

<b>Report To:</b>	<b>CABINET</b>
<b>Date:</b>	<b>6th NOVEMBER 2023</b>
<b>Heading:</b>	<b>ASHFIELD LOCAL PLAN 2023 TO 2040: REGULATION 19 PRE-SUBMISSION DRAFT</b>
<b>Executive Lead Member:</b>	<b>EXECUTIVE LEAD MEMBER FOR GROWTH, REGENERATION AND LOCAL PLANNING – CLLR MATTHEW RELF</b>
<b>Ward/s:</b>	<b>ALL WARDS</b>
<b>Key Decision:</b>	<b>YES</b>
<b>Subject to Call-In:</b>	<b>YES</b>

## **Purpose of Report**

The report is to seek approval for the Ashfield Local Plan 2023 to 2040 Regulation 19 Pre-Submission Draft (identified as the Regulation 19 Plan) and undertake a period of consultation in line with legislation. The Regulation 19 Plan reflects that the Local Plan has reached a stage where the Council has concluded that it is 'sound' and meets legal requirements.

The Report sets out a summary of the most significant changes to the Draft Local Plan and reflects aspects of the emerging Plan that have been considered by the Local Plan Development Committee (previously known as the Local Plan Development Panel prior to May 2023) and approved by Cabinet.

The Local Plan will need to be agreed by full Council if it is to be consulted upon and subsequently submitted to the Secretary of State for Levelling Up, Housing, and Communities following the public consultation required by Regulation 19 of the Town and Country Planning (Local Plans) (England) regulations 2012, as amended. It is anticipated that the consultation will commence from late November / early December for a period of 8 weeks.

## **Recommendation(s)**

**Recommended to Cabinet that it resolves:**

- 1. Members agree the Ashfield Local Plan 2023 to 2040 Regulation 19 Pre-Submission Draft and commend it to Council for approval for the purposes of public consultation and submission to the Secretary of State for Levelling Up, Housing and Communities in accordance with provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended and the Planning and Compulsory Purchase Act 2004.**
- 2. The Executive Director of Place in consultation with the Executive Lead for Growth, Regeneration and Local Planning is authorised to agree minor amendments to the Regulation 19 Plan and Sustainability Appraisal, policies, and allocations prior to submission and during the examination if required.**
- 3. The Executive Director of Place is authorised to make minor amendments to the text of the Regulation 19 Plan and Sustainability Appraisal.**

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

The Ashfield Local Plan 2023 to 2040 Regulation 19 Pre-Submission Draft is the document the Council proposes to adopt, subject to examination by an independent Inspector appointed by the Secretary of State. It is a legal requirement for the Council to have an up-to-date Local Plan, and the Council considers the Regulation 19 Plan will achieve this requirement, guiding sustainable development across the District up to 2040.

## **Alternative Options Considered**

Not to approve the Local Plan Pre-Submission Draft. This will require a further review of the Local Plan reflecting Members' concerns.

There are potential implications of not moving forward the Local Plan. These include:

- the evidence base produced to inform the Local Plan will become out-of-date.
- planning applications will continue to be assessed against planning policies which date from 2002.
- the Council cannot presently demonstrate a "five-year supply" of housing which makes parts of the District vulnerable to speculative planning applications and development.
- there is a risk that the Secretary of State may intervene and take over preparation of the Local Plan with the costs being met by the Council.
- there would be uncertainty over the acceptability of developments, deterring investment and the provision of homes, including affordable homes.

Based on the transitional arrangements set out in the consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy 2022, authorities will be able to submit 'old' style' Local Plan until 30<sup>th</sup> June 2025. However, from November 2024 it is anticipated that any

authorities with Local Plans that are more than five years old will be expected to begin preparing 'new-style' plans currently being brought forward under the Levelling-up and Regeneration Bill.

This alternative option is not recommended.

## **Detailed Information**

### **Introduction**

- 1.1 The Local Plan is a long-term strategic planning document, which sets out the spatial vision, strategic objectives, and the overarching development strategy for an area and establishes the planning policy framework necessary to deliver them. Once adopted, planning applications are assessed against the policies within the Local Plan.
- 1.2 The purpose of the Ashfield Local Plan is to plan for growth to 2040. The Plan responds to local issues based on evidence but should also have full regard to national planning policy and guidance. It plans for future housing need, the requirement for economic development including making a significant contribution towards the strategic logistics requirement, as well as meeting future infrastructure requirements arising from proposed development.
- 1.3 The current development plan, the Ashfield Local Plan Review (ALPR), saved policies, dates from 2002 with various policies being saved in 2007. Consequently, given that they are more than 5 years old, saved policies from the ALPR policies have to be considered for their consistency with the National Planning Policy Framework (NPPF). The housing allocation set out in the ALPR has been substantially developed. Consequently, this leaves the Council vulnerable to planning applications outside the Main Urban Area and Named Settlements identified by the ALPR.
- 1.4 The Local Plan remains one of the most important functions of the District Council and producing a Local Plan that delivers is important to achieving the Council's objectives as set out in the Corporate Plan. Having an up-to-date Local Plan provides communities and developers with certainty around where new development can take place. It allows for greater clarity and certainty enabling planning obligations to secure infrastructure and helps to protect and enhance natural and historic assets.
- 1.5 The Sustainability Appraisal (SA), incorporating the Strategic Environmental Assessment Regulations requirements, is an integral part of Local Plan preparation and has been undertaken by an independent consultant. It informs the Plan provisions and the framework to develop and consider alternative options. The SA will be published for consultation alongside the Plan.
- 1.6 A Habitat Regulations Assessment has been undertaken to consider whether there is any significant (adverse) impact on internationally significant sites from development proposals on a Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site. However, this also includes considering the possible potential Special Protection Area of Sherwood Forest (ppSPA). Natural England recommends local planning authorities should adopt a precautionary approach to the ppSPA so that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area.

- 1.7 Plans are brought forward in relation to the relevant planning legislation and national planning policy set out in the National Planning Policy Framework 2023 (NPPF) and planning practice guidance. The Plan is informed by the Sustainability Appraisal, the Habitat Regulations Assessment, and other evidenced based documents. It takes into account the responses received from consultation with the local community, local business and other parties including infrastructure providers. However, consultation in this context does not mean that a consensus of opinion can be reached in all cases. It is recognised that there remain opposing views to some aspects of the Local Plan, particularly in relation to housing allocations. It is the role of the Local Plan's consultation process to allow for these views to be made, and for the Council to respond and reflect upon them.
- 1.8 All evidence documentation will be available on the Emerging Local Plan website before the start of the Regulation 19 consultation period.
- 1.9 The main issues raised from the Draft Local Plan Consultation have been addressed in the Regulation 19 Plan. Informal consultation has been ongoing with key stakeholders including infrastructure providers and statutory consultees such as the National Highways, Natural England, Historic England, the Environment Agency, the County Council, and the Integrated Care Board.
- 1.10 The National Planning Policy Framework (NPPF) sets out the Government's policies and priorities regarding development and the planning system. The NPPF sets out that the amount of housing which a local planning authority should plan for as part of a Local Plan is derived through the "standard method". It is only justified to use an alternative approach if there are exceptional circumstances, which also reflects current and future demographic trends and market signals. Local planning authorities are also required to have a five-year housing supply of deliverable housing sites. The adoption of a Local Plan is the most effective way to ensure that the Council maintains a five-year housing supply.
- 1.11 In relation to plan-making the NPPF emphasises a number of key elements including:
- The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings, (paragraph 15).
  - Strategic policies should look ahead over a minimum of 15 years from adoption, (paragraph 22).
  - Local planning authorities and County Councils (in two-tier areas) are under a duty to cooperate with each other", and with other bodies/organisations on strategic matters that cross administrative boundaries, effective and on-going joint working, and demonstrate that cross-boundary matters are being addressed and progressed should be demonstrated through "statements of common ground" (paragraphs 24 to 27)
  - The preparation and review of all policies should be underpinned by relevant and up-to-date evidence, (paragraph 31).
  - Local Plans should be informed throughout their preparation by a sustainability appraisal, Paragraph 32).

- Local Plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:
  - a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
  - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
  - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - d) 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.
  
- To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. (Paragraph 61).
  
- Planning policies should identify a supply of:
  - a) specific, deliverable sites for years one to five of the plan period; and
  - b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan. (Paragraph 74).
  
- In relation to ‘Building a strong, competitive economy’:
  - Planning policies should set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the Plan period. (Paragraph 82).
  - Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes for storage and distribution operations at a variety of scales and in suitably accessible locations. (paragraph 83).

1.12 The adopted Local Development Scheme sets out the Local Plan Timetable, which is summarised in Table 1.

<b>Regulation</b>	<b>Stage</b>	<b>Dates</b>
18	Consultation on the Draft Local Plan. The public and interested parties are invited to submit their responses to the Council	October / November 2021
-	Consultation Draft Local Plan. Once the consultation period had closed, the Council prepares a Statement of Consultation having reviewed the responses. The Council’s response to the Consultation is published.	December 2021 onwards
-	Having considered the consultation responses, the Council produces a Local Plan Publication Document	January 2022 – October 2023

19 and 20	Consult on Local Plan Publication. The public and interested parties are invited to submit their responses.	November 2023 - February 2024
-	The Council Analyses Local Plan Publication responses	January – March 2024
-	The Council prepares Local Plan Submission Documents	April 2024
22	The Council submits the Local Plan to Secretary of State	May 2024
24	Examination of Local Plan. Local Plan will be examined by an independent Inspector whose role it is to assess whether the plan has been prepared in accordance with the Duty To Co-operate, legal and procedural requirements and whether it is sound.	June 2024 – February 2025
-	Inspector's Report received	February 2025
25	Council decision to adopt Local Plan	April 2025
26	Formal Adoption	April 2025

**Table 1: Local Plan 2023-2040 Timetable**  
**Source: Ashfield District Council.**

- 1.13 Section 20(2) of the Planning and Compulsory Purchase Act 2004 specifically identifies that a local planning authority should not submit a plan unless they think it is ready for independent examination. The Regulation 19 consultation is the last stage of public engagement before submitting the draft plan to the Inspectorate for examination. This is a formal process that requires comments on the soundness and legal compliance of the Plan. All representations made will be considered by a Planning Inspector appointed to independently examine the Local Plan. Whilst the Council will be able to agree minor modifications to the Local Plan ahead of its Submission to the Secretary of State this does not extend to making more significant changes, such as the inclusion of an additional site allocation. However, the Council will need to consider whether any substantial legal or soundness issues have been raised through the consultation.
- 1.14 The examination will assess whether the Plan has been prepared in accordance with legal and procedural requirements and if it is sound. At the end of the examination the Inspector will send a report to the LPA recommending whether or not they can adopt the Plan. If it recommends that the Plan can be adopted typically this will require some changes (known as Main Modifications) that are necessary to allow the Plan to be adopted.

### **Draft Local Plan Consultation 2021**

- 1.15 The Council undertook a consultation on a Draft Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, from 4<sup>th</sup> October to 16<sup>th</sup> November 2021. The responses to the consultation are set out in the Statement of Consultation which is available on the Council's website. The Council's Local Development Panel (amended to Local Plan Development Committee from May 2023) has considered the responses received and made recommendations to Cabinet regarding the emerging Local Plan, which are reflected in the Regulation 19 Plan.

### **Ashfield Local Plan 2023 to 2040 Regulation 19 Pre-Submission Draft**

- 1.16 Having assessed and considered the representations received during the Regulation 18 consultation, the Council has refined and amended the Plan to produce the Ashfield Local

Plan 2023 to 2040 Regulation 19 Pre-Submission Draft (see Appendix 1). The Regulation 19 Local Plan is the Plan the Council considers should be adopted as the key planning document that will guide sustainable development across the District to 2040.

### Vision

- 1.17 The Local Plan Development Committee of 3<sup>rd</sup> July 2023 considered proposed changes to the Vision from that set out in the Draft Local Plan 2021. Changes to the Vision and other areas of the Plan were approved to reflect the importance that the Council places on meeting the challenge of climate change. The Vision for the Local Plan is set out below.

**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.

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 residents to discover and providing opportunities for tourism and recreation.

### Strategic Objectives

- 1.18 The strategic objectives remain substantially unchanged, however minor amendments to Strategic Objectives SO11, “To meet the global challenge of climate change” and SO13, “Minimising our Impact on the Environment” have been made as identified 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) [Avoiding the impacts of new development on natural resources wherever possible and minimise, mitigate, and compensate where it cannot be avoided.](#)

#### Plan Period

- 1.19 Paragraph 22 of the National Planning Policy Framework (NPPF) set out 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. The timeframe for the progression of the Local Plan has been revised and final adoption is expected in early 2025. As a consequence, the end date of the Plan has been amended to 2040. Additionally, the Plan commencement date has been rebased to 2023 so that the Local Housing Need figure can be used throughout the whole Plan Period at this stage. (Additional information is set out in the Local Plan Development Committee report of 3rd July 2023).

#### Settlement Boundaries

- 1.20 The Main Urban Area boundary has been amended at Beck Lane/Skegby Lane to follow the District boundary with Mansfield District Council. The Named Settlement boundary for Underwood has been amended to reflect the proposed housing allocations. (Additional information is set out in the Local Plan Development Committee report of 3rd July 2023).

#### Strategic Approach

- 1.21 As part of the Regulation 18 consultation, a significant level of objections were received in response to the New Settlement proposals at Whyburn Farm, Hucknall and Cauldwell Road, Sutton in Ashfield. Many objections questioned the need to allocate additional land to meet housing needs further into the future, in particular where this required the release of Green Belt (at Whyburn Farm), and the loss of countryside at both locations. In the interim, the Government have announced proposals for planning reform, including the introduction of a new approach to assessing local housing need. Subsequent to consideration of the public consultation outcomes, together with the uncertainty surrounding future Government policy for Plan making, the Council made the decision to progress with the Plan, but to exclude the proposed New Settlements. This has meant some changes to the spatial approach taken initially, but also reflects the constantly evolving process of Plan making. Therefore, the Regulation 19 Local Plan reflects that Whyburn Farm and Cauldwell Road New Settlements have been removed from the Plan.
- 1.22 The Council considered a number of alternative options for spatial growth. These took into consideration of the key issues that the Plan is seeking to address, the outcome of previous Local Plan consultations, and the evidence base including (but not limited to) the Strategic Housing and Employment Availability Assessment (SHELAA), the identified housing and employment requirement for the District, a Brownfield Land Capacity Assessment, and the Green Belt Harm Report. The range of alternative spatial options have been considered in the Sustainability Appraisal (SA) accompanying the Plan. Option 3, Dispersed development across the District comprising of smaller sites, each with a capacity for less than 500 dwellings, in the SA has been taken forward as it represents the best option to deliver sustainable development and meet the Vision for the District.



1.23 Cabinet determined that it was appropriate to include a spatial strategy policy within the Local Plan. The spatial strategy sets out how future growth will be delivered taking account of the geography and key attributes of the District. It considers the size of settlements and their role and function, and how the Council aims to deliver its Vision by guiding the distribution of development across the District. The Regulation 19 Plan includes Strategic Policy S1: Spatial Strategy to Deliver the Vision. This integrates into the Policy Draft Local Plan 2021 Strategic Policy S3: Location of Development. The proposed wording of the Policy is set out below.

Sustainable growth to deliver the Vision will be achieved through:

1. Creating sustainable and attractive places with an enhanced quality of life for residents.
2. Ensuring a strong regeneration focus for our towns, including maximising the use of previously developed (Brownfield) land.
3. Locating growth in sustainable and accessible locations through prioritising sites for development within and adjoining the Main Urban Areas.
4. Ensuring that new development in or adjoining Named Settlements is of a scale and character that supports these as sustainable locations for growth.
5. Delivering homes via dispersed development, avoiding sites of 500 or more dwellings.
6. Maximising the economic development potential of key sites including land adjacent to M1 junction 27 and Sherwood Business Park.
7. Facilitating the delivery of new key infrastructure.
8. Ensuring development maximises opportunities to enhance the Blue and Green Infrastructure network and incorporates Blue and Green Infrastructure into new development; and
9. Protecting and enhancing the natural and built heritage, providing opportunities for tourism and recreation.

The settlement hierarchy to accommodate future growth is set out below and identified on the Policies Map:

- a) **Main Urban Areas** to accommodate the largest scale of growth:  
Sutton in Ashfield (Sutton)  
Kirkby-in-Ashfield (Kirkby)  
Hucknall  
Areas in the District adjacent to the Mansfield urban area  
Areas in the District adjacent to Nottingham City urban area
- b) **Strategic Employment Areas** to assist in economic growth, whilst maximising the locational benefits associated with major transport corridors:  
Sherwood Business Park/M1 Motorway Junction 27.
- c) **Named Settlements** to accommodate smaller scale growth which meets the needs of the community and sustains services and facilities:  
Selston  
Jacksdale  
Underwood  
Annesley/ Newstead  
Bestwood Village  
Brinsley  
Fackley.
- d) **The Remainder of the District** comprises open countryside.  
including land in Green Belt and all other small villages/hamlets within the District not defined above.

1.24 Changes have been made to some of the policy wording and supporting information within the other strategic policies reflecting responses made through the Draft Local Plan consultation and information arising from the evidence base. The following summarises changes made to the strategic policies taken forward. The policy numbers have been amended and do not reflect the Draft Local Plan.

- Strategic Policy S2: Achieving Sustainable Development – Amended to include making effective use of previous developed land.
- Strategic Policy S3: Meeting the Challenge of Climate Change – Amendments have emphasised the minimisation of flood risks, integrated water management, utilising Sustainable Urban Drainage (SuDS) and the discharge of surface water through the drainage hierarchy.
- Strategic Policy S4: Green Belt - No changes proposed.
- Strategic Policy S5: High Quality Buildings and Places through Place Making and Design – Limited changes to wording.
- Strategic Policy S6: Meeting Future Needs - Strategic Employment Allocation at Junction 27 M1 Motorway – Changes to the policy provisions in relation to what will be required in taking the strategic employment sites forward.
- Strategic Policy S7: Meeting Future Housing Provision – Reflects the up-to-date housing requirements with a minimum of 7,582 new dwellings within the period from 2023 to 2040. (This is based on 446 dwellings per annum derived from the standard method).
- Strategic Policy S8: Delivering Economic Opportunities – Reflects the requirements for employment land. Includes reference to the provision of the Advanced Distribution and Manufacturing Centre and reference opportunities from heritage led regeneration in enhancing the historic environment.
- Strategic Policy S9: Aligning Growth and Infrastructure – Changes have been made to include reference to working with utility providers, to include secure cycle parking and contributing retrospectively when it has been necessary to forward fund infrastructure projects in advance of anticipated housing growth.
- Strategic Policy S12 10: Improving Transport Infrastructure – Amendments include reference to highway improvements schemes and transport solutions in relation to the main arterial routes and corridors. The Policy safeguards NET route from Hucknall Station to the Gedling BC boundary.
- Strategic Policy S11: Vibrant Town Centres – The Policy has been amended to include the necessity for development to promote vitality and viability of the centres and identify that the Town Centre Masterplans identify key development opportunities. Reference has also been made to the opportunities for regeneration led by heritage in relation to the Conservation Areas in Sutton in Ashfield and Hucknall.
- Strategic Policy S12: Tackling Health Inequalities and Facilitating Healthier Lifestyles – Limited amendments have been made to the policy wording.

- Strategic Policy S13: Protecting and Enhancing Our Green Infrastructure and the Natural Environment – Limited amendments have been made to the policy wording.
- Strategic Policy S14: Conserving and Enhancing Our Historic Environment – Changes have been made to the wording.
- Strategic Policy S15: Safeguarding Mineral Resources - No changes proposed.

1.25 The Local Plan sets out development management policies in relation to:

- Meeting the challenge of climate change and adapt to its effects.
- Protecting and enhancing Ashfield's character through its natural environment and heritage.
- Meeting local housing needs and aspirations.
- Building a strong economy which provides opportunities for local people.
- Placing vibrant town and local centres at the heart of the community.
- Achieving successful development through well designed places.

There have been changes to the wording of some of these policies and the supporting text but typically they have not changed the essence of the policies. The exception to this relates to the allocations policies, which have been updated to reflect the current position and the policies identified in the paragraphs below.

1.26 Affordable Housing - As part of the Local Plan's refinement from the Draft Local Plan the Council commissioned a Whole Plan Viability Assessment (available in the Council's evidence base) to assess whether the proposals and policies within the Local Plan are viable. As part of this work, the consultants also assessed the viability of affordable housing. 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.

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% Shared ownership/Low-Cost Home Ownership, 25% Social Rent and 50% Affordable Rents.
- S106 contributions of £8,000 per dwelling.

The recommendations have been adopted and Policy H3: Affordable Housing sets out a requirement for a minimum of 25% affordable housing on greenfield sites and a minimum of 10% affordable housing on brownfield sites. (Additional information is set out in the Local Plan Development Committee report of 3<sup>rd</sup> July 2023).

1.27 Flooding – Amendments to Policy CC3: Flood Risk and SuDS and to the supporting text have been made to reflect the Lead Local Food Authority comments regarding surface water flooding. The intention is that flooding from all sources will be substantial consideration in all planning decisions.

- 1.28 Developer Contributions – Amendments to Policy SD5 have been made to identify that development will be required to meet all reasonable costs associated with infrastructure required as a consequence of the proposal, to include cumulative impacts and future maintenance. It also covers forward funding of infrastructure and pooling contributions.
- 1.29 Contaminated and Unstable Land – Policy SD8 has been amended to refer to Coal High Risk Areas and to clarify that the site after mitigation is suitable for the proposed use taking into account the likely effects (including cumulative effects) of pollution or unstable land on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from development.
- 1.30 Environmental Protection – Policy SD9 has been amended to take into account ‘agent of change’ reflecting the provisions set out in NPPF, paragraph 187.
- 1.31 Transport Infrastructure – Amendments have been made to Policy SD10 which include assessment of risk by proposed development located close to railway crossings.

#### Housing Allocations

- 1.32 Cabinet at its meeting of 13th December 2022 resolved to take forward a Local Plan which reflects the standard method of housing need and a Plan which provided a minimum of a 10-year housing supply.
- 1.33 The strategic housing site formed by the New Settlements have not been taken forward. Housing Site allocations are set out in Policy H1: Housing allocations. The site allocations identified in the 2021 Draft Local Plan have been revised based on the up-to-date information, including the deletion of completed sites and changes to reflect recent planning decisions. The supporting information to the Policy has been amended to include a description of the sites allocated (excluding sites with planning consent).
- 1.34 The District has been successful in regenerating its brownfield sites largely comprised of the former collieries or traditional textile factories. The Plan takes forward all available brownfield sites that are identified as developable, and the evidence in the Brownfield Capacity Assessment confirms that there are limited brownfield sites within Ashfield that can be utilised for meeting the housing need. The consequence is that Green Belt and greenfield sites have had to be utilised to contribute towards housing need set out through the Government standard method of local housing need assessment.
- 1.35 The sites allocated provide approximately a 12.5-year housing supply. The five-year housing supply and housing trajectory is set out in Appendix 2 of the Regulation 19 Plan. Further information on the sites taken forward is set out in the Local Plan Development Committee Report Ashfield Local Plan Sites Update of 11<sup>th</sup> September 2023.
- 1.36 Planning consent has been resolved to be granted subject to a Section 106 agreement for a residential site off Laburnum Avenue, Kirkby-in-Ashfield. The site has been included in the housing allocations. This permission also safeguards a traveller’s site which has extant permission. This is reflected in Policy H2a: Gypsy, Traveller and Travelling Showpeople Site Allocations which identifies that 4 pitches could come forward at the site off Park Lane.

#### Employment allocations

- 1.37 The NPPF identifies that significant weight should be placed on the need to support economic growth and productivity including addressing the specific location requirements of different sectors with storage and distribution (logistics) being specifically identified. The

evidence base identifies that there is a substantial regional demand for logistics, particularly along the M1 Corridor in Nottinghamshire which is located within the Green Belt.

- 1.38 Under statute, local planning authorities are under a duty to co-operate with each other and other prescribed bodies, on strategic matters that cross boundaries. Ashfield has worked with the Nottingham Core Housing Market Area Authorities in considering how to contribute towards meeting this demand from the logistics sector. As part of the evidence base, various employment sites in Ashfield are anticipated to contribute towards the wider demand for logistics. This includes the Strategic Employment Site located at Junction 27 of the M1 Motorway. In relation to the Strategic Employment Site there are issues relating both to the Green Belt and to designated heritage assets. This is set out in detail in the Local Plan Development Committee Report on Employment Land Sites of 16<sup>th</sup> October 2023. In addition to the strategic sites, employment land allocations are set out in Policy EM2 of the Regulation 19 Plan. There have been changes from the sites allocated in the Draft Local Plan as the sites at Blenheim Park, Hucknall and Southwest Oakham, Sutton in Ashfield have been fully developed. An additional site, Land to the East of Lowmoor Road, Kirkby-in-Ashfield has been included within the proposed employment land allocations.

#### Infrastructure

- 1.39 The Council has worked with infrastructure providers to identify future infrastructure needs arising from the proposed development including, education and health facilities. A Transport Study has been undertaken which detailed mitigation that could help reduce the impact on the road network. Information on infrastructure requirements will be set out in the Infrastructure Delivery Plan with policies in the Regulation 19 Plan enabling planning contributions to be brought forward in relation to planning applications on allocated and other sites.

#### Flooding

- 1.40 No sites have been allocated within Flood Zones 2 or 3. Policies within the Plan provide that surface water and flood risk from any other sources must be resolved if a site is to be given planning consent. The emphasis of the policies is utilising SuDS and apply the drainage hierarchy.

### **Regulation 19 Plan Consultation**

- 1.41 The requirements for the Regulation 19 consultation were set out to the Local Plan Development Panel meeting of 17th January 2023. Under the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, the Council is required to carry out a final period of public consultation based on the tests that underpin the examination in public:
- Legal – is the plan legally compliant?
  - Sound – has the plan been informed by objective evidence and deliverable?
  - Meets Duty to Cooperate – has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?
- 1.42 The minimum period set out in the regulations for a Regulation 19 consultation is six weeks. The consultation enables people and organisations to submit representations based on the 'tests'. It is intended the period of consultation takes place as soon as possible after the Cabinet decision is ratified by full Council. As it will be over the Christmas period, the consultation will be extended beyond the legal minimum requirement and is anticipated to be for a period of approximately eight weeks.

- 1.43 The Planning Inspectorate has a model representation form for Local Plans. There is no requirement for the Council to use this template, but it is intended as a helpful guide and is clearly linked to the legal and soundness aspects of the Plan.
- 1.44 It should be noted that there is no discretion to receive later submissions to the Consultation as under Regulation 19, any representations must be received by the Council by the end of the specified consultation period.
- 1.45 Whilst the Council will be compiling a summary of the representations, it will not be responding to them in the way it has done for the Draft Local Plan or defending its Local Plan via public meetings. At this stage, it is the role of the examination in public to undertake this process, with the appointed Inspector considering views and comments from different parties. If any major issues relating to legality, soundness or the duty to cooperate, are raised, the Council will need to consider whether the matter raised are justified and how they can be resolved before submitting the Plan for examination.
- 1.46 Representations received during this period are treated as formal representations that will be passed to the Inspector for consideration and assessment with the Local Plan at the examination in public. If desired, respondents can request to speak at the public hearing sessions during the examination. However, this would be a matter for the Inspector to consider.
- 1.47 Under Regulation 19 of the Local Planning Regulations, the Council is required to make a copy of each of the proposed Examination submission documents for examination available for public consultation. The minimum requirements are for the submission documents to be:
- made available for inspection at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, and
  - published on the local planning authority's website.

Any consultation would also have to consider the requirements in the Council's Statement of Community Involvement.

- 1.48 In undertaking the consultation, the Council will use a range of media and methods, to inform people of the consultation, including the following:
- Make all relevant consultation documents available for inspection at the Council Offices and, subject to the agreement of Inspire, all four major libraries throughout the District (Hucknall, Kirkby, Sutton and Selston) for the duration of the consultation period;
  - Make full use of the local media.
  - Utilise the Council's website and social media.
  - Subject to the agreement of Inspire, placing unmanned displays at the Council Offices and the four major libraries.
  - Send letters or emails informing those individuals, companies and groups registered on the Local Plan Consultation Database of public consultation.
  - Utilise an online consultation tool, allowing the public to comment on an interactive version of the document.

## 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, maximising economic growth especially around transport hubs and improving green spaces and the natural environment.

**Legal:** The Planning and Compulsory Purchase Act 2004 (as amended) requires Local Planning Authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the procedures to be followed in the preparation of such Plans and the consultation requirements that must be followed. The Sustainability Appraisal incorporates the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the 'Strategic Environmental Assessment Regulations'). The evidence base includes a Habitat Regulations Assessment reflecting the requirements of the Conservation of Habitats and Species Regulations 2017. [RLD 02/10/2023]

**Finance:** The Local Plan has a dedicated budget with sufficient funds to cover the anticipated costs of undertaking the consultation and the examination in public. [PH 29/09/2023].

Budget Area	Implication
General Fund – Revenue Budget	The cost of the Local Plan and the Examination in Public 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 Plan provides a housing land supply of approximately 12.5 years. While the NPPF paragraph 68 does not specifically require a 15-year supply of site to be allocated. It does identify that policies should identify specific developable site or broad locations for growth for 6 to 10 years and, where possible, for 11 -15 years of the Plan.	The Council considers the greater risk is not to provide a strategic plan to guide development to create properly shaped places and to provide certainty for both residents and developers.

<p>The Draft Local Plan 2021 identified that risk stemmed from the Plan's strategy being heavily reliant on the release of Green Belt land in the vicinity of Hucknall and particularly a new settlement. The proposal for moving the Plan forward by taking the new settlement out of the Plan substantially reduces the area of the Green Belt which would be developed and thereby reduces risk. Nevertheless, there are still inherent risks with the housing allocations in Green Belt.</p>	<p>The Council considers there are exceptional circumstances for bringing forward the Green Belt sites identified in the Plan. (This will be set out in an updated Background Paper 1 to support the approach).</p>
<p>The Strategic Employment Sites are located in the Green Belt and the evidence base identifies that they will impact on designated heritage assets including a Grade II* Registered Park and Gardens and scheduled ancient monuments. Therefore, there needs to be a substantial justification for taking the sites forward.</p>	<p>The planning balance must be weighed in terms of the harm caused to the significance of the nearby heritage assets against the public benefits of the proposed use. There must also be exceptional circumstances for taking land out the Green belt. It is considered there are public benefits and exceptional circumstances for the proposed allocations at Junction 27 which provide a major economic opportunity for Ashfield in meeting this need given its location on the strategic highway network. (Further information will be set out in Background Paper 3 to support this approach.</p>
<p>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.</p>	<p>Background Paper 1 will be revised to set out a reasoned justification in support of the new spatial approach to deliver the Council's Vision.</p>
<p>Additional sites are proposed to be included in the Local Plan which were not identified in the Regulation 18 Consultation.</p>	<p>No large-scale sites, and the majority of new sites reflect either planning approvals or sites from the Brownfield Register. (Only 1 site is greenfield, Green Belt and includes an opportunity to relieve an existing highway issue)</p>

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

**Environmental/Sustainability:** The Local Plan's Vision, Objectives and Policies support the Council's aims of environmental sustainability, including addressing sustainable development, health & well-being, economic growth climate change and flood risk. A Health Impact Assessment



of the Local Plan has been undertaken. This assessment concludes the implementation of the Local Plan will help enhance health and well-being across the District.

**Equalities:** An Equality Impact Assessment has been undertaken which has not highlighted any equality or diversity issues with the Local Plan.

**Other Implications: None**

**Reason(s) for Urgency: None**

**Reason(s) for Exemption: None**

### **Background Papers**

The Draft Local Plan 2021 (Regulation 18 consultation) and evidence base documents are available on the Council's website.

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

Christine Sarris  
Assistant Director Planning  
[Christine.Sarris@ashfield.gov.uk](mailto:Christine.Sarris@ashfield.gov.uk)  
01623 457375

Melanie Wheelwright  
Forward Planning and Economic Growth Team Leader  
[melanie.wheelwright@ashfield.gov.uk](mailto:melanie.wheelwright@ashfield.gov.uk)  
01623 457379

### **Sponsoring Executive Director**

John Bennett  
Executive Director for Place  
[john.bennett@ashfield.gov.uk](mailto:john.bennett@ashfield.gov.uk)