NATIONAL EXEMPLAR COMMUNITY OF DESIGN AND PLACEMAKING QUALITY: PRIORITISING SUSTAINABLE TRAVEL, PARTICULARLY ACTIVE MODES IN RESPONSE TO A NATIONALLY DRIVEN POLICY OF DECARBONISATION AND ENHANCED PUBLIC HEALTH AND COMMUNITY WELL-BEING.

This promotion is being brought forward by the Whyburn Consortium who have a combined 85 years of experience in delivering strategic developments. They have a track record of delivering infrastructure requirements.

The Consortium believe in the importance of local community engagement. They will look to engage in dialogue with local traders, residents and those with concerns about the site, to better understand their views and how to best incorporate their thoughts and ideas into the project and design proposals.

The Whyburn proposals will be bolstered through:

- meaningful engagement: starting with a Festival of Ideas and including a commitment to co-design through the planning process
- creating a robust masterplan framework delivering on Building for a Healthy Life Standards
- a design code to protect the quality of delivery and secure placemaking
- collaborative design and masterplanning with Ashfield District Council
- opportunities to capitalise, expand and enhance the existing sustainable transport infrastructure in Hucknall, as well as accommodate future aspirations such as the Nottingham Express Transit network (NET) tram extension

The strategic scale of development would provide infrastructure to support the development but also

complement existing communities.

The site would deliver:

- a mix of housetypes to deliver a balanced community, along with opportunities for self-build and custom build properties
- employment opportunities both during the construction and operational phase
- a new primary school, local centre, health, community, sport and recreational facilities
- support for a healthy lifestyle with extensive areas of accessible open space for informal and formal recreational use
- biodiversity net gain and providing extensive areas of planting, woodlands, green and blue corridors that underpin a landscape led approach
- environmentally sustainable development through the use of energy efficient and carbon

TURNING OPPORTUNITIES INTO DELIVERABLE QUALITIES

In order to incorporate these qualities within the design proposals, 5 distinct design deliverables have been developed:



Major investment in community infrastructure



A place to live a healthier life



A place for innovation



Living in the landscape



Working towards net zero

Dreaming big and committing to delivery

OUR VISION IS TO CREATE A TRULY ASPIRATIONAL MIXED-USE DEVELOPMENT THAT BRINGS HOMES, JOBS AND OPPORTUNITIES TO THE LOCAL COMMUNITY, HUCKNALL TOWN CENTRE AND THE WIDER ASHFIELD DISTRICT.

We will create a place to live and a new community of exemplary quality whilst having the resources to deliver that vision through:

- full control of land and delivery via the Whyburn Consortium allowing us to 'Dream Big' at Whyburn given, the scale and quality of the site
- delivering a scheme that multiple, dispersed residential sites cannot deliver in terms of community infrastructure and placemaking



Vision concept >

Committing to long term delivery

AT WHYBURN, THE LAND OWNERSHIP IS AN INTEGRAL PART OF THE CONSORTIUM'S ABILITY TO DELIVER EXEMPLARY DESIGN, DEVELOPMENT AND PLACEMAKING.

The Whyburn Consortium is a partnership between Bloor Homes and Peveril Homes who own all 204ha of the site, required to deliver the scheme.



For a site of this scale this is unusual. More often land promoters will seek to secure a planning approval, working through an option or promotion agreement with a landowner. The difference at Whyburn, is that Bloor Homes and Peveril Homes have a long-term commitment to the scheme and are fully invested in creating a place of high-quality and value, now and in the future.

For both housebuilders, Whyburn is a scheme that they will commit substantial resources to in order to create an exceptional place with a rich landscape,

which can strengthen as it matures, and a sense of community and identity which will attract people to live in Whyburn as it is established, grows and is completed. This is an investment of time and resources and the Consortium are clear that their ownership allows them to do things differently and to an exemplary standard.

In the long term, everyone will benefit from the committed high-quality approach, that direct ownership can enable. There is a clear commercial and corporate rationale why Bloor Homes and Peveril Homes would invest in setting the highest standards in development to protect and enhance their long term land holding.

This creates an opportunity to do things differently and this includes working with public sector stakeholders including Ashfield District Council and their planning team. We can build trusted long-term relationships to deliver the scheme and set high-quality standards in architecture, street design, landscape design and land use mix.

Working together, the Consortium and the Council can create and curate a Design Code that can truly define the character and identity of Whyburn.

Standards can be set to protect and enhance quality throughout the delivery period, knowing that both landowners are fully invested in this quality agenda and they will see the scheme through to completion working in partnership with Ashfield District Council.

100% of Whyburn under control of Consortium	committed to a HIGH-QUALITY APPROACH
CREATING A PLACE OF HIGH-QUALITY and VALUE	investment of TIME and RESOURCES over DECADES

A place to live a healthier life

WHYBURN WILL BRING FRIENDS, FAMILY AND THE COMMUNITY TOGETHER, WITH DEDICATED ACTIVE TRAVEL ROUTES FOR WALKING, RUNNING AND CYCLING. SPACES FOR RECREATION, FITNESS AND PLAY, ALSO PLACES FOR SOCIALISING, RELAXATION, MEDITATION AND MINDFULNESS WITHIN NATURE AND THE LANDSCAPE.

These qualities are to be delivered through:

- supporting everyday active travel, designing well-lit and attractive safe routes for walking, jogging and running. Additionally, embedding play and integrating well-being into all aspects of the design
- designing for community interaction and social places to encourage well-being and social cohesion, community spaces enabling events and gatherings
- a wealth of high-quality local services supporting the new community,

provision of good local facilities and healthcare, including GP practices and dentists, excellent access to education and learning

- designing a mixed community with different typologies of housing including senior living and bungalows, starter homes and mixed tenure to enable younger people to access the property market
- opportunities for gardening, including in private gardens, allotments and community growing spaces
- a rich and accessible landscape setting for all seasons to encourage people to get outside and connecting with nature



offer of **STARTER & MIXED TENURE** homes

SPACES and PLACES FOR SPORT, RECREATION and PLAY



SAFE, ATTRACTIVE and WELL-LIT ROUTES

opportunities for **COMMUNITY SPACE**



Living in the landscape

WHYBURN WILL COMPRISE A VARIETY OF ATTRACTIVE AND ACCESSIBLE GREENSPACES AND INFRASTRUCTURE, GIVING THE OPPORTUNITY TO CREATE FEATURES RANGING FROM SMALL TO LARGE SCALE, WILD TO WELL MAINTAINED, POPULAR TO SECLUDED.

The inclusion of diverse greenspaces has the benefit of supporting the re-wilding of the environment. This will boost ecology and nature recovery, as well as offering a variety of leisure and recreational opportunities, and creating a visually rich scheme that continues to mature over time through:

- achieving Biodiversity Net Gain targets that will be a central objective of the scheme; where possible these targets will be exceeded
- walking or cycling off-road via the comprehensive green infrastructure network boosts overall well-being, connects people with nature and boosts to

physical activity, healthy lifestyles

- large areas of parkland within the northern and southern parts of the site, having the potential to support substantial Biodiversity Net Gain enhanced by a creative and integrated network of blue infrastructure
- growing spaces and an orchard to provide recreational enjoyment for the community
- the quantum of green spaces and vegetation which aids mitigation of climate change, increasing carbon capture and alleviating noise and air pollution, in turn contributing towards the creation of a healthy environment
- greater walking and cycling links to the Misk Hills, a local landmark, following thorough archaeological and heritage assessments



We have ambitions to create one of the greenest, most biodiverse strategic developments, opening up a site that is currently inaccessible, through:

- creating a green hub for new residents, as well as the existing community to enjoy
- retaining Whyburn's green corridors and wooded areas which are vitally important
- creating a truly sustainable development by delivering an amphitheatre-shaped green ring, providing growing spaces, landscaped footpaths and new blocks of woodland, linking to Park Forest
- new linear parks that will be created to provide play areas as well as informal recreation zones for people to enjoy

INTEGRATING THE GREEN AND BLUE

A network of green and blue infrastructure corridors, interconnecting habitats and connecting people to nature will be incorporated across Whyburn. Greenspaces, waterways and wildlife habitats are integral to our scheme.

Greenspaces have the potential to contribute to water management across Whyburn. Water features, both new and existing, will form part of an integrated system of landscape, biodiversity and drainage.

Together with green and brown roofs, green walls, swales, attenuation basins, rain gardens and other drainage features, water creates multi-functional sustainable drainage systems, as well as enhancing the attractiveness of open spaces and providing opportunities for interaction and relaxation.

1 tree planted per house



25ha retained woodland and hedgerows



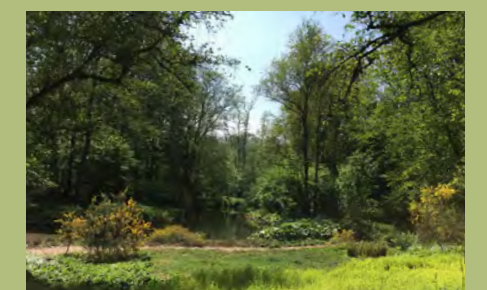
Proposals ensure minimum of 10% Biodiversity Net Gain overall

Creation of 28ha accessible open space

PLAY AREAS within 5 minutes walk



Provision of GREEN HUB



Major investment in community infrastructure

AS A STRATEGIC SITE, WHYBURN CAN HELP DELIVER VITAL INFRASTRUCTURE TO HUCKNALL.

The strategic nature of this development at Whyburn could allow for an extension of the NET tram line from Hucknall. This, with integrated pedestrian footpaths, cycleways electric scooters, will take the pressure off roads in Hucknall whilst allowing new residents to contribute to the local economy.

There is an opportunity to deliver highly accessible and sustainable infrastructure through Whyburn to encourage sustainable travel habits such as:

- safeguarding of land to enable the delivery of a Park and Ride to serve either an extension to NET or for use by a bus-based public transport solution
- a fully funded bus loop and bus stops within the site to bring enhanced public transport to Whyburn with easy reach of public transport services

- mobility hubs at bus stops to provide key points for sustainable travel infrastructure
- integrated pedestrian footpaths and cycleways, connecting to the town centre and green infrastructure network
- enhancement of existing pedestrian and cycle infrastructure in Hucknall, outside of the site boundary
- provision of amenities within local centres, with integrated pedestrian and cycle linkages, to reduce the need for car travel to gain access to day-to-day services

These opportunities will be enabled through integrated investment and provision of community infrastructure, including education, health care, community spaces and local centres.

The Consortium will help to provide community benefits beyond Whyburn and will work with the Council to help deliver local priorities.

Existing and proposed local connectivity >



8.3km of proposed walking and cycling routes

Provision of **BUS LOOP**

3.1ha safeguarded Park and Ride land

ALL HOMES will have **ELECTRIC CHARGING POINTS**

at least **3** mobility hubs

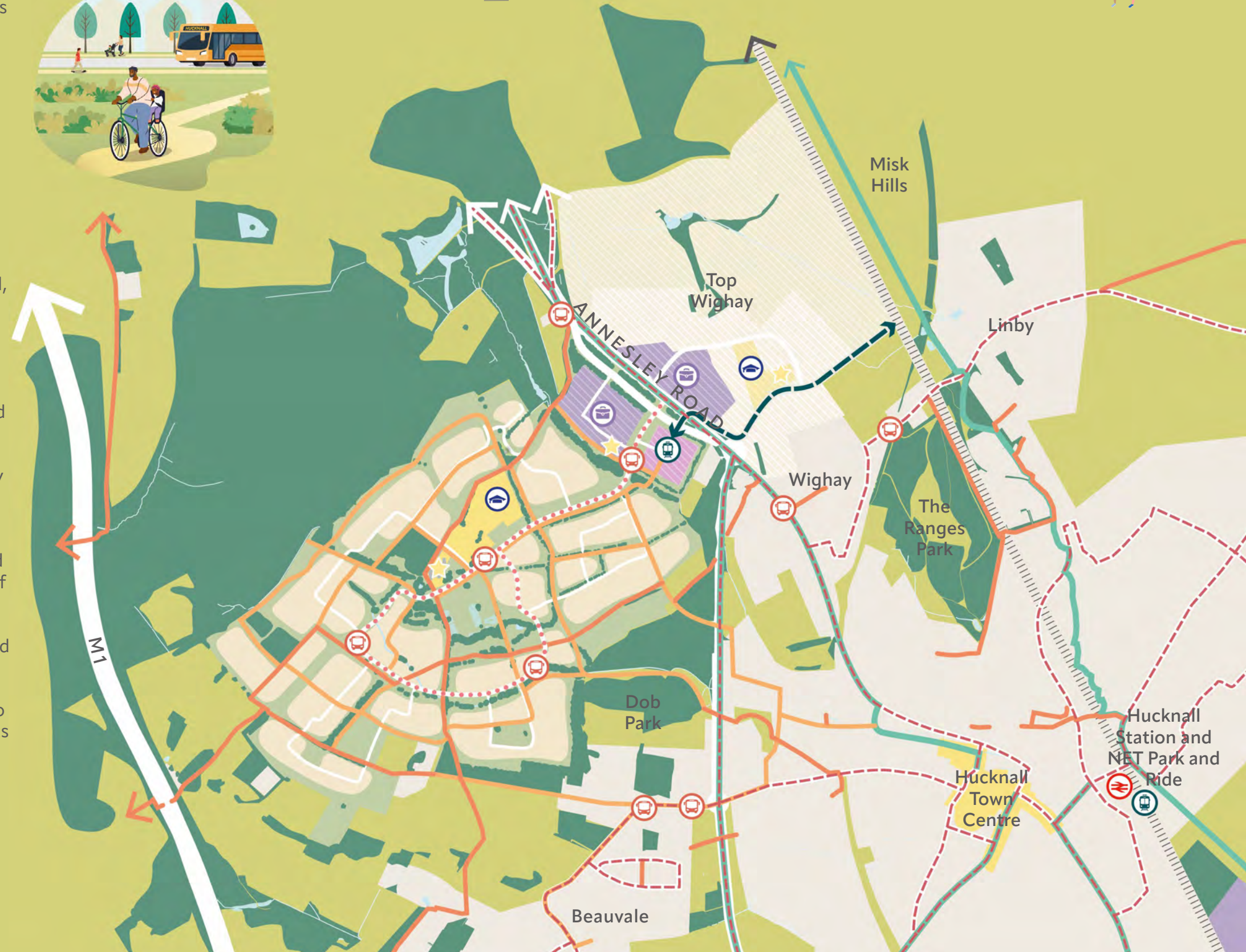
EXTENSION OF THE NET TRAM LINE from Hucknall

4km retained Public Rights of Way

13ha employment land



5k park run provision



A place for innovation

THE DESIGN PROCESS OF WHYBURN ENCOURAGES COLLABORATION AND ENGAGEMENT WITH THE COMMUNITY AND LOCAL BUSINESSES TO BRING FORWARD A SUCCESSFUL PLACE TO LIVE, WORK AND ENJOY. WHYBURN WILL SET A PRECEDENT FOR INNOVATION.

Whyburn will be sensitive to its surroundings whilst delivering new character areas and uses. This will be done through:

- housing design and house building
- community design and placemaking through co-design and engagement
- innovative design throughout including a collaborative design process
- employment opportunities and potential to invest in innovation
- stewardship and ownership of the places, spaces and landscape
- inclusive proposals, designing a place for

everyone - considering age, ability, culture and gender

- a proportion of inter-generational housing to accommodate multi-generation families under 'one roof'
- designing for home working
- self-build opportunities
- incorporating an offer of innovative uses to support the economic growth for Hucknall
- expanding and contributing to the development of the area and adding to the creation of new jobs and new opportunities
- creating a destination, an uplifting place for people to live, visit, work and learn



supporting the **ECONOMIC GROWTH** for Hucknall

opportunities for **SELF BUILDS**



Example of mobility hub (Source: Mode Transport)



Working towards net zero

WHYBURN IS UNIQUELY PLACED TO TAKE ADVANTAGE OF THE MINE-WATER HEATING OPPORTUNITIES OTHER SITES DO NOT HAVE, TAKING ALL NEW PROPERTIES OFF GRID AND GENERATING 100% RENEWABLE HEATING.

The scale of Whyburn allows for a range of technologies to be introduced from an early design stage through to specific measures on individual buildings.

Our commitment to working towards Net Zero is founded on an understanding of current government policy, and influences our approach and how to future-proof proposals, to enable the integration of new measures. The following measures could be implemented at Whyburn:

- provide the community with a low carbon, sustainable heat source which could deliver carbon savings of up to 75% compared to traditional gas heating
- support Biodiversity Net Gain, enhanced by an

integrated green and blue infrastructure network

- create multi-functional sustainable drainage systems through green and brown roofs, green walls, swales, attenuation basins, rain gardens and other drainage features
- provide heating or cooling for new homes similar to ground source heating, utilising the old Hucknall mineshafts
- allow for carbon neutral design to be embedded into the scheme to deliver opportunities such as carbon sinks, carbon sequestration, tree planting, sustainable drainage and urban cooling proposals
- promote uptake of sustainable travel modes of travel, to help reduce reliance on the car

These opportunities can be delivered through our sustainability strategy and assist with climate change mitigation. This would help Ashfield Council meet its green policy goals*.



up to **75%** carbon saved through sustainable heat source

Re-use of **WHYBURN FARM**

*As set out in Council's Climate Change Strategy

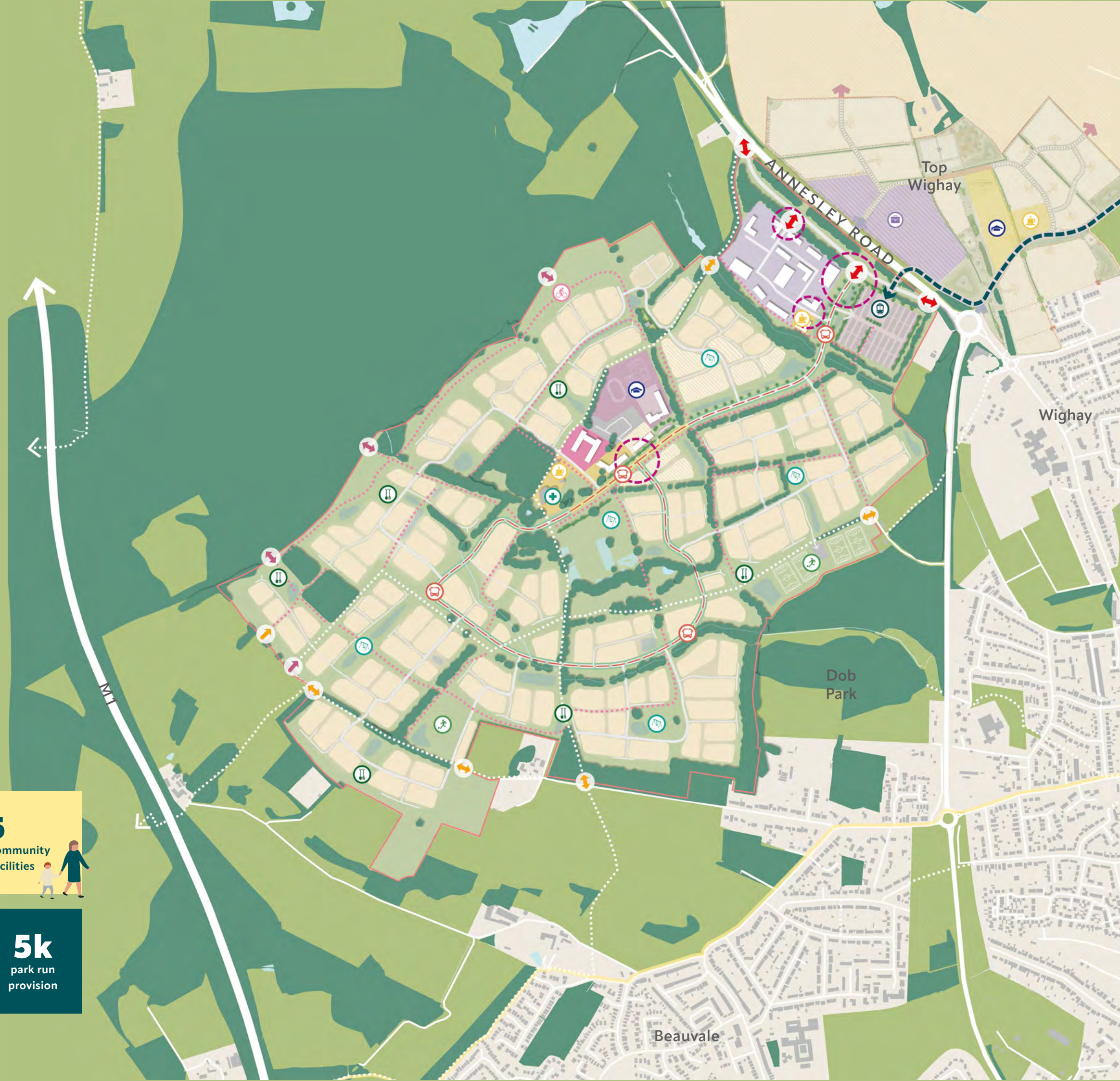
A truly sustainable community

WHYBURN WILL BALANCE THE PRINCIPLES OF SUSTAINABILITY TO DELIVER SOCIAL, ENVIRONMENTAL AND ECONOMIC BENEFITS FOR THE COMMUNITY THROUGH:

- local amenities in easy reach of the community
- ambitions of being Net Zero through design and delivery
- energy efficiency and carbon reduction
- resource efficiency
- green infrastructure and urban drainage
- sustainable transport

Emerging masterplan framework >

<p>delivery of 3,000 new homes</p> 	<p>13ha employment land</p>	<p>171 direct on-site jobs per annum</p> 	<p>5 community facilities</p> 
<p>22ha biodiversity areas</p> 	<p>Bus stops every 400m</p> 	<p>3.1ha safeguarded Park and Ride land</p>	<p>5k park run provision</p>



Bold plans, big benefits

WHYBURN SUSTAINABLE COMMUNITY WILL PROVIDE A MIX OF USES TO MEET THE DAY-TO-DAY NEEDS OF RESIDENTS AND IS ALSO CAPABLE OF OFFERING AN OPPORTUNITY TO DELIVER WIDER REGENERATION BENEFITS THROUGH:

- provision of circa 3,000 new homes, including appropriate affordable housing provision, to provide a mix of house types. This will deliver a mixed and balanced community, along with opportunities for self-build and custom build properties
- delivery of a new primary school
- provision of health, community, sport and recreational facilities
- biodiversity and green infrastructure enhancements through the retention and introduction of extensive areas of green and blue infrastructure
- delivery of an accessible new community with

improved connectivity to existing communities, and with a focus on walking, cycling and public transport connections

- optimising the topography of the site which sits in a 'bowl', providing a unique opportunity to deliver a strategic scale of development in a highly sustainable location whilst minimising visual impact
- supporting a healthy lifestyle through the provision of extensive areas of accessible open space for informal and formal recreational uses, including the retention of existing Public Rights of Way and inclusion of new footways and cycleways
- delivery of vital infrastructure and an opportunity to influence travel habits through the strategic nature of the development such as:
 - an extension of the NET tram line from Hucknall
 - provision of a Park and Ride and a bus loop

— reduction in off-site car trips following introduction of on-site facilities

— quality infrastructure provision and promotional measures

— integrated pedestrian footpaths and cycleways utilising retained / existing Public Rights of Ways

— enhancing existing off-site pedestrian / cycle infrastructure to provide new connections

- delivering an environmentally sustainable development by:

— investigating the use of mine-water heating

— provision of low carbon and sustainable heat sources

— maximising the use of solar panels and inclusion of electric vehicle charging points

— incorporation of sustainable urban drainage systems

— minimising the consumption of energy and water

— incorporating measures to encourage recycling and waste management

- improving access to jobs through the provision of circa 13ha of employment land, education, health, retail and community

facilities on site, which would offer employment opportunities both during the construction and operational phase

- re-use of Whyburn Farm to provide local centre uses whilst retaining its character
- connecting with and supporting regeneration

of nearby Hucknall Town Centre

3,000 NEW HOMES

including affordable and low-cost rental housing



£82.6M

Household income per annum



6.45ha
of sports pitches

28ha
publically accessible open space



New homes bonus of **£5.5M** employment land

Delivery of a new **PRIMARY SCHOOL**



9,300 JOBS

jobs supported through delivery of Whyburn

including **3,210** direct jobs

including **102** apprentices, graduates and trainees

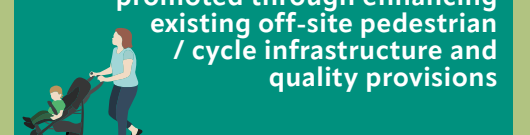


£8.3M gross value added (GVA) per annum

GP SURGERY AND DENTIST provision



50% ACTIVE TRAVEL promoted through enhancing existing off-site pedestrian / cycle infrastructure and quality provisions





WHYBURN
CONSORTIUM

BLOOR HOMES[®]

PEVERIL
HOMES TO BUILD A LIFE IN

Clients	Bloor Homes and Peveril Homes	Status / revision	P05
Project name	Whyburn Farm	Produced by	BR / TP
Document number	784-B040692-MC0-TTE-00-XX-DO-UD-20	Checked by	SE
Document title	Vision Document	Approved by	AC
		Date issued	26 January 2024

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TETRA TECH

Appendix 3



Ashfield District Council Regulation 19: Pre-Submission Draft Local Plan Five Year Housing Land Supply Review

Housing Shortfall

The Council is only able to demonstrate a 2.93 year housing land supply against its current housing requirement.

The latest 2021 Housing Delivery test shows a total delivery of 829 dwellings in the 2018/19 to 2020/21 three year period against a requirement of 1,257 dwellings over the same period. This represents a shortfall of 428 dwellings. The Regulation 18 consultation documents showed a delivery of 421 dwellings in the 2021/22 period and 344 dwellings in the 2022/23 period, representing a further shortfall of 169 dwellings.

In the last 5 year period therefore, there has been a total **shortfall of 597 dwellings**. Appendix 2 “Five Year Land Supply and Housing Trajectory” of the Pre-Submission Draft Local Plan does not take account of this shortfall.

Shortfall from the beginning of the Plan Period

The plan period for the Pre-Submission Draft Local Plan starts from April 2023 and proposes to begin the relevant 5 year period from adoption of the plan anticipated in April 2025. Based upon the average delivery of 319 dwellings per annum over the past 5 years, there will be a predicted shortfall of 216 dwellings per annum against a current Regulation 19 requirement of 446 dwellings per annum, plus a 20% buffer – equating to 535 dwellings per annum. From the start of the plan period in April 2023 to adoption in April 2025, there is a predicted shortfall of 432 dwellings.

Shortfall at the end of the Plan Period

The Pre-Submission Draft Local Plan outlines that it only provides sufficient housing allocations equivalent to a 13 year provision against a requirement for a 15 year provision. Against a 535 dwellings per annum requirement, this represents a shortfall of 1,070 dwellings at the end of the plan period.

The following shortfalls have been identified:

- 597 dwellings since the latest HDT results to the beginning of the plan period.
- 432 dwellings from the beginning of the plan period to adoption.
- 1,070 dwellings at the end of the plan period.

This represents a total shortfall of **2,099 dwellings** that should be addressed as part of the emerging Local Plan.



The Housing Trajectory

The Pre-Submission Draft Local Plan relies upon the delivery of a number of development sites considered to be deliverable over the relevant 5 year period, starting in the 2025/26 period, which are tabulated in Appendix 2 of the Pre-Submission Draft Local Plan document. These sites consist of those proposed to be allocated without planning permission, those with current planning permissions, deliverable under permitted development rights, residential institutions and a windfall allowance.

Sites With Planning Permission

Annex 2 of the NPPF sets out a number of definitions, including the definition of 'deliverable'. Part A of the NPPF definition of 'deliverable' states "*...sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans)*". These are known as Part A sites.

Having reviewed a sample of sites with planning permission being relied upon by the Council, the following sites appear to either not have the necessary permissions or they have lapsed or are due to lapse shortly, casting doubt over their delivery.

- Site Ref H1Hg – Hucknall Town Football Club, Watnall Road – 82 dwellings. Outline planning permission was granted on 12/11/2019 giving 3 years for submission of the first Reserved Matters application by 12/11/2022, which has expired, and a commencement date of 12/11/2024. A reserved Matters application was submitted on 9/11/2022, three days before the expiry date, however the application appears to have been invalid on submission as further information was submitted after the expiry date. This casts doubt as to whether the outline conditions have been complied with and if the permission has expired. Furthermore, the development description for the outline planning permission does not refer to the demolition of the existing buildings/seating stands at the football ground. As planning permission is required to demolish these structures, the outline application is not technically implementable.
- Site Ref H1Sad – The Pattern House, Crossley Avenue, Huthwaite – 23 dwellings. Outline planning permission was granted on 14/07/2020. The three year deadline to submit a Reserved Matters application expired on 14/07/2023.

The above sample of sites, for **105 dwelling**, have either expired or are not technically implementable. We reserve the right to review further permissions that may also expire prior to the adoption of the draft Local Plan.

Allocations Without Planning Permission

Part B of the NPPF definition of 'deliverable' states as follows: "*...where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be*



considered deliverable where there is clear evidence that housing completions will begin on site within five years.” These are known as Part B sites.

Having reviewed a sample of proposed allocated sites being relied upon by the Council, there is insufficient ‘clear evidence’ to conclude that all of the sites are deliverable. The following examples of sites provided in Appendix 2 of the Pre-Submission Draft Local Plan cast doubt over their delivery based on the SHELAA evidence:

- Site Ref H1Ha - Seven Stars Public House and adjoining land, West Street – 28 dwellings. The SHELAA notes that the loss of the public house would reflect a loss of a community facility as defined by the NPPF Paragraph 93.
- Site Ref H1Hb - Linby Boarding Kennels, East of Church Lane – 34 dwellings. The SHELAA notes that the site was allocated in the 2002 Local Plan and has not come forward. Part of the site benefits from outline planning permission, however that is due to lapse on 8th February 2024.
- Site Ref H1Hc - Land north of A611/South of Broomhill Farm – 499 dwellings. Part of the site has permission for 217 dwellings and is under construction. The SHELAA notes that the remainder of the site is not within appropriate distances of local services but that a potential yield of 499 dwellings may generate provision of a bus service. However, as 217 dwellings are under construction, this only leaves a balance of 282 dwellings to fund a bus, which raises questions over the viability of the site to provide a bus service. It appears therefore that there are concerns over the sustainability of the remaining 282 dwellings at the site.
- Site Ref H1Hd - Land adjoining Stubbing Wood Farm, Watnall Road – 197 dwellings. The SHELAA states that site SA criteria scores ‘significant negative effect’ in historic environment; landscape and natural resources. There was a historical refusal of planning permission for residential development.
- Site Ref H1Ka - Beacon Farm, Dearby Road – 41 dwellings. The SHELAA identifies numerous considerable constraints to development, including green belt, a railway tunnel under part of the site, within 400m of the Sherwood Forest ppSPAA, significant highway improvements required, potential contamination, significant SA negative effects and a historical refusal of residential development.
- Site Ref H1Ke - Former Allotments Land at Diamond Avenue – 63 dwellings. The SHELAA states that planning permission was granted in 2007 which has expired. A two-year extension was also granted in 2011, however that has also now expired.
- Site Ref H1Kg - Rear 126 Skegby Road, Annesley – 15 dwellings. The SHELAA notes a historic planning refusal for residential development by David Wilson Homes.
- Site Ref H1Kh - Hucknall Road, Newstead – 47 dwellings. The SHELAA notes that the site is bounded by an industrial estate to the north east, LWS adjacent to the site



identified as Annesley Forest. Part of site under the Natural Environment & Rural Community Act 2006, Section 41 is identified as a Priority Habitat - deciduous woodland. SA Criteria: Significant negative effect scored for Landscape and Biodiversity and Green Infrastructure.

For the above sites to be considered deliverable in accordance with the NPPF definition there must be clear evidence that the proposed allocations will come forward. The Council's own evidence submitted with the Pre-Submission Draft Local Plan shows numerous constraints, significant negative sustainability appraisal scores, renewal of old Local Plan 2002 allocations that have not been delivered and previous refusals for residential development.

Given the above constraints, there are also doubts over the anticipated site yields of the allocations without planning permission. The Council has provided no evidence that the constraints it has identified are capable of being mitigated. There may be a case for mitigation, however the Council has not presented such evidence. Such mitigation may result in a reduction in the anticipated yield of the proposed allocations, meaning that further allocations would be required to fill the further anticipated shortfall. As these sites do not benefit from planning permission, the full impact of the identified constraints is not known. Should the Council provide evidence to show that the constrained sites are deliverable, an option could be to provide a 20% yield discount to the allocations without planning permission.

Without evidence to demonstrate that the constraints identified by the Council can be mitigated, this sample of initially assessed sites falls considerably short of the 'clear evidence' required to demonstrate deliverable sites for the above **771 dwellings**.

It is alarming that these constrained sites make up the majority of the Council's housing trajectory that it relies upon for a 5 year housing land supply post adoption. Given the track record of persistent under delivery, there is no 'clear evidence' that these sites will provide the step change in delivery required to address the historical persistent under delivery of housing in the District.

There are a total of **876 dwellings** proposed to be allocated that do not comply with the NPPF definition of a deliverable site. We reiterate that this is a sample of assessed sites based upon an initial assessment of the evidence provided by the Council. We reserve the right to fully assess proposed allocated sites at later consultation stages.

Conclusions

This review has identified a total shortfall of **2,099 dwellings** from past, current and future plan periods that should be addressed.

At least part of the shortfall should be added to the Local Housing Need of 535 dwellings per annum (with 20% buffer). Even if just the predicted shortfall of 432 dwellings, from the beginning of the plan period and prior to adoption, is added to the requirement and the 20% buffer added thereafter, the total annual housing requirement rises to 639 dwellings per annum (see table below).



Extract from Appendix 2 of the Pre-Submission Draft Local Plan, with commentary from CarneySweeney

	LPA	Carney Sweeney
Local Housing Need @ 446 dpa x 5 years	2230	2230
Predicted shortfall prior to adoption	0	432
Add 20% buffer	446	532
Total 5 year requirement including buffer	2676	3194
Annual requirement including buffer	535	639

There are a total of **876 dwellings** proposed to be allocated that do not comply with the NPPF definition of a deliverable site, part of which are included within the Council's predicted trajectory over the relevant 5 year period. Based upon the Council's own submitted evidence, a sample review of the proposed allocations without planning permission shows that a significant proportion of these sites are heavily constrained. The Council has not provided 'clear evidence' to demonstrate that these sites are deliverable within the NPPF definition.

Without such evidence, it is currently impossible to assess whether these sites are capable of being delivered or if mitigation can be provided, what effect that may have upon the yield of the allocations. To address these concerns, firstly, the Council must provide evidence that these sites are deliverable if they are to be included within the trajectory. Secondly, if the latter evidence is supplied, a yield discount should be applied to take account of the unknown effects that mitigation measures may have on the number of homes that are capable of being delivered at the allocation sites.

Finally, given these significant concerns in relation to identified shortfalls and deliverability issues, it is highly likely that the 6.38 year supply of housing reported in Appendix 2 of the Pre-Submission Draft Local Plan is inaccurate and will fall short of the five year requirement. The shortfall and site deliverability matters will need to be closely monitored prior to adoption to ensure that a robust 5 year housing land supply assessment is undertaken.



Appendix 4



Whyburn, Hucknall

Representations

Client:	The Whyburn Consortium	Job No	J327191
Date:	19 January 2024	Approved by:	BDF
Prepared by:	BDF		

1.1 Introduction

1.1.1 mode transport planning has been appointed by The Whyburn Consortium to provide highways and transportation advice in relation to a potential allocation site at Whyburn, Hucknall.

1.1.2 The site was previously identified as a draft allocation in the Ashfield District Council (ADC) Regulation 18 submission of the Draft Local Plan (2020-2038)¹. Under Strategic Policy S6, the draft allocation for the site included the following:

“a mixed use New Settlement to deliver 3,000 new dwellings, 1,600 of which will be delivered within the plan period, along with approximately 13 hectares of employment land.”

1.1.3 The draft policy identified the following transport requirements:

- Provide well connected street patterns and walkable neighbourhoods that provide high quality, safe and direct walking, cycling and public transport routes.
- Access walking and cycling routes to Annesley Woodhouse, Sherwood Business Park and Hucknall centre.
- A comprehensive package of highway improvements to facilitate the new settlement.
- The potential extension of the existing Nottingham Express Transit (NET) tram link from Hucknall Town Centre (Hucknall North) through the Top Wighay Development site in Gedling to the site.
- The potential for a Park and Ride site to serve the NET.

¹ <https://www.ashfield.gov.uk/media/imjbbq1y/ashfield-draft-local-plan-2020-2038.pdf>

- 1.1.4 The Regulation 18 Draft Local Plan was supported by an evidence base document entitled Background Paper No 5 Infrastructure Delivery, dated 2021. At paragraph 3.7 it is described how the council has commissioned a transport study that is intended to “provide an indication of whether the development proposals are feasible in transport terms and, if so, what mitigation is required to accommodate the Local Plan developments.”
- 1.1.5 No transport study is provided to support the Regulation 18 Draft Local Plan in the evidence base or supporting documents uploaded to the Local Plan webpages.
- 1.1.6 ADC has subsequently published the Regulation 19 pre-submission Draft of the Local Plan (2023-2040) in December 2023². The strategic allocation at Whyburn has been removed in its entirety from the emerging local plan.
- 1.1.7 The rationale behind this change in approach is described in paragraphs 3.7 to 3.9 of the October 2023 Background Paper 1: Spatial Strategy and Site Selection.³ The reasoning describes a more cautious approach to the selection of strategic scale sites and in particular where these could deliver development beyond the plan period given the level of local objection as well as the prospect of governmental proposals for planning reform. No transportation related reasons for the removal of the proposals from the plan were cited.

1.2 Representations

- 1.2.1 These representations have been prepared in response to draft policy SD10: Transport Infrastructure. Our primary concern relates to bullet 3 of the draft policy wording whereby:

“New development, singularly or combined with other proposed development, should demonstrate that a sufficient package of measures are proposed as part of the development to ensure that the wider transport system, in terms of effective operation, is not compromised. Where development places additional demands on transport infrastructure appropriate mitigation will be required.”

² <https://www.ashfield.gov.uk/planning-building-control/local-plan/emerging-local-plan/ashfield-local-plan-2023-2040-regulation-19-pre-submission-draft/>

³ <https://www.ashfield.gov.uk/planning-building-control/local-plan/emerging-local-plan/ashfield-local-plan-2023-2040-regulation-19-pre-submission-draft/>

- 1.2.2 This concern is also relevant to bullet F of Draft Policy S9: Aligning Growth and Infrastructure: *“Major highway capacity enhancements to deal with residual car demand.”*
- 1.2.3 The Regulation 19 pre-submission Draft Local Plan is supported by the Strategic Transport Modelling Assessment Full Report V2⁴, dated 28 September 2023 and the Infrastructure Delivery Plan (IDP), dated November 2023.
- 1.2.4 Table 2 of the Strategic Modelling Assessment Report summarises the sites included in the Local Plan assessments as well as their relative scale. The previous allocation at Whyburn (Regulation 18 Strategic Policy S6) is included in the Strategic Modelling Assessment Paper assumptions as delivering 1,600 dwellings and 11ha employment during the plan period. It is clear that other discrepancies manifest in terms of the headline development quantum assessed and the development quantum subdivided across various sites in each assessment.
- 1.2.5 This is despite paragraph 3.1.2 of the Strategic Modelling Assessment Report describing how it is based on the Regulation 19 Draft Local Plan.
- 1.2.6 These serious discrepancies undermine the position of the draft Regulation 19 Plan as the cumulative transport assessment, and therefore resultant mitigation package simply does not align with the proposed strategy approach. It is therefore impossible to determine:
- Whether the now proposed spatial strategy can be delivered without a severe detrimental effect on the operation or safety of the highway network;
 - Where mitigation is required whether this can be delivered and funded in a cost efficient manner; and,
 - Whether the now proposed spatial strategy results in an improved outcome in traffic terms than the strategy promoted at Regulation 18.
- 1.2.7 We therefore reserve our position to provide further representations in the event that a revised Strategic Modelling Assessment is published.

⁴ <https://www.ashfield.gov.uk/planning-building-control/local-plan/emerging-local-plan/local-plan-evidence-base/>

- 1.2.8 A further area of concern relates to bullet 1 of draft policy SD10 whereby development is expected to *“reduce the need to travel by private motor vehicle and promotes smarter choices (to reduce congestion and air pollution)”* and bullet H of draft policy S9, namely a requirement to *“Improving railway connections and facilities, on the Robin Hood Line, the Maid Marian Line and the light rail system Nottingham Express Transit.”*
- 1.2.9 Para 3.109 describes how land to safeguard the development of a new NET station has not been identified in the Regulation 19 Plan, albeit land will be required potentially in the future.
- 1.2.10 The omission of Whyburn site is considered to fundamentally present a worse position in this regard. The Regulation 18 Plan included land safeguarded for the NET extension and a park and ride at the Whyburn site. The Regulation 19 Plan completely removes this opportunity but does not provide any meaningful means of delivering this objective.
- 1.2.11 There is also the question as to the delivery of strategic infrastructure (for all transport modes) when a settlement based spatial strategy is compared to a dispersed spatial strategy. A settlement based spatial strategy provides opportunity to deliver a critical mass of occupations and users in one location presenting meaningful volumes of customers to justify infrastructure interventions, new and improved public transport services and mixed land use planning to assist in trip containment. A dispersed spatial strategy is unlikely to allow these objectives to be easily fulfilled given the relative location and scale of the various proposed site allocations in the Regulation 19 Pre-Submission Local Plan.

Appendix 5



Ashfield District Council Regulation 18 vs Regulation 19 evidence base

	Regulation 18		Regulation 19		Updated?
Background Documents	Document Title	Publication Date	Document Title	Publication Date	Yes/No/New documents
	Background Paper 1: Spatial Strategy and Location of Development	October 2021	Background Paper 1: Spatial Strategy and Site Section	October 2023	Y
	Background Paper 2: Housing	October 2021	Background Paper 2: Housing	October 2023	Y
	Background Paper 3: Economy and Employment Land	August 2021	Background Paper 3: Economy and Employment Land	October 2023	Y
	Background Paper 4: Green Belt Harm Assessment	July 2020	Background Paper 4: Green Belt Harm Assessment	September 2023	Y
	Background Paper 5: Infrastructure Delivery	July 2021			N
Draft Local Plan and Supporting Documents	Draft Local Plan 2020-2038	October 2021	Pre-Submission Draft	November 2023	Y
	Equality Impact Assessment (Phase 1)	August 2021	Equality Impact Assessment	May 2023	Y
	Executive Summary of the Draft Local Plan	August 2021			
	Health Impact Assessment for the draft Ashfield Local Plan (2020-2038) Regulation 18 Consultation	July 2021	Health Impact Assessment for the Ashfield Local Plan (2023 – 2040) Regulation 19 Pre-Submission Draft.	September 2023	Y
	North Map/South Map 2021	2021	-	-	
	Statement of Common Ground for the draft Local Plan 2020 to 2038	August 2021	-	-	
Evidence Base – Climate Change	Greater Nottingham and Ashfield Outline Water Cycle Study	February 2010	Greater Nottingham and Ashfield Outline Water Cycle Study	February 2010	N
	Low Carbon Energy Opportunities and Heat Mapping for Local Planning Areas Across the East Midlands: Final Report	March 2011	Low Carbon Energy Opportunities and Heat Mapping for Local Planning Areas Across the East Midlands: Final Report	March 2011	N
	Strategic Flood Risk Assessment – Level 1	February 2009	Strategic Flood Risk Assessment – Level 1	November 2023	Y
	Towards a Sustainable Energy Policy for Nottinghamshire	November 2009	Towards a Sustainable Energy Policy for Nottinghamshire	November 2009	N
	-	-	Saving Water - water stress and Ashfield	October 2023	N
Design	Whole Plan & CIL Viability Assessment	July 2016	Whole Plan & CIL Viability Assessment	March 2023	Y
	Brownfield Land Capacity Assessment	November 2022	Brownfield Land Capacity Assessment	November 2022	N



	Regulation 18		Regulation 19		Updated?
	Greater Nottingham Aligned Core Strategy: Accessibility of Settlements Study	January 2010	Greater Nottingham Aligned Core Strategy: Accessibility of Settlements Study	January 2010	N
	Nottinghamshire Local Transport Plan 2011-2026	2011?	Nottinghamshire Local Transport Plan 2011-2026	2011?	N
			Infrastructure Delivery Plan	November 2023	New document
			Ashfield Local Plan Strategic Transport Modelling Assessment Full Report V2	28 th September 2023	New document
Economy	Maid Marian Rail Extension Economic Impact Analysis	February 2020	Maid Marian Rail Extension Economic Impact Analysis	February 2020	N
	Ashfield and Mansfield: A plan for growth	Circa 2016	Ashfield and Mansfield: A plan for growth	Circa 2016	N
	Employment Land Forecasting Study	August 2015	Employment Land Forecasting Study	August 2015	N
	Maid Marian Rail Extension	No date (but refers to a paper dated 2020)	Maid Marian Rail Extension	As previous	N
	Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study	May 2021	Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study	May 2021	N
	Nottinghamshire Core & Outer HMA Logistics Study	August 2022	Nottinghamshire Core & Outer HMA Logistics Study	August 2022	N
	-	-	Strategic Distribution and Logistics Background Paper	September 2023	New document
Housing Need	Greater Nottingham and Ashfield Housing Needs Assessment	October 2020	Greater Nottingham and Ashfield Housing Needs Assessment	October 2020	N
	Strategic Housing and Employment Land Availability Methodology and Site Assessment	Updated 2021	Strategic Housing and Employment Land Availability Methodology and Site Assessment	Updated 2021	N
	Affordable Housing Delivery Strategy 2019- 2021	No date – 2019?	Affordable Housing Delivery Strategy 2019- 2021	As previous	N
	Appendix E – Hucknall SHELAA Sites 2021 (Map)	2021	Appendix E – Hucknall SHELAA Sites 2023 (Map)	Maps updated 2023	Y
	Appendix F – Kirby SHELAA Sites 2021	2021	Appendix F – Kirby SHELAA Sites 2023 (Map)	Maps updated 2023	Y
	Appendix G – Sutton SHELAA	2021	Appendix G – Sutton SHELAA 2023 (Map)	Maps updated 2023	Y
	Appendix H – Rural SHELAA	2021			
	Ashfield New Settlements Study	March 2021	Ashfield New Settlements Study	March 2021	N
			Greater Nottingham Aligned Core Strategy: Accessibility of Settlements Study	January 2010	N* (*not recorded on our records under Reg 18 but dated 2010)
	Greater Nottingham and Ashfield District Council Gypsy and Traveller Accommodation Assessment	March 2021	Greater Nottingham and Ashfield District Council Gypsy and Traveller Accommodation Assessment	March 2021	N



	Regulation 18		Regulation 19		Updated?
	First Homes Assessment: Greater Nottingham	September 2022	First Homes Assessment: Greater Nottingham	September 2022	N
	Gypsy and Traveller accommodation needs assessment for the Nottinghamshire local authorities of: Ashfield; Broxtowe; Gedling Mansfield; Newark & Sherwood; Nottingham City; Rushcliffe	May 2007	-	-	
Natural Environment and Heritage	Strategic Green Belt Review	August 2016	Strategic Green Belt Review	Updated with 2021 Addendum "The document has been updated to reflect the new paragraph numbers and revised wording of the 2021 NPPF; and · Four new site assessments around Junction 27 of the M1 Motorway have been undertaken and added in as Appendix 9."	Y
	Review of Nottinghamshire County Councils Landscape Character Assessment for Ashfield District Council 09.06.2017	2017	Review of Nottinghamshire County Councils Landscape Character Assessment for Ashfield District Council 09.06.2017	2017	N
	Assessment 1 M01 – Land south east of Junction 27 of M1	02/03/2021	Assessment 1 M01 – Land south east of Junction 27 of M1	02/03/2021	N
	Criteria for Local Heritage Asset Designation	February 2013	Criteria for Local Heritage Asset Designation	February 2013	N
	Technical Paper: Green Infrastructure and Biodiversity	September 2013	Green & Blue Infrastructure and Biodiversity Strategy 2022 - 2032	September 2022	Y
	Playing Pitch Strategy 2017 - 2020		Playing Pitch Strategy 2023-2027		Y
	The Nottinghamshire Biodiversity Opportunity Mapping Project	November 2016	The Nottinghamshire Biodiversity Opportunity Mapping Project	November 2016	N
	Greater Nottingham Landscape Character Assessment	June 2009	Greater Nottingham Landscape Character Assessment	June 2009	N
	Technical Paper – Green Belt Boundary review	2021	Technical Paper – Green Belt Boundary review	2021	N
	Hardwick Setting Study	March 2016	Hardwick Setting Study	March 2016	N
	Public Open Space Strategy 2016 - 2026		Public Open Space Strategy 2016 - 2026		N
Towns and Local Centres	Retail and Leisure Study	August 2016	Town Centre/Local Centre Study	November 2023	Y
	Hucknall Town Centre	July 2022	Hucknall Town Centre	July 2022	N
	Kirby Masterplan 2021	February 2021 (updated July 2022)	Kirby Masterplan 2021	February 2021 (updated July 2022)	N



	Regulation 18		Regulation 19		Updated?
	Sutton Spatial Masterplan	March 2019	Sutton Spatial Masterplan	March 2019	N
Sustainability Appraisal	Sustainability Appraisal: Consultation Draft Local Plan (Regulation 18) Sustainability Appraisal Report	September 2021	Sustainability Appraisal: Ashfield Local Plan 2023 to 2040: Regulation 19 Pre-Submission Draft	November 2023	Y
New document			Infrastructure Delivery	2023	Y



Appendix 6



Difference between Housing Allocations at Regulation 18 Stage and Regulation 19 Stage: Comparison Exercise

Note: Where the housing allocation has either been removed between Regulation 18 and Regulation 19, added in, or potential yield amended, the housing allocation reference has been included in the table below. All other housing allocations remain the same between Regulation 18 and 19 in terms of yield and planning permission status.

Site Ref	Site Name	Regulation 18			Regulation 19			Comparison between Regulation 18 and Regulation 19
		Green/ brownfield	Planning Permission	Potential Yield	Green/ brownfield	Planning Permission	Potential Yield	
Sutton								
H1Sc	West of Fisher Close, Sutton-In-Ashfield	G	No	73	G	Yes	84	Planning permission granted. Yield increased by 11
H1SI	North of Fackley Road, Teversal	G	No	115	G	No	124	Yield increased by 9
H1Sp	Off Tibshelf Road, Fackley	G	N	10				Site not included in the Regulation 19 Pre-Submission Draft
H1Sv	Station House, Outram Street	B	Yes	28				Site not included in the Regulation 19 Pre-Submission Draft
H1Sw	Off Gillcroft Street/St Andrews Street & Vere Avenue, Skegby	G	Yes	177	G	Yes	206	Yield increased by 29
H1Sx	rear 249, 251 Alfreton Road, Sutton	G	Yes	113	G	Yes	43	Yield decreased by 70
H1Sy	off Brand Lane, Stanton Hill	G	Yes	137	G	Yes	71	Yield decreased by 66
H1Sab	Land Off Davies Avenue	B	Yes	22				Site not included in the Regulation 19 Pre-Submission Draft



H1Sae	Ashland Road West				G	Yes	300	Site added in at Regulation 19 Pre-Submission Draft
H1Saf	North of Midland Road				G	Yes	20	Site added in at Regulation 19 Pre-Submission Draft
H1Sag	Quantem clothing site, North Street, Huthwait				B	No	71	Site added in at Regulation 19 Pre-Submission Draft
H1Sah	Land adjacent 208 Mansfield Road, Sutton in Ashfield				B	No	36	Site added in at Regulation 19 Pre-Submission Draft
Selston, Jacksdale and Underwood Area								
H1Vf	Between 106-132 Main Road, Underwood	G	No	14				Site not included in the Regulation 19 Pre-Submission Draft
H1Vg	Land North of Larch Close, Underwood	G/B	No	37	G/B	No	52	Yield increased by 15
H1Vj	Land off Main Road, Jacksdale				G	No	81	Site added in at Regulation 19 Pre-Submission Draft
Hucknall Area								
H1Ha	Seven Stars PH, West Street / Ogle Street, Hucknall	B	No	24	B	No	28	Yield increased by 4
H1Hc	Land north of A611 / South of Broomhill Farm, Hucknall	G	No	633	G	No	499	Yield decreased by 134
H1He	Phases 5 (part) and 9, land at Rolls Royce, Watnall Road, Hucknall	B	No	105	B	Yes	150	Planning permission granted and yield increase by 45
H1Hf	Phases 10,11,12, land at Rolls Royce, Watnall Road, Hucknall	B	No	100	B	Yes	101	Planning permission granted and yield increase by 1



H1Hg	Hucknall Town football Club, Watnall Road	B	Yes	108	B	Yes	82	Yield decreased by 26
H1Hh	Rolls Royce, Watnall Road (remaining phases of Outline pp)	B	Yes	186				Site not included in the Regulation 19 Pre-Submission Draft
H1hi	Rolls Royce, Watnall Road	B	Yes	48				Site not included in the Regulation 19 Pre-Submission Draft
H1hj	Land to the East of, Hurricane Road RR	B	Yes	19				Site not included in the Regulation 19 Pre-Submission Draft
H1hk	Parcel 8, Land at Rolls Royce, Watnall Road	B	Yes	64				Site not included in the Regulation 19 Pre-Submission Draft
H1Hl	Land at, Shepherd Street (Rolls Royce site)	B	Yes	100	B	Yes	42	Yield reduced by 58
H1Hm	South of former international clothing centre, Annesley Road	G	Yes	56				Site not included in the Regulation 19 Pre-Submission Draft
H1Hn	(Phase 2) Land at, Broomhill Farm,	G	Yes	217	G	Yes	168	Yield reduced by 49
Kirby								
H1Kd	Off Walesby Drive	G	No	187	G	No	196	Yield increased by 9
H1Kf	Warwick Close, Kirby-in-Ashfield	B	No	23	B	Yes	34	Yield increased by 11
H1Ki	Annesley Miners Welfare Institute, Derby Road	G/B	Yes	45				Site not included in the Regulation 19 Pre-Submission Draft
H1Kj	Former Wild Orchid Public House, Southwell Lane, Kirkby	B	Yes	12				Site not included in the Regulation 19 Pre-Submission Draft



H1Kk	Land off Laburnum Avenue, Kirkby		G	No	38	Site added in at Regulation 19 Pre-Submission Draft
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