

Ashfield District Local Plan Examination

Matter 2 Hearing Statement

On behalf of Hallam Land.

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Local Plan Respondent ID: 240

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Matter 2 – Meeting Ashfield’s Housing Needs

Issue 1

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to meeting housing needs

Relevant policies – S1, S7, H2, H2a, H3, H4, H5, H6, H7, H8

- 1.1. **Has the calculation of Local Housing Need (LHN) (446 dwellings per annum) been undertaken correctly?**

Yes. The housing requirement proposed reflects the current Local Housing Need for Ashfield District of 446 dwellings per annum, which is based on the current standard methodology.

It is important to keep in mind the proposed changes to the standard methodology which would see the figure for Ashfield increase to 604 dwellings per annum. Whilst this is not directly relevant to the housing requirement for the Plan, as the authority are likely to be caught within the transitional arrangements, it is important context and shows the direction of travel for significantly increasing housing needs in the District. This is important context particularly in light of the fact that the proposed Plan doesn't make sufficient provision even for the current, significantly lower, housing need figure.

- 1.2. **Has the correct median workplace-based affordability ratio been used to undertake the LHN calculation having regard to the date of submission of the Plan?**

Background Paper 2: Housing (BP.02) is reliant on an incorrect and outdated median workplace-based affordability 2022 ratio of 5.73. It is unclear how the Council has arrived at this figure, given that the 2022 ratio published by the Office for National Statistics in March 2024 is stated as 5.84.

Regardless, the Plan was not submitted until April 2024, at which point the subsequent dataset for 2023 was available (released 25th March 2024). Having regard to the updated figures, the median workplace-based affordability ratio for Ashfield is stated as 6.15.

The Government's consultation on the changes to the standard method published in July 2024 state the current LHN figure for Ashfield is 446 based on the 2023 affordability ratio. This is unchanged from the previous LHN figure based on the 2022 affordability ratio which the Council used to inform the Pre-Submission Local Plan.

Given these anomalies, it would be helpful to all interested parties if this issue could be clarified by the Council.

- 1.3. **Are there any exceptional circumstances which justify an alternative approach to using the standard method? If so, what are they, and what should the housing requirement be?**

Economic Uplift



Paragraph 61 of the Framework is clear that the outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area and that there may be exceptional circumstances which justify a different approach to assessing housing need. Paragraph 67 expands on this and sets out that the requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas or reflects growth ambitions linked to economic development or infrastructure investment.

This important step in the process of identifying a housing requirement is not addressed in the Submission Plan (SD.01), Background Paper 2: Housing (BP.02), the Sustainability Appraisal (SD.03) or Housing Needs Assessment (SEV.19).

The Council's housing needs evidence is set out in the Greater Nottingham & Ashfield Housing Needs Assessment (2020) (SEV.19). The assessment does not consider the relationship between economic forecasts and housing need or whether the Local Housing Need figure should be uplifted. The analysis undertaken in the report simply accepts the standard method figures for each of the authorities assessed.

The Planning Practice Guide (PPG) sets out circumstances where it may be appropriate to consider a higher figure than the standard method including situations where increases in housing need are likely to exceed past trends because of strategic infrastructure improvements that are likely to drive an increase in the homes needed locally. The guidance is clear that this matter needs to be assessed prior to, and separate from, considering how much of the overall need can be accommodated.

Clearly, there is a need to assess whether the actual housing need is higher than the standard method indicates. In Ashfield's case, the Submission Plan and supporting evidence sets out plans for significant infrastructure improvements. These are related to new infrastructure associated with the Maid Marian Railway Line and the opportunity to reopen the freight-only line and convert it to a passenger train, connecting four existing stations in Ashfield and Mansfield to Derby/ Leicester/ Nottingham and beyond.

Background Paper 1: Spatial Strategy and Site Selection (BP.01), highlights that there are plans for the electrification of the Midland Mainline and major development sites at Ratcliffe on Soar Power Station, and East Midlands Airport as part of the East Midlands Freeport proposal.

There is no indication in the supporting evidence for the Local Plan that these infrastructure improvements and major employment developments have been positively considered in setting the housing requirement for the District.

Unmet Need

Whilst the Pre-Submission Draft Local Plan and supporting Sustainability Appraisal acknowledge that Ashfield District Council is part of a wider Nottingham Outer Housing Market Area and the Council is a member of the Greater Nottingham Joint Planning Partnership, the issue of the unmet need for Nottingham City is not addressed.

The Sustainability Appraisal (SD.03) in rejecting the option for a 20% uplift on the standard method figure notes:

'Furthermore, no additional housing requirements have been identified as arising from neighbouring council area under the duty to cooperate' (para 5.3.19).

This is incorrect. There is documented unmet need identified by Nottingham City, as set out in the Preferred Approach consultation published in January 2023.

The role that the authority could have in meeting unmet needs and the relationship between economic growth and demographics needs should have been assessed. It has not been. Consideration needs to be given as to whether there are factors which might result in an upward adjustment to the overall housing need to balance economic growth and housing provision to limit the need to travel. An important consideration hasn't been considered, partly through a misdirection as to the unmet needs of other areas.

1.4. **Is the plan positively prepared in light of the under-identification of homes over the full Plan period compared with the requirement under the standard method (6,825 compared to the LHN of 7,582)?**

No. The Local Plan is not positively prepared. To meet this soundness test it needs to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs over the plan period.

The National Planning Policy Framework Strategic states that policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. In response to this the Plan appropriately proposes a plan period 2023-2040 on the basis of adoption in early 2025.

The Plan's strategic policies, however, fail to meet the development needs of Ashfield over this plan period and fail to identify a strategy which is capable of meeting the housing needs of the District over this period.

There is no reason that the Council could not have identified sufficient sites. Background Paper 1 (BP.01) sets out that the new preferred spatial strategy of dispersed growth means sites are **excluded** solely for having **capacity for more than 500 homes**:

*'Chapter 3 of this paper describes how the spatial approach to growth has evolved throughout the Local Plan process. In respect of housing growth, this means a strategy which does not rely on large scale strategic sites such as new settlements or Sustainable Urban Extensions (SUEs) and reflects Option 3 in the SA (see Chapter 4). **The sites listed below are excluded as they are inconsistent with the approach for dispersed development with no individual site delivering 500 or more dwellings.**' (paragraph 8.15)*

The preferred strategy restricts the sites available for development, regardless of suitability, and excludes two sustainable urban extension options adjacent to the Main Urban Areas, the most sustainable locations in the District. The Background Paper notes this excludes the potential for up to 3,573 homes. The decision to pursue a dispersed strategy and not consider any site just because it is over 500 dwellings led to our client's site south east of Sutton-in-Ashfield being discounted despite being in a sustainable location. The preferred option conflicts with the broad thrust of paragraph 74 of the Framework, which is clear that the supply of large numbers of new homes can often be best achieved through planning for larger scale development. Whilst there is no national policy requirement to have larger sites, the rejection of such sites without rational justification is not sound.

Whilst the preference is not to allocate large strategic sites, the opportunity to deliver a smaller to medium scale of development has also been missed. Our client's site SA024 Land

south of Newark Road, Sutton-in-Ashfield (part of one of the rejected Sustainable Urban Extensions) is available and fits with the preferred strategy with a capacity for up to 300 homes. Indeed, it is part of a wider area that could accommodate more as illustrated by the concept masterplan appended to our Matter 1 Statement. Even at 300 homes, this would meet almost half of the shortfall of 757 dwellings between the Plan's requirement and supply.

This site could assist the Council in meeting the needs over the full 15 year plan period but has been rejected based on incorrect and out of date information that there is an outstanding highways objection and uncertainty of delivering development (BP.01, paragraph 8.18).

Site SA024, Land south of Newark Road it is the subject of a live planning application for 300 homes, planning application reference: V/2022/O629. Whilst there have been historical highways questions raised on a previous undetermined application (V/2017/O565), these were resolved in July 2019 when the County Council formally submitted to Ashfield District Council that it had no objections to the development subject to conditions and planning obligations. This position has been confirmed for the newer application.

There are no outstanding technical objections, and the site has been recommended for approval by officers but has not been determined. The site is in single ownership being promoted by Hallam Land a national land promoter with a major Housebuilder as a developer partner, ready to submit Reserved Matters as soon as outline permission is granted. The only uncertainty of delivery has been caused by the Council failing to determine the application. Our clients have recently appealed against non-determination. An earlier application was also undetermined by the Council, with the Council then avoiding determination by treating it as disposed of, simply because the time for appeal had expired. Further background is set out in our Regulation 19 response which we will not repeat here.

If the housing needs of the District cannot be met once discounted sites, such as our client's have been reconsidered in light of up to date information, then the preferred strategy of dispersal needs to be reconsidered as it fails the positively prepared soundness test. There would be a further strong case for reconsidering Spatial Strategy Options 4, 5 and 6 and a Sustainable Urban Extension to Kirkby/Sutton, set out in the SA (SD.03).

- 1.5. **The plan identified a shortfall in housing allocations over the full plan period but nonetheless proposes the release of a number of sites from the Green Belt. Is this approach consistent with paragraph 143(e) of the Framework which indicates that when defining Green Belt boundaries, plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period?**

No. By virtue of the fact that the Council has failed to allocate sufficient housing sites over the plan period, there can be no certainty as to whether the Green Belt boundaries will be subject to further alteration.

To provide such certainty, the Council should be seeking to address the proposed shortfall, through the allocation of additional sites, which are not constrained by Green Belt. One such site is our client's site south east of Sutton-in-Ashfield. This site, including both the whole site identified as a sustainable urban extension option (site reference SA001) and smaller parcels within in (site reference: KA035 and SA024) are identified in the pool of developable sites that the draft allocations were selected from.

Paragraph 145 of the Framework sets out that Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified.

Paragraph 146 sets out that, before concluding that exceptional circumstances exist, the authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need. The drafting of these paragraphs provides a clear sequence of events; the Council must first explore alternative options of non-Green Belt sites before it proceeds to consider whether exceptional circumstances exist. In Ashfield's case, the Council has decided not to allocate suitable and sustainable non-Green Belt sites – its reasonable alternative option. These sites can make a material contribution to addressing the District's housing need. It follows, therefore, that the Council cannot rely on its unmet need to amount to the exceptional circumstances needed to justify the release of Green Belt when such need, at least in part, is capable of being suitably met elsewhere.

A planning application for one of these smaller parcels (site reference SA024) has been submitted to the Council for up to 300 homes (application reference: V/2022/0629). This application is the subject of an ongoing section 78 planning appeal against the failure of the Council to determine an outline planning application within the extended period (appeal reference APP/W3005/W/24/3350529).

Importantly, and insofar as the plan-making process is concerned, the planning application was not subject to any outstanding objections from statutory consultees. The site was not selected as a draft allocation despite the site fitting well with the preferred strategy, being located outside the Green Belt, adjoining a Main Urban Area and having no outstanding technical constraints.

1.6. **How has the SA considered the under-allocation of housing compared to the housing requirement over the full plan period?**

The SA has failed entirely to consider the under-allocation of housing, compared to the housing requirement over the full plan period.

Within Appendix E of the SA (SD.03f) the Council appraised a 'flexible buffer', comprising 535 dpa, alongside the 'preferred option' of 446 dpa. This **higher growth option** would see the provision of an additional 20%, in turn allowing for greater flexibility in achieving the need required in the District through the identification of a greater range and choice of housing sites. No option was appraised for the under-allocation of homes.

1.7. **Do the Council's latest Housing Delivery Test results have implications for the housing delivery and trajectory expectations in the submitted plan?**

The Housing Delivery Test 2022 measurement results for Ashfield of 74% highlight a long-term issue of housing delivery which will be significantly worsened over the coming year once the authority are being measured against the new standard methodology of 604 a year. The Council has withdrawn two Local Plans before this one with local politics impacting the Council's ability to successfully adopt a Local Plan. The Housing Delivery Test result is a symptom of not having an adopted Local Plan combined with the reluctance of elected Members to approve applications, despite officer recommendations to do so.

This record of delivery means the need for flexibility in supply is essential to ensure the Council can meet its housing needs. The Local Plan needs to include an appropriate buffer of at least 10% additional supply, but ideally 20%, given the history of poor housing delivery. The Council's track record as regards housing delivery is evidenced by the Council's success rate with section 78 planning appeals. Since the turn of the decade, there have been 5 relevant



appeal decisions which pertain to major residential development, all of which were allowed. Two applications for awards of costs were also successful.

Issue 2

Whether the plan will deliver an appropriate mix of housing to meet the various housing needs over the plan period and whether these are justified, effective and consistent with national policy.

No comment

Issue 3

Whether the plan will meet the needs of Gypsies, Travellers and Travelling Showpeople.

No comment

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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