

<b>Report To:</b>	<b>LOCAL PLAN DEVELOPMENT COMMITTEE</b>
<b>Date:</b>	<b>11<sup>TH</sup> SEPTEMBER 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 Committee on the evidence base for the emerging Local Plan.

### **Recommendation(s)**

It is recommended that the Local Plan Development Committee note the evidence base documents which inform future needs and opportunities to be reflected in the Local Plan.

### **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 assesses future needs and opportunities for the area. This is based on evidence, a Sustainability Appraisal and engagement and consultation with local communities, businesses and other interested parties.

The Local Plan and its policies are shaped and justified by the evidence base for the Plan. There are statutory requirements which include:

- a) The Sustainability Appraisal, which enables the economic, social and environmental impacts of the proposals to be considered and inform the Plan. It incorporates a Strategic Environmental Assessment to meet the statutory requirement for certain plans and programmes to be subject to a process of 'environmental assessment'.
- b) The evidence base also includes a Habitats Regulations Assessment to consider whether the Plan has significant effects on habitats, sites or species located in the District or in its vicinity reflecting the requirements of the Conservation of Habitats and Species Regulations 2017.

At the Local Plan Examination the planning inspector will determine whether a Plan meets the legislative requirements and is 'sound' (National Planning Policy Framework [NPPF] paragraph 35). Consideration of soundness includes whether the Plan is justified - setting out an appropriate strategy, 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.

### **Sustainability Appraisal**

The initial appraisal was undertaken through a Sustainability Appraisal (SA) of the strategic options. Subsequently, the SA informed the various proposals and policies set out in the draft Local Plan 2021. The Consultant undertaking the Sustainability Appraisal has been forwarded the up to date information on the evidence base and the amended Local Plan so that the SA can inform the Local Plan Regulation 19 Pre Submission Draft.

### **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 habitat sites. 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 includes an assessment of the Sherwood Forest ppSPA in order to future-proof the emerging Local Plan.

The draft HRA, which commenced prior to the Cabinet decision to remove the new settlement sites from the Plan, recommended specific changes to the Local Plan wording to ensure adequate policy protection is provided. These recommendations include:

- *Strengthening of Policy EV4 (Green Infrastructure, Biodiversity and Geodiversity) wording to ensure protection of the Sherwood Forest ppSPA. This included the requirement to avoid all development within 400m of the ppSPA where possible. Where not possible, the requirement for a risk-based approach to be taken for development within 400m.*
- *Strengthening of Policy wording in Policy S6 (Whyburn Farm New Settlement), S7 (Cauldwell Road new Settlement) and H1Ka (Beacon Farm Housing Allocation) to require site layout to safeguard a 400m buffer zone where possible, and to ensure mitigation demonstrates that development can be delivered with no adverse impacts on the integrity of the ppSPA through adoption of recognised best practice mitigation.*

The draft HRA is being updated to take into account the removal of the new settlement sites (S6: Wyburn Farm & S7: Cauldwell Road) and also the inclusion of the revised policy wording for Policy EV4, as outlined above. Once complete the report will be submitted to Natural England, the statutory nature conservation body, for formal consultation. Councils must 'have regard' to their representations under the provisions of Regulations 63(3) and 105(2) prior to making a final decision as to whether they will 'adopt' the conclusions set out within the HRA Report as their own.

### Infrastructure Delivery Plan

Infrastructure is a collective term for services, facilities and structures such as roads, electricity, sewerage, water, schools, health facilities and open spaces. The Local Plan will be accompanied by a document called an Infrastructure Delivery Plan (IDP). This will identify the key infrastructure requirements which need to be delivered to support new development that is proposed in the Local Plan. Where required, development will be required to provide new infrastructure or upgrades to existing facilities to ensure that the needs of new developments can be met. However, we cannot require that new development provides upgrades that meet existing shortages.

The IDP brings together information and requirements related to the development proposed in the Local Plan. However, infrastructure is ultimately delivered by other parties. Consequently, it will be affected by the investment strategies and infrastructure programmes of the infrastructure providers.

As part of the Local Plan, we are working with a wide number of parties.

- In relation to the physical infrastructure, the Council has liaised with providers such as Severn Trent and National Grid to established that there are no major issues in relation to aspects such as energy, water or water treatment.
- The implications for the local transport network is being considered through the Transport Study. It includes detailed transport modelling work to find out the impacts that the housing and employment growth in the Plan will have on our roads. The Plan also places an emphasis on new development being designed so as to improve cycling and walking routes to reduce the reliance on cars.

- We are working closely with Nottinghamshire County Council, as the local education authority to understand the implications for local schools. Where necessary education contributions will be required to upgrade existing schools to meet future needs arising from development.
- Development has implications for the capacity of local health care. For both the Local Plan and for major planning applications, the Council works with the NHS Nottingham and Nottinghamshire Integrated Care Board to determine what additional health facilities will be required as a result of proposed development. It is anticipated that financial contributions will be required through planning obligations to work improving local facilities. The Local Plan also sets out the expectation that development will be designed to help allow healthy lifestyles, with safe places to walk and cycle. Green spaces and places for nature will be provided, both of which are known to help improve mental health and wellbeing.

### Strategic Transport Assessment

The Strategic Transport Assessment will provide a high-level appraisal of the transport impact of the Draft Local Plan and provide an indication of whether the development proposals are acceptable in transport terms. The Assessment 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 worked closely with Nottinghamshire County Council and National Highways on the Transport Assessment and the highway mitigation proposals to ensure, where possible, that mitigation is located within the District for the benefit of residents.

The Transport Assessment commenced prior to the Cabinet decision to remove the new settlement sites from the Plan (S6: Wyburn Farm and S7: Cauldwell Road). Consequently, the Assessment considers the implications of all proposed site allocations identified in the Regulation 18 Draft Local Plan.

### Local Plan Economic Evidence

The National Planning Policy Framework identifies the requirement to meet economic needs both within the District and the wider area together with a duty to cooperate with other Councils on strategic matters that cross administrative boundaries. The evidence from the Nottinghamshire Core & Outer Housing Market Area Employment Land Needs Study, 2021 revealed that the input from the 'market' indicated there was a significant demand for strategic logistics (typically regarded as 100,000 sq. ft or more) particularly along the M1 Motorway. In this context, working with other Councils, the following work has been undertaken as part of the evidence base for the Local Plan:

- Nottinghamshire Core & Outer Housing Market Area Logistics Study 2022, and
- A draft Greater Nottingham Partnership Strategic Distribution and Logistics Background Paper by the authorities comprising Ashfield DC, Broxtowe BC, Erewash BC, Gedling BC, Nottingham City and Rushcliffe BC.

The Logistics Study utilised a floorspace of 9,000 sq.m or more as reflecting strategic logistic requirements. The Study confirmed that there was a significant demand for strategic logistics.

Additional work has been commissioned to advise on:

- The imbalance between the methods of identifying what is an appropriate demand for employment land in the Local Plan between past take up rates and those derived from forecasts based on labour demand/labour supply. A review of this evidence is being undertaken taking into account the 'regional' demand for logistics.
- The relationship between jobs, employment land requirements and housing provision in the Local Plan.
- A review of the draft Greater Nottingham Partnership Strategic Distribution and Logistics Background Paper.

This additional work will enable the provisions of the Regulation 19 Local Plan to be finalised. It is anticipated that it could also form the basis of a potential Memorandum of Understanding with the Nottingham Core HMA Authorities to reflect the duty to cooperate.

### 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 draft HRA, which commenced prior to the Cabinet decision to remove the new settlement sites from the Plan, includes the table below and provides the results for the mixed use and housing allocations set out in the Draft Local Plan, together with a recommendation for their retention or removal from the Local Plan. The employment land sites with heritage implications are anticipated to be part of an update on employment land allocations at the meeting of the Local Plan Development Committee on 16<sup>th</sup> October.

Site	Level of Harm to the Historic Environment	Level of Change to the Historic Landscape Character	Recommendation
S6 - Whyburn Farm, Hucknall	Less than Substantial (Cumulatively: Substantial)	Substantial	Remove from allocation (or else reduce in size and undertake high-quality mitigation including

			retention of Whyburn Farm)
S7 - Cauldwell Road, Sutton-in-Ashfield	Less than Substantial (Cumulatively: Substantial)	Substantial	Retain with Mitigation
H1Sd - Adj Oakham Business Park, Sutton-in-Ashfield	Less than Substantial (Cumulatively: Substantial)	Substantial	Retain with Mitigation
H1Hd - Land adjoining Stubbing Wood Farm, Watnall Road, Hucknall	Total Loss to Less than Substantial Harm	Less than Substantial	Retain with Mitigation
H1Ss - Land to the east of A6075 Beck Lane, Skegby	No Harm (Cumulatively: Less than Substantial)	Substantial	Retain with Mitigation
H1Si - Rear Kingsmill Hospital, Sutton-in-Ashfield	Less than Substantial	Substantial	Retain with Mitigation
H1Sf - Rear 23 Beck Lane, Skegby	No Harm (Cumulatively: Less than Substantial)	Minor	Retain with Mitigation
H1Kc - Land at Doles Lane, Kirkby-in-Ashfield	Less than Substantial	No Change	Retain
H1Hb - Linby Boarding Kennels, East of Church Lane, Hucknall	No harm	Minor	Retain

**Table 1: Draft Heritage Impact Assessment – Mixed Use and Housing allocations and heritage aspects.**

Source: Draft Heritage Impact Assessment

The draft HIA has been undertaken in consultation with Historic England and is being finalised.

### Town Centre/Local Centre Study

A consultant has been engaged to undertake a Town Centre/Local Centre Study. In relation to the Local Plan, the Study will consider a variety of aspects:

- An assessment of Ashfield's town centres and ongoing trends which will impact the centres in the short, medium, and longer term.
- Analysis of the requirements of the NPPF Policies in ensuring the vitality of town centres and Planning Practice Guidance Town Centre and Retail in relation to Class E of the Town and Country Planning (Use Classes) Order, 1987 as amended. This would include consideration of: Town Centre boundaries, primary shopping areas, if appropriate secondary shopping areas, and an update to the advice on which floorspace thresholds should be applied in respect of requiring a full retail impact assessment for proposals in different towns or areas of the District.
- An assessment of the local shopping centres in the District and how they may be developed enhanced or protected.
- To consider the likely impact of the Towns Fund and the Future High Streets Funds investment and how it affects the dynamics of the retail and leisure impact of Sutton in Ashfield and Kirkby-in-Ashfield town centres.

## Brownfield Capacity Assessment

The draft Local Plan 2021 allocated all the brownfield sites identified as being deliverable and developable and in a suitable location.

A Brownfield Capacity Assessment 2022 has been completed and is available on the Council's website. The Assessment reviews the supply of brownfield land within the District that could potentially be brought forward for development. The Assessment concludes that there are limited brownfield sites that could come forward of which four significant sites were subject to planning applications. Hucknall Police Station, Watnall Road, Hucknall is proposed to be included in the Local Plan as planning consent has been granted for a residential care home. The brownfield sites as Quantum Clothing Site, North Street, Huthwaite (Policy H1Sah) and land adjacent 208 Mansfield Road, Sutton in Ashfield (Policy H1Sah) are proposed to be included as allocations in the Local Plan.

## Strategic Flood Risk Assessment

The Council has liaised with the Environment Agency in relation to updating the Strategic Flood Risk Assessment. The update has been commenced to include the latest policy position regarding flooding and to include flood risk from surface water.

## Background Papers

The evidence is brought together through a number of Background Papers. Where appropriate, the Background Papers have been updated to reflect the latest evidence. 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.

The Background Papers relate to the following:

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

The Background Paper on Infrastructure Delivery 2021 will be reflected in the Infrastructure Delivery 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. 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.

## **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 24/08/2023]

**Finance:** The cost of the studies is funded from the budget allocated for the Local Plan. [PH 23/08/2023].

<b>Budget Area</b>	<b>Implication</b>
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:**

<b>Risk</b>	<b>Mitigation</b>
A number of studies commenced prior to the Cabinet decision to remove the new settlement sites (S6: Whyburn Farm & S7: Caudwell Road) from the Plan. These include the Heritage Impact Assessment, Habitats Regulations Assessment, Whole Plan Viability Assessment and the Strategic Transport Assessment. The evidence should be proportionate and relevant to	The evidence set out in the report is anticipated to provide a proportionate evidence base.



the Local Plan. With the change in the strategic approach, it is possible that the inspector may require additional work to be undertaken on the evidence base to support the Local Plan.	
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**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 toward 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**

The evidence base for the Local Plan is set out on the Council's website.

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