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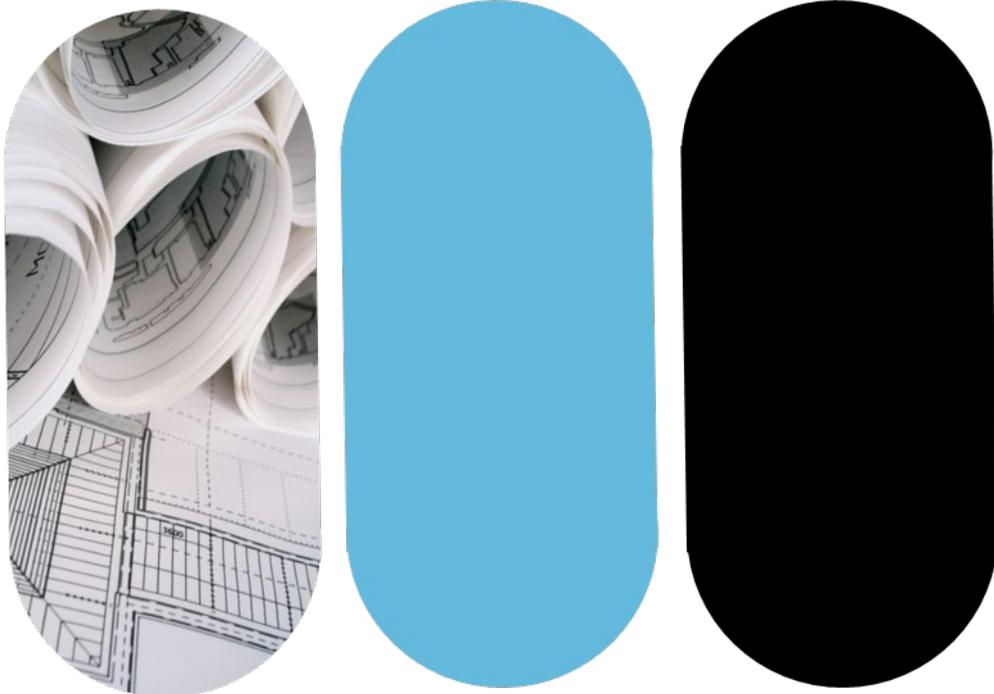
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REPRESENTATION ON THE PRE-SUBMISSION ASHFIELD
LOCAL PLAN 2023 TO 2040 (NOVEMBER 2023)

LAND BETWEEN CHESTERFIELD ROAD AND BLACKWELL
ROAD, HUTHWAITE

On Behalf of Persimmon Homes Nottingham



Waterfront House, Waterfront Plaza, 35 Station Street, Nottingham
www.marrons.co.uk

1. INTRODUCTION

- 1.1 This representation is made on behalf of our client, Persimmon Homes Nottingham, in respect of their interests at Land between Chesterfield Road and Blackwell Road, Huthwaite. It responds specifically to the Ashfield Local Plan 2023-2040 (Regulation 19 Pre-Submission Local Plan).
- 1.2 The Consultation Draft Plan is currently the subject of consultation and representations are invited until the Monday 29th January 2024.
- 1.3 This representation provides our views on the:
- Settlement hierarchy;
 - Amount of housing development;
 - Distribution of housing development;
 - Sustainability Appraisal Report; and
 - The land between Chesterfield Road and Blackwell Road, Huthwaite – draft allocation H1Sk.

2. THE ASHFIELD REGULATION 19 PRE-SUBMISSION LOCAL PLAN (NOVEMBER 2023)

- 2.1 The Ashfield Local Plan 2023 to 2040 Regulation 19 Pre-Submission Draft Plan was published for consultation on 1st December 2023 until 29th January 2024.
- 2.2 The Pre-Submission Local Plan sets out a vision for growth in the District to 2040 and focuses on Ashfield being a place where people of all ages are proud to live, study, work, visit and aspire to stay. The Vision continues;
- “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 will be 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."

2.3 The Plan then goes on to define a set of strategic objectives, a number of which are particularly important to the development strategy and site selection process.

- SO1 – Facilitate Place Making
- SO3 – Meeting Local Housing Needs and Aspirations
- SO4 – Timely and Viable Infrastructure
- SO12 – Transport and Accessibility
- SO13 – Minimising our Impact on the Environment
- SO14 - Protecting and Enhancing the Quality of the Local Environment

2.4 Strategic Policy S7 identifies a minimum housing requirement of 7,582 new dwellings across the plan period (2023-2040) and dispersed across the District. To meet the housing need the Draft Plan recognises the need to release Green Belt.

2.5 The Council has taken a sequential approach to selecting sites for allocation which is considered both sensible and appropriate, this includes the following five stages:

- *Stage 1: Sites with planning permission;*
- *Stage 2: Sites with a resolution to grant planning permission subject to signing a Section 106 legal agreement;*
- *Stage 3: Brownfield (previously developed) sites assessed*

through the SHELAA as 'achievable' or 'potentially achievable' and consistent with the Council's strategic approach for sustainable growth;

- *Stage 4: Greenfield sites assessed through the SHELAA as 'achievable' or 'potentially achievable' and consistent with the Council's strategic approach for sustainable growth;*
- *Stage 5: Green Belt sites assessed through the SHELAA as 'achievable' or 'potentially achievable' and consistent with the Council's strategic approach for sustainable growth.*

2.6 The NPPF (paragraphs 140-142) is clear that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies.

2.7 Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, 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 development. The strategy should:

- a) make as much use as possible of suitable brownfield sites and underutilised land;
- b) optimise the density of development with minimum density standards in town and city centres and other locations well served by public transport; and
- c) be informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common

ground.

- 2.8 Background Paper 1 details how these three options have been addressed as part of the Local Plan process. The conclusion reached is that a certain level of Green Belt release will be required to deliver the local strategic approach alongside contributing towards a regional solution for employment sites, and ultimately the future Vision for the district.
- 2.9 The approach taken to site allocation is considered to be 'sound' and follows the Council's spatial strategy alongside the minimising of impact on the Green Belt. The selection of sites is methodical and draws on a comprehensive evidence base to propose deliverable sites.
- 2.10 The Council are quite right to use the standard method as the starting point for calculating housing needs and ultimately the housing requirement. The national planning practice guidance is also clear that strategic policy-making authorities need a clear understanding of housing needs in their area and that having established housing need using the standard method they should work with neighbouring authorities to prepare policies for meeting housing need across local authority boundaries (Paragraph: 039 Reference ID: 61-039-20190315).
- 2.11 It is however unclear how the minimum housing requirement identified in Strategic Policy S7 of 7,582 new dwelling will be delivered given that Table 2 within the policies supporting text indicates a shortfall in provision of 963 dwellings (2023-2040). In addition, there appears to be a disparity between this figure and that identified in Background Paper 2: Housing which identifies a shortfall of 882 dwellings. The 882 dwelling shortfall is supported by the contents of Table 2 within the Draft Plan and should therefore be reviewed as the plan progresses.
- 2.12 Notwithstanding the above error, the fact that Policy S7 indicates a shortfall in housing provision at all, when compared to the minimum housing requirement, is considered a fundamental concern given the need for the plan to be positively prepared (NPPF paragraph 35a). It is

noted within Background No.1 at paragraph 10.2 that the Council seeks to justify this via the application of Paragraph 68 of the NPPF. Paragraph 68 requires plans to identify a sufficient supply and mix of sites, with deliverable sites for years 1-5 of the plan period, and specific developable sites or broad locations for growth for years 6-10, and 'where possible', for years 11-15.

2.13 At page 281 of the draft Local Plan it is noted that the Council has applied the provisions of Paragraph 68 in the 'District Summary' table by not identifying a sufficient supply beyond year 10 (2032/33). Notably however, the annual requirement for the plan period is 446 dwellings per annum, which the Council predicts to fall short on in years 1, 2, 5 and 10. This is further expressed on page 282 of the draft Local Plan within the 'Ashfield Housing Trajectory 2023 to 2040' table, where the Council predicts to have a shortfall of 100 dwellings at year 5 of the plan period. The Council should urgently consider whether this accords with Paragraph 68a of the NPPF and thus satisfies the soundness test.

2.14 Notwithstanding this, the Council should also seek to ensure an appropriate buffer in housing provision to provide more certainty that the minimum housing requirement will be met within the plan period. We would suggest that a buffer of 10-15% above the minimum housing requirement would be appropriate to ensure the necessary flexibility.

2.15 Strategic Policy S1 sets out how the Council will seek to deliver the Local Plan's Vision by guiding the distribution of development, identified in Policy S7, across the District over the Plan period, 2023 – 2040.

2.16 Policy S1 sets out the settlement hierarchy for the District as below:

a) Main Urban Areas to accommodate the largest scale of growth:

- Sutton in Ashfield (Sutton)
- Kirkby-in-Ashfield (Kirkby)
- Hucknall

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- Areas in the District adjacent to the Mansfield 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) Blenheim Industrial Estate to accommodate existing and future employment uses in the event of redevelopment.
- e) 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.

Limited infill development may be appropriate in small villages/hamlets, provided there is no adverse effect on the scale and character of the area. In all other areas, development will only be considered appropriate where sites are specifically allocated in the Development Plan, or where development is appropriate to

the Green Belt or Countryside as set out in Policies EV1 and EV2. In this respect development will be restricted to that which requires a countryside location, meets a local need, or supports rural diversification in accordance with policies in this Local Plan.

- 2.17 The settlement hierarchy is supported by the Council's Spatial Strategy and Site Selection 2023 Background Paper, Sustainability Appraisal (SA) (August 2023) and Greater Nottingham (including Ashfield) Accessibility of Settlements Study (2010).
- 2.18 As detailed in the Council's Spatial Strategy and Site Selection 2023 Background Paper, the Accessible Settlements Study for Greater Nottingham undertaken in 2010 identified that the most sustainable areas in Ashfield are Sutton in Ashfield, Hucknall and Kirkby-in-Ashfield while Selston is the most sustainable rural settlement. This evidence, alongside a more individual site accessibility assessment undertaken as part of the SHELAA, was utilised in support of the settlement hierarchy and spatial strategy approach.
- 2.19 We agree with the general approach taken to arrive at the settlement hierarchy although we are concerned that the housing requirement is insufficient to meet housing need for the reasons given earlier in this representation and that a greater amount of development will need to be provided.
- 2.20 The Spatial Strategy and Site Selection 2023 Background Paper details that a range of alternative spatial options have been considered in the Sustainability Appraisal (SA) accompanying the Plan. Option 3 in the SA has now been taken forward as it represents the best option to deliver sustainable development and meet the Vision for the District. The SA also sets out the reasons why other options were discounted.
- 2.21 The SA notes that Option 3: Dispersed Development would provide housing to meet local needs, including within the rural areas, and would be less reliant on longer lead-in times and the provision of infrastructure than options that rely on new settlements/SUEs. Development in the

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- more viable rural areas would also support affordable housing needs.
- 2.22 The Spatial Strategy within the Plan, as detailed in Policy S1, is therefore based on an approach for dispersed development (SA Option 3) with no large sites of 500 or more dwellings.
- 2.23 Policy H1: Housing Allocations identifies those sites to be allocated within the draft plan to support the Council's spatial strategy and meeting their housing requirement. This includes allocation the site subject to these representations, reference H1Sk - Sunnyside Farm, Blackwell Road, Huthwaite, which has a potential yield of 283 dwellings. Detailed commentary on the site is set out in Section 4 of this representation. However, the site can suitably accommodate approximately 350 dwellings and will bolster housing supply to meet need.
- 2.24 The development at Sunnyside Farm will seek to provide the required proportion of affordable housing, bringing clear social and economic benefits and should be given significant weight, particularly given the significant need and recent failures to delivery affordable homes within the District.
- 2.25 Policy H3: Affordable Housing details a requirement for a minimum of 25% affordable housing on greenfield sites and 10% on brownfield sites for developments of 10 or more dwellings or larger than 0.5ha. Our Client support the provision of affordable housing, particularly given the latest evidence from the Greater Nottingham & Ashfield Housing Needs Assessment Final Report (October 2020) identifies an affordable housing needs within the District of 237 affordable homes for rent per annum from 2020. This is clearly significant.
- 2.26 The Council's Housing Land Monitoring Report (2023) identifies that, as of 1st April 2023, a gross total of 652 affordable dwellings have been completed over a 13-year period (since 2010). This equates to an average of 50 affordable units (gross) per annum. Significantly below the latest identified affordable housing need figure at 237 dwellings per annum. Therefore, any opportunity that will ensure an increased delivery
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of affordable housing should be explored. This includes the potential increase in housing requirements and allocation yields.

2.27 Strategic Objective SO3 Meeting Local Housing Needs and Aspirations quite rightly seeks to meet needs by “Increasing the supply of quality affordable homes to provide inclusive and mixed communities”. This is particularly important to not only the identification of the overall housing requirement and strategy provided by Policy S7, but also to the selection of sites and to the development of Policy H1.

2.28 Strategic Policy S9: Aligning Growth and Infrastructure is positive in that it sets out that the Council will work with partners, neighbouring councils, infrastructure providers, developers and stakeholders to facilitate the requirements for economic, social and environmental infrastructure to support development. The second part of the policy details that “2. *To make a positive contribution to the sustainable growth of Ashfield, proposed development, including development adjacent to, but outside the District boundary, shall contribute towards the economic, social and environmental infrastructure requirements of the area. The nature and scale of the requirements will be commensurate with the form of the development together with its potential impact upon the surrounding area*”. Our Client are supportive of this approach, but as the Council will be aware any contributions must be CIL compliant, they must be:

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

2.29 The contents of Strategic Policy S9 must interact positively with Policy SD5: Developer Contributions which details a list of potential infrastructure to be supported by contributions, this includes strategic infrastructure requiring the pooling of funds.

2.30 Returning to the disparity between the minimum housing requirement

identified in Strategic Policy S7 at 7,582 new dwelling (2023-2040) and the identified future supply of 6,700 dwellings. This shortfall in housing provision should be reviewed ahead of submission of the Plan. The Council should as a minimum, seeks to meet the area's objectively assessed needs to enable the plan to be positively prepared and deemed sound as detailed by NPPF paragraph 35.

- 2.31 As set out the Council should also seek to ensure an appropriate buffer in housing provision to provide more certainty that the minimum housing requirement will be met within the plan period. It is considered that a buffer of 10-15% above the minimum housing requirement would be appropriate to ensure the necessary flexibility. This would also ensure that sufficient supply would be evidenced should delivery to be further scrutinised during examination.

3. REPRESENTATIONS IN RESPECT OF LAND BETWEEN CHESTERFIELD ROAD AND BLACKWELL ROAD, HUTHWAITE

- 3.1 The site comprises approximately 19ha of land in use as agricultural fields located on the edge of Huthwaite which forms part of the Main Urban Area of Sutton-in-Ashfield. Blackwell Road is located to the south of the site, the Garden Gap allotments and the residential properties located on Strawberry Bank are located to the north and north east of the site, a mix of woodland and agricultural fields are located to the east and west of the site.
- 3.2 A Public Right of Way crosses the centre of the site in an east-west direction. The site slopes to the north rising more steeply as it approaches Strawberry Banks. The site is located within Flood Zone 1 and therefore at the lowest risk of fluvial flooding. No heritage assets are located within, or in close proximity to, the site.
- 3.3 The village centre of Huthwaite is located approximately 500m to the east of the site and is a sustainable location suitable for growth. The village provides a number of local services, including two small supermarkets, employment opportunities, restaurants, public houses, and hair dressers. Sutton-in-Ashfield, to which Huthwaite forms the part of its western extent, is one of the Main Urban Areas in the District and provides a significant level of services and employment opportunities. In addition immediately to the south of the site lies a major employment area.
- 3.4 As a result of Huthwaite's relationship with Sutton-in-Ashfield it is identified as forming part of the top tier within the settlement hierarchy as one of the Urban Areas.
- 3.5 The regular bus service (Service 1) is accessible via the stops at Market Place approximately 500m the east of the site providing 4 or 5 services per hour to Woodhouse, Mansfield, Sutton Bus Station and Alfreton. Additionally, Sutton Parkway Station is a 10 minute car journey from the

allocation site. Rail services can be taken from this station to destinations including Nottingham, Worksop and Mansfield.

- 3.6 As set out in Section 3, the site is allocated for a minimum of 283 dwellings (H1Sk). The supporting text within the Draft Plan (paragraphs 6.58 – 6.62) outlines that the estimated yield from this site has been reduced to take into account the topography change towards the north of the site. It is clear that the capacity of the site will become clear through a constraints-led approach to masterplanning which indicates that capacity of approximately 350 dwellings can be accommodated at the site. This would be delivered alongside a significant area of green infrastructure and open space.
- 3.7 The land is in single ownership and under the full control of our client, Persimmon Homes, who are looking to ensure early delivery of the site and support the Council's housing trajectory.
- 3.8 Notwithstanding the above, Persimmon Homes are willing and able to take a flexible approach to the development and would welcome dialogue with the Council. To that end, the masterplan should not be taken as the final product but rather a stage in an iterative process.
- 3.9 Sites of this nature and scale will contribute to delivery of the housing trajectory and would provide for the strong delivery of housing, including deeper into the Plan period. The Housing Trajectory in Appendix 2 of the draft Plan indicates delivery from the site from 2028/29 onwards.
- 3.10 There are no barriers to suggest that the site cannot come forward for development and as a result it should be considered suitable, available and achievable and capable of contributing towards the delivery of homes in the immediate term subject to the grant of a future planning permission.
- 3.11 Therefore, our Client fully support the allocation at Land between Chesterfield Road and Blackwell Road as it is located in a wholly sustainable location and will bolster housing supply to meet housing

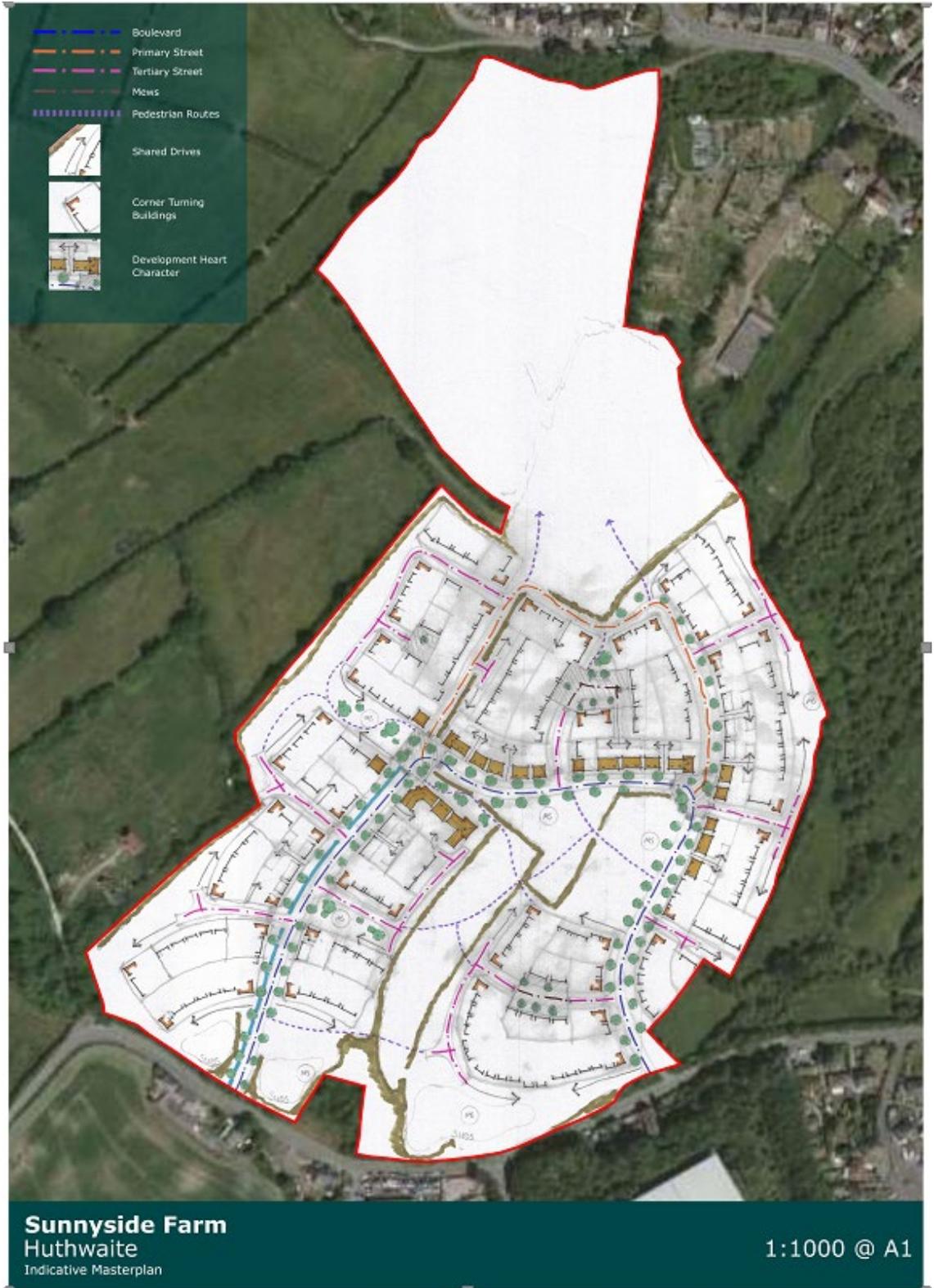
need. Persimmon Homes are committed to pursuing development and have previously engaged in the pre-application process with the Council and will continue to advance proposals moving forward towards a future application. This is clear evidence of delivery of the allocation which is in the control of an established house building with a positive track record. We would encourage the Council to review the capacity of allocation H1Sk in light of the 350 dwellings we anticipated to be delivered and increase the allocation figure accordingly.

4. CONCLUSION

- 4.1 Our Client agree with the Council's settlement hierarchy and consider the approach taken to site allocation to be 'sound'. It follows the Council's spatial strategy and minimises the impact on the Green Belt. The selection of sites is methodical and draws on a comprehensive evidence base to propose deliverable sites.
- 4.2 The Council are quite right to use the standard method as the starting point for calculating housing needs and ultimately the housing requirement.
- 4.3 It is however unclear how the minimum housing requirement identified in Strategic Policy S7 of 7,582 new dwelling will be delivered given that shortfall in provision identified in Table 2. In addition, there appears to be a disparity between the figure in Table 2 and that identified in Background Paper 2: Housing which identifies a shortfall of 882 dwellings and should be reviewed.
- 4.4 This shortfall against the minimum housing requirement is an important element of the Plan that requires further attention. Notwithstanding this, we would recommend that the Council should also seek to ensure an appropriate buffer in housing provision, above the figure identified by the minimum housing requirement, to provide more certainty that the minimum housing requirement will be met within the plan period. It is considered that a buffer of 10-15% above the minimum housing requirement would be appropriate to ensure the necessary flexibility.
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- 4.5 The allocation for a minimum of 283 dwellings at Land between Chesterfield Road and Blackwell Road, Huthwaite constitutes wholly sustainable development and wider studies have shown that there are no constraints on site that cannot be mitigated and the overall site capacity is approximately 350 dwellings. The site would also deliver affordable homes which there have historically been a shortfall of in the District.
- 4.6 Notwithstanding the above comments, our clients support the allocation at Land between Chesterfield Road and Blackwell Road, Huthwaite and our Client would be pleased to work with the Council as the Local Plan continues to advance. The site offers a clear opportunity to increase delivery at an acceptable site and we would encourage the Council to update the allocation dwelling numbers to match the 350 dwellings capacity anticipated.

Appendix A – Illustrative Layout: Land between Chesterfield Road and Blackwell Road, Huthwaite



Appendix B – Background and Context

The National Planning Policy Framework (NPPF) has recently been revised in December 2023 and contains a number of changes to the previous July 2021 (amended in September 2023) iteration of the NPPF. However, as set out in 2023 NPPF paragraph 230 the policies of that Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (presubmission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework. The contents of the September 2023 NPPF are applicable to the Pre-Submission Plan.

The NPPF confirms at paragraph 15 that the planning system should be genuinely planned. The presumption in favour of sustainable development applies to plan making and says that plans should positively seek opportunities to meet the development needs of their area, and that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas (paragraph 11).

Plans should be prepared positively, in a way that is aspirational but deliverable and be shaped by early, proportionate and effective engagement between plan-makers and, inter alia, local businesses. They should also contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals (paragraph 16).

Paragraph 20 states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for housing (including affordable housing), and community facilities (including education). Paragraph 22 goes on to state that strategic policies should look ahead over a minimum 15 year period from adoption and larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery

Paragraph 23 of the NPPF states that strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively

assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area.

Paragraph 31 states the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

Paragraph 32 recognises the legal requirement for local plans to be informed throughout their preparation by a sustainability appraisal demonstrating how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). It highlights that significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued.

Plans should set out the contributions expected from development, including the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for health). This should not undermine the deliverability of the plan (paragraph 34).

For a plan to be adopted it must pass an examination and be found to be 'sound'. Paragraph 35 identifies that 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.

Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.

Paragraph 61 of the NPPF states that 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 and paragraph 62 confirms that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Paragraph 66 of the NPPF states that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.

Paragraph 68 of the NPPF states that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.

Paragraph 69 of the NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. Paragraph 73 of the NPPF goes on to say that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary

infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.

Paragraph 74 says that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period and that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

Paragraph 78 recognises that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 79 of the NPPF says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Paragraph 96 says that to ensure faster delivery of other public service infrastructure local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.

The national policy context for plan making is clear in that:

1. the plan must set out an overall strategy for the pattern of development that makes sufficient provision for housing to meet the needs of Ashfield District as well as any needs that cannot be met within neighbouring areas;
2. Sufficient sites to deliver the strategic priorities of the area must be planned for and allocated;
3. a sufficient amount and variety of land can come forward where it is needed;
4. plans should be positive, aspirational and be responsive to changes in local

circumstances;

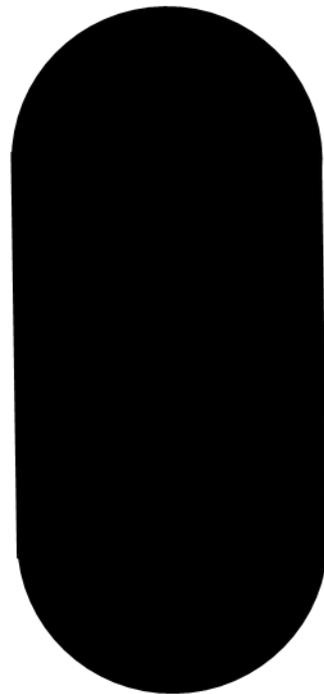
5. strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations;
6. In rural areas housing developments that enhances or maintains the vitality of rural communities should be supported; and
7. suitable locations should be identified for villages to grow and thrive, especially where this will support local services, including extensions to villages where this can help to meet identified needs in a sustainable way.



REPRESENTATION ON THE PRE-SUBMISSION ASHFIELD
LOCAL PLAN 2023 TO 2040 (NOVEMBER 2023)

LAND NORTH OF FACKLEY ROAD, TEVERSAL

On Behalf of Persimmon Homes Nottingham



Waterfront House, Waterfront Plaza, 35 Station Street, Nottingham
www.marrons.co.uk

1. INTRODUCTION

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2.7 Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, 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 development. The strategy should:

- a) make as much use as possible of suitable brownfield sites and underutilised land;
- b) optimise the density of development with minimum density standards in town and city centres and other locations well served by public transport; and
- c) be informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

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- 2.8 Background Paper 1 details how these three options have been addressed as part of the Local Plan process. The conclusion reached is that a certain level of Green Belt release will be required to deliver the local strategic approach alongside contributing towards a regional solution for employment sites, and ultimately the future Vision for the district.
- 2.9 The approach taken to site allocation is considered to be 'sound' and follows the Council's spatial strategy alongside the minimising of impact on the Green Belt. The selection of sites is methodical and draws on a comprehensive evidence base to propose deliverable sites.
- 2.10 The Council are quite right to use the standard method as the starting point for calculating housing needs and ultimately the housing requirement. The national planning practice guidance is also clear that strategic policy-making authorities need a clear understanding of housing needs in their area and that having established housing need using the standard method they should work with neighbouring authorities to prepare policies for meeting housing need across local authority boundaries (Paragraph: 039 Reference ID: 61-039-20190315).
- 2.11 It is however unclear how the minimum housing requirement identified in Strategic Policy S7 of 7,582 new dwelling will be delivered given that Table 2 within the policies supporting text indicates a shortfall in provision of 963 dwellings (2023-2040). In addition, there appears to be a disparity between this figure and that identified in Background Paper 2: Housing which identifies a shortfall of 882 dwellings. The 882 dwelling shortfall is supported by the contents of Table 2 within the Draft Plan and should therefore be reviewed as the plan progresses.
- 2.12 Notwithstanding the above error, the fact that Policy S7 indicates a shortfall in housing provision at all, when compared to the minimum housing requirement, is considered a fundamental concern given the need for the plan to be positively prepared (NPPF paragraph 35a). It is noted within Background No.1 at paragraph 10.2 that the Council seeks to justify this via the application of Paragraph 68 of the NPPF. Paragraph
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68 requires plans to identify a sufficient supply and mix of sites, with deliverable sites for years 1-5 of the plan period, and specific developable sites or broad locations for growth for years 6-10, and 'where possible', for years 11-15.

2.13 At page 281 of the draft Local Plan it is noted that the Council has applied the provisions of Paragraph 68 in the 'District Summary' table by not identifying a sufficient supply beyond year 10 (2032/33). Notably however, the annual requirement for the plan period is 446 dwellings per annum, which the Council predicts to fall short on in years 1, 2, 5 and 10. This is further expressed on page 282 of the draft Local Plan within the 'Ashfield Housing Trajectory 2023 to 2040' table, where the Council predicts to have a shortfall of 100 dwellings at year 5 of the plan period. The Council should urgently consider whether this accords with Paragraph 68a of the NPPF and thus satisfies the soundness test.

2.14 Notwithstanding this, the Council should also seek to ensure an appropriate buffer in housing provision to provide more certainty that the minimum housing requirement will be met within the plan period. Our client would suggest that a buffer of 10-15% above the minimum housing requirement would be appropriate to ensure the necessary flexibility.

2.15 Strategic Policy S1 sets out how the Council will seek to deliver the Local Plan's Vision by guiding the distribution of development, identified in Policy S7, across the District over the Plan period, 2023 – 2040.

2.16 Policy S1 sets out the settlement hierarchy for the District as below:

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

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) Blenheim Industrial Estate to accommodate existing and future employment uses in the event of redevelopment.

e) 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.

Limited infill development may be appropriate in small villages/hamlets, provided there is no adverse effect on the scale and character of the area. In all other areas, development will only be considered appropriate where sites are specifically allocated in the Development Plan, or where development is appropriate to the Green Belt or Countryside as set out in Policies EV1 and EV2. In this respect development will be restricted to that which

requires a countryside location, meets a local need, or supports rural diversification in accordance with policies in this Local Plan.

- 2.17 The settlement hierarchy is supported by the Council's Spatial Strategy and Site Selection 2023 Background Paper, Sustainability Appraisal (SA) (August 2023) and Greater Nottingham (including Ashfield) Accessibility of Settlements Study (2010).
- 2.18 As detailed in the Council's Spatial Strategy and Site Selection 2023 Background Paper, the Accessible Settlements Study for Greater Nottingham undertaken in 2010 identified that the most sustainable areas in Ashfield are Sutton in Ashfield, Hucknall and Kirkby-in-Ashfield while Selston is the most sustainable rural settlement. This evidence, alongside a more individual site accessibility assessment undertaken as part of the SHELAA, was utilised in support of the settlement hierarchy and spatial strategy approach.
- 2.19 We agree with the general approach taken to arrive at the settlement hierarchy although we are concerned that the housing requirement is insufficient to meet housing need for the reasons given earlier in this representation and that a greater amount of development will need to be provided.
- 2.20 The Spatial Strategy and Site Selection 2023 Background Paper details that a range of alternative spatial options have been considered in the Sustainability Appraisal (SA) accompanying the Plan. Option 3 in the SA has now been taken forward as it represents the best option to deliver sustainable development and meet the Vision for the District. The SA also sets out the reasons why other options were discounted.
- 2.21 The SA notes that Option 3: Dispersed Development would provide housing to meet local needs, including within the rural areas, and would be less reliant on longer lead-in times and the provision of infrastructure than options that rely on new settlements/SUEs. Development in the more viable rural areas would also support affordable housing needs.

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- 2.22 The Spatial Strategy within the Plan, as detailed in Policy S1, is therefore based on an approach for dispersed development (SA Option 3) with no large sites of 500 or more dwellings.
- 2.23 Policy H1: Housing Allocations identifies those sites to be allocated within the draft plan to support the Council's spatial strategy and meeting their housing requirement. This includes allocation the site subject to these representations, reference H1SI - North of Fackley Road, Teversal, which has a potential yield of 124 dwellings. Detailed commentary on the site is set out in Section 4 of this representation.
- 2.24 The development at the site will seek to provide the required proportion of affordable housing, bringing clear social and economic benefits and should be given significant weight, particularly given the significant need and recent failures to delivery affordable homes within the District.
- 2.25 Policy H3: Affordable Housing details a requirement for a minimum of 25% affordable housing on greenfield sites and 10% on brownfield sites for developments of 10 or more dwellings or larger than 0.5ha. We support the provision of affordable housing, particularly given the latest evidence from the Greater Nottingham & Ashfield Housing Needs Assessment Final Report (October 2020) identifies an affordable housing needs within the District of 237 affordable homes for rent per annum from 2020. This is clearly significant.
- 2.26 The Council's Housing Land Monitoring Report (2023) identifies that, as of 1st April 2023, a gross total of 652 affordable dwellings have been completed over a 13-year period (since 2010). This equates to an average of 50 affordable units (gross) per annum. Significantly below the latest identified affordable housing need figure at 237 dwellings per annum. Therefore, any opportunity that will ensure an increased delivery of affordable housing should be explored. This includes the potential increase in housing requirements and allocation yields.
- 2.27 Strategic Objective SO3 Meeting Local Housing Needs and Aspirations quite rightly seeks to meet needs by "Increasing the supply of quality
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affordable homes to provide inclusive and mixed communities”. This is particularly important to not only the identification of the overall housing requirement and strategy provided by Policy S7, but also to the selection of sites and to the development of Policy H1.

2.28 Strategic Policy S9: Aligning Growth and Infrastructure is positive in that it sets out that the Council will work with partners, neighbouring councils, infrastructure providers, developers and stakeholders to facilitate the requirements for economic, social and environmental infrastructure to support development. The second part of the policy details that “2. *To make a positive contribution to the sustainable growth of Ashfield, proposed development, including development adjacent to, but outside the District boundary, shall contribute towards the economic, social and environmental infrastructure requirements of the area. The nature and scale of the requirements will be commensurate with the form of the development together with its potential impact upon the surrounding area*”. We are supportive of this approach, but as the Council will be aware any contributions must be CIL compliant, they must be:

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

2.29 The contents of Strategic Policy S9 must interact positively with Policy SD5: Developer Contributions which details a list of potential infrastructure to be supported by contributions, this includes strategic infrastructure requiring the pooling of funds.

2.30 Returning to the disparity between the minimum housing requirement identified in Strategic Policy S7 at 7,582 new dwelling (2023-2040) and the identified future supply of 6,700 dwellings. This shortfall in housing provision should be reviewed ahead of submission of the Plan. The Council should as a minimum, seeks to meet the area’s objectively

assessed needs to enable the plan to be positively prepared and deemed sound as detailed by NPPF paragraph 35.

- 2.31 As set out the Council should also seek to ensure an appropriate buffer in housing provision to provide more certainty that the minimum housing requirement will be met within the plan period. It is considered that a buffer of 10-15% above the minimum housing requirement would be appropriate to ensure the necessary flexibility. This would also ensure that sufficient supply would be evidenced should delivery to be further scrutinised during examination.

3. REPRESENTATIONS IN RESPECT OF LAND NORTH OF FACKLEY ROAD, TEVERSAL

- 3.1 The site comprises approximately 5.4ha of land in use as agricultural fields located south of Teversal village, north of Stanton Hill and is on the northeast side of Fackley Road. The River Meden runs along the southern boundary of the site with further agricultural land to the east. To the north lies a football ground and cricket pitch, woodland and the Teversal and Silverhill trails and residential development on Crompton Street and Copsywood Close to the west.
- 3.2 A public right of way that runs along the west boundary between Copsywood Close and Crompton Street. The site slopes gently from the northwest down to the southeast, a total fall of about 13 metres from 148m AOD to 135m AOD.
- 3.3 The site falls almost entirely within Flood Zone 1, except for a narrow margin running contiguous to the River Meden falling within Flood Zones 2 and 3. Importantly, no built form falls within the known flood risk area where 10m landscape offsets are observed. No heritage assets are located within, or in close proximity to, the site.
- 3.4 The site takes advantage of the extensive facilities and services within Teversal. This includes Healdswood Infant and Nursery School and New Woods Childrens Centre which can be reached within an 11-12 minute walk from the centre of the development site via continuous footway. Skegby Junior Academy can be reached in a 15 minute walk. Quarrydale Academy includes a sixth form for further education opportunities and can be reached within a 23-24 minute walk from the centre of the development via continuous footway along the B6014.
- 3.5 A Co-op foodstore on Fackley Road can be reached within a 9-10 minute walk from the development site and there are a number of shops and cafes/restaurants along High Street which can be reached within a 15 minute walk of the proposed development.

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- 3.6 The employment opportunities located off Brierley Park Close can be reached within a 15 minute walk from the development site via footway along the B6014 on the route towards Quarrydale Academy and a pedestrian crossing on Stoneyford Road, north of Marshall Terrace, which facilitates pedestrian movement to Brierley Park Close.
- 3.7 Skegby Family Medical Centre and a pharmacy can be reached within a 15 minute walk of the development site. The medical centre can be reached via footway along Fackley Road and the PRow that connects the B6014 Fackley Road and the B6014 Mansfield Road via Barker Avenue and then footway on the B6014 Fackley Road.
- 3.8 The nearest bus stop is on Fackley Road and is a south-east bound stop and is an approximate 400m walk from the centre of the development site. The north-west bound stop can be reached with an approximate 420m walk from the centre of the proposed development. These stops offer 3 services a day Monday-Friday via the 417 route and includes connections to Sutton Bus Station and Stanton Hill.
- 3.9 The nearest regular and frequent bus service to the residents of Fackley and the proposed development is adjacent to the Co-op on the B6028 High Street, which can be reached within an approximate 750m walk from the centre of the proposed development. These stops are served by the 141 route which provides hourly connections to Sutton-in-Ashfield, Stanton Hill, Mansfield, Rainworth, Blidworth, Hucknall and Nottingham.
- 3.10 The settlement hierarchy identifies Fackley, as a 'Named Settlement within Policy S1(c). This represents the third tier of the hierarchy after the Main Urban Areas (a) and Strategic Employment Areas (b).
- 3.11 As set out in Section 3, the site is allocated for a minimum of 124 dwellings (H1SI). The supporting text within the Draft Plan (paragraphs 6.63 – 6.65) outlines that there is an opportunity to provide wider community benefits in the way of improvements/redevelopment of the adjacent sports facilities. However, it is important to maintain this sense of openness between Teversal and Stanton Hill.
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- 3.12 Importantly, a full planning application has been submitted at the site for the development of 124 dwellings (application reference V/2022/0295). This application has been subject to significant engagement between the applicant and the Council and ultimately resulted in a recommendation for approval and no statutory consultee objections. Notwithstanding the professional recommendation of Officers, the application was refused by Members on the 6th December 2023 and will be subject to appeal proceedings in due course.
- 3.13 The land is in single ownership and under control of our client, Persimmon Homes, who are looking to ensure early delivery of the site and support the Council's housing trajectory. This is particularly important in light of the recent refusal of the planning application at the site.
- 3.14 Persimmon Homes are willing and able to take a flexible approach to the development and would welcome dialogue with the Council.
- 3.15 Sites of this nature and scale will contribute to delivery of the housing trajectory and would provide for the strong delivery of housing, including deeper into the Plan period. The Housing Trajectory in Appendix 2 of the draft Plan indicates delivery from the site between 2026/27 and 2029/30.
- 3.16 There are no barriers to suggest that the site cannot come forward for development and as a result it should be considered suitable, available and achievable and capable of contributing towards the delivery of homes in the immediate term subject to the grant of a future planning permission.
- 3.17 Therefore, our Client fully support the allocation at Land North of Fackley Road as it is located in a wholly sustainable location and will bolster housing supply to meet housing need. Persimmon Homes are committed to pursuing development and are continuing to seek permission at the site. This is clear evidence of deliverability given the positive recommendation by planning officers at the allocation which is in the control of an established house building with a positive track record.
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4. CONCLUSION

- 4.1 Our Client agree with the Council's settlement hierarchy and consider the approach taken to site allocation to be 'sound'. It follows the Council's spatial strategy and minimises the impact on the Green Belt. The selection of sites is methodical and draws on a comprehensive evidence base to propose deliverable sites.
- 4.2 The Council are quite right to use the standard method as the starting point for calculating housing needs and ultimately the housing requirement.
- 4.3 It is however unclear how the minimum housing requirement identified in Strategic Policy S7 of 7,582 new dwelling will be delivered given that shortfall in provision identified in Table 2. In addition, there appears to be a disparity between the figure in Table 2 and that identified in Background Paper 2: Housing which identifies a shortfall of 882 dwellings and should be reviewed.
- 4.4 This shortfall against the minimum housing requirement is an important element of the Plan that requires further attention. Notwithstanding this, we would recommend that the Council should also seek to ensure an appropriate buffer in housing provision, above the figure identified by the minimum housing requirement, to provide more certainty that the minimum housing requirement will be met within the plan period. It is considered that a buffer of 10-15% above the minimum housing requirement would be appropriate to ensure the necessary flexibility.
- 4.5 The allocation for a minimum of 124 dwellings at Land North of Fackley Road, Teversal constitutes wholly sustainable development and wider studies have shown that there are no constraints on site that cannot be mitigated. The site would also deliver affordable homes which there have historically been a shortfall of in the District.
- 4.6 Notwithstanding the above comments, our clients support the allocation at Land North of Fackley Road, Teversal and our Client would be pleased

to work with the Council as the Local Plan continues to advance.

Appendix B – Background and Context

The National Planning Policy Framework (NPPF) has recently been revised in December 2023 and contains a number of changes to the previous July 2021 (amended in September 2023) iteration of the NPPF. However, as set out in 2023 NPPF paragraph 230 the policies of that Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (presubmission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework. The contents of the September 2023 NPPF are applicable to the Pre-Submission Plan.

The NPPF confirms at paragraph 15 that the planning system should be genuinely planned. The presumption in favour of sustainable development applies to plan making and says that plans should positively seek opportunities to meet the development needs of their area, and that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas (paragraph 11).

Plans should be prepared positively, in a way that is aspirational but deliverable and be shaped by early, proportionate and effective engagement between plan-makers and, inter alia, local businesses. They should also contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals (paragraph 16).

Paragraph 20 says that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for housing (including affordable housing), and community facilities (including education). Paragraph 22 goes into say that strategic policies should look ahead over a minimum 15 year period from adoption and larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery

Paragraph 23 of the NPPF says that strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively

assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area.

Paragraph 31 says that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

Paragraph 32 recognises the legal requirement for local plans to be informed throughout their preparation by a sustainability appraisal demonstrating how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). It highlights that significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued.

Plans should set out the contributions expected from development, including the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for health). This should not undermine the deliverability of the plan (paragraph 34).

For a plan to be adopted it must pass an examination and be found to be 'sound'. Paragraph 35 identifies that 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.

Paragraph 60 of the NPPF says that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.

Paragraph 61 of the NPPF says that 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 and paragraph 62 confirms that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Paragraph 66 of the NPPF says that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.

Paragraph 68 of the NPPF says that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.

Paragraph 69 of the NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. Paragraph 73 of the NPPF goes on to say that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the

necessary infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.

Paragraph 74 says that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period and that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

Paragraph 78 recognises that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 79 of the NPPF says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Paragraph 96 says that to ensure faster delivery of other public service infrastructure local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.

The national policy context for plan making is clear in that:

1. the plan must set out an overall strategy for the pattern of development that makes sufficient provision for housing to meet the needs of Ashfield District as well as any needs that cannot be met within neighbouring areas;
2. Sufficient sites to deliver the strategic priorities of the area must be planned for and allocated;
3. a sufficient amount and variety of land can come forward where it is needed;
4. plans should be positive, aspirational and be responsive to changes in local

circumstances;

5. strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations;
6. In rural areas housing developments that enhances or maintains the vitality of rural communities should be supported; and
7. suitable locations should be identified for villages to grow and thrive, especially where this will support local services, including extensions to villages where this can help to meet identified needs in a sustainable way.