

## HEARING STATEMENT

Matter 2 – Meeting Ashfield’s Housing Needs

**On behalf of Campfield Farms Ltd**

**October 2024**

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## 1 INTRODUCTION AND BACKGROUND

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- 1.1. This Hearing Statement has been prepared on behalf of Campfield Farms Ltd (Respondent ID803), and in respect of Matter 2 of the Ashfield Local Plan (ALP) Examination.
- 1.2. Campfield Farms Ltd is promoting development of Land off Cauldwell Road, Sutton-in-Ashfield ('the Site') for strategic scale development. The Site formed a draft allocation in the Regulation 18 Draft Local Plan (2020 – 2038) (November 2021) as one of two new settlements proposed within the draft spatial strategy. Draft Strategic Policy S7 (Meeting Future Needs – New Settlement: Land at Cauldwell Road, Sutton in Ashfield) comprised the draft allocation as shown on the draft Policies Map for a mixed-use New Settlement to deliver 1,000 dwellings. However, the proposed allocation was not carried forward to the Regulation 19 iteration of the ALP, and the submitted ALP does not propose allocation of the Site.
- 1.3. This Hearing Statement addresses Issue 1 of Matter 2 of the ALP Examination:

*Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to meeting housing needs.*

And Issue 2 of Matter 2:

*Whether the plan will deliver an appropriate mix of housing to meet the various housing needs over the plan period and whether these are justified, effective and consistent with national policy*

- 1.4. In terms of the issues addressed within Matter 2, pertaining to the ALP's calculation of housing need, the housing requirement, and the approach to meeting the housing requirement, we do not consider the submitted ALP to be sound, for the reasons set out in this hearing statement.

1.5. It is recognised that the ALP reached the Regulation 19 stage before 19 March 2024. Consequently, under the transitional arrangement of the current NPPF (NPPF December 2023) the ALP will be examined in relation to the NPPF September 2023. References to 'NPPF' within this statement are to the NPPF September 2023, unless otherwise specified.

## 2 MATTER 2 ISSUE 1 QUESTIONS

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***Q.2.4 – Is the plan positively prepared in light of the under-identification of homes over the full Plan period compared with the requirement under the standard method (6,825 compared to the LHN of 7,582)***

- 2.1. We consider there are three specific issues that are relevant to the consideration of this question: the establishment of the housing ***requirement*** (as opposed to simply the identification of housing need); the plan period which the housing requirement will address; and, separately, whether the submitted ALP can be still considered sound if it fails to meet the housing requirement.

### Establishing the housing requirement

- 2.2. The Standard Method generates the local housing need, which the PPG explains represents the minimum housing requirement expected to be planned for<sup>1</sup>. However, the PPG also expressly confirms that whilst it establishes the minimum, it does ***not*** produce a housing requirement<sup>2</sup>.
- 2.3. We note the Council's background paper on Housing (Background Paper 2 (BP.02)) sets out the approach to housing need, and within this acknowledges that the Standard Method generates the ***minimum*** requirement. But we can see now evidence as to how the Council has gone on to establish its housing ***requirement***. Instead, it simply seems to have assumed the minimum housing requirement is the appropriate requirement for the ALP.

### The plan period

- 2.4. The ALP covers the period 2023 to 2040, including strategic policies intended to address this period.

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<sup>1</sup> Paragraph: 002 Reference ID: 2a-002-20190220

<sup>2</sup> Ibid

- 2.5. As per paragraph 22 of the NPPF, strategic policies should cover a minimum period of 15 years *from adoption* of a Local Plan.
- 2.6. In order for the ALP to meet the requirement to address the 15-year period it will need to be adopted before 31 March 2025. We note that the Examination hearing sessions are not scheduled to concluded until 22 January. If the submitted ALP is capable of being found sound, it is highly likely that at least some main modifications will be necessary. These will need to prepared, agreed by the Council, appraised and consulted upon, before being submitted for the Examining Inspectors to consider along with all other matters of soundness and legal compliance, before issuing their report. Following this, the Council will then need to consider whether to adopt the ALP. Consequently, it is highly unlikely that the ALP will be adopted before 31 March 2025.

Failure to meet minimum housing requirement

- 2.7. The issue of whether the ALP's housing requirement should be set above the minimum, and whether the plan period needs to be elongated to ensure an adopted ALP will cover the minimum 15-year period are rendered somewhat academic, given the submitted ALP does not meet even meet the bare minimum housing requirement over even what is potentially too short a plan period.
- 2.8. The NPPF is clear at paragraph 35 that providing a strategy which, as a minimum, seeks to meet an area's objectively assessed needs is a prerequisite of a sound Local Plan – this is the very definition of a positively prepared ALP, as per the NPPF.
- 2.9. It is therefore, not only that the ALP's failure to meet housing needs render it inconsistent with national policy (as discussed further below), but that this failure renders the submitted ALP fundamentally unsound in relation to the need to be positively prepared.
- 2.10. Separately, at paragraph 68 of the NPPF it is made clear that planning policy should identify a supply of:

- a) specific deliverable sites to meet housing needs in years one to five of the plan period; and
- b) specific, developable sites or broad locations for growth, for years 6-10 and, *“where possible”*, for years 11-15 of the plan.

- 2.11. A key question is therefore, is it *impossible* for the ALP to identify specific deliverable site sites or broad locations for years 11-15 of the ALP? The answer is that it is patently possible for it to do so, as the Regulation 18 iteration of the ALP demonstrated.
- 2.12. Indeed, it appears very much less of a case that the Council *cannot* allocates specific sites or identify broad locations for development in years 11-15 of the ALP, and more that it *will not*.
- 2.13. In addition to the submitted ALP not being positively prepared, the failure to meet the minimum housing requirement, with a lack of supply in years 10-15 in particular, renders it contrary to paragraph 68 of the NPPF.
- 2.14. The Council’s Background Paper 2 (BP.02) cites the following it seeking to justify the ALP failure to meet housing needs, at paragraph 2.2:

*“The Council recognises the expectation that the standard method should be used to determine housing provision in the Local Plan. However, it is also acknowledged that government are in the process of reforming the approach to assessing housing need, and has consulted on proposed amendments to the NPPF including that local plans will only be required to meet an area’s objectively assessed housing needs “so far as possible”. The Government has also proposed that it will issue more explicit guidance to outline the ‘exceptional circumstances’ which may justify using an alternative approach to the standard method to calculate housing need. In this respect, the level of housing need and supply will be kept under review”*

- 2.15. The Council's reliance on reference to proposed amendments consulted upon is wholly misplaced, particularly now, for several reasons.
- 2.16. Firstly, the changes relied upon were only draft changes that were consulted upon. They did not represent final, revised, national planning policy. Consequently they should have been afforded no more than limited weight.
- 2.17. Secondly, the finalised revised NPPF (the September 2023 version, relevant to the submitted ALP) retained strong emphasis on the need to use the Standard Method to determine minimum housing requirements, and the requirement to use this unless exceptional circumstances justify an alternative approach.
- 2.18. Thirdly, within Background Paper 2, the Council acknowledges a need to use the Standard Method in any case. But then nevertheless also makes reference to the Council keeping the level of housing need and supply under review, suggesting that possible changes to guidance *may* justify an alternative approach, i.e. it acknowledges that current national policy at the time did not.
- 2.19. Fourthly, and perhaps most significantly, irrespective of what aspects of national policy the Council may have expected to be changed when the Background Paper 2 was published in October 2023, by the time the ALP was submitted in April 2024 it should have been abundantly clear to the Council that national policy had in no way changed in a manner that might have justified the Council's approach.
- 2.20. Fifthly, and somewhat academically given the above, even if national had been amended such that Local Plans only needed to seek to meet housing need "*in so far as possible*", there is nothing within Background Paper 2 to suggest that the submitted ALP does address as much housing need as possible. Again, particularly evident given that the submitted ALP proposes fewer new homes than the Regulation 18 iteration did.



2.21. Separately, we note that within the Ashfield Local Plan Sustainability Appraisal ('the SA') (document SD.03) the following is cited in discussing the Council's change in approach between the Regulation 18 and submitted ALPs:

*"The Council's Cabinet resolved to take forward an amended scenario that sought to reduce the impact on the Green Belt and meet housing need"* (paragraph 5.5.80)

2.22. One can infer from the above that the key driver behind the reduction in the number of homes proposed to be delivered by the submitted ALP (compared to the previous iteration) is a desire to protect the Green Belt. Accepting this view would require adopting a questionable position, given: the NPPF's express requirement for development needs to be met; how 'exceptional circumstances' needed to justify alterations to the Green Belt has been interrupted by the courts in relation to meeting development needs; and the number of Local Plans prepared in recent years in which Local Planning Authorities have made alterations to the Green Belt to accommodate development needs. Nevertheless, and putting to one side the aforementioned, if one were to consider the need to protect Green Belt land overrides the importance of addressing housing needs, then it would still not justify the approach taken by the submitted ALP. This is because there is at least one non-Green Belt site – one that would have made a substantial contribution towards meeting housing needs – which was proposed to be allocated in the Regulation 18 iteration but no longer is in the submitted ALP: Land off, Cauldwell Road, Sutton-in-Ashfield ('the Site').

2.23. The flawed approach to the rejection of the Site for allocation in the submitted ALP, and the resultant housing shortfall against need, is discussed in our Regulation 19 representations and not repeated here. But to confirm, our concerns set out within these remain.

2.24. The above issues should also be seen in the context of the NPPF's exhortation at paragraph 60 to significantly boost housing supply, in the midst of a national housing shortage.

2.25. In summary, the submitted ALP itself acknowledges that it will not meet minimum housing needs. The failure to do so means the submitted ALP cannot, by definition, be considered positively prepared. It is therefore unsound. In planning to fail to meet housing requirements, the submitted ALP has unjustifiably rejected a non-Green Belt site that has the potential to deliver c.1,000 homes, and which the Council had previously deemed sustainable and deliverable such that it was proposed for allocation at the Regulation 18 stage.

***Q.2.6 How has the SA considered the under-allocation of housing compared to the housing requirement over the full plan period***

2.26. Please see our Matter 1 Hearing Statement, response to Question 1.15 and 1.18.

2.27. Our response to Q1.15 sets out our concerns regarding the ALP Sustainability Appraisal ('the SA')'s approach to the appraising the submitted ALP's failure to meet housing needs in the context of the SEA Regulations. However, and as stated at paragraph 2.23 of our Matter 1 Hearing Statement, such concerns also go to the soundness of the submitted ALP.

2.28. We do not repeat the concerns set out in our Matter 1 Hearing Statement here. In addition to these, and in relation to the soundness of the submitted ALP, we consider the SA has not appropriately explained and considered the negative impacts of the submitted ALP's failure to meet housing needs.

2.29. We would have expected the SA to have identified and explained to decision-makers the following negative impacts:-

Social impacts:

- Greater housing affordability issues.
- Increased homelessness.

- Greater overcrowding.
- More people living in unsuitable accommodation / limiting opportunities to move to suitable accommodation.
- Negative impacts on physical and mental health.<sup>3</sup>
- Delayed life milestones (e.g. postponing starting a family, changing career, etc.).<sup>4</sup>

Environmental impacts:

- Less biodiversity net gain (BNG) (less development equates to less BNG required to accompany it).
- People living in older accommodation, the environmental performance of which is likely to be less (potentially substantially so).

Economic impacts:

- Housing development had intrinsic economic benefits, both during the development stage in term of those directly and indirectly employed in the construction of the development; as well as on an ongoing basis as a result of increased expenditure within the local area. Clearly, the less development the less these economic benefits will be realised.
- Reduce labour mobility and lower productivity, as lack of housing options makes it harder for people to move to areas where there are employment opportunities.

2.30. We do not consider the above were properly considered in the SA in its appraisal of options relating to housing supply, or explained to decision-makers in terms of the potential impacts of these decisions.

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<sup>3</sup> Lloyds Banking Group (2024) *Chronic shortage of social housing leaves families stuck in harmful accommodation*

<sup>4</sup> Ibid

### 3 MATTER 2 ISSUE 2 QUESTIONS

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***Q.2.8 – How does the need for affordable housing compare to the housing requirement? Based on the thresholds and requirements in Policy H3, will affordable housing needs be met?***

- 3.1. The submitted ALP refers to an affordable (rented) housing need of 237 dwellings per annum (dpa), informed by the Greater Nottingham and Ashfield Housing Needs Assessment (2020) ('the HNA 2020') (document SEV.19). This is also the figure discussed in Background Paper 2. Over the 17-year plan period equates to a total affordable rent need of 4,029 dwellings.
- 3.2. The Greater Nottingham and Ashfield Housing Needs Update (2024) ('the HNA 2024') (document reference SEV.19a) provides the latest calculation of affordable housing need for Ashfield: 302 affordable (social / affordable rent) dpa. Over the 17-year plan period equates to a total affordable rent need of 5,134 dwellings.
- 3.3. The submitted ALP proposes 25% of residential development on greenfield sites, and 10% of previously developed land, will be provided as affordable housing. It appears that any greater requirement would give rise to viability concerns (as per Ashfield District Council Whole Plan Viability Assessment (document SEV.38)).
- 3.4. The submitted ALP proposes a total of 6,700 dwellings be delivered over the plan period. Of these, 3,757 do not yet have planning permission (i.e. sites to which a new affordable housing policy could potentially be applied).
- 3.5. From the list of sites in Policy H1, it appears the vast majority of allocations are greenfield, with the total contribution from brownfield sites without permission listed in this table equating to 153 dwellings.

- 3.6. Consequently, and assuming no site-specific viability issues, the affordable contribution from greenfield sites without permission could be assumed to total 901 (25% of 3,604); and 15 (10% of 153) from previously developed land. This would equate to a total affordable housing provision of 916 homes from this source by 2040.
- 3.7. This excludes potential affordable supply from sites which already have planning permission and windfall sites, the projected affordable housing contribution from which is unclear. The Council's Housing Monitoring Report suggests that the average proportion of dwellings coming forward in the District as affordable between 2010 and 2024 was 17%. Assuming that the contribution from existing commitments, small sites, windfall etc, is likely to continue to provide a similar proportion of affordable housing, this would result in delivery of 500 affordable homes by 2040.
- 3.8. As such, the submitted ALP could be reasonably expected to deliver c.1,400 affordable homes over the plan period, compared with a need for 5,134 over the same period.
- 3.9. Even if one were to allow for a significant margin of error in respect of any of the above calculations, it is abundantly clear that the submitted ALP will only deliver a fraction of the District's total affordable housing need.
- 3.10. The Ashfield District Council Whole Plan Viability Assessment confirms that the numbers of affordable homes cannot feasibly be increased by simply demanding a greater percentage contribution from sites proposed to be allocated which are yet to achieve planning permission.
- 3.11. The only realistic way to ensure a greater proportion of affordable housing needs are met is to increase the total number of new homes provided, with a particular focus on allocating additional sites capable of delivering affordable homes.