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Ashfield Local Plan (2023-2040) Regulation 19 Pre-submission Draft



Land North of Stoney Lane and East of
Homecroft Drive, Selston

SUPPLEMENTARY REPRESENTATION MATERIAL

Representations By: Susannah Lepley

January 2024

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This representation has been produced to support this individual proposal and the conclusions it reaches are based upon due diligence investigations of public records and the information provided to the company by the client and/or their representatives.

The author of this supporting planning report is Anthony Bryan Northcote, Executive Director of TOWN-PLANNING.CO.UK. He holds a Higher National Certificate in Land Administration (Planning) with Distinction; Diploma with Distinction in Town Planning; Post-Graduate Diploma with Distinction in Urban and Regional Planning together with a Master of Arts Degree in Urban and Regional Planning. He was elected to the Royal Town Planning Institute in 1996 and now has over 34 years planning experience within the public and private sectors involving a full range of planning issues. In addition, he is also a Member of the Institute of Leadership; a Member of the Chartered Institute of Management; a Member of the Town and Country Planning Association; a Member of the United Kingdom Environmental Law Association; a Fellow of the Geological Society; and an Incorporate of the Chartered Institute of Building.

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January 2024

Project: 24.123

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Client: Mrs Susannah Lepley



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The Representations

We have submitted via the Council online portal a total of 6 representations on the Ashfield Local Plan (2023-2040) Regulation 19 Pre-submission Draft on behalf of Susannah Lepley. As the online portal only allows 3 representations to be made in a single submission, we have made two submissions on the morning of the 22nd January 2023 encompassing the 6 total representations. Unfortunately, the online portal gives those submitting representations no submission reference number or similar and the portal does not email a summary or copy of the submission to the person submitting the representation. As such the online portal is not user friendly.

These representations relate to:

Online form submission 1

1. Strategic Policy S1: Spatial Strategy to Deliver the Vision
2. Strategic Policy S7: Meeting Future Housing Provision
3. Policy H1: Housing Site Allocations

Online form submission 2

4. Sustainability Appraisal 2023 - Appendix H: Appraisal of Site Alternatives
5. Evidence Base - SHLEAA 2021 - Appendix H: Rural SHLEAA Reports
6. Evidence Base - Background Paper No.4: Green Belt Harm Assessment 2023 - Appendix 5

As the online portal form does not allow the use of plans, maps or tables, this document supplements the online representations containing the plans, maps and tables which in our online representations we have clearly referred to as to follow-on by email. For ease this supplementary representation document repeats the text which was included in the online form submissions so that the full context of the plans, maps or tables can be understood and the overall document provides all the material in a single document.

Based on the date of the Publication Plan the examination of the Local Plan will be undertaken on the basis of consistency against the July 2021 version of the National Planning Policy Framework (NPPF). As such in our representations we refer to the NPPF (July 2021). Although in pragmatic terms to avoid the emerging Local Plan becoming immediately out-of-date on adoption thereby triggering need for an immediate review, regard does need to be December 2023 version of the NPPF.

We made similar comments at the draft plan stage, unfortunately the LPA has chosen to not correct the errors that we identified.

Summary

Support - our representation 1 to Strategic Policy S1: Spatial Strategy to Deliver the Vision is in support of the Local Plan.

Object - our other five representations to Strategic Policy S7: Meeting Future Housing Provision; Policy H1: Housing Site Allocations; Sustainability Appraisal 2023 - Appendix H: Appraisal of Site Alternatives; Evidence Base - SHLEAA 2021 - Appendix H: Rural SHLEAA Reports; and Evidence Base - Background Paper No.4: Green Belt Harm Assessment 2023 - Appendix 5 are in objection to the Local Plan.

Tests of Soundness

We consider that the Local Plan fails the following tests of soundness:

- Positively Prepared
- Justified
- Effective
- Consistent with National Policy

Examination Hearings

We consider that it is necessary to attend the examination hearing sessions in order to exercise the legal right to be heard and to explore how the overall approach towards housing fails to lead to the release of the necessary and most appropriate sites to meet the strategic housing requirement.

Representation No.1 - Support

Strategic Policy S1: Spatial Strategy to Deliver the Vision

The identification in Policy S1 of Selston as a 'Named Settlement' in the settlement hierarchy is supported. Selston is a large village with a number of facilities and services and is one of the most sustainable villages in accessibility terms in the rural area. As such moderate growth over the plan period on a range of suitable sites would support local services and facilities.

Representation No.2 - Object

Strategic Policy S7: Meeting Future Housing Provision

Ashfield according to the Housing Land Monitoring Report 2023 only has a 2.93-year housing supply. The Housing Delivery Test 2022 measurement issued by DLUHC in December 2023 identified that

Ashfield had only achieved 74% housing delivery test measurement, as such the presumption in favour of sustainable development applies. Ashfield has a very poor track record of housing delivery, and it is therefore imperative that the emerging Local Plan sets out a positive strategy to deliver at least the minimum housing requirement for the entire plan period.

Strategic Policy S7 states that: *“A minimum of 7,582 new dwellings will be delivered within the period 2023 to 2040, dispersed across the District in accordance with the Council’s spatial strategy for growth. This will necessitate the release of land previously identified as Green Belt in order to meet the identified needs.”* This is based on an annualised housing requirement of 446 dwellings for the 17-year period from 1/4/2023 to 31/3/2040.

However, the Local Plan as identified in Table 2 only plans for the delivery of 6,700 dwellings, leaving a shortfall of 963 dwellings against the housing requirement. The overall housing requirement is a minimum housing figure.

Based on the date of the Publication Plan the examination of the Local Plan will be undertaken on the basis of consistency against the July 2021 version of the National Planning Policy Framework (NPPF). Although in pragmatic terms to avoid the emerging Local Plan becoming immediately out-of-date on adoption thereby triggering need for an immediate review, regard does need to be December 2023 version of the NPPF.

Paragraph 20 of the NPPF (July 2021) requires strategic policies in Local Plans to set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development. Strategic Policy S7 fails to do this for the plan period.

As such Strategic Policy S7 fails the tests of soundness. In particular it is not positively prepared as it does not provide a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs. The approach also lacks justification and will not be effective and deliverable over the plan period, this is because to deliver additional housing to meet the shortfall will necessitate release of Green Belt land which can only be done through the Local Plan process. The approach being pursued is not consistent with national policy and will not enable the delivery of sustainable development.

Paragraph 66 of the NPPF (July 2021) states: *“Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their*

identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period.”

The LPA places undue reliance on paragraph 68 of the NPPF (July 2021) which requires policies to identify a sufficient supply and mix of sites, (taking into account their availability, suitability and likely economic viability), with specific, deliverable sites for years one to five of the plan period, and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan. This does not however, abrogate responsibility for the Local Plan to meet the strategic requirement of the NPPF to plan to meet its housing requirement for the entire period.

The emerging Local Plan started out with a plan period of 2020 to 2038. In order to reflect the requirement for the emerging Local Plan to have a plan period of at least 15 years from the date of adoption, the emerging Local Plan period has been changed at the publication stage to 2023 to 2040. However, the LPA has not taken any action to address the additional housing requirement that the extra two-year period from 2038 to 2040. The emerging Local Plan therefore only identifies a supply of 6,700 against a minimum requirement of 7,582, which means that it only proposes a supply to meet some 88.36% of its housing needs.

The Local Plan does not set out any positive policy framework or strategy for delivering the shortfall of a minimum of 963 dwellings over the plan period. The plan does not for example identify reserve housing allocations or identify safeguarded land removed from the Green Belt that could be released for housing later in the plan period to meet the shortfall. Neither does the Local Plan policies set out any positive policies that will release additional land around settlements. The Local Plan is already heavily reliant upon an annual windfall housing allowance, amounting to some 10.7% of the planned supply in Table 2.

The windfall allowance is based on evidence as set out in Background Paper No.2. Paragraph 71 of the NPPF (July 2021) states: *“Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.”*

What this paper fails to take into account is that the existing Local Plan was adopted in 2002, some 22 years ago and had a plan period only to 2011. As such for the last 13 years the District has had no extant planned strategy to deliver housing on planned allocations and has therefore

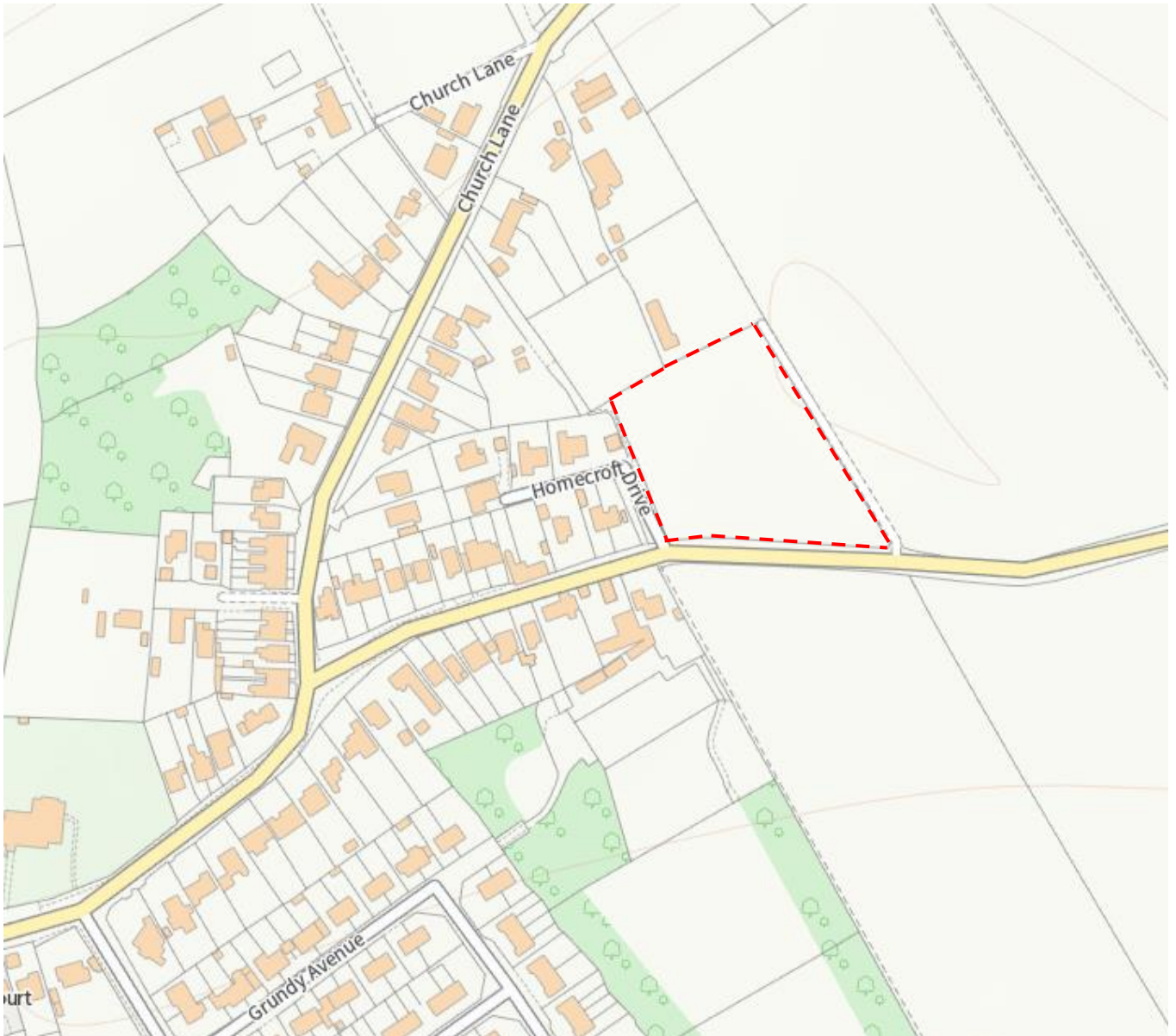
been unduly reliant on windfall housing as its dominant form of housing supply. Therefore, using the time period of 2011 to 2021 to calculate past windfall housing is based entirely on the timeframe during which the District has had to rely on windfall housing. Moving forward the estimated rate of future windfall supply must be in the context of an up-to-date Local Plan with allocations which are now designed to be the dominant form of housing supply. Consequently, the estimated future windfall housing rate should be adjusted downwards to account for the future trend of a plan-led strategy.

The Local Plan proposes to use rigid settlement boundaries for the urban area and named settlements in the Local Plan, identifying everything outside as countryside. The policies do not support the release of land in the countryside around existing settlements in the event of the inability to deliver a 5-year housing supply or to meet the overall strategic housing requirement. As such the Local Plan fundamentally fails to plan for its entire plan period and as such is unsound. As windfall supply has already been built into the figures, there is no potential sources of housing supply at all that might be available to deliver sites to meet the housing shortfall.

As the emerging Local Plan is unsound it should therefore undertake additional work in the form of modifications to allocate additional housing sites to meet at least the shortfall of 963 dwellings. These additional allocations should include site SJU021 as a housing allocation in Selston.

As this site measures 0.72 ha in size, based on the lowest density standard in the housing background paper of 30dph and the 90% Standard Assumptions to Identify Net Developable Area, this would give a suggested allocation capacity of 20 dwellings.

The site is available and is developable having regard to the definition in the NPPF Glossary.



Proposed Site Allocation

Representation No.3 - Object

Policy H1: Housing Site Allocations

Policy H1 is not supported due to the omission of the identification of site SJU021 as a housing allocation in Selston. Selston is a large village with a number of facilities and services and is one of the most sustainable villages in accessibility terms in the rural area. As such the Local Plan should support moderate growth over the plan period through its housing allocations based on a range of suitable sites in various sizes that can deliver a mix of housing types throughout the plan period to support local services and facilities.

As this site measures 0.72 ha in size, based on the lowest density standard in the housing background paper of 30dph and the 90% Standard Assumptions to Identify Net Developable Area, this would give a suggested allocation capacity of 20 dwellings.

The site is available and is developable having regard to the definition in the NPPF Glossary.

The site SJU021 is within 800m of walking distance of the primary school, it is 625m to the primary school via the public footpath to the south. In addition, it is within 320m of a bus stop giving the site good accessibility to local services and facilities. The site is well located to access the Primary School; the High School; the Post Office; the Co-op Food Store; and the Doctors Surgery by a range of sustainable travel modes.

The site is located adjacent to the existing built area of Selston. The site is well contained by existing residential development to the west and north and is strongly defined by Stoney Lane to the south. The eastern boundary is contained and defined by the stoned access track to the property identified as 45 Stoney Lane. This access track has become more defined over the years through surfacing, two fences and overhead lines. The site has different characteristics to the wider land to the east or south and the site boundaries can provide defensible long-term boundaries between the land if developed and the Green Belt. The site is physically and visually connected to the existing settlement and development of this site would 'round off' the existing settlement.

The site SJU021 is urban fringe in character and its character is defined partially by the juxtaposition of Homecroft Drive including the Garage of No.1 Homecroft Drive; the siting of No.45 Stoney Lane and its associated garden paraphernalia; together with the urbanising character of the overhead wires along the road frontage and along the driveway to No.45. These features already have a degree of encroachment to the Green Belt, and it is clearly urban fringe in character. Therefore, inclusion of this site would not set a precedent for inclusion of any other land on Stoney Lane.

Stoney Lane already benefits from a footway along the southern side and has a number of existing streetlights. As there are no speed limit signs at either end by virtue of the streetlighting, Stoney Lane must be subject to a 30mph for its entire length. This makes achieving satisfactory access relatively straightforward. The site is well located to the highway and footpath network around Selston. It has a public footpath along its western side that can be suitably protected through

development. The public footpath network provides direct links from the site to the Primary School and the High School.

We have explained in other representations why the site should be released from the Green Belt and how its release would not harm Green Belt purposes.

The NPPF (July 2021) in paragraph 69 identifies that *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*
- b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;*
- c) support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes; and*
- d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.”*

The local plan does not fully reflect the provisions of paragraph 69 of the NPPF (July 2021). The NPPF (July 2021) suggests in paragraph 69 a) that the 10% delivery from small sites under one hectare should come from land identified in the Local Plan. For the emerging Local Plan this means at least 759 dwellings should come from sites under 1 hectare in size.

The wording of paragraph 69 and where it falls in the sequence of text, suggests in our view that the NPPF (July 2021) envisages this 10% delivery of small sites to be secured by clearly identifying land, i.e. allocating sites. The text it then moves on to windfall development making a contribution towards smaller sites under paragraph 69 c). This implies that windfall housing is not intended to be double counted as the delivery of small sites under paragraph 69 a).

The emerging Local Plan relies on the 720 dwellings from windfall supply making a significant contribution to the 10% delivery on sites under 1ha in size. As the Background Paper No.2 identifies the LPA claim a potential for 1,243 dwellings on sites of less than 1 hectare. The background paper

goes on to explain that this is made up of the 720 windfall, 262 net existing commitments (338 + 14 - 1 - 89 = 262 net) and 261 from allocated sites under 1ha in size.

The existing net commitments are believed to all be on windfall sites, so if only the 261 dwellings on allocated sites less than 1ha in size are counted then this amounts only to 3.44% of the total housing requirement.

By its nature windfall development is uncertain and is a passive approach towards the delivery of small sites, rather than the proactive approach to allocating small sites under Policy H1 that the NPPF (July 2021) in paragraph 69 a) appears to be suggesting.

In terms of the proposed allocations in Policy H1, the sites total 5,716 dwellings, based on the 261 dwellings from allocated sites under 1ha in size as stated in the Background Paper No.2; then site allocation under 1ha in size amounts only to 5.06% of the estimated supply from site allocations. The Local Plan does not provide strong reasons why this 10% target cannot be achieved.

As the emerging Local Plan is unsound on the basis that it doesn't meet its strategic housing requirement. Then additional work in the form of modifications to allocate additional housing sites to meet at least the shortfall of 963 dwellings should be pursued. These additional allocations should prioritise small sites under 1ha in size and should include site SJU021 as a suitable small housing allocation under 1ha in size in Selston.

Although this site would only make a modest contribution to the allocation of small sites within the Local Plan it would support the aims of paragraph 69a) of the NPPF (July 2021). This would also increase the supply of small sites in Selston, adding to the range, type and variety of sites available in this sustainable settlement. At present the emerging Local Plan proposes just four allocated sites in Selston which total 324 dwellings, of these just 6 dwellings are on just one site less than 1ha in size, this amounts to only 1.85% of the allocated supply in Selston being on small sites under 1ha in size.

The site measures 0.72 hectares and abuts Homecroft Drive to one side; has a roadside frontage to Stoney Lane and is available, suitable and developable.

The site has traditionally been an agricultural field that has always been ploughed but now due to the increasing size of farm machinery this is neither viable nor is the existing field gateway on Stoney Lane suitable for large modern farm machinery. The field has been previously grazed by

livestock, but again due to the size, this is now not viable for the farmer and so the field has now become un-utilised. The field is unattractive for ongoing agricultural use due to its size; the adjacent track to No.45 makes it impossible to add this field to any adjacent field to make agricultural use more viable.



Proposed Site Allocation

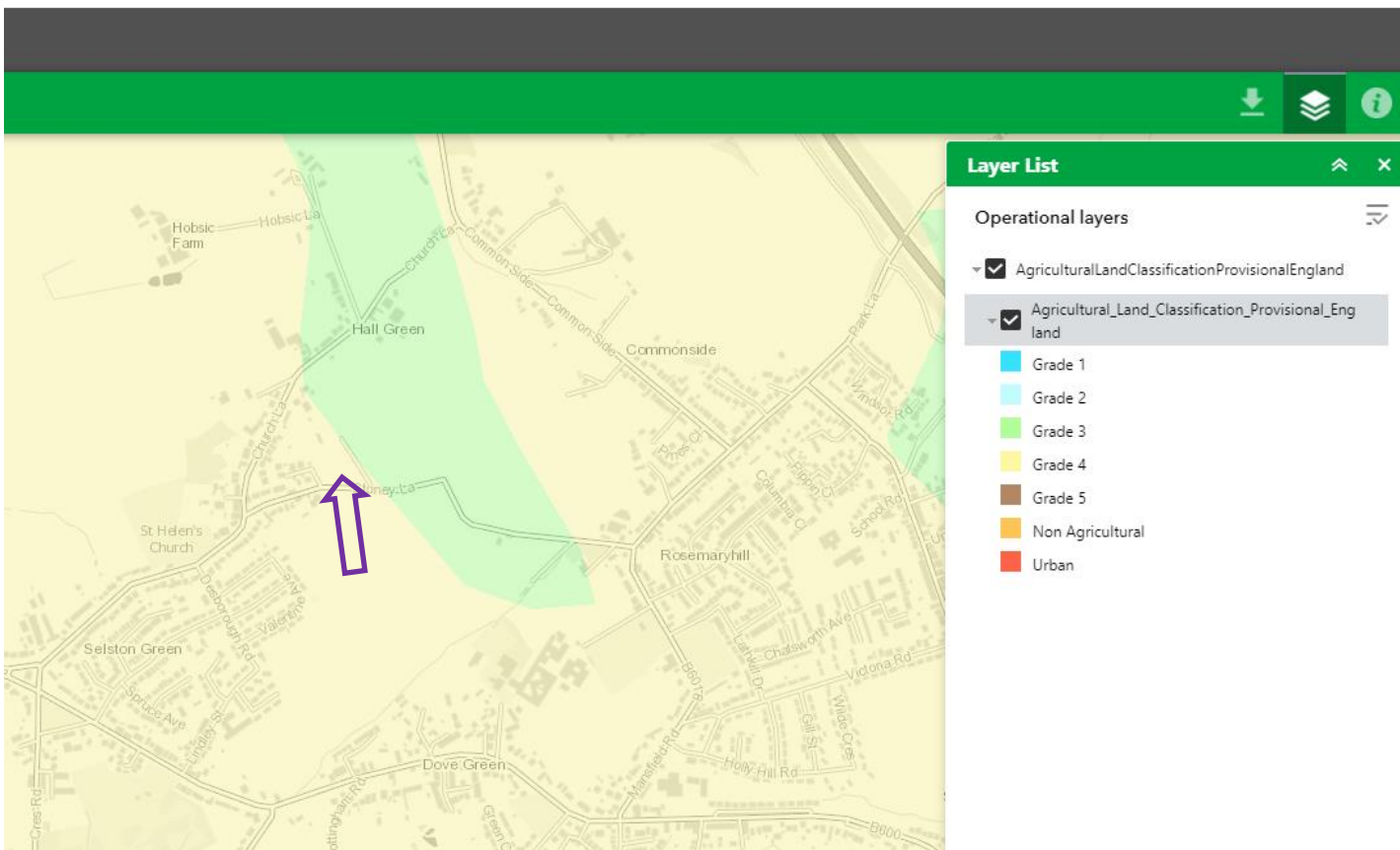
Representation No.4 - Object

Sustainability Appraisal 2023 - Appendix H: Appraisal of Site Alternatives

The Sustainability Appraisal incorrectly appraises site SJU021 (Land off Stoney Lane, Selston) as a potential housing allocation in Selston. As indicated in our representation on the SHELAA 2021;

Appendix H (Rural Sites) of the SHELAA incorrectly lists the site as being 'Agricultural Land Classification - Grade 3'. In fact, on the Agricultural Land Classification mapping available on the Defra Data Portal the site falls within Grade 4 Agricultural Land Classification. This can be seen on the following link and a screenshot from the data mapping is shown below:

<https://environment.data.gov.uk/DefraDataDownload/?mapService=NE/AgriculturalLandClassificationProvisionalEngland&Mode=spatial>



Extract from Defra Data Portal (Viewed on 10/11/2021) Site Highlighted by Arrow

This incorrect classification then impacts upon how the Sustainability Appraisal has assessed the site in Appendix H - Appraisal of Site Alternatives. As set out in Appendix L - Site Scoring Framework, SA Objective 8 gains a (-) score where development will result in the loss of the best quality agricultural land. Paragraph 5.3.9 of the SA defines the best and most versatile agricultural land as Grades 1 to 3 for the purpose of the SA. This has contributed to a 'Significant Negative Effect' score (-) for SA Objective 8; whereas it should in fact it should be scored as a 'Minor Negative Effect' (-) by virtue of being a greenfield site if Mineral Safeguarding is put to one side.

The criterion in this SA objective referring to mineral safeguarding areas is unclear as it says, 'Development is within a Minerals Safeguarded Area, excluding urban areas identified by the Ashfield Local Plan Review 2002'. However, in fact the Nottinghamshire Minerals Local Plan in Policy SP7: Minerals Safeguarding, Consultation Areas and Associated Minerals Infrastructure shows the Mineral Safeguarding Areas (MSA) washing over settlements with no exclusion from the MSA for any form or size of existing built-up area. As such the SA has not consistently scored this matter as the LPA have arbitrarily chosen to exclude urban areas that were identified in the 2002 Local Plan. Consequently, this results in more favorable scores under this SA objective for certain settlements, namely Hucknall, Kirkby in Ashfield and Sutton in Ashfield to other settlements. This calls into question the SA site assessment process and as such makes SA Objective 8 impossible to use for comparison between sites in different settlements. Consequently, the entire SA is unsound and should be reworked.

In addition, the SA also incorrectly scores certain criteria as follows:

SA Objective 5 (Social Inclusion Deprivation) - this is incorrectly scored as a 'Minor Positive Effect' (+) whereas it should be score as a 'Significant Positive Effect' (+ +); because the site is within 800m of walking distance of the primary school (it is 625m to the primary school via the public footpath) as well as within 320m of a bus stop; and it will deliver a proportion of affordable housing as it exceeds the thresholds requiring an element to be affordable housing.

SA Objective 14 (Travel and Accessibility) - this is also incorrectly scored as a 'Minor Positive Effect' (+) whereas it should be score as a 'Significant Positive Effect' (+ +); because the site is within 800m of walking distance of the primary school (it is 625m to the primary school via the public footpath) as well as being within 320m of a bus stop.

The site SJU021 scores more positively than the Sustainability Appraisal currently assesses; the site should be updated in the SA Appendix. The positive effects of the site support the principle that the site should be allocated for housing in the Local Plan.

The analysis in the SA is shown below for comparison between those sites allocated and site SJU021 that was not allocated. As can be seen if the SA objectives 5 and 14 are correctly scored for site SJU021 then it scores significantly more positively than some of the sites allocated in Selston. Because SA Objective 8 for all sites in Selston will have consistently considered Mineral Safeguarding at the settlement level, because the entire settlement is in the Surface Coal MSA, we do not change this in the comparison below. As a comparison the following summarises the scores:

	Significant Positive (++)	Minor Positive (+ or +/-)	Neutral (0)	Minor Negative (-)	Significant Negative (--)
Allocation H1Vc	3 Objectives	4 Objectives	5 Objectives	3 Objectives	2 Objectives
Allocation H1Vd	0 Objectives	7 Objectives	6 Objectives	3 Objectives	1 Objective
Allocation H1Ve	3 Objectives	4 Objectives	5 Objectives	3 Objectives	2 Objectives
Allocation H1Ve	3 Objectives	4 Objectives	4 Objectives	4 Objectives	2 Objectives
Site SJU021 (As SA Scores)	1 Objective	6 Objectives	7 Objectives	1 Objective	2 Objectives
Site SJU021 (If Correctly Scored)	3 Objectives	4 Objectives	7 Objectives	1 Objective	2 Objectives

SHELAA Site Ref:	Site Address:	Proposed allocation reference	1. Housing	2. Health	3. Historic Environment	4. Community Safety	5. Social Inclusion Deprivation	6. Biodiversity & Green Infrastructure	7. Landscape	8. Natural Resources	9. Air & noise pollution	10. Water Quality	11. Waste	12. Climate Change and Flood Risk	13. Climate Change and Energy Efficiency	14. Travel and accessibility	15. Employment	16. Economy	17. Town Centres
SJU014	Land adj. Bull & Butcher PH, Selston	H1Vc	++	+	-	0	++	0	-	-	-	0	0	-	0	++	+	+	+
SJU016	Adj 149 Stoney Lane, Selston	H1Vd	+	+	0	0	+	0	-	-	-	0	0	-	0	+	+	+	+
SJU018	Land at Kirkby Lane Farm, Park Lane, Selston	H1Ve	++	+/-	0	0	++	-	-	-	-	0	0	-	0	++	+	+	+
SJU020	Land off Park Lane/ South West M1, Selston	H1Ve	++	+/-	-	0	++	-	-	-	-	0	0	-	0	++	+	+	+

Site Ref:	Site Address:	Locality	Proposed Use:	SA Objective 1	SA Objective 2	SA Objective 3	SA Objective 4	SA Objective 5	SA Objective 6	SA Objective 7	SA Objective 8	SA Objective 9	SA Objective 10	SA Objective 11	SA Objective 12	SA Objective 13	SA Objective 14	SA Objective 15	SA Objective 16	SA Objective 17
SJU021	Land off Stoney Lane, Selston	Selston Parish	Housing	++	+	0	0	+	0	-	-	-	0	0	0	0	+	+	+	+
Corrected SJU021	Land off Stoney Lane, Selston	Selston Parish	Housing	++	+	0	0	+	0	-	-	-	0	0	0	0	+	+	+	+

Extracts from SA

Even at present the site SJU021 has fewer negative effects than all of the four sites allocated in the Local Plan, if the site SJU021 were to be scored correctly on SA objectives 5 and 14 then the site would have as many positive effects as all four of the sites allocated and less negative effects than all of the four sites allocated in the Local Plan. As such it would score more favourable overall than the allocated sites.

As the emerging Local Plan is unsound on the basis that it doesn't meet its strategic housing requirement. Then additional work in the form of modifications to allocate additional housing sites to meet at least the shortfall of 963 dwellings should be undertaken. The selection of additional allocations should reflect the correct SA scores for site SJU021 and should reflect the consistent application of the Mineral Safeguarding provisions or discount that factor in the named settlements where it has had a negative impact. Having regard to the fact that in the SA site scoring framework for site SJU021 scores more favourable overall than the allocated sites in Selston, site SJU021 should be allocated as a housing site for 20 dwellings.

Representation No.5 - Object

Evidence Base - SHLEAA 2021 - Appendix H: Rural SHLEAA Reports

The SHLEAA 2021; Appendix H (Rural Sites) of the SHLEAA incorrectly lists the site as being 'Agricultural Land Classification - Grade 3'. In fact, on the Agricultural Land Classification mapping available on the Defra Data Portal the site falls within Grade 4 Agricultural Land Classification. This can be seen on the following link and a screenshot from the data mapping is shown below:
<https://environment.data.gov.uk/DefraDataDownload/?mapService=NE/AgriculturalLandClassificationProvisionalEngland&Mode=spatial>

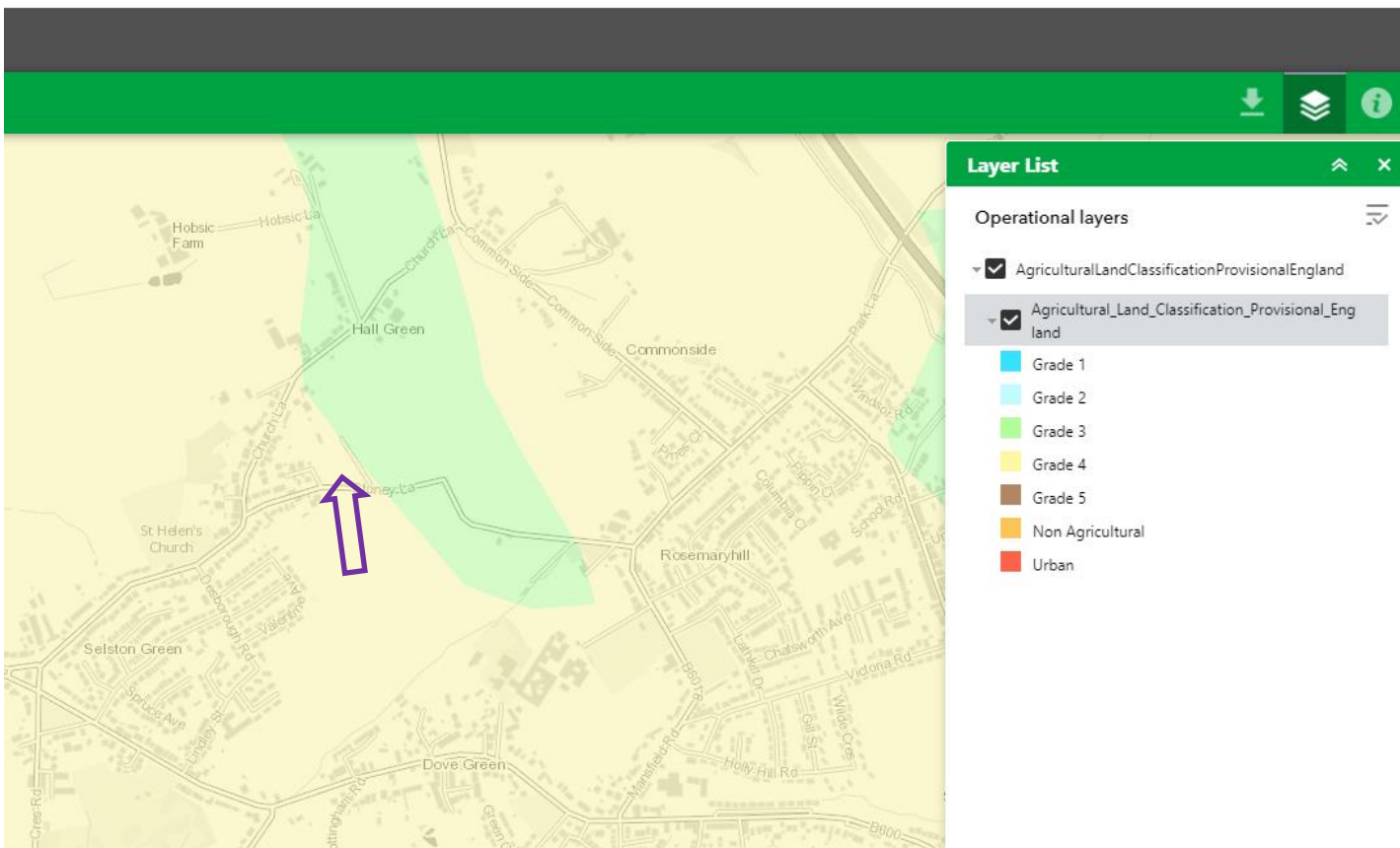
This incorrect classification then impacts upon how the Sustainability Appraisal has assessed the site. We have submitted an allied representation on the Sustainability Appraisal.

In addition, in terms of accessibility, within 800m or 10mins the SHLEAA 2021 Appendix H incorrectly refers to 'Bus stop only'; whereas in fact the site is within 800m of walking distance of the primary school (it is 625m to the primary school via the public footpath). The SHLEAA should be updated accordingly.

Stoney Lane already benefits from a footway along the southern side and has a number of existing streetlights. As there are no speed limit signs at either end of the Lane nor any speed limit reminder signs; then by virtue of the streetlighting, Stoney Lane must be subject to a 30mph for

its entire length. This makes achieving satisfactory access relatively straightforward. The SHELAA should be updated accordingly.

Although the SHELAA concludes that the site is available, potentially suitable and deliverable; the above factual inaccuracies mean that the site would be even more suitable. The landowner confirms that the site remains available and developable.



Extract from Defra Data Portal (Viewed on 10/11/2021) Site Highlighted by Arrow

As the emerging Local Plan is unsound on the basis that it doesn't meet its strategic housing requirement. Then additional work in the form of modifications to allocate additional housing sites to meet at least the shortfall of 963 dwellings should be undertaken. The selection of additional allocations should reflect the corrected SHLEAA assessment for site SJU021.

Having regard to the fact that in the SA site scoring framework for site SJU021 which draws its evidence base from the SHLEAA evidence base scores more favourable overall than the allocated sites in Selston, site SJU021 should be allocated as a housing site for 20 dwellings.

Representation No.6 - Object

Evidence Base - Background Paper No.4: Green Belt Harm Assessment 2023 - Appendix 5

The Green Belt Harm Assessment is considered to overplay the harm arising from site SJU021.

Although the site had been looked at in the SHLEAA, looking back at the 2016 Strategic Green Belt Review the site was not assessed individually but instead as part of a much larger site referred to as S03/Site 2. Therefore, the evidence base analysis had not fully considered the impact of releasing site SJU021 on its own from the Green Belt. The 2020 Green Belt Harm Assessment has looked at site SJU021 individually and it scored '10' which equates to 'relatively low'; in this respect it scored equally or better than sites that have been released from the Green Belt in the Rural Villages. For example, site SJU001 (allocation H1Va which scored 10 and allocation H1Vg which scored 11 and was categorised as 'moderate harm').

Background Paper 4 Green Belt Harm Assessment (2023) rolls forward the scoring for site SJU021 unchanged from the 2020 Green Belt Harm Assessment. The inconsistency therefore between the sites allocated by release from the Green Belt has therefore been rolled forward into the publication plan unchanged. As such the overall approach to the release of land from the Green Belt is not justified and the housing allocation process is not effective and has not been positively prepared.

For reasons which are unclear, some of the assessment in the 2020 study and the 2023 assessment seems to allege more harm arising from site SJU021 than the 2016 assessment scored for the much larger site S03/Site 2. This appears to demonstrate a degree of inconsistency in the Green Belt assessment process.

The Green Belt Harm Assessment (2020) and Background Paper 4 Green Belt Harm Assessment (2023) scores site SJU021 as follows:

- Purpose 1 (Unrestricted Sprawl) - Moderate (3)
- Purpose 2 (Prevent Settlements Merging) - Low (1)
- Purpose 3 (Safeguard from Encroachment) - High (5)
- Purpose 4 (Preserve Historic Settlements) - Low (1)
- Purpose 5 (Urban Regeneration) - N/A (0)
- Overall Score and Rating - (10) Relatively Low

Site SJU021 is a greenfield site which is located adjacent to the existing built area of Selston. The site is well contained by existing residential development to the west and north and is strongly defined by Stoney Lane to the south. The eastern boundary is contained and defined by the stoned access track to the property identified as 45 Stoney Lane. This access track has become more defined over the years through surfacing, two fences and overhead lines. The site has different characteristics to the wider land to the east or south and the site boundaries can provide defensible long-term boundaries between the land if developed and the Green Belt. The site is physically and visually connected to the existing settlement and development of this site would 'round off' the existing settlement. Indeed, the Council as the Street Naming and Numbering Authority has allowed a gap of 20 property numbers for potential future development on this site.

In relation to purpose 1 (Unrestricted Sprawl) in our view taking into account the scoring criteria set out in Background Paper 4; the score should be Low (1). The Green Belt Harm Assessment in Background Paper 4 continues to overlay the harm in relation to unrestricted sprawl.

The site SJU021 is urban fringe in character and its character is defined partially by the juxtaposition of Homecroft Drive including the Garage of No.1 Homecroft Drive; the siting of No.45 Stoney Lane and its associated garden paraphernalia; together with the urbanising character of the overhead wires along the road frontage and along the driveway to No.45. These features already have a degree of encroachment to the Green Belt, and it is clearly urban fringe in character. Therefore, in relation to purpose 3 (Safeguard from Encroachment) the score is considered that it should be Relatively High (4). The Green Belt Harm Assessment in Background Paper 4 overplays the harm in relation to safeguarding from encroachment.

If the scoring was revised as we suggest for the reasons we set out above, then the scoring would be:

- Purpose 1 (Unrestricted Sprawl) - Low (1)
- Purpose 2 (Prevent Settlements Merging) - Low (1)
- Purpose 3 (Safeguard from Encroachment) - Relatively High (4)
- Purpose 4 (Preserve Historic Settlements) - Low (1)
- Purpose 5 (Urban Regeneration) - N/A (0)
- Overall Score and Rating - (7) Low

The April 2021 aerial photo below shows how well-defined and self-contained the site actually is:



Aerial Photo, © Ordnance Survey Aerial Photos, used under Open Government Licence

Our revised assessment is based upon the criteria set out in Figure 1 of the Green Belt Strategic Review. Release of the site would not therefore harm the purposes of the Green Belt. The site has the potential capacity to deliver a small amount of development. The site has been assessed as available, potentially suitable, and achievable in the SHELAA (ref. SJU021).

The Local Plan strategy seeks to deliver sustainable and proportionate growth in the villages in order to ensure the continuity of services and facilities in these locations. The 3 proposed allocations in Selston are located in the Green Belt; this site is no different in assessment against Green Belt harm as assessed by the Council; and indeed, would be less harmful by virtue of our assessment which is considered to be sound based on the latest position. Selston is a large village with a number of facilities and services and is one of the most sustainable villages in accessibility terms in the rural area. Brownfield sites in the villages have been utilised in the strategy where possible but in order to meet the identified housing requirement, land in the Green Belt in these areas is required for release as a result of the assessment of sites in the SHELAA. The additional release of this modest site would not result in material harm to the amount of housing delivery or to the distribution strategy.

The Green Belt boundary should also include the existing built development at No.45 Stoney Lane and to the rear of No.124 which is currently also excluded from the settlement and is 'washed over' by the current Green Belt notation. It is considered that this land should have been identified for removal from the Green Belt as part of the Technical Paper Green Belt Review 2021.

The suggested revised Green Belt boundary is annotated in red on the extract from the Policies Map Below:



Extract from Policies Map with Suggested revision to Green Belt Boundary Shown Red

As the emerging Local Plan is unsound on the basis that it doesn't meet its strategic housing requirement. Then additional work in the form of modifications to allocate additional housing sites to meet at least the shortfall of 963 dwellings should be undertaken. The selection of additional allocations should reflect the revised Green Belt Harm Assessment scoring as we suggest for site SJU021 and should reflect the consistent release of land from the Green Belt. Site SJU021 also has additional benefits in terms of being a small site under 1 hectare in size which the NPPF identifies can be released quickly and form an important role in providing a wide range of development opportunities for small developers.

Having regard to the fact that in the Green Belt Harm Assessment the scoring framework for site SJU021 scores equal to or more favourably even as the LPA score overall than the allocated sites in the rural villages; then site SJU021 should be allocated as a housing site for 20 dwellings.