

<b>Report To:</b>	<b>CABINET</b>
<b>Date:</b>	<b>17TH FEBRUARY 2025</b>
<b>Heading:</b>	<b>ASHFIELD LOCAL PLAN 2023 TO 2040: ADDITIONAL SITES AND PUBLIC CONSULTATION</b>
<b>Executive Lead Member:</b>	<b>CLLR MATTHEW RELF</b>
<b>Ward/s:</b>	<b>ALL WARDS</b>
<b>Key Decision:</b>	<b>NOT APPLICABLE</b>
<b>Subject to Call-In:</b>	<b>NO</b>

## **Purpose of Report**

To report and respond to the Ashfield Local Plan 2023 – 2040 Inspectors' interim findings letter [Inspectors' initial findings](#) as received by the Council on 6<sup>th</sup> January 2025.

To consider the recommendations of the Local Plan Development Committee (LPDC) meeting of 5<sup>th</sup> February 2025 and consider additional potential housing sites for allocation in the Local Plan to address housing supply for the entire Plan period.

To authorise the undertaking of a 6-week public consultation on the allocation of additional potential housing sites as agreed.

## **Recommendation(s)**

Cabinet resolves to:

- a) Consider the options for the submitted Local Plan moving forwards and endorse the recommendation of the Local Plan Development Committee.
- b) Approve additional potential housing sites for allocation in the submitted Local Plan in order to meet the identified level of need for the entire Plan period and commend it to Council for approval for the purposes of public consultation and submission to the Secretary of State for Housing, Communities and Local Government 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;
- c) Authorise the updating of relevant policy, supporting text and other documents to reflect the inclusion of potential housing additional sites;
- d) Authorise the Assistant Director of Planning to make amendments pre consultation to reflect up to date information on existing proposed site allocations;
- e) Recommend to Council approval of proposals for a 6-week public consultation on additional potential housing sites;
- f) Authorise the Executive Director of Place in consultation with the Executive Lead for Growth, Regeneration and Local Planning to agree minor amendments to policy, supporting text and other relevant documents accordingly, post consultation, prior to submission to the Inspectors and during the examination if required.

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

To address concerns raised by the Inspectors subsequent to the Ashfield Local Plan 2023-2040 initial hearing sessions which took place in November 2024 and to enable the progression of the Examination to deliver a 'sound' Local Plan.

## **Alternative Options Considered**

1. To not consider and recommend additional housing sites for allocation in line with the existing agreed spatial strategy. The Inspectors consider that Main modifications will be required to address the supply of housing and make the Plan effective.
2. To undertake a new 'call for sites' in order to assess the potential of any new available sites not previously submitted to the Strategic Housing and Economic Land Availability Assessment (SHELAA). Whilst the SHELAA is a 'live' document and new sites can be submitted to the Council at any point in time, a new 'call' could yield new sites. This exercise would typically involve a period of 3 to 6 weeks for submission of new sites, followed by assessment of

constraints and consultation with relevant bodies and subsequent consideration by Council Members. A key risk to this approach is that the Planning Inspectorate could determine that the pause in the Local Plan Examination is unacceptably extended (to more than 6 months), and that a new Local Plan should instead be delivered under the new NPPF 2024 (as in point 4 below).

3. To consider progressing with a new Spatial Strategy which does not limit the scale of site allocations to less than 500 dwellings. This could include the re-introduction of the 2 new settlements of Cauldwell Road and Whyburn Farm (previously consulted on at Regulation 18 stage), or the consideration of other sustainable urban extensions. This would provide an opportunity to consider large scale sites previously excluded under the agreed strategic approach and could potentially provide for a moderate 'buffer' to help future proof the Local Plan and reduce the need for future green belt release. This option would present a significant change to Member's preferred strategy for growth and may entail significant changes throughout the Local Plan, sustainability appraisal and supporting documents which could risk delaying the Plan Process further. This work would not be able to be completed within the Inspectors' six-month timeframe.
4. To withdraw the submitted Local Plan from Examination and embark on a new style Local Plan under the December 2024 National Planning Policy Framework (NPPF). This would involve planning for higher housing targets (currently 535 dwellings per annum as opposed to 446 dwellings per annum). This approach is not recommended as it is important for the Council to direct development to plan positively for our residents. The key risks associated with this approach will be a continued vulnerability to unplanned development due to a lack of housing land supply, significant additional cost with the potential of intervention. There would also be a reliance on other outdated local planning policy which could jeopardise successful sustainable development, for instance, affordable housing and other developer contributions.

## **Detailed Information**

The Ashfield Local Plan 2023-2040 was submitted to the Secretary of State for Examination in April 2024. Initial hearing sessions were held for Matters 1-3 held on 12-14 November 2024.

A letter detailing the [Inspectors' initial findings](#) (INS 05) was received by the Council on 6<sup>th</sup> January 2025 (dated 3<sup>rd</sup> December 2024), with a deadline of 10th January 2025 by which the Council had to provide a [response](#) (ADC.09). Both letters and a timetable (ADC.10) are published on the Local Plan examination website here: [Ashfield Local Plan Examination latest news](#)

### **Summary of Inspectors' initial findings letter**

The letter sets out the Inspectors' decision to postpone the January hearing sessions for Matters 4 - 12 and schedule in further hearing sessions at a suitable time once the Council has addressed the matters raised, given the importance of establishing a sound spatial strategy to set the context for the rest of the examination.

Key concerns raised were:

- The appropriateness of the Plan's Spatial Strategy and the role that the Sustainability Appraisal (SA) played in determining that strategy. Concerns centre upon the effectiveness and soundness of this strategy as the Council is currently unable to identify sufficient homes to meet the housing

requirement in the submitted plan, with a shortfall of 882 homes to 2040. This shortfall exists before examination of the soundness of sites in the Plan, or the robustness of the Council's housing trajectory.

- The justification for the release of Green Belt land. The NPPF sets out the Government's expectations on the exceptional circumstances that must exist before altering the Green Belt boundary. The Framework expects that before concluding that exceptional circumstances exist to justify changes to the Green Belt boundary, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for housing development. By focussing on sites of fewer than 500 dwellings, there may be other potential sites of over 500 dwellings which may result in the Council not needing to release land from the Green Belt. It appears from the representations that such sites may exist. Therefore, there is currently insufficient evidence to justify that exceptional circumstances exist to remove land from the Green Belt at the strategic level.
- Significant concerns that even if it was concluded exceptional circumstances exist to alter the Green Belt boundary based on the submitted plan, the current shortfall in housing would likely result in the need for further alterations to the Green Belt before the end of the plan period. The Framework seeks to avoid this scenario.

On the basis of the above, the Inspectors ask:

1. Whether the Council can identify any further sites for allocation in accordance with the submitted plan's spatial strategy to meet housing needs? If not, could any sites of greater than 500 dwellings be identified for allocation whilst maintaining the dispersed approach?
2. If further sites cannot be identified, then how could the Plan and its spatial strategy be modified to make it effective, justified and sound in seeking to meet housing needs in full over the plan period.

Attention is also drawn to the letter from the Housing Minister, Matthew Pennycook to the Planning Inspectorate dated 30 July 2024 [Housing Minister Letter 30 July 2024](#) which sets out the Government's expectations on the pragmatism that Inspectors should apply when pauses to Local Plan examinations may be required. Pragmatism should not be used to address fundamental issues with the soundness of a plan, which would be likely to require pausing or delaying the examination process for more than six months overall. Any extensions to the six-month pause (and therefore more time for additional work) should only be allowed at the Inspectors' discretion to deliver adopted local plans under the current system.

### Council's response and next steps

The Council responded to the Inspectors' letter [ADC.09](#) setting out the intention to undertake immediate work in identifying further sites of less than 500 dwellings, in accordance with the submitted plan's spatial strategy. At this time, it is not considered necessary to have a 'call for sites' nor to modify the Plan and its spatial strategy, but this will be kept under review. A [timetable](#) for the additional work has been provided (ADC.10) to the Inspectors.

Attention was drawn to the extremely tight 4-day response period and the limited time to engage with Councillors for any formal decisions to be taken. As such, the Council reserved the right to change its approach subject to the outcome of future Council meetings.

## Local Plan Development Committee (LPDC) meeting of 5<sup>th</sup> February 2025

Members were asked to consider various options to address the Inspectors' concerns and recommend to Cabinet a way forward. Those considered were as identified in the 'Alternative Options considered' section above.

LPDC Members recommended that Cabinet:

- Consider the options and endorse the 'additional sites' option as per the recommendation.

### Potential additional housing sites

Officers have examined the potential for new housing site allocations for consideration. These have been drawn from:

- New permitted sites;
- Sites with a resolution to grant permission subject to signing a s106 agreement;
- Sites previously not selected from the Strategic Housing and Economic Land Assessment (SHELAA), including consideration of any new sites submitted to this process since the submitted Local Plan was finalised;
- Ashfield District Council and partnership pipeline projects.

Several sites have been identified as having potential to deliver additional housing which conform with the current Spatial Strategy as set out in Policy S1 of the submitted Local Plan. New Green Belt SHELAA sites have not been considered, reflecting the concerns of the Inspector's interim findings. The one exception is a planning application site at Abbey Road, Kirkby. Details of all new additional housing sites and location plans are included in Appendices 1a and 1b to this report.

The Inspector's interim findings referred to the overall supply of housing in the submitted Local Plan 2023-2040. This identified a shortfall of 882 dwellings against an identified need figure of 7582 dwellings overall and was based on the most up to date housing monitoring data (April 2023) alongside new proposed sites at the point of submission.

Housing monitoring is undertaken annually, with a base date of 1<sup>st</sup> April each year. As such, the most recent information is dated April 2024 and includes any completions, changes to yield, or new permissions since April 2023.

The housing allocations have subsequently been revised accordingly to give a more accurate position in respect of housing supply. This also includes any changes to yields on non-permissioned sites where additional information has been received by the Council, e.g., Sunnybank Farm masterplan illustrates a higher capacity than initially assessed. If the new sites proposed in Appendix 1 are also included, this will give a small over provision of 146 dwellings, or the equivalent of 2% - see table below.

<b>Housing Requirement</b>	<b>Dwellings</b>
Annual Local Housing Need based on Standard Methodology at April 2024	446
Houses needed to meet requirement, 1/4/2023 to 31/4/2040	7582
Net Homes delivered* 1/4/2023 to 31/3/2024	451
Houses needed to meet requirement, 1/4/2024 to 31/4/2040	<b>7131</b>
<b>Future Supply Source</b>	<b>Dwellings</b>
Houses deliverable on <b>small sites</b> , 1/4/2024 to 31/3/2040	
<ul style="list-style-type: none"> <li>With planning permission (including new build, net conversions and change of use) at 1st April 2024</li> </ul>	353
<ul style="list-style-type: none"> <li>Known permitted development/prior notification schemes not yet implemented at 1st April 2024</li> </ul>	3
<ul style="list-style-type: none"> <li>Demolitions and other losses with planning permission at 1/4/24</li> </ul>	-3
<ul style="list-style-type: none"> <li>Deduction to account for potential lapsed permissions</li> </ul>	-95
<ul style="list-style-type: none"> <li>Windfall allowance beyond 5 years (60 dpa) - 1/4/2029 to 1/4/2040</li> </ul>	660
Houses deliverable on <b>large sites</b> 1/4/2024 to 31/3/2040	
<ul style="list-style-type: none"> <li>With planning permission at 1st September 2024**</li> </ul>	1972
<ul style="list-style-type: none"> <li>Demolitions and other losses with planning permission at 1/4/24</li> </ul>	0
<ul style="list-style-type: none"> <li>Deduction to account for potential lapsed permissions</li> </ul>	-11
<ul style="list-style-type: none"> <li>Delivery from H1 allocated sites without planning permission</li> </ul>	4347
Provision from C2 residential institutions (dwelling equivalent)	51
<b>Total housing supply 1/4/2024 to 31/3/2040</b>	<b>7277</b>
<b>Net Provision</b>	<b>Dwellings</b>
Provision against Local Housing Need 2023 to 2040	146

It should be noted that the Council submitted a Housing Land Position Statement (ADC. 04) to the Local Plan examination using the updated April 2024 housing monitoring data. In addition to this, a revised small site windfall allowance was introduced. This was also based on more recent data and raised the annual figure from 60 to 91 dwellings per annum accordingly. It also asserted that there was a reasonable case to apply this allowance for the Plan period after year 3, as opposed to beyond year 5 as originally included.

If the new approach to small site windfalls is accepted by the Inspectors, the total over provision would raise to 669 dwellings, or 9.4%, giving a reasonable buffer to allow for choice of site or any non-implementation.

#### Proposed deletion of housing site allocation

It is recommended that the site allocation H1Vd adj.149 Stoney Lane is deleted from Policy H1 Housing Site Allocations. The justification is that the potential yield is lower than that normally considered for local plan allocation at 6 dwellings only – all other site allocations have a total yield of 10 dwellings or greater, i.e. 'major' development as defined in the NPPF. A minor amendment to rationalise the Green Belt boundary in this area is included within the Local Plan 2023-2040 which locates this site within the proposed Named Settlement boundary. A development proposal for housing could therefore be effectively delivered via the planning application process.

## Sustainability Appraisal

The Sustainability Assessment (SA) is a means of ensuring that the likely social, economic and environmental effects of the Local Plan are identified, described and appraised. Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a plan during its preparation.

A short technical note which identifies the scoring for the additional proposed housing sites has been provided by the consultants who undertook the Local Plan Sustainability Appraisal (SA). This is included in Appendix 2.

## Habitats regulation assessment (HRA)

The HRA screens the Draft Local Plan development proposals to determine whether they would have a likely significant effect on habitat sites.

A short addendum has been provided by the consultants which undertook the HRA. This concludes that the addition of new sites proposed will not affect the conclusions of the HRA as submitted to the Local Plan Examination and is included in Appendix 3.

## Revised Local Plan

Amendments are proposed to the following elements of the submitted Local Plan to reflect the new additional housing site allocations, and also an updated position in respect of existing proposed allocations.

- **Policy H1** – Updated list of Housing allocations, dwelling numbers and supporting text
- **Policies Maps** – Update of Policy Map only

These are included as Appendices 4 and 5 to this report.

## Equalities Impact Assessment (EIA)

The purpose of this report is to enable a transparent decision-making process. It informs public consultation and assesses the policies within the Local Plan to ensure that they do not discriminate against particular people or groups.

Amendments are proposed to the Equalities Impact Assessment and are included at Appendix 6 to this report.

## Public consultation on potential new housing sites

Under the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, the Council is required to carry out a minimum six-week period of public consultation on the potential new housing site allocations, as detailed in this report.

It is intended the period of consultation takes place as soon as possible after the Cabinet decision is ratified by Full Council on the 17<sup>th</sup> February 2025, in line with the provisions of the Council's Statement of Community Involvement [SCI](#) [Examination Ref. SD/06]. The Council will consult all

organisations and persons on the Council's Local Plan database, including the specific and general consultation bodies as set out in the SCI.

Whilst the Council will be compiling a summary of the representations received, it will not be responding to them or defending its Local Plan via public meetings. At this stage, it is the role of the public Examination to undertake this process, with the appointed Inspectors considering views and comments from different parties. 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.

The Council will make a copy of each of the consultation documents available for public inspection and comment. The consultation documents will include the amended/updated:

- Ashfield Local Plan Policy H1 – Updated list of Housing allocations, dwelling numbers and supporting text
- New proposed housing site location plans
- Policies Maps (North)
- Sustainability Appraisal (SA) technical note
- Habitats Regulations Assessment (HRA) addendum
- Representation Forms and Guidance Notes.

The minimum requirements are for the consultation documents to be made available for inspection at the local Planning authority's 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.

In undertaking the public consultation, the Council will use the following methods to inform people of the consultation:

- Make all relevant consultation documents available for inspection at the Council Offices, subject to the agreement of Inspire, all four major libraries throughout the District (Hucknall, Selston, Kirkby and Sutton) and Selston Parish Hall, for the duration of the consultation period.
- Publish all relevant consultation documents on the Council's website.
- Utilise an online consultation tool, allowing the public to comment on an interactive version of the document. Paper copies will be available.
- Make full use of the Council's social media platforms.
- Send letters or emails informing those individuals, companies and groups registered on the Local Plan Consultation Database of public consultation.
- Make full use of the local media.

## **Implications**

### **Corporate Plan:**

Planning, and the Local Plan has a cross-cutting role to play in helping to meet and deliver the 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, and improving parks and green spaces.



## 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 06/02/2025]

## 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.

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 Planning Inspectors have paused the Local Plan hearing sessions as they consider that the plan as drafted does not allocate sufficient sites to meet identified housing needs for the entire Plan period of 2023-2040, and that revised green belt boundaries may consequently require further changes before the end of the plan period.	Propose additional housing sites to meet the identified need for the entire plan period which conform with the agreed spatial strategy.

## Human Resources:

There are no direct HR implications contained within this 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. A Sustainability Appraisal has been produced for the Local Plan.

## **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**

Not applicable

## **Reason(s) for Exemption**

None

## **Background Papers**

Appendix 1a – List of additional proposed housing sites

Appendix 1b – New proposed housing site location plans

Appendix 2 – Sustainable Appraisal technical note

Appendix 3 – Habitat Regulations Assessment addendum

Appendix 4 – Local Plan H1 policy - Updated list of Housing allocations, dwelling numbers and supporting text

Appendix 5 – Updated policies map (North)

Appendix 6 - Equalities Impact Assessment

## **Report Author and Contact Officer**

Lisa Furness

Planning Policy Officer

[lisa.furness@ashfield.gov.uk](mailto:lisa.furness@ashfield.gov.uk)

01623 457382

Melanie Wheelwright

Forward Planning & Economic Growth Team Manager

[melanie.wheelwright@ashfield.gov.uk](mailto:melanie.wheelwright@ashfield.gov.uk)

01623 457379

Christine Sarris

Assistant Director Planning

[christine.sarris@ashfield.gov.uk](mailto:christine.sarris@ashfield.gov.uk)

01623 457375

## **Sponsoring Executive Director**

John Bennett

Executive Director – Place

01623 457230

[John.Bennett@ashfield.gov.uk](mailto:John.Bennett@ashfield.gov.uk)