



**Ashfield District Local Plan
Examination**

**Matters, Issues and Questions
identified by the Inspectors**

Matter 1:

**Procedural and legal requirements
including the Duty to Cooperate**

October 2024

Ashfield District Council's response to Inspectors' Document INS03

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

Each response paper includes a number of references to specific evidence which has been relied upon in answering the MIQs. These reference numbers (shown as [XXXX]) relate directly to the Examination Library website, where all evidence is published:

<https://www.ashfield.gov.uk/local-plan-examination/examination-library/>

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

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

Proposed Modifications arising from the Inspectors' MIQs are set out in grey tint boxes.

Issue 1: Whether the Council has complied with the Duty to Co-operate in the preparation of the Ashfield Local Plan.

Duty to Cooperate

1.1 Having regard to the proposed release of land from the Green Belt, what discussions have been held with neighbouring authorities as to whether they could accommodate some of the identified need for housing and employment development?

Council's response

- 1.1.1 The Council has prepared a Duty to Cooperate Statement of Compliance (DTC) [DTC.01] which outlines the requirements of the duty, which authorities and organisations it relates to, and the principle matters which are strategically significant in Ashfield and may have cross boundary implications.
- 1.1.2 There are 12 strategic matters identified at paragraph 4.8 of the DTC. Listed below are 4 of those matters relevant to this question. The other 8 matters are discussed under Qu.1.5.
- Quantity and location of housing development
 - Gypsy, traveller and travelling showpeople provision
 - Provision of jobs and employment land to meet Ashfield's needs and to contribute to the wider functional economic market area
 - Green Belt
- 1.1.3 To address strategic cross boundary issues the Council has worked jointly with each of its neighbouring authorities and statutory consultees, through a number of joint working groups to produce an evidence base for the Local Plan. The joint working groups, authorities involved, and the evidence base are identified in paragraph 4.3 & 4.6 of the DTC [DTC.01]. These include studies for both housing and employment.
- 1.1.4 Paragraph 146 of the NPPF states that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the local planning authority must take into account whether a neighbouring authority could accommodate some of the identified need for development. As such, the Council approached its neighbouring authorities in May 2022 in respect of their capacity to accommodate some of Ashfield's identified housing need. All authorities responded to advise they were not in a position to meet any of Ashfield's need at that stage. This position has subsequently been reiterated at officer meetings. Further details as to the reasons why, can be found in paragraphs 4.14 – 4.19 of the DTC Statement [DTC.01].
- 1.1.5 In respect of all strategic planning matters, the Council have prepared a number of Statements of Common Ground (SCG) to inform the Inspectors and other interested parties about the areas of agreement, or otherwise, between the Council, its neighbouring authorities and other prescribed bodies. A list of these signed SCG and where to find them is included in Appendix 1 of the DTC [DTC.01].

- 1.1.6 The Council did not approach neighbouring authorities in respect of general employment land requirements, as this was not necessary. The Council are in a strong position in this respect and can deliver its own identified need for employment land.
- 1.1.7 In respect of strategic employment land requirements, the Council commissioned a Logistic Study with the Nottingham Core HMA Authorities (including Nottingham City, Rushcliffe Borough, Broxtowe Borough, Erewash Borough and Gedling Borough). Further detail can be found in Background Paper 3: Economy and Employment Land [BP.03].

1.2 What form did these discussions take, and what was the outcome?

Council's response

- 1.2.1 Please see the Council's response to Qu.1.1.

1.3 Is this clearly evidenced?

Council's response

- 1.3.1 Yes. In addition to the Duty to Cooperate Statement of Compliance [DTC.01], the Council has entered in Statements of Common Ground (SCG) with the various neighbouring authorities (as list in Qu.1.1).
- 1.3.2 The table below outlines the neighbouring authorities with which the Council have entered into a SCG with, following discussions and joint working on evidence base documents. The table identifies which bodies have input into which strategic matter and any outstanding areas of disagreement.

Exam. Library Ref.	Prescribed Body	Housing & Employment Strategic Matters – Key Issues	Outstanding Areas of Disagreement
SCG.01	Nottingham Outer HMA Authorities: ➤ Mansfield ➤ Newark & Sherwood	<u>Housing / Gypsy, traveller and show person accommodation</u> - All parties to meet their own need. <u>Employment</u> - All parties will meet or exceed employment land requirements.	None.
SCG.02	Nottingham Core HMA Authorities: ➤ Nottingham City ➤ Rushcliffe Borough ➤ Broxtowe Borough ➤ Erewash Borough ➤ Gedling Borough	<u>Housing / Gypsy, traveller and show person accommodation</u> - All parties to meet their own need. The Core HMA authorities acknowledge the justification for exceptional circumstances to release green belt sites to accommodate proportionate	Standing objection to housing allocation H1Va - Land at Plainspot Farm, New Brinsley, Underwood for 42 dwellings from

		housing growth adjacent to existing settlements. <u>Employment</u> - Core HMA authorities support Ashfield's approach in contributing towards the wider regional need for logistics/distribution sites along the M1 corridor and the associated need for green belt release to accommodate this economic growth.	Broxtowe Borough Council.
SCG.09	Bolsover District Council	<u>Housing / Gypsy, traveller and show person accommodation</u> - All parties to meet their own need. <u>Employment</u> - All parties will meet their own employment land requirements.	None.
SCG.10	Amber Valley Borough Council	<u>Housing / Gypsy, traveller and show person accommodation</u> - All parties to meet their own need. <u>Employment</u> - All parties will meet their own employment land requirements.	None.

1.4 What are the cross-boundary issues relating to economic growth and employment land provision?

Council's response

- 1.4.1 The National Planning Policy Framework identifies a requirement for strategic policies to meet objectively assessed employment land needs as well as any needs that cannot be met within neighbouring areas [paragraph 11b] together with a duty to cooperate with other Councils on strategic matters that cross administrative boundaries.
- 1.4.2 To determine the type of employment land that is needed, the PPG¹ states that Functional Economic Market Areas [FEMAs] can overlap several administrative areas so strategic policy-making authorities may have to carry out assessments of need on a cross-boundary basis with neighbouring authorities within their FEMA.
- 1.4.3 In this regard, the evidence from the Nottinghamshire Core & Outer Housing Market Area Employment Land Needs Study [ELNS] (May 2021) was produced to provide the Commissioning Group (including Ashfield District Council) with an up-to-date understanding of future requirements for employment land, at both the FEMA and

¹ PPG Paragraph: 025 Reference ID: 2a-025-20190220

constituent authority level, over the period to 2038 and to provide recommendations about the quantity and quality of sites.

- 1.4.4 The ELNS concluded that the five 'core' HMA Districts form one self-contained FEMA, whilst the three 'outer' Housing Market Area districts (which include Ashfield), comprise another self-contained FEMA (noting that Hucknall in Ashfield is highly connected to the Core HMA and could be viewed as being located within that FEMA due to its high connectivity with Nottingham City).
- 1.4.5 The ELNS reported input from the commercial property market which indicated that across the Core and Outer HMAs there was a significant unmet demand for B8 strategic logistics (typically regarded as 100,000 sq. ft or more) particularly in prime locations such as along the M1 Motorway. These needs were not examined further in the ELNS, which instead recommended that the District Councils commission a further strategic study to quantify the likely extent of national / regional B8 logistics need across the Core/Outer HMAs and potentially identify sites where this need should be allocated.
- 1.4.6 In this context, working with other Councils, the Nottinghamshire Core & Outer Housing Market Area Logistics Study 2022 was undertaken as part of the evidence base for the Local Plan. The Logistics Study confirmed that there was indeed a significant demand for strategic logistics in the study area.
- 1.4.7 The Study considered the future demand for strategic warehousing and logistics facilities within the Study area based on a "policy off" perspective. The Study recommended providing for approximately 436 ha of strategic warehousing and logistics facilities within the Study Area. After taking various factors into account, including existing supply/commitments, the Study indicated that there was a residual need for strategic logistics sites of 137 - 155 ha (Paragraph 14.22). Areas of Opportunity were identified as:
 - Area adjacent to M1 Junction 25, 26, 27 and 28 (with the latter two junctions relating to Sutton in Ashfield, Alfreton, Kirkby in Ashfield and towards Hucknall);
 - Area adjacent to A453, and
 - Area surrounding Newark (along A1 and A46)
- 1.4.8 In summary, the main cross-boundary issue relating to economic growth and employment land provision relates to strategic logistics needs. The ELNS and the Logistics Study both identified that there is a substantial demand for strategic logistics across the FEMAs. There is an urgent requirement for meeting the needs of the logistics sector along the M1 corridor in Nottinghamshire as demonstrated through the evidence base on employment needs generally and the logistics sector specifically in relation to demand and supply. Parts of Ashfield District along the M1 are identified as being general broad 'Areas of Opportunity' where new strategic logistics sites should be located to meet some of that residual demand. The proposed strategic allocations at Junction 27 of the M1, set out in Strategic Policy S6, will make a significant contribution to meeting these cross-boundary needs as acknowledged in the Statement of Common Ground Between Ashfield District Council and the Nottingham Core Housing Market Area Authorities (SCG.02).

Other Strategic Matters

1.5 Are there any other relevant strategic matters in relation to the Duty to Cooperate?

Council's response

1.5.1 Yes. As set out in paragraph 4.8 of the Council's DTC Statement [DTC.01], in addition to housing, employment and green belt, the other relevant strategic matters include:

- Infrastructure delivery arising from the development needs
- Flooding and water quality both within and outside of Ashfield
- Sustainable Transport Modes and connectivity, including the Maid Marian Railway Line Scheme
- Nature conservation and enhancement
- Conserving the historic environment
- Settlement hierarchy/ Urban Area boundaries

1.6 If so, how have they been addressed through co-operation and what is the outcome of this? How have these informed the plan's policies?

Council's response

1.6.1 The Plan is informed by, and is the result of, significant cooperation and engagement with a wide range of stakeholders and prescribed bodies in relation to strategically important cross-boundary issues. The effectiveness of this cooperation is evident in the Plan, its policies and the wide-ranging agreements that are in place.

1.6.2 The table below outlines the prescribed bodies with which the Council have entered into a Statement of Common Ground (SCG) following discussions and joint working on evidence base documents. It identifies which bodies have input into which 'other' strategic matters (as listed in the Council's response to Qu.1.5) and any outstanding areas of disagreement.

Exam. Library Ref.	Prescribed Body	'Other' Strategic Matter	Outstanding Areas of Disagreement
SCG01	Nottingham Outer HMA Authorities: ➤ Mansfield ➤ Newark & Sherwood	<ul style="list-style-type: none">• Urban Area Boundaries• Infrastructure delivery	None.
SCG.02	Nottingham Core HMA Authorities: ➤ Nottingham City ➤ Rushcliffe Borough ➤ Broxtowe Borough	<ul style="list-style-type: none">• Infrastructure• Flooding and water quality• Sustainable Transport Modes and connectivity	None.

	<ul style="list-style-type: none"> ➤ Erewash Borough ➤ Gedling Borough 	<ul style="list-style-type: none"> • Nature conservation and enhancement • Conserving the historic environment • Urban Area boundaries – Blenheim Industrial Estate boundary 	
SCG.03	Environment Agency	<ul style="list-style-type: none"> • Infrastructure delivery • Flooding and water quality • Nature conservation and enhancement 	None.
SCG.04	NHS Nottingham & Nottinghamshire Integrated Care Board	<ul style="list-style-type: none"> • Infrastructure delivery 	None.
SCG.05	National Highways	<ul style="list-style-type: none"> • Infrastructure delivery • Sustainable Transport Modes and connectivity 	None.
SCG.06	Natural England	<ul style="list-style-type: none"> • Nature conservation and enhancement 	None.
SCG.07	Nottinghamshire County Council	<ul style="list-style-type: none"> • Infrastructure (Education and Transport) • Flooding and water quality • Sustainable Transport Modes and connectivity • Nature conservation and enhancement • Conserving the historic environment • Urban Area boundaries – Blenheim Industrial Estate boundary 	<p><u>From Heritage Team Only:</u> Policy S6: Strategic Employment allocations and their cumulative impacts on heritage assets: a) Land to the North-east of Junction 27 M1 Motorway. NOTE: Planning Permission Approved 02/10/24 - V/2022/0360. b) Land South-east of Junction 27 M1 Motorway.</p>
SCG.08	Historic England	<ul style="list-style-type: none"> • Conserving the historic environment 	<p><u>SCG Not yet signed.</u> <u>Outstanding issues to date:</u> Policy S6: Strategic Employment allocations and their cumulative impacts on heritage assets: a) Land to the North-east of Junction 27 M1 Motorway. NOTE: Planning Permission Approved 02/10/24 - V/2022/0360. b) Land South-east of Junction 27 M1 Motorway.</p>

SCG.09	Amber Valley Borough Council	<ul style="list-style-type: none"> • Infrastructure delivery • Flooding • Nature conservation and enhancement 	None.
SCG.10	Bolsover District Council	<ul style="list-style-type: none"> • Infrastructure delivery • Flooding • Nature conservation and enhancement • Conserving the historic environment 	None.

1.7 Are there any strategic cross-boundary issues in relation to any of the proposed site allocations and any general policies, and if so, how have they been considered via the Duty to Cooperate?

Council's response

1.7.1 Logistic is considered to be a strategic cross-boundary issue in relation to Strategic Employment Allocation S6: a) Land to the North-East of Junction 27 of the M1 Motorway, and b) South-East of Junction 27 of the M1 Motorway. Please see the Council's response to Qu.1.4.

1.7.2 For strategic cross-boundary issue in relation to general policies - please see the Council's response to Qu.1.6

Overall

1.8 Overall, has the Council maximised the effectiveness of the Local Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on relevant strategic matters during the preparation of the Local Plan?

Council's response

1.8.1 Yes. Taken overall the Plan is informed by, and is the result of, significant cooperation and engagement with a wide range of stakeholders and prescribed bodies in relation to strategically important cross-boundary issues. The effectiveness of this active and ongoing cooperation is evident in the Plan, its policies and the wide-ranging agreements that are in place. The Plan is significantly more effective as a result of this cooperation. Details can be found in the Council's Duty to Cooperate Statement of Compliance [DTC.01].

Issue 2: Whether the Council has complied with relevant procedural, legal and other requirements.

Plan Preparation

1.9 Has the plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?

Council's response

- 1.9.1 Yes. The Council is satisfied that the Plan has been prepared in compliance with the adopted Statement of Community Involvement (SCI). The Councils' adopted Statement of Community Involvement [SD.06] sets out how the Council intended to engage with members of the public and stakeholders in the preparation of the Local Plan.
- 1.9.2 The SCI specifies a range of different engagement methods that could be utilised to try to ensure that everyone had the opportunity to be involved in plan-making. Details of the engagement methods undertaken in preparing the Plan can be found in the Consultation Statement – Regulation 18 [SD.07] and Consultation Statement – Regulation 19 [SD.08].
- 1.9.3 The SCI lists in Appendix 2 & 3 the Specific, General and Duty to Cooperate consultation bodies as specified in the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) who must be consulted at key stages. Details of the consultation bodies that were consulted at key stages can be found in the submitted Consultation Statements [SD.07 & SD.08].

1.10 Has the preparation of the plan been carried out in accordance with the Local Development Scheme?

Council's response

- 1.10.1 Yes. The preparation of the Local Plan has been carried out in accordance with the Local Development Scheme.
- 1.10.2 The Council has prepared and consistently maintained a Local Development Scheme [SD.05] which represents a public statement of the programme for the preparation on the Local Plan, identifying key milestones and preparation arrangements. The Local Plan has been prepared in accordance with Councils Local Development Scheme.

1.11 Is the plan sufficiently clear whether there are any policies from the existing development plan that would be superseded by its adoption?

Council's response

1.11.1 Yes. It is clearly stated at paragraph 1.4 of the Plan that, 'When the Local Plan is adopted the saved policies from the Ashfield Local Plan Review (2002) will be superseded and will no longer form part of the development plan.'

Habitats Regulations Assessment

1.12 How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?

Council's response

1.12.1 The HRA has been prepared in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended)², known as the Habitats Regulations. The HRA has also been informed by the following guidance:

- Planning Practice Guidance: Appropriate Assessment³
- The Habitat Regulations Assessment Handbook - David Tyldesley & Associates, 2013 (in particular Part F: 'Practical Guidance for the Assessment of Plans under the Regulations')

1.12.2 Natural England, as the statutory nature conservation body for England, have been consulted through the development of the HRA. It is agreed in the Statement of Common Ground [SCG.06] between the Council and Natural England, that:

- The HRA sets out a comprehensive assessment of the Local Plan impacts (both alone and in-combination) on the identified Habitats Sites, including the Sherwood Forest ppSPA.
- The conclusions of the HRA are accurate in identifying that the Local Plan will have no adverse impact on site integrity of the Habitats sites, or upon the ppSPA, either alone or in-combination

1.13 What potential impacts of the Local Plan were considered? What were the conclusions of the HRA and how has it informed the preparation of the Local Plan?

Council's response

1.13.1 The HRA is a rigorous precautionary process centred around the conservation objectives of a Habitats site's qualifying interests. It is intended to ensure that

² The Conservation of Habitats and Species Regulations 2017. <https://www.legislation.gov.uk/uksi/2017/1012/contents> As amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. : <https://www.legislation.gov.uk/ukdsi/2019/9780111176573>

³ Ministry of Housing, Communities and Local Government (22 July 2019) Planning Practice Guidance Note, Appropriate Assessment, Guidance on the use of Habitats Regulations Assessment

designated Habitats sites are protected from impacts that could adversely affect their integrity.

- 1.13.2 The Local Plan is not directly connected with or necessary to the management of any Habitats site. A screening assessment was therefore undertaken which identified a number of likely significant effects associated with the Local Plan. Taking no account of mitigation measures these had the potential to affect the following Habitats sites:
- South Pennine Moors SAC – recreational pressure (in-combination)
 - Peak District (South Pennine Moors Phase 1) SPA – recreational pressure (in-combination)
 - Humber Estuary SPA – water quality (in-combination)
 - Humber Estuary SAC - water quality (in-combination)
 - Humber Estuary Ramsar - water quality (in-combination)
- 1.13.3 In addition, to ensure a ‘risk-based’ approach was adopted, consideration has also been given to the following potential proposed SPA.
- Sherwood Forest ppSPA - air pollution (in-combination), public access and disturbance (recreation and urbanisation impacts) and habitat loss / fragmentation (alone)
- 1.13.4 The HRA therefore progressed to an Appropriate Assessment which looked at the impacts of a change in air quality, water quality, public access and disturbance effects (recreational pressure and urbanisation effects) and impacts upon functionally linked land upon the qualifying features and conservation objectives of each Habitats site and the ppSPA.
- 1.13.5 The Appropriate Assessment has drawn on the Precautionary Principle to identify a number of potential threats and pressures that might be exacerbated by the Local Plan sites allocations and policies. Throughout the HRA a series of recommendations were made during the plan making process aimed at strengthening the plan’s wording to ensure adequate policy protection is provided. These recommendations have been incorporated into the Plan.
- 1.13.6 The Appropriate Assessment has taken into consideration the protective nature of these policies. It has also looked at the hierarchical nature of plan making i.e. the requirement for HRA at lower tiered stages of the plan making process and project application stage. A number of existing protection measures are set out in high level strategic policy and existing planning policy frameworks that serve to protect Habitats Sites.
- 1.13.7 The HRA concludes that the Local Plan will have no adverse impact on site integrity at any Habitats site, or upon the ppSPA, either alone or in-combination.

1.14 Have any concerns been raised regarding the HRA and if so, what is the Council's response to these? How has Natural England been involved?

Council's response

- 1.14.1 Natural England made a representation to the Regulation 19 Pre-Submitted Local, which raised that allocation H1Ka is within 400m of the Sherwood Forest ppSPA. The representation at that time identified that the Local Plan was not sound in this respect, and recommended that a precautionary approach as noted in paragraph 6.30 of the HRA, and Policy EV4 (criteria 5) and paragraph 5.100 is complied with to ensure the allocation has appropriately considered the potential impacts to the ppSPA. The Council fully supports this recommendation.
- 1.14.2 However, this representation has since been formally withdrawn by Natural England in light of our agreed Statement of Common Ground [SCG.06] which sets out that both parties (The Council and Natural England) agree that:
- The HRA sets out a comprehensive assessment of the Local Plan impacts (both alone and in-combination) on the identified Habitats Sites, including the Sherwood Forest ppSPA.
 - The conclusions of the HRA are accurate in identifying that the Local Plan will have no adverse impact on site integrity of the Habitats sites, or upon the ppSPA, either alone or in-combination.
- 1.14.3 As such, the Council can confirm that no concerns have been raised regarding the HRA, and that Natural England have been consulted through the development of the HRA, including the sign off of its conclusions and recommendations.

Sustainability Appraisal

1.15 Does the Sustainability Appraisal (SA) meet the requirements for a Strategic Environmental Assessment?

Council's response

- 1.15.1 Yes. The SA meets the requirements for Strategic Environmental Assessment (SEA), as it:
- has been developed in accordance with best practice guidance⁴;
 - incorporates the requirements for SEA as set out in The Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations)⁵;

⁴ MHCLG (2019), Planning Practice Guidance, Strategic environmental assessment and sustainability appraisal, Paragraph: 001 Reference ID: 11-001-20190722. Available on line: <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal> [Accessed October 2024].

⁵ Statutory Instrument 2004 No. 1633 *The Environmental Assessment of Plans and Programmes Regulations 2004*. Available from [SEA Regulations](#)

- reflects the judgements arising from relevant SEA case law⁶;
- has been developed from an analysis of the key issues arising from an evaluation of the evidence base (comprising baseline information on the state of the environment, and its evolution without the Local Plan, as well as a review of plans and programmes) and subsequent updates for each iteration of the draft Local Plan;
- covers all the topics identified in Schedule 2 of the SEA Regulations to ensure all likely significant effects are identified, described and evaluated;
- provides an appraisal of the plan (and its components) and reasonable alternatives taking into account the plan's objectives and geographic scope;
- provides definitions of what constitutes a significant effect, when considering a local plan, and reasonable alternatives to it;
- has been amended to address consultation responses.

1.15.2 The following SA documents have been produced during preparation of the Ashfield District Local Plan:

- Ashfield Local Plan SA Scoping Report [CD.05] (SA Scoping Report), Appendix to the Scoping Report [CD.05a], and Draft SA Scoping Report Consultation Statement [CD.06] (February 2020);
- Ashfield Local Plan Consultation Draft Local Plan (Regulation 18) SA Report [CD.04] (Consultation Draft SA Report) (September 2021) and appendices.
- Ashfield Local Plan Regulation 19 Pre-Submission Draft SA Report [SD.03] (Pre-Submission Draft SA Report), Non-Technical Summary [SD.03a] and appendices [SD.03b – SD.03n] (November 2023).
- Addendum to Regulation 19 Pre-Submission Draft SA Report Appendix H (October 2024).

1.15.3 The SA is based on the application of a SA Framework which comprises 17 SA objectives and associated guide questions that have been developed taking into account a review of other relevant policies, plans and programmes as well as baseline information, the identification of key sustainability issues affecting the district, and the 12 topics included in Schedule 2 of the SEA Regulations.

1.15.4 Broadly, the SA objectives define the long-term aspirations for the district with regard to social, economic and environmental considerations. It is against these objectives that the performance of the Local Plan (and reasonable alternatives) has

⁶ Save Historic Newmarket v Forest Heath District Council [2011] EWHC 606 (Admin) (25 March 2011) and Heard v Broadland District Council et al. [2012] EWHC 344 (Admin) (24 February 2012)

been appraised. Section 4 of the Pre-Submission Draft SA Report [SD.03] provides a detailed overview of the approach to the SA of the Local Plan.

- 1.15.5 The approach to the SA of the Local Plan has been consulted upon. The SA Scoping Report [CD.05] reflects the outcome of a six-week scoping report consultation undertaken between 20th December 2019 and 3rd February 2020. As reported in the Draft SA Scoping Report Consultation Statement [CD.06], responses were received from nine consultees including responses from the statutory SEA consultation bodies (the Environment Agency, Historic England and Natural England). Responses related to all aspects of the Scoping Report and resulted in amendments to the SA Framework. A schedule containing the consultation responses received, the Council's response and the subsequent action taken has been included in the Pre-Submission Draft SA Report Appendix B [SD.03c].
- 1.15.6 The SA Framework has been used to appraise the following key components of the Local Plan:
- Local Plan Vision and Strategic Objectives;
 - the quantum of housing and employment growth to be provided over the plan period and the reasonable alternatives;
 - the spatial strategy and the reasonable alternatives;
 - the site allocations (and reasonable alternatives) to deliver the growth requirements for housing, employment, and Travelling Showpeople;
 - the Local Plan 'strategic' and 'development management' policies; and
 - the cumulative, synergistic and secondary effects of the Local Plan.
- 1.15.7 Consistent with the requirements of the SEA Regulations, the SA has identified the likely significant effects of the Local Plan and reasonable alternatives including consideration of the cumulative, synergistic and secondary effects as well as the geography, duration, temporary/permanence and likelihood of any effects. A qualitative scoring system has been adopted with specific definitions developed for what constitutes a significant effect, a minor effect or a neutral effect for each of the 17 SA objectives (Appendix M: Definitions of Significance [SD.03n]). Proposed site allocations and reasonable alternatives have been appraised against the SA objectives using tailored appraisal criteria and associated thresholds of significance (Appendix L: Site scoring framework [SD.03m]). Matrices have been used to record the findings of the SA of the emerging Local Plan, which include commentary on likely significant effects, proposed mitigation, assumptions and uncertainties.

1.15.8 A completed SEA Quality Assurance Checklist (taken from Appendix 9 of the Government SEA guidance⁷) has been included in Appendix A [SD03.b] of each of the main published reports covering the Regulation 18 and Regulation 19 versions of the Local Plan.

Testing of reasonable alternatives

1.15.9 SEA Regulation 12 (2) (b) requires an environmental report:

"to identify, describe and evaluate the likely significant" environmental effects of implementing the plan, and of "reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme". The report has to include such of the information set out in Schedule 2 as is reasonably required although it can be provided by reference to relevant information obtained at other levels of decision-making. Item 8 in the Schedule is *"an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties...encountered in completing the information."*

1.15.10 Consistent with case law⁸, the following reasonable alternatives have been identified, described and appraised in the SA:

- the spatial strategy;
- the quantum of housing and employment growth to be provided over the plan period;
- the site allocations to deliver the growth requirements for housing, employment, and Travelling Showpeople.

1.15.11 All of the preferred options and reasonable alternatives have been appraised against the 17 SA objectives that comprise the SA Framework in Table 4.1 of the Submission Draft SA Report [SD.03]. The SA assessment of the plan policies, spatial strategy and alternatives, and housing and employment growth figures and alternatives, has been informed by the application of Definitions of Significance set out in Appendix M [SD.03n] to help determine whether effects are likely to be significant. The site allocations (and alternatives) have been appraised using tailored appraisal criteria and associated thresholds of significance, as per the approach set out in section 4.3.10 to 4.3.12 of [SD.03 and Appendix L [SD.03m]. In all instances, the methodology has been applied consistently to all reasonable alternatives.

1.15.12 Section 4.5 [SD.03] identifies the difficulties encountered in undertaking the appraisal, assumptions and uncertainties as required by the SEA Regulations.

⁷ Office of the Deputy Prime Minister (ODPM) et al (2005) A Practical Guide to Strategic Environmental Assessment Directive. Available on line: <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance> [Accessed October 2024].

⁸ For example, R (on the application of RLT Built Environment Ltd) v. The Cornwall Council and St Ives TC [2017] JPL 378

1.15.13 The response to the following questions details the options (reasonable alternatives) considered at each stage and how conclusions informed the preparation of the plan.

1.16 How has the SA informed the preparation of the Local Plan at each stage and how were options considered?

Council's response

1.16.1 The SA has considered the options during the preparation of the Local Plan against the SA Framework. The SA has been undertaken iteratively alongside and informing the development of the Local Plan at the following stages:

- Consultation Draft SA Report [CD.04] (September 2021);
- Pre-Submission Draft SA Report [SD.03], Non-Technical Summary (SD.03a) and appendices [SD.03b – SD.03n] (November 2023).
- Addendum to Pre-Submission Draft SA Report Appendix H (October 2024).

1.16.2 The following options (reasonable alternatives) have been identified, described and appraised in the SA:

- the spatial strategy;
- the quantum of housing and employment growth to be provided over the plan period;
- the site allocations to deliver the growth requirements for housing, employment, and Travelling Showpeople.

Spatial Strategy

1.16.3 The preferred spatial strategy and alternatives have been appraised in the SA.

1.16.4 In the Consultation Draft SA Report [CD.04] eight spatial strategy options were assessed. Paragraph 5.5.2 of CD.04 identified that two spatial options initially proposed by the Council were not taken forward for SA as it considered there are not enough sites available in the Strategic Housing and Economic Land Availability Assessment (SHELAA) to meet the District's minimum required housing and deliver the Local Plan's growth objectives. These were:

- Option1: Containment within existing settlements; and
- Option2: Urban Concentration within/adjoining existing settlements with no Green Belt release.

1.16.5 Paragraph 5.5.4 of CD.04 presents the eight spatial options that were assessed in the SA (with original option numbering retained):

- Option 3: Dispersed development (across the district) comprising of smaller sites, each with capacity for less than 500 dwellings (dwgs)).
- Option 4: One large sustainable urban extension (SUE) adjacent Sutton/Kirkby (1000+ dwgs) with smaller sites (less than 500 dwgs) within and adjacent to existing settlements, with significant Green Belt release.
 - 4a. Sub-option 1 considers Sutton Parkway as SUE.
 - 4b. Sub-option 2 considers Mowlands as SUE.
- Option 5: One new settlement (outside Green Belt), one large SUE adjacent Kirkby/Sutton and smaller sites in/adjacent existing settlements, including moderate Green Belt release in Hucknall and Rurals.
 - Sub-option 1 considers Sutton Parkway as SUE
 - Sub-option 2 considers Mowlands as SUE.
- Option 6: Two SUEs adjacent Kirkby/Sutton with smaller sites (less than 500 dwgs) in/adjacent existing settlements, with moderate Green Belt release.
- Option 7: One new settlement (approximately 3,000 dwgs) in Hucknall's Green Belt and smaller sites (less than 500 dwgs) in/adjoining Sutton and Kirkby, and moderate Green Belt release adjoining existing rural settlement.
- Option 8: Two new settlements (approximately 1,250 and 1,750 dwgs) and smaller sites (less than 500 dwgs) in/adjacent Sutton and Kirkby, moderate Green Belt release adjoining Hucknall and existing rural settlements.
- Option 9: Three new settlements (approximately 1,250, 1,750 and 3,000 dwgs) including one in Green Belt, with no other large sites over 500 dwellings.
- 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.

1.16.6 The SA assessment is set out in Table 5.4 and paragraphs 5.5.6 – 5.5.75. At the Consultation Draft stage option 10 ('Two new settlements with one in Hucknall's Green Belt') was the Council's preferred spatial strategy. The preferred strategy at this stage was identified as having positive effects across a range of SA objectives including significant positive effects for housing and economy objectives although some uncertainties were also identified, reflecting the reliance on a new settlement with lesser reliance on the smaller new settlement. The option performed similarly to other options with new settlements, but negative effects (particularly landscape and biodiversity) were potentially significant, and greater than those identified for options that did not include new settlements.

1.16.7 The reasons for the Council’s selection of the preferred spatial strategy and rejection of the alternatives at the Consultation Draft Local Plan stage is outlined in paragraph 5.5.76–5.5.82 and Table 5.5 of CD.04. Paragraph 5.5.76 identified that:

“the Council believes that the spatial strategy proposed is the most appropriate given the needs of the community, the opportunities presented by the sites, and the extent to which adverse effects could be mitigated whilst achieving the Vision.”

1.16.8 Following the consultation at Regulation 18 stage, the Council revisited their spatial strategy and the length of plan period, reducing it to 17 years from 2023 to 2040 (as opposed to 2020 to 2038). At Pre-Submission Draft Local Plan stage in 2023, Option 3 (Dispersed Development) was identified as the preferred spatial strategy approach. Pre-submission Draft SA Report [SD.03] paragraph 5.5.78 sets out the reasoning for the Council not taking forward the previously preferred spatial strategy (Option 10) referencing the significant number of objections received to the proposed new settlements with objections about allocating land further into the future where this required Green Belt release, the loss countryside and heritage impacts. Reflecting the iterative nature of plan making, together with uncertainty for plan making, the Council determined to proceed with the plan but exclude the new settlements, preferring an approach in line with Option 3 (dispersed development). Paragraph 5.5.78 also notes that:

“In making this decision, the Council also reflected further on the findings of the 2021 Regulation 18 Draft SA Report findings which noted potentially greater negative effects associated with the new settlement option, particularly in relation to biodiversity and landscape (SA Objectives 6 and 7).”

1.16.9 Given the Council’s change in preferred spatial strategy, in the Pre-submission SA Report [SD.03] the eight spatial strategy options were reappraised. The SA assessment is set out in Table 5.4 with summary in paragraphs 5.5.6 – 5.5.75, with detailed assessment in Appendix G [SD.03h]. Following the reappraisal, no changes to the scoring outlined in the Consultation Draft SA Report [CD.04] were identified.

1.16.10 The appraisal of the preferred spatial strategy found that it would positively support a range of SA objectives. The preferred option performs similarly to the other options across many SA objectives but has potential for lesser effects on biodiversity and landscape compared with options that include new settlements, although positive effects on economy and employment are not as likely to be significant compared to those options.

1.16.11 The reasons for the Council’s selection of the preferred spatial strategy and rejection of the alternatives are outlined in paragraph 5.5.76 – 5.5.85 and Table 5.5 of the Pre-Submission Draft SA Report [SD.03]. Paragraph 5.5.79 - 5.5.81 sets out the outcomes of the Council’s committee and Cabinet deliberations regarding the Local Plan prior to publication of the Pre-Submission Draft Local Plan. Paragraph 5.5.84 notes:

“The Council believes that the spatial strategy is 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.”

1.16.12 The spatial strategy is articulated through 59 housing allocations, 13 employment allocations, including two considered of strategic importance, two sites for plots for Travelling Showpeople and one site for pitches for Gypsies and Travellers.⁹

Housing growth options

1.16.13 The preferred housing growth figure and alternatives have been appraised in the SA.

1.16.14 In the Consultation Draft SA Report [CD.04] Section 5.3 appraised two housing growth options:

- preferred Option (8,226 dwellings) using the Standard Methodology to calculate housing need - a range of 450-475 dwellings per annum (dpa) (equivalent to 5,074-5,524 dwellings remaining to be found over the plan period when completions and commitments are accounted for) and;
- reasonable Alternative Flexible buffer – 20% uplift of 540-570 dpa (equivalent to 6,694–7,234 dwellings remaining to be found over the plan period when completions and commitments are accounted for).

1.16.15 The summary findings are set out in Table 5.2 and paragraph 5.3.4 - 5.3.17 of CD.04 with the reasons for the selection of the preferred housing growth option and rejection of the alternative set out in paragraph 5.3.18 – 5.3.19. The SA found similar effects for the options although for the reasonable alternative it noted the potential for greater negative effects in relation to natural resources and travel and accessibility and potential for greater positive effects for the economy.

1.16.16 Following the 2021 Consultation Draft Local Plan the Council reviewed and updated the preferred housing figure to 446 dpa based on its up-to-date assessment of the need whilst it also reflected the shortened plan period. Therefore, as the housing requirement had changed, the housing growth option (in Policy S7) and alternative was reappraised in the Pre-Submission Draft SA Report [SD.03]. The alternatives considered were:

- the preferred housing growth requirement of 446 dpa (7,582 dwellings over the plan period), and
- reasonable alternative identified by the Council of 535 dpa (which was the LHN figure with a 20% buffer equivalent to 535 dpa and 9,095 over the plan period) were appraised.

⁹ The site identified for Gypsies and Travellers is a site with extant planning permission for that use and is not contained within the SHELAA. Therefore, it was not subject to SA.

- 1.16.17 Pre-Submission Draft SA Report [SD.03], Table 5.2 and paragraphs 5.3.5 - 5.3.18 presents the summary of appraisal with detailed appraisal in Appendix E [SD.03f]. The appraisal of the preferred and alternative growth figure in the Pre-Submission Draft SA Report [SD.03] identified the same findings overall as those considered in the Consultation Draft SA Report [CD.04].
- 1.16.18 The reasons for the selection of the preferred housing growth option and rejection of the alternative set out in paragraph 5.3.18 – 5.3.19. Paragraph 5.3.19 states that:

“under both options, development would predominantly be on greenfield sites in the countryside, including areas currently in the Green Belt. This also has the potential for adverse effects on a number of other environmental aspects including the local landscape, increased water consumption, and loss of soils.”

The paragraph continues: *“By selecting the preferred housing requirement figure, the Council is accommodating its housing need based on up to date evidence of need using the standard method, while minimising the impact on the environment.”*

Employment growth options

- 1.16.19 The preferred employment growth figure and alternatives have been appraised in the SA.
- 1.16.20 In the In the Consultation Draft Local Plan SA Report [CD.04] Section 5.4 appraised three employment growth options over the 2018 to 2038 at that stage that had been informed by evidence in the Nottingham Core and Outer Housing Market Area Employment Land Needs Study 2021 (ELNS) [SEV.28]:
- Preferred Option – Adopting amended figures for the past losses and past take up rates:
 - Offices floorspace: 8,673 sq m
 - Industrial land: 82.92 ha.
 - Reasonable Alternative - Adopting the Housing Supply/labour supply requirements set out in the ELNS reflecting Regeneration/Standard Method which gives a requirement of:
 - Offices floorspace: from 26,765 to 28,440 sq m.
 - Industrial land: from 53.56 to 57.56 ha.
 - Reasonable Alternative – Adopting the past take up rates from the ELNS:
 - Offices floorspace: 37,224 sq m.
 - Industrial land: 118.90 ha.
- 1.16.21 The summary findings are set out in Table 5.3 and paragraph 5.4.3 to 5.4.15 of the Consultation Draft SA Report [CD.04] with the reasons for the selection of the preferred employment growth option and rejection of the alternative set out in paragraph 5.4.16 – 5.4.20. The SA found similar effects for the options for the majority of SA objectives. However, for the employment and economy SA

objectives, the preferred figure was identified as performing marginally better than the alternatives as it would meet and exceed the ELNS baseline figure whilst allowing for past take up and losses, whilst the lower figure would not account for past take up and the higher alternative would potentially result in a substantial oversupply.

1.16.22 Following the 2021 Consultation Draft Local Plan the Council reviewed and updated the preferred employment land growth and alternatives to account for a shorter plan period, informed by updated scenarios underpinning the evidence in the ELNS, the Nottinghamshire Core & Outer HMA Logistics Study Final Report 2022 [SEV.27], and the Strategic Distribution and Logistics Background Paper 2023 [SEV.29]. The alternatives considered in the SA Report [SD.03] were:

- Option 1: Reasonable Alternative - Adopting one of the labour demand/labour supply scenarios set out in the 2023 Background Paper:
 - Offices floorspace: from 4,995 to 16,588 sq m.
 - Industrial land: from 12.17 to 23.91 ha.
- Option 2: Reasonable Alternative – Adopting the past take up rates set out in the 2023 Background Paper predicting an annual figure of past losses at 100% of the rate from 2011/12 to 2022/23:
 - Offices floorspace: 2,170 sq m.
 - Industrial land: 91.87 ha.
- Option 3: Preferred Option – Reflecting the past take up rates for the period 2023 to 2040 with amended figures for the predicted past losses at 50% of the annual rate from 2011/12 to 2022/23:
 - Offices floorspace: 1,433 sq m.
 - Industrial land: 80.62 ha.

1.16.23 Table 5.3 and paragraphs 5.4.4 to 5.4.19 of SD.03 presents the summary of appraisal with detailed appraisal in Appendix F [SD.03g]. The appraisal identified similar findings overall as those considered in the Consultation Draft SA Report [CD.04]. However, at this stage, the Preferred Option, along with the higher alternative based on past take up rates, is identified as having potentially significant negative effects on the historic environment as they are likely to require some development in locations along the M1, one of which is in close proximity to Grade II* Annesley Hall Registered Park and Garden. The higher growth figures could therefore potentially have a significant effect, although there was some uncertainty.

1.16.24 The reasons for the selection of the preferred employment growth option and rejection of the alternative set out in paragraph 5.4.20 – 5.4.23 of SD.03. The preferred option was chosen as the Council considers that for the higher alternative, the past take up rates are overstated and consequently land requirements are overstated, whilst the lower labour demand/labour supply scenarios do not take into account past take up rates. The preferred option was chosen as the best option to meet employment needs whilst minimising negative environmental effects.

Site allocations

- 1.16.25 The SA of site allocations and reasonable alternatives are presented in:
- Section 5.6 of the Consultation Draft SA Report [CD.04] and Appendix H;
 - Section 5.6 of the Pre-Submission Draft SA Report [SD.03] and Appendix H (Appraisal of site alternatives [SD.03i]);
 - Addendum to Regulation 19 Pre-Submission Draft SA Report Appendix H (Oct. 2024).
- 1.16.26 In total some 148 housing sites (or sites that could accommodate housing or employment or a mix), 18 employment sites and 2 sites for Travelling Showpeople were considered in the Pre-Submission Draft SA Report [SD.03]. A further five housing sites were appraised in the Addendum to Regulation 19 Pre-Submission Draft SA Report Appendix H (October 2024).
- 1.16.27 The reasons for allocation or rejection of housing sites are presented in Appendix H [SD.03i]. Whilst reasons are site specific, examples include:
- Rejected - The site was rejected due to being located in the countryside and isolated from a settlement.
 - Rejected – The site was rejected due to impacts on landscape.
 - Selected - The site is a brownfield and located in a sustainable settlement.
 - Selected - The site represents a suitable site for housing as a natural extension to the village and close to local services and facilities.
- 1.16.28 The appraisal of sites has not taken into account the mitigation that could be provided by the draft Local Plan policies or has been proposed by the developer. This is to ensure that all sites are treated in the same manner.
- 1.16.29 The Consultation Draft Local Plan SA Report [CD.04] Section 5.6 reported on the assessment of the proposed New Settlement allocations included the Consultation Draft Local Plan, proposed housing allocations, Travelling Showpeople allocations, employment allocations, including strategic employment land allocations. At Pre-Submission Draft SA Report [SD.03] stage Section 5.6 did not report on the New Settlement site assessments options as they had been removed from the Local Plan due to the change in spatial strategy although assessments were included for the sites that comprised these options (and reasoning updated to reflect rejection) in Appendix H [SD.03i]. The site assessments undertaken at Pre-Submission Draft SA Report (SD.03) were updated to reflect new evidence available in the Heritage Impact Assessment (2022) [SEV.17].

Plan Policies

- 1.16.30 The SA has also informed the development of the Local Plan policies.
- 1.16.31 Emerging strategic and development management policies were appraised in Section 5.7 of the Consultation Draft SA Report [CD.04]. The strategic and development management policies in the Pre-Submission Draft Local Plan were appraised in Section 5.7 of the Pre-Submission Draft SA Report [SD.03] with detailed appraisal in Appendix I: Appraisal of strategic policies [SD.03j] and Appendix J: Appraisal of development management policies [SD.03k].
- 1.16.32 Table 5.14 of the Pre-Submission Draft SA Report [SD.03] outlines where changes to the policies contained in the Pre-Submission Draft Local Plan were made to reflect the SA findings in the Consultation Draft Local Plan (Regulation 18) SA Report [CD.04].

Summary

- 1.16.33 The SA has been an integral part of the preparation of the Local Plan. It has helped to ensure that the likely significant social, economic and environmental effects of the plan have been identified, described, appraised and communicated.
- 1.16.34 Where negative effects have been identified, mitigation measures have been proposed to avoid, or where that is not possible, minimise such effects. Where positive effects have been identified, measures have been identified that could enhance such effects. In this context, the SA process has supported the Council's selection of preferred options relating to the broad distribution of growth (the Spatial Strategy), quantum of housing and employment growth to be delivered, and site allocations. It has also helped informed the ongoing refinement of plan policies as part of an iterative process where SA Reports have been produced to accompany each stage of consultation on the Local Plan.

1.17 What were the conclusions of the SA and how has it informed the preparation of the Local Plan?

- 1.17.1 Please see the Council's response to Qu.1.16.

1.18 Are the likely environmental, social and economic effects of the Local Plan adequately and accurately assessed in the SA?

Council's response

- 1.18.1 Yes - The SA's conclusions with regards to the likely environmental, social and economic effects of the Local Plan, and alternatives, have been determined by the application of a rigorous and consistently applied methodology as outlined in response to Question 1.15. The SA methodology was consulted on at SA Scoping Report stage [CD.05] and responses were received from the statutory SEA consultation bodies. The Environment Agency commented that it was happy with the content of the SA. Historic England welcomed SA objective 3 (relating to the historic environment) and suggested amendments which were included in the final

wording of the objective. Historic England also suggested amendments to site scoring framework for SA objective 3; these amendments were integrated into the final framework applied to the site alternatives [SD.03m]. Natural England considered that the SA Framework met the requirements of the SEA Directive and planning practice guidance.

- 1.18.2 The SA Reports have been prepared in accordance with best practice guidance¹⁰ and the reporting requirements of SEA Regulations (Schedule 2). No representations have been received from the statutory SEA consultation bodies that question the adequacy of the SA. Representations from the Environment Agency welcomed the findings of the SA. Representations received by the Council from Historic England and Natural England did not directly relate to the SA.

Climate Change

1.19 Does the plan accord with S19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended) by including policies that are designed to secure that the development and use of the land in the District contribute to the mitigation of, and adaptation to, climate change?

Council's response

- 1.19.1 S19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended) states:

“Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.”

- 1.19.2 The development strategy directs the largest scale of growth toward the main urban areas followed by smaller scale growth in the smaller settlements, as set out in Strategic Policy S1. This provides opportunities for new development to be served by the larger centres, minimising the need for travel to other centres and enabling a more sustainable modal split for more local journeys. It also enables a lower level of development in the smaller centres which helps to sustain services and facilities in those settlements.

- 1.19.3 Strategic Policy S3 focuses on meeting the challenge of climate change, requiring development to mitigate its impact on climate change and to incorporate flood risk mitigation and adaptation and integrated water management. Strategic Policy S3 seeks to promote development that address the risks of climate change, including energy generation from renewable and low-carbon energy sources, mitigating the adverse impacts of development on climate change, promoting development which is energy and water efficient and does not increase and is adapted to the risk of flooding.

¹⁰ Ministry for Housing, Communities and Local Government (MHCLG) (2015), Planning Practice Guidance on Strategic Environmental Assessment and Sustainability Appraisal

- 1.19.4 Policies CC1, CC2 and CC3 provide further detail in relation to the mitigation of and adaptation to climate change, by promoting zero carbon and low carbon development, water resource management and flood risk management.
- 1.19.5 Other policies contribute to the mitigation of and adaptation to climate change. Policy EV4: Green Infrastructure, Biodiversity and Geodiversity protects against the fragmentation of ecological habitats, which can support wildlife in adapting to climate change. Policy EV6: Trees, Woodland and Hedgerows protects against the loss of trees and hedgerows which can help to mitigate the effects of climate change by dissipating heavy rainfall and reducing urban temperatures. Policy SD11: Parking sets out requirements for parking including cycle parking, which helps to support modal shift.
- 1.19.6 It is considered that the Plan, taken as a whole, accords with s19(1A) of the Planning and Compulsory Purchase Act 2004.

Equality and Diversity

1.20 Having regard to the Equality Impact Assessment [SD.09], in what way does the Plan seek to ensure that due regard is had to the three aims expressed in Section 149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

Council's response

- 1.20.1 The three aims identified in the Equality Act 2010 s.149 (1) are:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 1.20.2 The protected characteristics are listed in s.149 (7).
- 1.20.3 The Local Plan considers development throughout the whole district and will affect everyone who lives and works in Ashfield. Generally, the Local Plan aims to be positive for all, including those with protected characteristics. Local Plan policies have been drafted based on a range of evidence base assessments. Public consultation has provided further opportunities to check that there are no disproportionate impacts on groups of people with protected characteristics. These elements of the preparation of the Local Plan have provided opportunities for any conduct which is prohibited by the Equalities Act to be identified and if so identified, to be addressed.
- 1.20.4 Many of the policies are intended to have a generally positive effect. Appendix 2 of [SD.09] Equality Impact Assessment identifies Standard Groups of people, which

includes those groups of people who share the protected characteristics that are identified in the Equalities Act.

1.20.5 By promoting policies which are considered to be of particular benefit to particular groups of people with protected characteristics, the Local Plan seeks to advance equality of opportunity between persons who share a protected characteristic and persons who do not. By seeking to promote opportunities for greater equality between those who share a protected characteristic and those who do not, the Local Plan also seeks to foster good relations between those groups. For example, Policies H2 and H2a will help to provide living accommodation for gypsy and travellers and travelling showpeople.

Other matters

1.21 Are any other the implementation policies to be regarded as ‘strategic policies’?

Council's response

1.21.1 Policy EV1: Green Belt, is considered by the Council to be a strategic policy.

1.21.2 Policy EV1 has been included as an ‘implementation policy’ in addition to Strategic Policy S4: Green Belt, as it provides detailed Development Management criteria required to assist in the determination of planning application. The Council considers this to be an appropriate approach.