

<b>Report To:</b>	<b>Local Plan Development Panel</b>
<b>Date:</b>	<b>17<sup>TH</sup> JANUARY 2023</b>
<b>Heading:</b>	<b>EVIDENCE BASE UPDATE</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 update the Local Plan Development Panel on the evidence base for the emerging Local Plan.

### **Recommendation(s)**

It is recommended that the Local Plan Development Panel note the additional evidence base documents.

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

For information in relation to implications of the evidence for the emerging Local Plan.

### **Alternative Options Considered**

None

### **Detailed Information**

The Local Plan evidence base is the information and analysis that is the basis for the development of planning policy and the Local Plan. Under the National Planning Policy Framework paragraph 31, the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

The Local Plan will be examined by a planning inspector in determining whether a plan is 'sound' which includes whether a plan is justified, taking into account the reasonable alternatives and based on proportionate evidence.

This report sets out the latest position on the evidence base studies/assessments that are nearing completion or are needed to be completed to inform the Local Plan at Examination.

### Transport Study

The Transport Study will provide a high-level assessment of the transport impact of the Draft Local Plan and provide an indication of whether the development proposals are acceptable in transport terms. The Study will also set out what mitigation is required to reduce the impact of Local Plan developments on the District.

One of the key requirements in the NPPF is the need to consider transport issues from the earliest stages of plan-making, so that environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects.

The Council has had close cooperation from Nottinghamshire County Council on the highway mitigation proposals in the draft Transport Study. A meeting has been arranged in early January with National Highways, the County Council and the Council's transport consultants to review the proposals and work towards ensuring, where possible, that mitigation is located within the District for the benefit of residents.

### Heritage Impact Assessment

The Council is committed to conserving and enhancing the historic environment, including both designated and non-designated heritage assets, as it is acknowledged that it is of great importance for education, culture, leisure, tourism and the wider economy. A 'Heritage Asset' is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. The term 'significance' is defined by Historic England as "the value of a heritage asset to this and future generations because of its heritage interest."

The Heritage Impact Assessment (HIA) will assess all potential development sites identified as having the potential to harm a designated or non-designated heritage asset. This equates to 44 sites across the District. From these 44 sites a 'shortlist' of 12 priority sites has been created. These are the sites that merited a more detailed review based on the number of designated assets in the vicinity and/or the high archaeological potential of the sites which required further review. The HIA considers the setting of heritage assets and provides an assessment of how their settings contribute to their significance.

The Council is in discussions with Historic England and Nottinghamshire County Council Conservation, and Archaeology with regards to the findings and recommendations of the report.

## Habitats Regulation Assessment

When preparing development plan documents, councils are required by law to carry out a Habitat Regulations Assessment (HRA). This requirement for authorities is also noted in the Government's Planning Practice Guidance: Appropriate Assessment, Guidance on the use of HRAs.

The HRA will screen the Draft Local Plan development proposals to determine whether they would have a likely significant effect on a habitat site. Whilst there are currently no habitat sites of international importance in Ashfield, the Sherwood Forest area is currently being considered as a possible potential Special Protection Area (ppSPA), which is a site of possible European Importance. Special Protection Areas (SPAs) are designated to protect rare and vulnerable birds and their habitats, in this case, Nightjar and Woodlark.

Whilst the Sherwood Forest area is under review, Natural England has advised the Council to take a risk-based approach towards development in order to avoid or reduce its impact upon the protected birds and their habitats. As such, the HRA included an assessment of the Sherwood Forest ppSPA in order to future-proof the emerging Local Plan.

The conclusions and recommendations are being discussed with Natural England.

## Whole Plan Viability Assessment

The purpose of the Whole Plan Viability Assessment is to assess the impact of the proposed Local Plan Policies to determine the appropriate balance between affordable housing delivery targets, and S106 contributions. This is to ensure the overall viability of the Plan in relation to the deliverability of new development as required by the NPPF and Planning Practice Guidance Viability (PPG). The Assessment is based on a residual appraisal and reflects the input and outputs set out in Figure 1 below.



Figure 1: Residual Appraisal

For Ashfield, as we do not operate a CIL, the CIL and S106 aspects would be combined. The potential for S106 contributions is impacted by land value. National guidance identifies that *“The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while*

allowing a sufficient contribution to fully comply with policy requirements.” An implication of this approach is that, due to the typically higher value of brownfield land over agricultural land values, there will be a difference in the level of S106 contributions and affordable housing that can be achieved on greenfield sites compared to brownfield sites, see Figure 2 below.

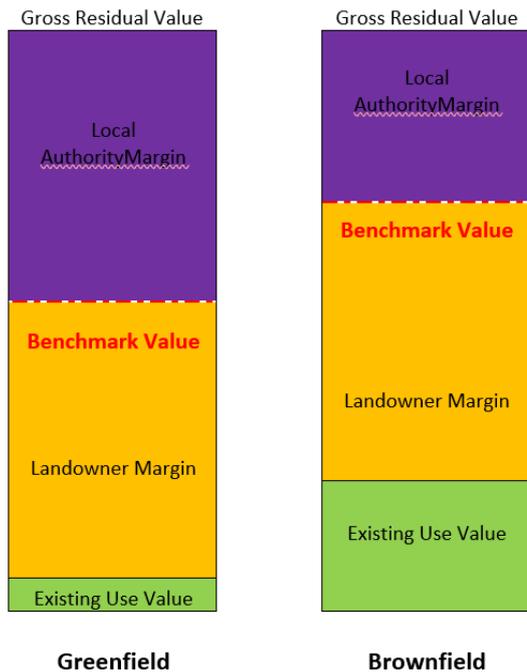


Figure 2: Land Values and S106 Contributions.

In conformity with PPG, the Assessment does not undertake individual site assessment but reflects site typologies based on the proposed allocations within the Local Plan. These are as follows:

- Urban Edge Large Scale 250 Dwellings.
- Urban Edge Medium Scale 100 Dwellings.
- Suburban/Rural Large Scale 50 Dwellings.
- Suburban/Rural Medium Scale 20 Dwellings.
- Infill Housing.

Consequently, the Assessment should be seen as a strategic overview of plan level viability rather than the viability of any individual site.

The Assessment considers the impact of various levels of affordable housing and infrastructure contributions. Based on these scenarios, the Council will need to determine what level of affordable housing and infrastructure should be taken forward in the Local Plan Policies.

The draft finding of the Assessment identifies that the value of housing in the District has risen more than was anticipated by the Consultant since the last Viability Study in 2016, while construction costs have not risen to the extent that the Consultant had anticipated. Therefore a higher level of affordable housing and infrastructure contributions may be achievable than initially anticipated.

### Infrastructure Delivery Plan

Infrastructure takes a number of forms and can be defined as being physical, social and green infrastructure, which is essential to support objectives of housing provision, economic growth, mitigating climate change and creating sustainable communities.

This is taken forward through an Infrastructure Delivery Plan (IDP). The IDP looks to ensure that it integrates the Local Plan requirements and the information from the emerging evidence base with the provision of the relevant infrastructure. This influences the timing of when infrastructure can be provided and the availability of funding for infrastructure.

As part of the draft Local Plan, information has been received from various infrastructure providers. With the Local Plan moving forward towards the Regulation 19 consultation, further engagement with the infrastructure providers is necessary to determine the specific requirements to meet future needs arising from the proposed development in the Plan.

### Sustainability Appraisal

A legislative requirement is that the Local Plan is informed by a Sustainability Appraisal (SA). The initial appraisal was undertaken through an SA of the strategic options. Subsequently, the SA informed the various proposals and policies set out in the draft Local Plan 2021. Additional work will be required to consider the approach identified by the Council's Cabinet to inform the final Plan which will go out to the Regulation 19 Consultation.

### Strategic Flood Risk Assessment

The NPPF requires that strategic policies should be informed by a Strategic Flood Risk Assessment, (SFRA). The existing SFRA identifies that there are risks from watercourse in certain locations in the District such as Hucknall (Baker Lane Brook) and Jacksdale (River Erewash and Bagthorpe Brook). However, the SFRA dates back to before Nottinghamshire County Council was designated as the Lead Local Flood Authority (LLFA) when there was little information on surface water flooding. The LLFA has identified there is a risk from surface water flooding to properties and infrastructure in Ashfield, which is reflected in the Nottinghamshire Local Flood Risk Management Strategy 2021-27. It is understood that for surface water, the emphasis is upon mitigating the risk rather than prevent the development itself. In addition, there has been significant changes to Planning Practice Guidance on flooding. On this basis it is considered that the SFRA will need to be updated to provide a relevant evidence base for the Local Plan.

### Statement of Common Grounds

Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing strategic policies contained in local plans. Strategic policies include:

- housing, employment, retail, leisure and other commercial development;
- infrastructure
- community facilities and
- conservation and enhancement of the natural, built and historic environment and planning measures to address climate change mitigation and adaptation.

The NPPF sets out that these authorities should produce, maintain, and update one or more statement(s) of common ground, as part of plan-making. Therefore, it will be necessary for the Council to agree a statement of common ground with neighbouring authorities which sets out a written record of the strategic cross-boundary matters.

The statement of common grounds demonstrates at examination that Plans are deliverable over the Plan period and based on effective joint working across local authority boundaries. It also provides the evidence required to demonstrate that the Council has complied with the duty to cooperate.

### Retail and Leisure Study

The Council's Retail and Leisure Study was undertaken in 2016. Subsequently, the retail sector experienced a significant shock as a result of the Covid-19 pandemic. This has resulted in an uncertain retail environment and has been reflected in consumer expectations continually evolving. The impact of these changes is uncertain but consideration will need to be given to updating the retail evidence which is out of date both in terms of the timescale and the changing retail circumstances.

### Brownfield Analysis

The NPPF places a substantial emphasis on utilising suitable brownfield land within settlements for development. Planning policies and decisions should aim to use as much brownfield land as possible and Local Planning Authorities (LPAs) should take a proactive role in identifying and bringing forward suitable brownfield sites.

The draft Local Plan 2021 allocated all the brownfield sites identified as being deliverable and developable and in a suitable location. Additional work has been undertaken in the form of a search within the main urban areas and named settlements regarding the availability of any brownfield sites. No significant brownfield sites have been identified, which are not already allocated in the Plan or which are subject to existing planning applications.

The evidence base studies and assessments will be included on the Council's website once they have been completed.

Existing evidence was brought together in five Background Papers to support the Draft Local Plan as follows:

- Spatial Strategy and Location of Development.
- Housing
- Economy and Employment Land
- Green Belt Harm
- Infrastructure Delivery

It is anticipated that a number of these Background Papers will need to be updated to reflect the additional/updated evidence as it is completed. In relation to the Spatial Strategy Paper, following the recommendation of the Local Plan Development Panel and the decision of the Cabinet, the Spatial Strategy will be integrated into the Local Plan Policy S3.

### Implications

**Corporate Plan:** Planning, and the Local Plan in particular has a cross cutting role to play in helping to meet and deliver the 6 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 open space and increasing tree coverage.

**Legal:** The Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to keep under review the matters which may be expected to affect the development of their area or the planning of development. (Section 15). Section 33A of the Act places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of development plan documents or local development documents preparation in the context of strategic cross boundary matters. National guidance on these aspects is provided through the National Planning Policy Framework, National Planning Practice Guidance and Written Ministerial Statements. [RLD 22/12/2022].

**Finance:** The cost of the studies is funded from the budget allocated for the Local Plan. [PH 22/12/2022].

Budget Area	Implication
General Fund – Revenue Budget	The cost of the studies is funded from the budget allocated for the Local Plan.
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

Risk	Mitigation
The Local Plan should be underpinned by relevant and up-to-date evidence.	The evidence set out in the report is anticipated to provide a proportionate evidence base.

**Human Resources:** There are no direct Human Resource implications from the report.

**Environmental/Sustainability:** The studies are required as part of the evidence base for the Local Plan, which must reflect sustainable development. Consequently, it contributes towards

achieving the requirement for sustainable development set out in Section 39 of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework 2021.

**Equalities:** The Local Plan is subject to an Equalities Assessment at the various consultation stages.

**Other Implications:** None

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

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

### **Background Papers**

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