

**ASHFIELD DISTRICT COUNCIL**



Council Offices,  
Urban Road,  
Kirkby in Ashfield  
Nottingham  
NG17 8DA

## **Agenda**

### **Local Plan Development Committee**

Date: **Monday, 3rd July, 2023**

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Time: **10.00 am**

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Venue: **Council Chamber, Council Offices, Urban Road,  
Kirkby-in-Ashfield**

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# Local Plan Development Committee

## Membership

**Chairman:** Councillor Paul Grafton  
**Vice-Chairman:** Councillor John Smallridge

**Councillors:**  
Samantha Deakin  
Christopher Huskinson  
Matthew Relf  
Jason Zadrozny  
Arnie Hankin  
Gordon Mann  
Helen-Ann Smith

## FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

## SUMMONS

You are hereby requested to attend a meeting of the Local Plan Development Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



**Theresa Hodgkinson**  
**Chief Executive**

## **AGENDA**

## **Page**

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. To receive the minutes of the meeting of the Panel held on 17 January 2023. 5 - 8
4. **Local Plan Regulation 19 Vision, Key Issues and Strategic Objectives.** 9 - 14
5. **Local Plan Regulation 19: Revised Plan Period.** 15 - 18
6. **Local Plan Viability, Affordable Housing and Infrastructure.** 19 - 30
7. **Local Plan Settlement Boundary, Larch Close, Underwood and Main Urban Area Boundary, Back Lane, Skegby.** 31 - 36
8. **Levelling Up and Regeneration Bill - Planning Policy.** 37 - 42

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## LOCAL PLAN DEVELOPMENT PANEL

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,  
on Tuesday, 17th January, 2023 at 11.05 am

**Present:** Councillor Daniel Williamson in the Chair;

Councillors Arnie Hankin, Rachel Madden,  
Matthew Relf, Kevin Rostance, John Smallridge,  
Helen-Ann Smith (as substitute for Lee Waters)  
and Jason Zadrozny.

**Apologies for Absence:** Councillors Keir Morrison and Lee Waters.

**Officers Present:** Lynn Cain, Julie Clayton, Louise Ellis,  
Lisa Furness, Neil Oxby, Christine Sarris and  
Melanie Wheelwright.

**In Attendance:** Councillors David Martin and John Wilmott.

### **LP.16 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests**

No declarations of interest were made.

### **LP.17 Minutes**

RESOLVED

that the minutes of the meeting of the Panel held on 15 November 2022, be received and approved as a correct record.

### **LP.18 Cabinet Decision 13 December 2022: Scenario 2**

The Forward Planning & Economic Growth Team Manager advised the Panel of Cabinet's decision in relation to the Emerging Local Plan – Next Steps report, considered at its 13 December 2022 meeting as follows:

*“RESOLVED*

*that having considered the implications of the third scenario as presented to Cabinet, approval be given to take forward the following housing requirement reflecting Scenario 2 (as set out in the Local Plan Development Panel report of 15 November 2022) plus three additional recommendations (as agreed by the Panel at the same meeting):*

- *to reflect the standard method of housing need;*
- *to provide a minimum of a 10-year housing supply;*

- *new settlements in the Green Belt (Whyburn Farm) and Cauldwell Road being removed from the emerging Local Plan going forward;*
- *Strategic Policy S3 Location of Development being reviewed to include a spatial strategy within the Policy;*
- *SHELAA (SJU043) adjacent to an existing allocation at Underwood H1vg Land North of Larch Close, being included in the emerging Local Plan;*
- *changes being made to the Main Urban Area boundary at Skegby, subject to a masterplan/design brief being developed to protect the setting of the listed building at Dalestorth House.”*

(During consideration of this item, Councillor Matthew Relf entered the meeting at 11.09am.)

**LP.19 Open Consultation Levelling-Up and Regeneration Bill: Reforms to National Planning Policy**

The Council’s Planning Officer presented the item and advised Members that a public consultation exercise was currently running in respect of the content of the Levelling-Up and Regeneration Bill. Members were encouraged to submit their comments/views by the deadline date of 2 March 2023.

Planning Officers were due to meet with the Planning Inspectorate in early February to consider current arrangements and potential changes should the Bill receive Royal Assent, in respect of the Council’s Emerging Local Plan.

To conclude, it was welcomed that the Council’s progress in respect of the Emerging Local Plan was still aligning with the direction of travel of Government and its proposals for Planning reform.

AGREED

that the information as presented, be received and noted.

**LP.20 Evidence Base Update**

The Council’s Planning Officers presented the update to Members in respect of the following studies and assessments:

Transport Study

Work was continuing in conjunction with Nottinghamshire County Council (NCC) in respect of implications arising from transport development proposals and any mitigations required. Concerns were raised in respect of local bus companies recently cancelling much needed bus services and whether this decline in provision would be reflected accurately in the study.

#### Heritage Impact Assessment (HIA)

Development sites were being assessed to identify if any potential harm could befall any designated or non-designated heritage assets. Currently 44 sites had been looked at with 12 being shortlisted as priority sites for more in depth examination.

#### Habitats Regulation Assessment (HRA)

An assessment to screen for any development effects on international habitat sites although none were currently located within Ashfield. Members were advised that the Council must take into consideration possible potential special protection areas with regard to certain bird species. Draft policies in the Emerging Local Plan would assist in the consideration of planning applications with regard to significant habitats.

#### Whole Plan Viability Assessment

An assessment to ensure the Emerging Local Plan would be capable of delivering whilst ensuring a viable mix of affordable housing and infrastructure. The document would be setting out basic assumptions made on various cost inputs from a strategic overview standpoint.

#### Infrastructure Delivery Plan

The document will consider and evidence the physical, social and green infrastructure to provide support for the Emerging Local Plan.

#### Sustainability Appraisal (SA)

A legally required appraisal to inform the approach to the Local Plan as an ongoing process.

#### Strategic Flood Risk Assessment (SFRA)

Flood risk assessment must be undertaken when considering design and location of development. The Council was keen to work with developers at an early stage to ensure consideration is given to all flood risk mitigation techniques at an early stage.

#### Statement of Common Ground

The Statement would be produced in line with legal and national policy requirements and would demonstrate that the Local Plan is based on effective and ongoing cooperation with other Councils and infrastructure providers.

#### Retail Study

Due to the last study being undertaken in 2016, a new study was being commissioned to consider opportunities within the changing retail environment and to ensure alignment with the Council's aspirations.

#### Brownfield Analysis

Additional work to be undertaken to confirm that no significant brownfield land is available in suitable locations within the District.

#### Background Papers

Officers were currently updating background papers in response to Scenario 2 as approved by Cabinet.

AGREED  
that the update be received and noted.

(During consideration of this item, Councillor Jason Zadrozny entered the meeting at 11.24am and left at 11.45am.)

**LP.21 Regulation 19 Consultation Strategy**

Members were advised that the next stage in the Local Plan development process was to undertake the Regulation 19 Consultation. The consultation would run for a minimum of six weeks and would be more limited as reflected in the consultation methods being utilised.

Any responses received during the consultation would be considered solely by the Planning Inspector and not the Council.

AGREED  
that the arrangements for undertaking the Regulation 19 Consultation, as presented, be received and noted.

**LP.22 Draft Developer Guide to Biodiversity and Nature Conservation**

The Forward Planning & Economic Growth Team Manager presented the draft Developer Guide to Biodiversity and Nature Conservation and asked Members to review its content prior to consideration by Cabinet.

AGREED  
that the draft Developer Guide to Biodiversity and Nature Conservation, as appended to the report, be recommended to Cabinet for approval.

The meeting closed at 12.10 pm

Chairman.





<b>Report To:</b>	<b>Local Plan Development Committee</b>
<b>Date:</b>	<b>3<sup>RD</sup> JULY 2023</b>
<b>Heading:</b>	<b>LOCAL PLAN REGULATION 19, VISION, KEY ISSUES AND STRATEGIC OBJECTIVES</b>
<b>Executive Lead Member:</b>	<b>NOT APPPLICABLE</b>
<b>Ward/s:</b>	<b>ALL WARDS</b>
<b>Key Decision:</b>	<b>No</b>
<b>Subject to Call-In:</b>	<b>No</b>

### **Purpose of Report**

To consider changes to the Vision, Key Issues and Strategic Objectives of the Local Plan.

### **Recommendation(s)**

**Cabinet be recommended to amend the Vision, Key Issues and Strategic Objectives for the Regulation 19 Local Plan, as set out in the Report.**

### **Reasons for Recommendation(s)**

To consider the responses from the Regulation 18 Local Plan Consultation and the emphasis the Council places on tackling climate change.

### **Alternative Options Considered**

To make no amendments to the Regulation 18 Draft Local Plan.

### **Detailed Information**

The responses to the Regulation 18 Draft Local Plan consultation in relation to the Vision and Spatial Objectives are summarised in Table 1. The Regulation 18 Local Plan is available on the Council's website on the [Ashfield Draft Local Plan Consultation \(Regulation 18\)](#) page.

	Support	Objection	Comment	Petition signatures	Main Aspects	Response
Vision	5	2	3	N/A	Objections from planning agents, the vision does not comply with NPPF para 22. Plan with large scale development such as new settlements require the vision to look over at least 30 years.	The Vision may need to be amended dependent on the approach adopted by the Council in taking the Local Plan forward.
Strategic Objectives	26	2	15	N/A	<ul style="list-style-type: none"> <li>• Majority support for the objectives in the Plan.</li> <li>• Objections relate to: <ul style="list-style-type: none"> <li>➤ 457 dwellings should be a minimum housing requirement.</li> <li>➤ The Plan period should cover up to 2040.</li> <li>➤ Bestwood Village should be included in the Hucknall Sub area.</li> <li>➤ Questions about why some heritage assets are included on the key diagram but not others (i.e. Scheduled Ancient Monuments and Historic Parks and Gardens).</li> <li>➤ Strategy for new settlements, should be sustainable urban extensions on the edge of existing settlements first and the new settlements are not viable or deliverable.</li> </ul> </li> </ul>	Slight change in the wording of SO11 To meet the global challenge of Climate Change and SO13 Minimising our Impact on the Environment to identify nature based solutions.

**Table 1: Summary Response to the Vision and Strategic Objectives Local Plan Regulation 18 Consultation.**

Source: Ashfield District Council Local Plan Statement of Consultation August 2022, Regulation 18

## Vision

The Vision in the Draft Local Plan sets out the following:

**Vision:** 'Ashfield, a place to be proud of'

Ashfield is a District where people of all ages are proud to live, study, work, visit and aspire to stay.

High quality design and place making will shape the delivery of new development, responding to the infrastructure requirements of new and existing local communities and rising to the challenge of climate change.

New housing is responsive to local needs, enhancing the built environment and reflecting the distinctive characteristics of Ashfield's towns and villages. The lifestyle of the community will be enhanced by accessible health, leisure, and education opportunities.

Building on our transport links, a more diverse and thriving economy will encourage higher educational attainment, business enterprise, quality jobs and provide opportunities for a skilled workforce.

Sutton in Ashfield, Hucknall and Kirkby-in-Ashfield will have thriving, vibrant town centres, providing a mix of retail, cultural, employment and local services, places where people want to visit and live.

The District's rich heritage, scenic countryside and biodiversity are valued resources for local residents to discover, providing opportunities for tourism and recreation.

A significant number of the responses identified that the Vision did not accord with the National Planning Policy Framework in paragraph 22 which identifies that “Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.” Further to the Cabinet decision of 13<sup>th</sup> December 2022, the two proposed new settlements at Whyburn Farm and Cauldwell are no longer in the Plan. Consequently, this aspect of NPPF paragraph 22 is not considered to apply. However, changes are recommended to the Vision and other aspects of the Plan to reflect the emphasis the Council places on tackling climate change within the District.

The proposed amendments are set out through:

- a) Deletions to the existing text being crossed through, or
- b) Additional text being identified in blue font.

**Vision:** ‘Ashfield, a place to be proud of’

Ashfield is a District where people of all ages are proud to live, study, work, visit and aspire to stay.

High quality design and place making will shape the delivery of new development, responding to the infrastructure requirements of new and existing local communities ~~and rising to the challenge of climate change~~. New housing is responsive to local needs, enhancing the built environment and reflecting the distinctive characteristics of Ashfield’s towns and villages. The lifestyle of the community will be enhanced by accessible health, leisure, and education opportunities, **which will reduce health and income inequality in the district.**

**Working in Partnership with other organisations and residents, Ashfield will have taken major steps towards becoming net- zero carbon by 2050. The design and layout of development will reflect the change to drier and hotter summers, including the utilisations of green roofs and green space with extensive tree planting. Green space will be utilised to minimising the increased risk of flooding from all sources. New houses and employment units will be energy efficient, utilising solar and other forms of low carbon energy, reflecting electricity generated from a low carbon grid, combined heat and power plants and local heat sources such as mine water. To minimise the impact of periods of drought, development will be designed to use water efficiently, which facilitate ecosystems with less water being taken out of rivers and aquifers. Vehicles will be substantially powered by electricity resulting in significant local air quality benefits. The emphasis on green infrastructure will facilitate cycling and walking to access local facilities and services, achieving a shift in travel behaviour reducing energy usage and improving the health of residents.**

Building on our transport links, a more diverse and thriving economy will encourage higher educational attainment, business enterprise, quality jobs and provide opportunities for a skilled workforce. **Improved interchange between transport modes and the use of innovative solutions will help to manage the utilisation of the highway network for all users.**

Sutton in Ashfield, Hucknall and Kirkby-in-Ashfield will have thriving, vibrant town centres, **offering local products from local sources. They will** provide a mix of retail, cultural, employment and local services, **being** places where people want to visit and live.

The District’s rich heritage, scenic countryside and biodiversity are valued resources **which will be protected and enhanced** for local-residents to discover and providing opportunities for tourism and recreation.

## Key Issues

It is recommended that the key issues identified in the Plan in Chapter 1 are amended to place a further emphasis on climate change with the addition of the following paragraph:

## Climate Change

Climate change has substantial implications for future generations and action is needed by all to meet national and local targets to reduce carbon emissions and other gases, which make major contributions towards the rises in air and sea temperatures. Ashfield has committed to do everything possible to combat climate change and it is a main priority for the local plan. The challenge for us is to provide for new homes and jobs in a way that does not have a detrimental impact on our climate and environment.

The response from the Lead Local Flood Authority has recommended changes to reflect that there are a significant number of properties and infrastructure, which are potentially at risk from surface water. The Plan's policies ensure that this is an aspect that is taken fully into account when a planning application is submitted.

## Flooding and Water

- While the risk of flooding from watercourses is relatively low there is a risk from flooding in specific areas, in particular, Hucknall and Jacksdale. Further, additional water into the River Leen raises significant flood issues in Nottingham.
- Ensuring that development contributes towards reducing flooding risk through improvements to the drainage infrastructure and the use of sustainable urban drainage systems.
- Ashfield is substantially located within Flood Zone 1, which is land at the lowest risk of flooding from watercourses. Nevertheless, there are areas at risk of flooding from watercourses including parts of Hucknall and Jacksdale. Further, additional water into the River Leen raises significant flood issues in Nottingham. The Nottinghamshire Local Flood Risk Management Strategy 2021-27 identifies that approximately 3,783 residential, and commercial properties together with critical infrastructure is at a high or medium risk of flooding. The Council's approach is to ensure that the risk of flooding is minimised and does not increase the risk of flooding to the surrounding area. It promotes the use of SUDS and blue / green infrastructure throughout development to ensure a sustainable approach to the management of water and flood risk.
- Reducing the level of water use given the constrained water supply for Greater Nottingham and Ashfield.

## Strategic Objectives

A number of the responses to the strategic objectives related to wider aspects of the Plan rather than the specific wording and intention of the objectives. Amendments to Strategic Objectives SO11, "To meet the global challenge of climate change" and SO13, "Minimising our Impact on the Environment" are proposed to identify nature based solutions, as set out below.

### SO11 To meet the global challenge of climate change.

To rise to the global challenge of climate change, which at a local level presents risks to people, property, infrastructure and natural resources by:

- c) Facilitating the integration of sustainable building design principles in new development, improve the resilience of buildings and places to cope with a changing climate, ensuring flood risk is managed by encouraging nature based solutions and potential problems of extreme weather are minimised;

### SO13 Minimising our Impact on the Environment

Promote the efficient use of resources by embracing sustainable patterns of development including:

- c) Minimising the impact of new development on natural resources. Avoiding the impacts of new development on natural resources wherever possible and minimise, mitigate and compensate where it cannot be avoided.

It is proposed that Cabinet is recommended to amend the Vision, Key Issues and Strategic Objectives in the Regulation 19 Local Plan, as set out in the Report.

## Implications

**Corporate Plan:** Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

**Legal:** The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the legislative requirements in bringing a local plan forward. Under Section 20 of The Act, an authority must not submit a Local Plan unless they have complied with any relevant requirements contained in the regulations and the document is ready for independent examination. [RLD 15/06/2023]

**Finance:** There are no direct financial implications arising as a result of this report. [CWH 15/06/23].

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

## Risk:

Risk	Mitigation
No risks in relation to the report have been identified.	-

**Human Resources:** There are no direct HR implications contained within this report.

**Environmental/Sustainability:** Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory

Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

**Equalities:** An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

**Other Implications:** None

**Reason(s) for Urgency:** Not applicable

**Reason(s) for Exemption:** Not applicable

### **Background Papers**

Draft Local Plan Regulation 18, which is available on the Council's website.

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<b>Report To:</b>	<b>LOCAL PLAN DEVELOPMENT COMMITTEE</b>
<b>Date:</b>	<b>3<sup>RD</sup> JULY 2023</b>
<b>Heading:</b>	<b>LOCAL PLAN REGULATION 19: REVISED PLAN PERIOD</b>
<b>Executive Lead Member:</b>	<b>NOT APPLICABLE</b>
<b>Ward/s:</b>	<b>ALL WARDS</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

### **Purpose of Report**

To consider changes to the Local Plan period and base date.

### **Recommendation(s)**

**Cabinet be recommended to approve re-basing the Local Plan period from 2020-2038 to 2023-2040 for the Regulation 19 Local Plan, as set out in the Report.**

### **Reasons for Recommendation(s)**

Extending the end date for the Regulation 19 Local Plan from 2038 to 2040 will enable a 15 year plan period post-adoption (anticipated to be 2025). Re-basing the start date from 2020 to 2023 will mean the most up to date Local Housing Need figure can be used throughout the whole Plan Period at this stage.

### **Alternative Options Considered**

To make no amendments to the Regulation 18 Draft Local Plan.

## **Detailed Information**

Paragraph 22 of the National Planning Policy Framework (NPPF) is clear that strategic policies should be prepared over a minimum 15 year period from adoption of a local plan, and that a local planning authority should be planning for the full plan period. (More details set out in Planning Practice Guidance Plan Making Paragraph: 064 Reference ID: 61-064-20190315).

The Regulation 18 draft Local Plan which was the subject of public consultation in October/November 2021 set out policies for the period 2020 to 2038. At that time, this was consistent with the anticipated timeframe for adoption of the plan to enable conformity with the NPPF requirement to plan ahead for 15 years.

The timeframe for the progression of the Local Plan has now been revised and final adoption is expected in early 2025. As a consequence, it is proposed to extend the end date of the Plan to 2040 in accordance with government policy. This will need to be reflected in all relevant policies and, in particular, will require updates to the level of housing need.

In addition, it is recommended that the start date for the Local Plan is re-based to 2023 from 2020. In respect of housing requirements, the Council base the level of need on a standard methodology set out in government guidance. The Local Housing Need (LHN) generated using the standard method changes year on year as the inputs are variable, being based on a rolling 10-year household growth projection alongside affordability ratios which are updated annually. The current LHN for Ashfield (April 2023) is calculated to be 446 dwellings per annum. The LHN for years 2020 to 2023 are: 2020/21 – 482 dpa; 2021/22 – 457 dpa; 2022/23 – 467 dpa.

Re-basing the start date for the Local Plan will enable the most up to date assessment of housing need to be applied consistently throughout the whole Plan period, without having to rely on stepped levels of need in the early years. Taking this approach will also slightly reduce the District's undersupply of housing land to meet the need. Government guidance sets out that local housing need calculated using the standard method may be relied upon for a period of 2 years from the time that a plan is submitted to the Planning Inspectorate for examination (Paragraph: 008 Reference ID: 2a-008-20190220). In this respect, the LHN may not need to change before the final Local Plan is adopted - however this will be dependent on timescales and any future changes in the Government's approach to assessing housing need.

Another implication of the rebasing of the Local Plan is that employment land requirements will be extended for an additional period of two years. There is no specific methodology at a national level to arrive at employment land requirements. Planning Practice Guidance Housing and economic needs assessment, identifies that councils will need to develop an idea of future needs based on a range of data which is current and robust, such as:

- sectoral and employment forecasts and projections which take account of likely changes in skills needed (labour demand);
- demographically derived assessments of current and future local labour supply (labour supply techniques);
- analysis based on the past take-up of employment land and property and/or future property market requirements;
- consultation with relevant organisations, studies of business trends, an understanding of innovative and changing business models, particularly those which make use of online platforms to respond to consumer demand and monitoring of business, economic and employment statistics.



This is reflected in the Local Plan evidence base Employment Land Needs Study (Lichfields) which covers the period 2018 to 2038, Background Paper No 3 Economy and Employment Land August 2021 and the Logistics Study. It is anticipated that the existing evidence would need to be projected forward for a two year period to reflect the potential demand to 2040 and an appropriate level of supply of employment land identified to meet any additional demand.

Advice has been sought from the Planning Advisory Service (PAS) who were supportive of the approach to re-basing the Plan period at this time.

## Implications

**Corporate Plan:** Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

**Legal:** The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the legislative requirements in bringing a local plan forward. Under Section 20 of The Act, an authority must not submit a Local Plan unless they have complied with any relevant requirements contained in the Regulations and the document is ready for independent examination. Under the Act a local plan is subject to an examination in public by a planning inspector. The National Planning Policy Framework, paragraph 35, requires the inspector to consider whether a plan is ‘sound’. Soundness includes that strategic policies in a local plan are *“Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”* [RLD 15/06/2023]

**Finance:** There are no direct financial implications arising as a result of this report. [CWH 15/06/23].

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	none

## Risk:

Risk	Mitigation

If amendments are not made to the plan period the Regulation 19 Local Plan will not comply with National Planning Policy on the timescale for strategic policies in a local plan.	To amend the plan period as set out in the report.
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**Human Resources:** There are no direct HR implications contained within this report.

**Environmental/Sustainability:** Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

**Equalities:** An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

**Other Implications:** None

**Reason(s) for Urgency:** Not applicable

**Reason(s) for Exemption:** Not applicable

### **Background Papers**

Draft Local Plan Regulation 18, which is available on the Council's website.

### **Report Author and Contact Officer**

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<b>Report To:</b>	<b>Local Plan Development Committee</b>
<b>Date:</b>	<b>3<sup>RD</sup> JULY 2023</b>
<b>Heading:</b>	<b>LOCAL PLAN VIABILITY, AFFORDABLE HOUSING, AND INFRASTRUCTURE</b>
<b>Executive Lead Member:</b>	<b>NOT APPLICABLE</b>
<b>Ward/s:</b>	<b>ALL WARDS</b>
<b>Key Decision:</b>	<b>No</b>
<b>Subject to Call-In:</b>	<b>No</b>

### **Purpose of Report**

To consider the basis of the Affordable Housing Policy and the contributions towards infrastructure in the emerging Local Plan arising from the conclusions of the Whole Plan Viability Study.

### **Recommendation(s)**

**Cabinet be recommended to approve the conclusions of the Whole Plan Viability Assessment, March 2023, set out in the Report, to form the basis of the Local Plan policies for the provision of affordable housing and infrastructure contributions.**

### **Reasons for Recommendation(s)**

National planning policy and guidance identifies that planning contributions should be set out in policies in the local plan and should be informed by evidence of infrastructure and affordable housing need and a proportionate assessment of viability.

### **Alternative Options Considered**

To take alternative combinations of affordable housing and infrastructure contributions forward as the basis of the Local Plan policies rather than those identified in the conclusions of the Whole Plan Viability Assessment, March 2023. This would require additional consideration of the viability implication of the revised options.

## Detailed Information

Through Section 106 Agreements, the Council currently requires the provision of affordable housing and contributions towards infrastructure. Planning obligations assist in mitigating the impact of development to make it acceptable in planning terms by contributing towards infrastructure. However, planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms.

Planning Practice Guidance on Viability sets out that policies for planning obligations should be set out in the Local Plans and will be subject to examination by the Inspector. Policies should be informed by evidence of infrastructure and affordable housing need and a proportionate assessment of viability.

### Affordable Housing

For major development (10 or more dwellings or a site which has an area of 0.5 ha or more) affordable housing requirements in Ashfield are based on the provision of the Ashfield Local Plan Review 2002 (ALPR) and National Planning Practice Framework (NPPF). ALPR, Policy HG4 requires that 18.5% of dwellings in Hucknall on sites of 25 dwellings or more are affordable housing, with a figure of 6% of dwellings in the rest of the District. However, on the basis of the provisions in the NPPF, the Council identifies a requirement for affordable housing on any major housing development and a minimum requirement for the District, other than Hucknall, of 10% affordable housing.

The evidence base for the emerging Local Plan includes the Greater Nottingham and Ashfield Housing Needs Assessment, 2020, undertaken to support the preparation of local plans looking ahead to 2038 and to provide evidence to support housing market interventions and prospective future funding bids. It includes an assessment of affordable housing need, which responds to the widened definition of affordable housing set out in the NPPF 2019. This includes households who might be able to rent a home in the private sector without financial support but aspire to own a home and require support to do so. In summary, it identifies the following:

- A net need for rented affordable housing in Ashfield of 237 per annum.
- There was not a requirement for affordable home ownership (low-cost homes for sale).

The data indicates that there are many households across Greater Nottingham and Ashfield who are being excluded from the owner-occupied sector. The analysis identifies that a key issue in the study area is about access to capital (e.g. for deposits, stamp duty, legal costs) as well as potentially mortgage restrictions (e.g. where employment is temporary) rather than simply the purchase price of mortgage repayments. The Study concludes that if the Council were to seek to provide housing as affordable home ownership, shared ownership would be the most appropriate option as it can provide a valuable first step into home ownership.

Affordable Housing is assessed within the context of the NPPF, paragraph 65, which identifies that planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership (subject to exemptions). Planning Practice Guidance First Homes identifies that First Homes are the government's preferred form of affordable home ownership. They are a specific kind of discounted market sale housing which:

- a. must be discounted by a minimum of 30% against the market value;
- b. are sold to a person or persons meeting the First Homes eligibility criteria;

- c. on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d. after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

The PPG identifies that First Homes “*should account for at least 25% of all affordable housing units delivered by developers through planning obligations.*” Therefore, if the Council adopts shared ownership rather than First Homes this would have to be justified to the Inspector at the Examination in Public of the Local Plan.

It should be noted that the Housing Need Study dates from 2020 and utilises data from the Census 2011. As information is increasingly available from the 2021 Census, the Study may be considered out of date by the Inspector on examination of the Plan. Consequently, in combination with the Greater Nottingham Authorities (excluding Erewash Borough Council) an update of the Study is being sought to determine that circumstances have not changed based on the latest data available.

### Infrastructure

Infrastructure comprises physical infrastructure, social infrastructure, and green infrastructure, which includes education, health, transport, flood and water management, green space, and digital infrastructure. In relation to infrastructure, it should be noted that:

- Biodiversity Net Gain (BNG) will be a requirement in the future set out at a national level with the emerging Local Plan policy anticipating a minimum of a 10% BNG. There is a cost associated with the provision of BNG.
- The NPPF in paragraph 95, requires that local planning authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on planning applications.

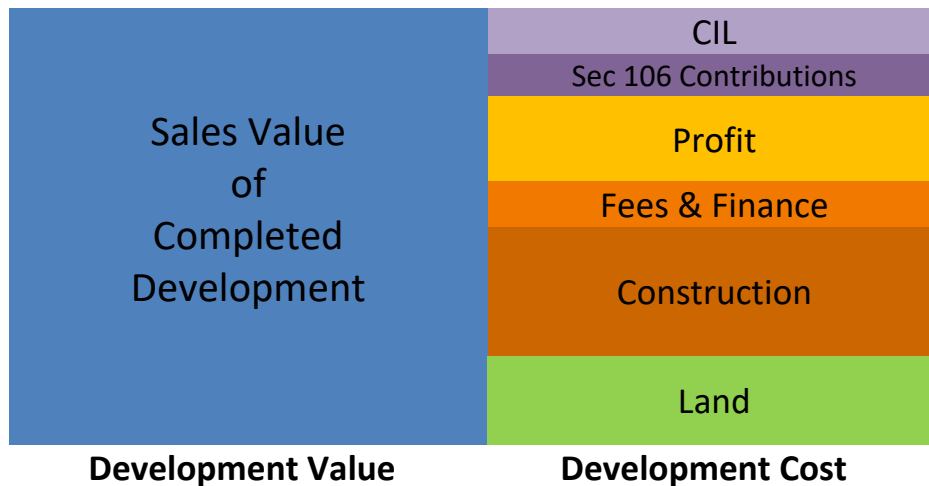
A significant amount of infrastructure is derived through Nottinghamshire County Council who have set out a [Developer Contributions Strategy](#), December 2021. The Strategy identifies the basis of potential contributions towards, education, transport, libraries, waste management, green space and minerals and waste development. A number of strategic transport projects, such as the Maid Marion Line are likely to require some funding contributions at a local level. Projects brought forward through the Towns Fund will require contributions from S106.

### Whole Plan Viability

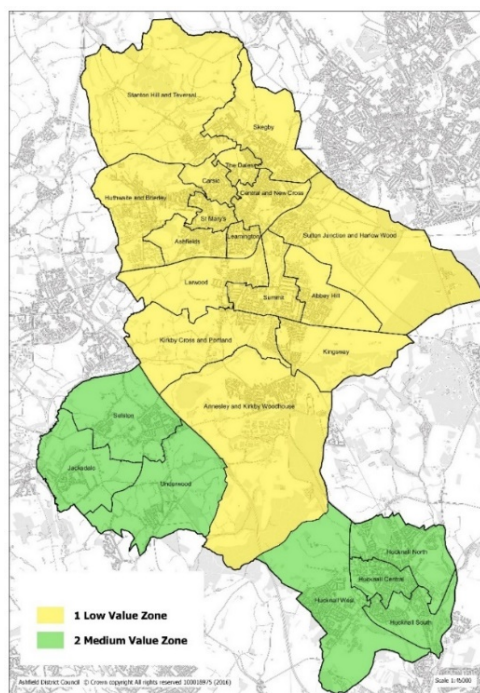
The Local Plan is required to set out the contributions expected from development. This includes setting out the levels and types of affordable housing provision required, along with other infrastructure. However, policy requirements in the Local Plan must be informed by evidence as to whether the affordable housing and infrastructure requirements are practical. Under the provisions of the NPPF and Planning Practice Guidance Viability, a viability assessment is undertaken to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the proposed development in the Plan.

A Whole Plan Viability Assessment 2023 has been undertaken based on a Valuation Report undertaken by HEB Surveyors, and a Construct Cost Study undertaken by Gleeds. The Assessment is available on the Council’s Website - [Whole Plan Viability Assessment 2023](#).

Viability is assessed using an industry standard Residual Model approach. The model subtracts the land value and the development costs from the development value to determine the viability or otherwise of the development (see the diagram below). A number of the inputs are set out in national planning practice guidance. This includes that a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium should reflect what a reasonable landowner would be willing to sell their land for development. A consequence is that there is a difference between existing use values on greenfield sites based on agricultural land values and brownfield sites based on industrial land values.



The HEB valuation study considered evidence of residential land and property values across Ashfield and concluded that there are two sub-market areas for residential development. The lower value areas are around Sutton in Ashfield and Kirkby-in-Ashfield with a higher value sub-market around Hucknall and the rural areas. (See plan below).



The Assessment considered a range of different types of housing sites reflected in the proposed site allocations in the draft Local Plan, see table below.

Urban Edge Large Scale (2, 3, 4 & 5 Bed Housing)	250 units
Urban Edge Medium Scale (2, 3, 4 & 5 Bed Housing)	150 Units
Suburban/Rural Large Scale (2, 3 & 4 Bed Housing)	50 Units
Suburban/Rural Medium Scale (2, 3 & 4 Bed Housing)	20 Units
Infill Housing (3 & 4 Bed Housing)	9 Units

The affordable housing tenure mix also impacts on viability and the Assessment identifies the following values for the different forms of tenure.

Low-Cost Ownership	70% of open market value
Affordable Rents	50% of open market value
Social Rents	40% of open market value

Officers from Forward Planning and Housing Strategy have worked with the consultant in considering affordable housing and infrastructure requirements. Based on information from infrastructure providers, it is anticipated that for a substantial part of the District contributions will be required towards primary school places or secondary school places. Health contributions will be required for expanding facilities, there will be a requirement for biodiversity net gain and contributions towards the bus infrastructure and strategic transport.

Effectively, there is a balance between what sums can be put forward for affordable housing and what can be contributed towards infrastructure. The greater the affordable housing requirements the more limited the sums that can be put towards infrastructure. The greater the infrastructure contributions, the lower the affordable housing percentage that can be required.

A series of policy combination tests were undertaken in the Assessment reflecting:

- a) Differing Affordable Housing delivery levels of 10%-30%.
- b) Alternative levels of S106 contribution from £6,000 - £10,000 per dwelling.

This entailed undertaking more than 480 appraisals considering the various scenarios. A positive figure identifies that the proposal is viable and a negative figure that they are unviable. The results are set out in Section 5 of the Whole Plan Viability Assessment March 2023, which identified the viability margins for the different residential typologies for greenfield and brownfield development based on differing Affordable Housing delivery targets and Section 106 Infrastructure/Net Biodiversity Gain Allowances. Appendix 1 sets out an example of the residual appraisal and illustrates the margins for each combination of Affordable Housing and S106 Infrastructure contribution.

From these results an optimum combination of policy-based contributions was recommended by the Assessment for the whole district as follows:

- Affordable housing, 10% on brownfield land and 25% on greenfield land based on a tenure breakdown of 25% Low-Cost Home Ownership, 25% Social Rent and 50% Affordable Rents.
- S106 contributions of £8,000 per dwelling.

Sensitivity analysis has been undertaken. The Assessment identifies that a 5% reduction in housing values would not prevent housing delivery based on the recommended policy targets in the higher

value Hucknall/Rural sub-market area. In the lower value Sutton/Kirkby sub-market area a reduction in housing values would make viability more marginal but not to such a negative level that delivery would not be possible.

Sheltered Housing was evaluated based on a reduced S106 contribution of £4,000 per dwelling (based on an assumption that education contributions would be unlikely). The results illustrate that Sheltered Apartments may not be capable of making affordable housing contributions but that mixed housing and apartment schemes may be able to make viable contributions on greenfield sites. It should be noted however that the build cost rate evidence for sheltered apartments was limited, and further scheme specific assessment may be required.

For employment development, the Assessment does identify that there is potential for contributions of £15.00 per square metre for distribution units on greenfield sites based on a unit of 6,000 sq. metres.

It is proposed that it is recommended to Cabinet to approve the conclusions of the Whole Plan Viability Assessment, March 2023, as set out in the Report, to form the basis of the Local Plan policies for the provision of affordable housing and infrastructure contributions.

## **Implications**

**Corporate Plan:** Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

**Legal:** The Community Infrastructure Levy Regulations 2010, as amended, Regulation 122 sets out that “A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

From a policy aspect, the NPPF in paragraph 34 set out that “Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.” [RLD 15/06/2023]

**Finance:** There are no direct financial implications arising as a result of this report. However, the report forms the basis on which S106 planning obligations can be identified through the Local Plan in relation to future provision of affordable housing and infrastructure contributions. [CWH 15/06/23].

<b>Budget Area</b>	<b>Implication</b>
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General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

Risk	Mitigation
Viability can change relatively quickly over time.	Sensitivity analysis has been included within the assessment to consider the implications of a fall in residential values.

**Human Resources:** There are no direct HR implications contained within this report.

**Environmental/Sustainability:** Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

**Equalities:** An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

**Other Implications:** None

**Reason(s) for Urgency:** Not applicable

**Reason(s) for Exemption:** Not applicable

**Background Papers**

Ashfield Whole Plan Viability Assessment, March 2023, which is available on the Council’s website.

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## Appendix 1 - Local Plan Viability, Affordable Housing and Infrastructure

An example of the residual appraisals undertaken, which built up to form the conclusions, is illustrated below.

		<b>Residential Viability Appraisal</b>			
<b>DEVELOPMENT SCENARIO</b>	Urban Edge Medium Scale			Apartments	0
<b>BASE LAND VALUE SCENARIO</b>	Greenfield			2 bed houses	45
<b>DEVELOPMENT LOCATION (ZONE)</b>	Hucknall & Rural Zone 10% Aff Hsg			3 Bed houses	68
<b>DEVELOPMENT DETAILS</b>	150 Total Units			4 bed houses	22
<b>Affordable Proportion</b>	10%	15 Affordable Units		5 bed house	15
<b>Affordable Mix</b>	25%	Low Cost Ow	25%	Social Rent	50%
<b>Development Floorspace</b>	12947	Sqm Market Housing	1,155	Affordable Rent	
				Sqm Affordable Housing	
<b>Development Value</b>					
<b>Market Houses</b>					
0	Apartments	65	sqm	2138	£ per sqm
41	2 bed houses	75	sqm	2850	£ per sqm
61	3 Bed houses	90	sqm	2755	£ per sqm
20	4 bed houses	120	sqm	2755	£ per sqm
14	5 bed house	150	sqm	2660	£ per sqm
					£0
					£8,656,875
					£15,174,540
					£6,545,880
					£5,386,500
<b>Low Cost Own</b>					
		70%	Open Market Value		
1	Apartments	65	sqm	1496.6	£ per sqm
2	2 Bed house	75	sqm	1995	£ per sqm
2	3 Bed House	90	sqm	1928.5	£ per sqm
					£72,959
					£224,438
					£260,348
<b>Social Rent</b>					
		40%	Open Market Value		
1	Apartments	65	sqm	855.2	£ per sqm
2	2 Bed house	75	sqm	1140	£ per sqm
1	3 Bed House	90	sqm	1102	£ per sqm
					£41,691
					£192,375
					£74,385
<b>Affordable Rent</b>					
		50%	Open Market Value		
2	Apartments	65	sqm	1069	£ per sqm
3	2 Bed house	75	sqm	1425	£ per sqm
2	3 Bed House	90	sqm	1377.5	£ per sqm
					£156,341
					£320,625
					£278,944
150 Total Units					
<b>Development Value</b>					<b>£37,385,900</b>
<b>Development Costs</b>					
<b>Land</b>					
	Apartments	0	Plots	10917	£ per plot
	2 Bed House	41	Plots	27293	£ per plot
	3 Bed House	61	Plots	31191	£ per plot
	4 Bed House	20	Plots	43668	£ per plot
	5 Bed House	14	Plots	54585	£ per plot
					Total Land £4,615,793
					£736,899
<b>Stamp Duty Land Tax</b>					£184,632
<b>Construction</b>					
	Apartments	2021.7	£ per sqm	<b>Market Housing Construction Cost</b>	
	2 bed houses	1198	£ per sqm		
	3 Bed houses	1198	£ per sqm	<b>Affordable Housing Construction Cost</b>	
	4 bed houses	1198	£ per sqm		
	5 bed house	1198	£ per sqm		
					£15,509,907
					£1,524,746
<b>Additional Affordable Housing Land Cost</b>					
					£365,525
<b>Professional Fees</b>					£1,362,772
<b>Legal Fees</b>					£186,930
<b>Statutory Fees</b>					£187,381
<b>Sales/Marketing Costs</b>					£715,276
<b>Contingencies</b>					£870,009
<b>Planning Obligations</b>					£1,200,000
<b>Interest</b>					£1,480,480
<b>Arrangement Fee</b>					£0
<b>Development Profit</b>					£7,244,244
<b>Total Cost</b>					<b>£35,447,695</b>
<b>VIABILITY MARGIN</b>					<b>£1,938,205</b>
<b>POTENTIAL CIL RATE PER SQ METRE OF MARKET HOUSING (IF APPLICABLE)</b>					<b>£150</b>

In order to evaluate the impact of Affordable Housing provision, residential viability tests were undertaken on the assumption that schemes would deliver 10-30% Affordable Housing and between £6,000 and £10,000 per dwelling towards infrastructure/biodiversity net gain. Each category of development produces a greenfield and brownfield result.

Any positive figures confirm that the category of development evaluated is economically viable in the context of Whole Plan viability and the impact of planning policies. A negative figure identifies that it is unviable.

The minimum margins for each combination of Affordable Housing and S106 Infrastructure contribution are summarised below.

## Sutton & Kirkby Sub-Market Area

### 10% Affordable Housing Delivery

Residential Viability Margin (Sutton & Kirkby)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£188sqm	£42sqm
@£8000 per dwelling S106	£162sqm	£16sqm
@£10000 per dwelling S106	£137sqm	-£9sqm

### 15% Affordable Housing Delivery

Residential Viability Margin (Sutton & Kirkby)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£149sqm	-£3sqm
@£8000 per dwelling S106	£122sqm	-£30sqm
@£10000 per dwelling S106	£96sqm	-£57sqm

### 20% Affordable Housing Delivery

Residential Viability Margin (Sutton & Kirkby)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£106sqm	-£53sqm
@£8000 per dwelling S106	£78sqm	-£82sqm
@£10000 per dwelling S106	£49sqm	-£111sqm

### 25% Affordable Housing Delivery

Residential Viability Margin (Sutton & Kirkby)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£57sqm	-£111sqm
@£8000 per dwelling S106	£27sqm	-£141sqm
@£10000 per dwelling S106	-£4sqm	-£172sqm

## Hucknall & Rural Sub-Market Area

### 10% Affordable Housing Delivery

Residential Viability Margin (Hucknall & Rural)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£223sqm	£77sqm
@£8000 per dwelling S106	£198sqm	£52sqm
@£10000 per dwelling S106	£172sqm	£26sqm

### 20% Affordable Housing Delivery

Residential Viability Margin (Hucknall & Rural)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£144sqm	-£16sqm
@£8000 per dwelling S106	£115sqm	-£44sqm
@£10000 per dwelling S106	£87sqm	-£73sqm

### 25% Affordable Housing Delivery

Residential Viability Margin (Hucknall & Rural)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£96sqm	-£72sqm
@£8000 per dwelling S106	£66sqm	-£102sqm
@£10000 per dwelling S106	£35sqm	-£133sqm

### 30% Affordable Housing Delivery

Residential Viability Margin (Hucknall & Rural)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£42sqm	-£135sqm
@£8000 per dwelling S106	£9sqm	-£168sqm
@£10000 per dwelling S106	-£23sqm	-£201sqm

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<b>Report To:</b>	<b>Local Plan Development Committee</b>
<b>Date:</b>	<b>3<sup>RD</sup> JULY 2023</b>
<b>Heading:</b>	<b>LOCAL PLAN SETTLEMENT BOUNDARY, LARCH CLOSE UNDERWOOD AND MAIN URBAN AREA BOUNDARY, BECK LANE, SKEGBY</b>
<b>Executive Lead Member:</b>	<b>AT APPLICABLE</b>
<b>Ward/s:</b>	<b>ALL WARDS</b>
<b>Key Decision:</b>	<b>No</b>
<b>Subject to Call-In:</b>	<b>No</b>

### **Purpose of Report**

To consider proposed changes to the Draft Local Plan Named Settlement boundary at Larch Close, Underwood and the Main Urban Area Boundary at Beck Lane/Skegby Lane, Skegby.

### **Recommendation(s)**

**Cabinet be recommended to adopt the changes to the Main Urban Area boundary and the New Settlement boundary in the Regulation 19 Local Plan as set out in the Report.**

### **Reasons for Recommendation(s)**

The location of the boundary of the Main Urban Area at Beck Lane, Skegby and the Named Settlement boundary at Underwood were raised at the Local Plan Development Panel Meeting of 15<sup>th</sup> November 2022 in the Emerging Local Plan – Next Steps Report. The recommendation reflects the Panel’s decision to consider an amended Main Urban Area boundary at Beck Lane/Skegby Lane, Skegby and to allocate an addition housing site at land to the north of Larch Close, Underwood.

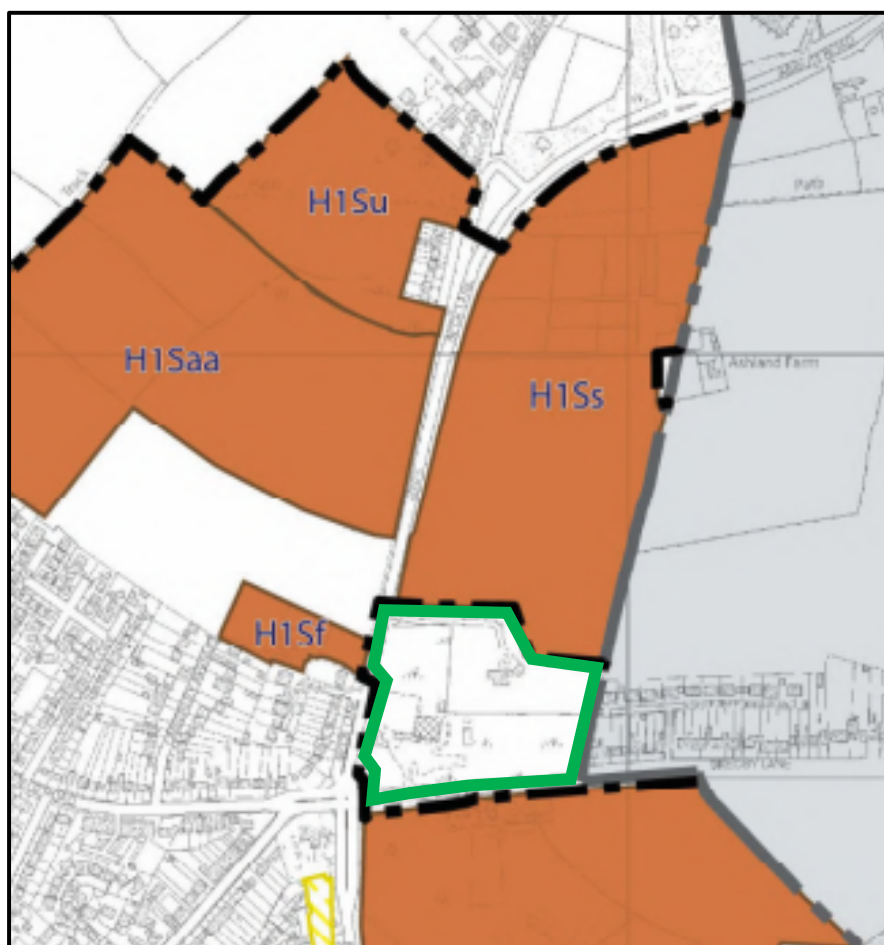
### **Alternative Options Considered**

To make no amendments to the Regulation 19 Local Plan in relation to the boundaries in question.

## Detailed Information

### Beck Lane/Skegby Lane, Skegby

The emerging Local Plan proposes allocations to the north of Ashland House in Policy H1Ss. In combination with proposed allocations H1Su, H1Saa and H1Sf, this will extend the built up area of Skegby to the north (Figure 1). This would leave a small enclave comprising Ashland House, Beck Lane and Dalestorth House, Skegby Lane/Beck Lane in the countryside – shown with a green edge in Figure 1. The land adjoins development along Skegby Lane to the east, which is located within Mansfield District. As and when the proposed housing allocations are built out, this would leave an isolated parcel of land designated as ‘Countryside’ which is surrounded on all boundaries by built development.



**Figure 1: Draft Local Plan Regulation 18 - Main Urban Area Boundary Ashland House, Skegby (black hatched line). Green-edged parcel of land lies outside of the Main Urban Area in the Reg 18 Plan**

Source: Draft Local Plan Policies Map – North Sheet

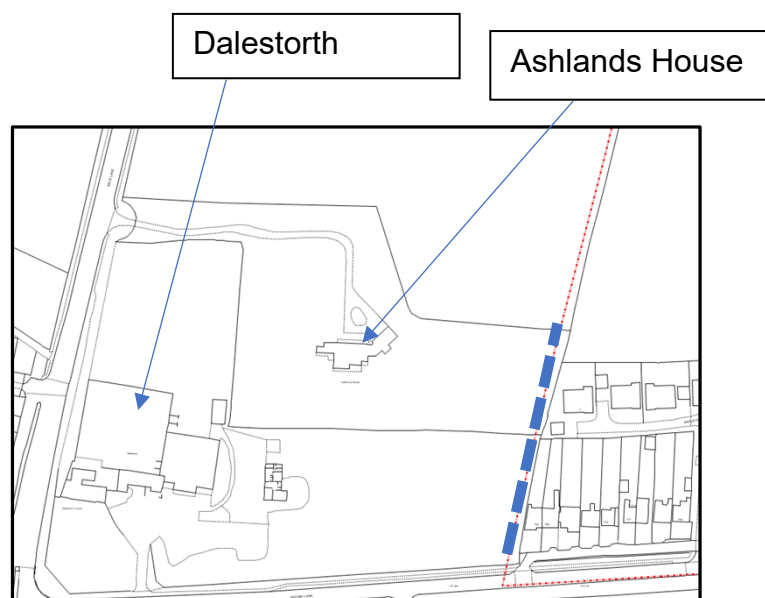
This aspect was raised as part of the consultation responses to the Regulation 18 Local Plan in late 2021, identifying the “anomaly”, and also proposing this area as a potential housing site. The Local Plan Development Panel (LPDP) considered this matter at its meeting of 15th November 2022. It recommended that “changes are made to the Main Urban Area boundary at Skegby subject to a masterplan/design brief being developed to protect the setting of the listed building at Dalestorth House.” The LPDP did not propose that Ashlands House should be allocated for housing.



The implications of removing the area from a 'Countryside' designation would change the policy emphasis in the emerging Local Plan from one of protection, to one where the principal development would be acceptable subject to suitability and detailed design.

As it is not proposed to allocate the land in question for housing and given the requirements set out in national planning policy in relation to designated heritage assets, it is not considered necessary to undertake a development brief. If a planning application is submitted, NPPF paragraph 194 requires that *"in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."* Paragraph 199 requires that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."* However, it should be noted that a planning application for four self-build dwellings in the garden of Ashlands House was considered at appeal with a decision dated 11<sup>th</sup> December 2018. The application was refused on various grounds but, in relation to the proposed development of 4 self-build plots, it was identified that due to its distance from the site and level of screening around the proposed development, the proposal would not harm the setting of the Listed Building.

Given the context, it is proposed that the boundary of the Main Urban Area is amended so that it is located in the same position as to the District boundary with Mansfield District Council, as set out in Figure 2 and identified by the blue dashed line.



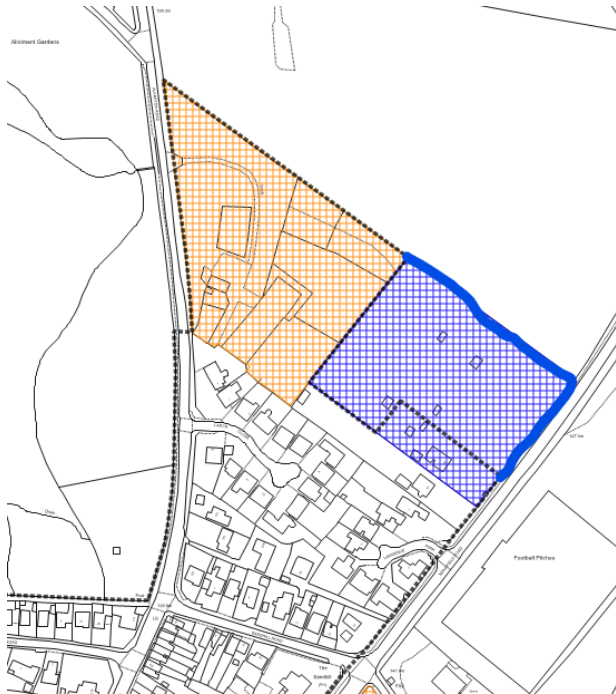
**Figure 2: Ashland House, and Dalestorth**

Source: Map That

### **Land North of Larch Close, Underwood**

A site was submitted to the Strategic Housing and Economic Land Availability Assessment (SHELAA), reference SJU043, during the Draft Local Plan Regulation 18 consultation. The site is substantially in the Green Belt and is located adjacent to an existing proposed allocation at Underwood identified as site H1vg Land North of Larch Close (Policy H1). Information supplied by

Nottinghamshire County Council Highways Department indicates that this site potentially could be combined with the land adjacent to form a new link road between A608 and the B600. This is anticipated to reduce traffic 'rat running' along Sandhills Road. The matter was considered at the Local Plan Development Panel of 15<sup>th</sup> November 2022, which recommended that "SHELAA (SJU043) adjacent to an existing allocation at Underwood H1vg Land North of Larch Close, be included in the emerging Local Plan." The implication is that the Named Settlement boundary will be amended in the Regulation 19 Local Plan to the position identified on Figure 3 by the blue line.



**Figure 3: Larch Close Amended location of the of the Named Settlement boundary.**

Source: Map That

It is proposed that Cabinet is recommended to adopt the changes to the Main Urban Area boundary and the New Settlement boundary in the Regulation 19 Local Plan, as set out in the Report.

## **Implications**

**Corporate Plan:** Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

**Legal:** The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the legislative requirements in bringing a local plan forward. Under Section 20 of The Act, an authority must not submit a Local Plan unless they have complied with any relevant requirements contained in the regulations and the document is ready for independent examination. [RLD 15/06/2023]

**Finance:** There are no direct financial implications arising as a result of this report. [CWH 15/06/23].

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	None.
Housing Revenue Account – Revenue Budget	None.
Housing Revenue Account – Capital Programme	None.

**Risk:**

Risk	Mitigation
As with all Green Belt sites, it will be necessary to demonstrate there are exceptional circumstances to justify changes to the Green Belt boundary.	

**Human Resources:** There are no direct HR implications contained within this report.

**Environmental/Sustainability:** Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

**Equalities:** An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

**Other Implications:** None.

**Reason(s) for Urgency:** Not applicable.

**Reason(s) for Exemption:** Not applicable.

## **Background Papers:**

Draft Local Plan Regulation 18, which is available on the Council's website.

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<b>Report To:</b>	<b>Local Plan Development Committee</b>
<b>Date:</b>	<b>3<sup>RD</sup> JULY 2023</b>
<b>Heading:</b>	<b>LEVELLING UP AND REGENERATION BILL – PLANNING POLICY</b>
<b>Executive Lead Member:</b>	<b>NOT APPPLICABLE</b>
<b>Ward/s:</b>	<b>ALL WARDS</b>
<b>Key Decision:</b>	<b>No</b>
<b>Subject to Call-In:</b>	<b>No</b>

### **Purpose of Report**

To provide a summary of the planning policy aspects of the Levelling Up and Regeneration Bill and the actions undertaken by the Council in relation to associated consultations.

### **Recommendation(s)**

To note the content of the Report.

### **Reasons for Recommendation(s)**

For information as there are a number of implications from the Bill in relation to how future local plans will come forward and how infrastructure will be funded through development.

### **Alternative Options Considered**

None as the report is for information only.

### **Detailed Information**

The Levelling Up and Regeneration Bill (the Bill) proposed a number of significant changes in relation to planning, which are summarised under the headings below. The Bill was introduced to the House of Commons on 11 May 2022 and is currently at Report Stage in the House of Lords.

## Planning Policy

The Bill has a number of implications for planning policy going into the future. These include the following:

- All local authorities must submit their Plans for examination by 30th June 2025 under the current system. Thereafter, the new planning system will apply.
- Under the proposed reformed planning system, there will be a requirement on local authorities to start work on a new Local Plan at the latest 5 years after the adoption of their previous Plan, and to adopt that new Plan within 30 months.
- Local Planning Authority would be required to prepare one Local Plan, with the content limited to locally specific matters such as allocating land for development, detailing required infrastructure and setting out principles of good design.
- National development management policies would be introduced. In the event of conflict between the development plan and a suite of new national development management policies, the latter will have primacy.
- Supplementary Plans would replace supplementary planning documents (SPD). This will have resource implications as Supplementary Plans would need to be examined before being adopted.
- The Duty to Cooperate would be repealed and replaced with a more 'high-level' approach.
- An emphasis is placed on design code. It includes a provision that would require every local planning authority to produce a design code for its area. It is intended that the area-wide codes will act as a framework, for which subsequent detailed design codes can come forward, prepared for specific areas or sites and led either by the local planning authority, neighbourhood planning groups or by developers as part of planning applications.
- The Bill would result in amendments to the NPPF which remove the current requirement for a rolling five-year supply of housing land, where the local plan is up to date (i.e. for the first five years of the plan).
- The Bill seeks to introduce Neighbourhood Priorities Statements, which can provide communities with a simpler way to set out the community's key priorities and preferences for their local areas. These would need to be considered, where relevant, when preparing a Local Plan.
- Sustainability Appraisal and Strategic Environmental Assessments, which inform the contents of the emerging local plan will be replaced by an 'environmental outcome report'. A consultation will be published on the proposals for the new system.
- There is an emphasis placed on digitally transforming planning services to increase the use of high-quality data and digital services in the planning process.

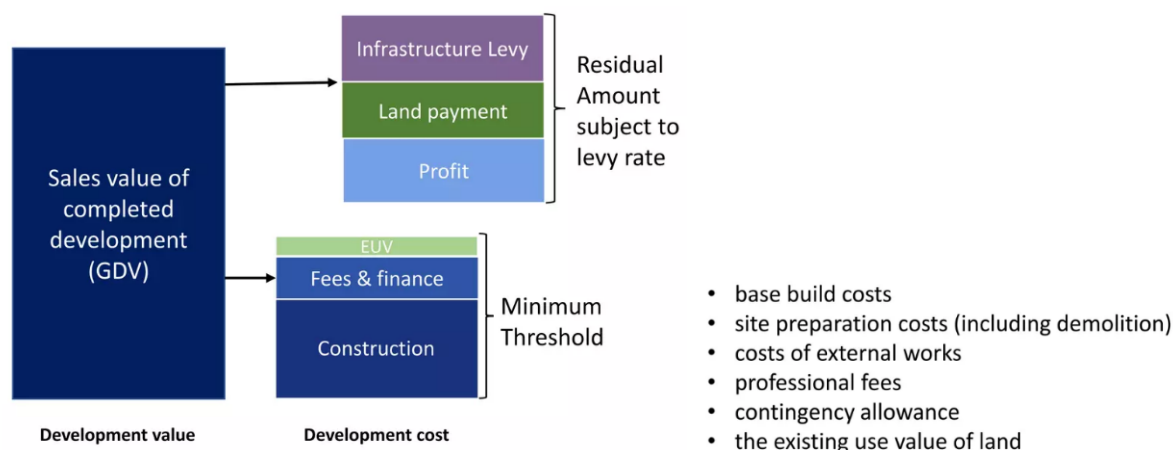
As part of the proposals set out in the Levelling Up and Regeneration Bill, the Government consulted on reform to national planning policy as well as seeking views on the proposed approach to preparing National Development Management Policies, and on how they might develop policy to support levelling up. Responses were required by 2nd March 2023. The Council responded to the Consultation raising a number of concerns regarding the proposed changes.

The supporting information to the Consultation advised that it was intended to introduce changes to the NPPF in the Spring 2023. However, to date, there is no indication of when the revised NPPF will be issued.

## Infrastructure Funding

The Bill introduces a new national infrastructure levy which will replace the Community Infrastructure Levy and much of the section 106 (s106) planning contributions system.

The Levy would be locally-set, based on a mandatory charge levied on the final gross development value of completed development. The Levy will need to be evidenced, based on viability and it will be subject to an examination in public prior to adoption. Councils will be required to prepare Infrastructure Delivery Strategies, which set out a strategy for delivering local infrastructure and spending Levy proceeds.



Levy and Viability - The Levy would apply above a minimum threshold.

Of significant concern is that the Levy will be charged on the value of the property at completion. This can be anticipated to improve developer cashflow. Potentially, this could improve viability of development and a greater contribute towards infrastructure. However, this may also mean that key infrastructure is not provided ahead of the development being occupied. In this context, the Government is proposing that local authorities borrow against future Levy receipts to forward fund infrastructure. This places greater risk together with interest charges onto the Council, as paragraph 4.14 of the Consultation makes clear that, as proposed, it will be local authorities that must service the interest costs from borrowing.

The Government has identified that it intends to introduce the Levy over a gradual period through a 'test and learn' approach.

A Technical consultation on the Infrastructure Levy required a response by the 9<sup>th</sup> June 2023. After consideration by the Strategic Leadership Team and consultation with the Executive Lead, a response to the Consultation was submitted by the Council. In summary, the responses to the forty-five questions raised significant concerns about the Levy proposals. This reflects both the financial implications for councils and how the Levy is proposed to be implemented. In particular, the proposal that councils borrow against future receipts from development and the realism of when strategic spending plans set out in Infrastructure Delivery Strategies could be realistically achieved. The responses placed an emphasis on a local approach to a number of the aspects raised in the form of the Levy taken forward.

## **Implications**

**Corporate Plan:** Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

**Legal:** There are no direct legal implications arising from this Report. The Levelling Up and Regeneration Bill, is currently being considered by Parliament. The Consultations undertaken proposes short term changes to the National Planning Policy Framework as well as considerations of the future implications of the Bill and how it may take effect through regulations. [RLD 15/06/2023]

**Finance:** There are no direct financial implications arising as a result of this report. [CWH 15/06/23].

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

## **Risk:**

<b>Risk</b>	<b>Mitigation</b>
No risks in relation to the report have been identified.	-

**Human Resources:** There are no direct HR implications contained within this report.

**Environmental/Sustainability:** Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework



(NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

**Equalities:** An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

**Other Implications:** None

**Reason(s) for Urgency:** Not applicable

**Reason(s) for Exemption:** Not applicable

### **Background Papers**

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