

Ashfield District Local Plan Examination
Matters, Issues and Questions identified by the Inspectors
Response from Teversal, Stanton Hill and Skegby Neighbourhood Forum
(Statutory Consultee)

Matter 1 – Procedural and legal requirements including the Duty to Cooperate

Issue 1

Whether the Council has complied with the Duty to Co-operate in the preparation of the Ashfield Local Plan.

Questions

Duty to Cooperate

1.1 Having regard to the proposed release of land from the Green Belt, what discussions have been held with neighbouring authorities as to whether they could accommodate some of the identified need for housing and employment development?

1.2 What form did these discussions take, and what was the outcome?

1.3 Is this clearly evidenced?

1.4 What are the cross-boundary issues relating to economic growth and employment land provision?

Other strategic matters

1.5 Are there any other relevant strategic matters in relation to the Duty to Cooperate?

1.6 If so, how have they been addressed through co-operation and what is the outcome of this? How have these informed the plan's policies?

1.7 Are there any strategic cross-boundary issues in relation to any of the proposed site allocations and any general policies, and if so, how have they been considered via the Duty to Cooperate?

Overall

1.8 Overall, has the Council maximised the effectiveness of the Local Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on relevant strategic matters during the preparation of the Local Plan?

Issue 2

Whether the Council has complied with relevant procedural, legal and other requirements.

Questions

Plan preparation

1.9 Has the plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?

No

Whilst there is no statutory duty to co-operate, research on behalf of the Local Government Association concluded that there should be early and ongoing dialogue between LPAs and neighbourhood planning groups during the preparation of updates to local plans due to the potential impact on the Neighbourhood Plan.

During the preparation of the Teversal, Stanton Hill and Skegby Neighbourhood Plan the Forum adopted this approach, partly because it holds the view that a collaborative approach produces better outcomes and partly to ensure that the emerging Neighbourhood Plan and Local Plan didn't conflict. It therefore held a number of meetings with Ashfield District Council (the Council) to ensure that the Neighbourhood Plan aligned with the then emerging Local Plan which was subsequently withdrawn.

The Forum is disappointed that the Council failed to hold similar meetings with the Forum during the preparation of this Local Plan. This would have provided an opportunity for the Forum to test Local Plan policies and not be given a *fait accompli*.

This is particularly relevant in two areas.

Site Allocation:

Due to the large and diverse nature of the Neighbourhood Area, the considerable amount of money that would have been necessary to make site allocations in the Neighbourhood Plan couldn't be secured. Consequently, site allocations had to be left out of the Plan. Instead during the preparation of the Neighbourhood Plan a number of sites for potential development were examined in meetings with Ashfield District Council.

As a result, sites were agreed that would align with emerging Neighbourhood Plan policies including constraints identified during NP preparation.

Consequently, the Forum had expected similar discussions with ADC during the preparation of the Local Plan. The Local Plan site allocations will form part of a more detailed response on that particular topic. The Forum believes that this lack of engagement is damaging to the process overall and to the relationship between ADC and the Forum and trust between the Forum and ADC.

Housing Needs:

When preparing the Neighbourhood Plan the Forum commissioned its own Housing Needs Assessment for the Neighbourhood Area. In particular, the HNA identified the need for smaller, affordable dwellings as starter homes or as an option for older residents to downsize to thus releasing larger homes suitable for families. In discussions developers have made it clear that they are reluctant to build such dwellings as "they don't make any money from them". The Forum would have valued a discussion with ADC on housing needs and the shaping of policies and practice that could address the deficiencies identified in the HNA.

The TSS Forum has sought to represent our community by responding to all consultations. We have been consistent with our concerns, especially regarding the current pressures on critical services and infrastructure and the likely devastating impact that new developments will have on the current and new residents if substantial investment in the provision of future buildings and infrastructure in to meet the current and emerging needs is not provided. We

have also been consistent in trying to ensure that the development of the Local Plan includes the policies of the Neighbourhood Plan, and that they do not conflict.

In the Statement of Consultation: April 2024 examples on P32, it is noted that when tallying the number of representations for specific issues, the comments have been scored for TSS Forum as a single person and not as a community group serving a community of approximately 10,000. This distorts the information to other readers in that it appears that only person has expressed a concern. This is clearly untrue.

The Forum is also concerned that the written responses to submissions by the TSS Neighbourhood Forum to the consultations have somewhat been dismissive.

1.10 Has the preparation of the plan been carried out in accordance with the Local Development Scheme?

No

1.11 Is the plan sufficiently clear whether there are any policies from the existing development plan that would be superseded by its adoption?

Habitats Regulations Assessment

1.12 How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?

1.13 What potential impacts of the Local Plan were considered? What were the conclusions of the HRA and how has it informed the preparation of the Local Plan?

1.14 Have any concerns been raised regarding the HRA and if so, what is the Council's response to these? How has Natural England been involved?

Sustainability Appraisal

1.15 Does the Sustainability Appraisal (SA) meet the requirements for a Strategic Environmental Assessment?

1.16 How has the SA informed the preparation of the Local Plan at each stage and how were options considered?

The Forum is concerned that the RAG rating in the options appraisal is inconsistent with the narrative in many of the sections. As with our comments submitted to the consultations question, and in answers to other 'Matters' in this document, we do not consider that the appraisal(s) were fairly or justly assessed.

1.17 What were the conclusions of the SA and how has it informed the preparation of the Local Plan?

1.18 Are the likely environmental, social and economic effects of the Local Plan adequately and accurately assessed in the SA?

No, the Forum has significant concerns about the environmental, social and economic effects of the Local Plan. The Forum does not believe that they have been adequately and accurately assessed in the SA. This we feel has led to conclusions which will have devastating effects on the residents in the TSS area. Our other answers submitted to other 'Matters' describe further our concerns as do our responses to each consultation of the Local Plan.

Climate Change

1.19 Does the plan accord with s19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended) by including policies that are designed to secure that the development and use of the land in the District contribute to the mitigation of, and adaptation to, climate change? Equality and Diversity

1.20 Having regard to the Equality Impact Assessment [SD.09], in what way does the Plan seek to ensure that due regard is had to the three aims expressed in Section 149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

Other matters

1.21 Are any other the implementation policies to be regarded as 'strategic policies'?

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

Questions

2.1 Has the calculation of Local Housing Need (LHN) (446 dwellings per annum) been undertaken correctly?

2.2 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?

2.3 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?

2.4 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)?

2.5 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?

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

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

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.

2.8 How does the need for affordable housing compare to the housing requirement? Based on the thresholds and requirements in Policy H3, will affordable housing needs be met?

2.9 What is the need for specialist forms of accommodation (e.g. Older persons housing, housing people with disabilities, student accommodation)? How does the submitted plan seek to address these needs?

The TSS NP commissioned a Housing Needs Assessment during the development of the NP (2016). A key finding from the assessment was the need for housing for older people in the TSS NP area.

2.10 Are the requirements for affordable housing in Policy H3, including the proposed tenure splits justified? Are the affordable housing percentages justified? Will they be viable?

2.11 Are the requirements in Policy H4(1) justified?

2.12 What is the need for custom and self-build housing in the District? How will this be met over the plan period?

2.13 Are the requirements of Policy H5 justified? What is the evidence for the thresholds set out in the Policy?

2.14 Is Policy H5(1)(b) sufficiently clear to developers, decision-makers and local communities? Is it justified?

2.15 Does Policy H6 accord with paragraph 62 of the Framework in respect of those who wish to commission or build their own homes?

2.16 Does Policy H6 reflect the housing mix that was subject to viability testing in the Whole Plan Viability Assessment (SEV.38)? Why is the recommended housing mix not included within the text of Policy H6?

2.17 Are the housing density requirements in Policy H7 justified? Are they evidence-based?

2.18 Is the wording of Policy H7 sufficient clear as to whether the density requirements are gross or net? Is Policy H7 sufficiently flexible to deal with circumstances where the minimum densities set out may not be appropriate for particular site-based reasons?

2.19 Is Policy H8 sufficiently clear to decision-makers, developers and local communities where Houses in Multiple Occupation (HMOs) will be permitted?

2.20 Taking each in turn, are the criteria in Policy H8(2) justified?

Matter 3 – The Spatial Strategy and the distribution of development

Issue

Whether the Spatial Strategy and the distribution of development are justified, and can be accommodated without releasing land from the Green Belt? If not, do exceptional circumstances exist that would justify altering the Green Belt boundary?

Relevant policies – S1, S4, S7, EV1

Questions

3.1 Is the spatial distribution of development across the borough justified and what factors influenced the Spatial Strategy, for example physical and environmental constraints and the capacity to accommodate development?

No

3.2 What alternative options for the spatial strategy were considered?

The options appraisal outlines the different options for development. Where the option includes dispersed development (as applied in the proposed allocations in TSS and Huthwaite) it will result in the impacts as described in the 'commentary' of the appraisal. Yet other options would have less impact on health, education, climate change, access to employment and would have better transport infrastructure including road network, public transport etc.

The dispersed development also increases the percentage of people living in the north by 4.7%. The north is already the most populated area with 61.1% of the population of Ashfield living there. Yet the northwest (TSS and Huthwaite) has poor access to critical services and infrastructure in the district, and apart from education there are no provisions being put in place to improve the situation. This is outlined in the Infrastructure Development Plan 2024 (released yesterday and circulated by the Programme Officer). It is of concern that such a document was released at such a late stage in this process, without it being part of the consultation. Basically, the IDP appears to release ADC of any duty to provide sites for health and community services, emergency services, leisure services and green space. This issue is of significant concern as it appears to potentially negate the Council's 'duty of care' to its communities.

3.3 Why was the submitted approach to disperse development chosen and is it an appropriate strategy having regard to reasonable alternatives?

It is unclear as to why the dispersed development approach was chosen. As identified in the options appraisal there are concerning negative impacts to health, education, climate change, lesser local employment opportunities, and poor public transport and infrastructure. The TSS area includes part of a ward which is one of the most deprived in the country and has some of the worst health indices – with high (and increasing) mortality and morbidity. The LP will add a further 1681 (this number is achieved by counting all the proposed allocations – with and without planning permission as recorded in Policy H1 (Page 151-2)) it is difficult to present accurate figures as to the TSS area (and 801 to Huthwaite).

Development should be concentrated in the south of the district and/or close to Sutton Parkway/Kirkby Stations where there is suitable land with good transport infrastructure, access to public transport, for example: trains, buses and much closer to the Nottingham tram network, and critical (and non-critical) infrastructure. Some of the suitable land may be in Green Belt. However, Green Belt, whilst acknowledged as serving a clearly stated planning purpose, is an artificial construct. The walkable distance to a train station with a regular service the short distance into the city of Nottingham and its tram connections to all the facilities and services expected of a major city is an indisputable physical fact. The absence of similar critical infrastructure within other areas of the District such as the TSS and Huthwaite areas and the inability of the plan to deliver them, creates the exceptional circumstances to justify such release from the Green Belt. It is the Forum's position, supported by some of the Council's own evidence base, that the plan is currently not delivering sustainable development.

Employment land development at Junction 27 (M1) has been identified principally for logistics and distribution, thus creating much needed employment opportunities. Junction 27 is close to the south of the district and much closer to Kirkby, Annersley and Selston than the north of the district. This will mean that those needing employment living the north will be disadvantaged due to accessibility and the cost of covering travel. Dispersed development

will result in greater car use (as referenced in the options appraisal), thus increasing harmful emissions.

Dispersed development places more strain on local services and infrastructure without access to developer contributions. Development concentrated a smaller number of larger sites provides the opportunity to incorporate the provision of new facilities such as health centres and schools and moves the cost, at least in part, to the developer. In the case of the Neighbourhood Area its health centre has already failed and had to be rescued but still struggles to meet patient demand. Stanton Hill is one of the most deprived places in the Country with a range of health and other issues. This places further strain on health provision.

Dispersed development means that developer contributions from smaller sites simply goes into a larger pot to be dispersed across a larger area and at risk of not being spent on community infrastructure that serves the residents of the new developments. This appears to be the case in the new developments on Beck Lane, Skegby and at Brierley Park, Stanton Hill.

Dispersed development places greater strain on the surrounding road network. On paper the road network through the TSS Neighbourhood Plan Area seems adequate but on the ground the amount of traffic greatly exceeds that expected on roads of a similar designation, with many roads being constrained with narrow roads by buildings (mainly housing) on both sides, and rural lanes which are hilly, single tracked with passing places. Surveys by the Forum during the preparation of the Neighbourhood Plan revealed that, in 2015, some roads were at capacity.

Dispersed development appears to take no account of local conditions. The Neighbourhood Area is poorly served by public transport and has no immediate access to the Robin Hood railway line. Whilst a quick scan of bus timetables will reveal that there are two bus services in the area, part of the area has no bus service altogether, the 417 service operates for a brief period in the day and outside commuter hours and the 141 service is notoriously unreliable and cannot be relied on and is only funded from year to year. New housing can't be relied on to bring improved public transport, that's a commercial decision by bus operators who are influenced by various factors. To be sustainable development should be concentrated close to good public transport links.

3.4 Are the Plan's Strategic Policies sufficiently clear about the scale of development envisaged in each settlement/ area?

No. Over the past 6 or so years there has been significant housing development across the TSS area (in excess of 1000 dwellings), without any necessary additional health care facilities. Health care is of particular concern, with the largest practice collapsing with near catastrophic consequences, needing to be taken over by a neighbouring practice (Huthwaite) which was already near to full capacity. Currently access to the facility is poor with huge waiting times for calls to be answered and lengthy waits for appointments. Health care has suffered from the lack of development and appropriately qualified staff, which has impacted on the health of the community, including the unknown unmet needs within the community. It is important to also note that Huthwaite, which links to the south of TSS is struggling currently with access to healthcare, and it is proposed that it will need to accommodate significant number of new dwellings.

3.5 Does the submitted Plan's approach strike an appropriate balance between the identification of land for new homes and employment?

3.6 Is the settlement hierarchy set out in Policy S1 Justified?

ADC has never explained why Skegby and Stanton Hill have been moved upwards in the hierarchy tiers. There has been no consultation with the TSS Neighbourhood Forum on the issue of changing Skegby and Stanton Hill from being settlements to being put into the Main Urban Area. In fact, when asked directly for an explanation of the reason for the change the senior officer and leader failed to provide an explanation but rather dismissed the question.

Fackley, which is a small 'settlement' between Stanton Hill and Teversal remains as a 'settlement' yet it is proposed that housing developments which will increase the size of the settlement well in excess of 50% is at odds with the Local Plan. Page 33 (S1) of the LP Reg 19 states that settlements to accommodate smaller scale growth which meets the needs of the community and sustains services and facilities. Clearly this does not apply to the plans for Fackley.

3.7 What evidence is there to justify the identification of each settlement within the respective tiers of the hierarchy?

We are not aware of any evidence to justify the identification of each settlement.

3.8 What reliance does the Plan's overall strategy have on the proposed Maid Marian line? Is there a reasonable prospect of it coming forward during the plan period? How will the Plan respond to it? Green Belt

3.9 What proportion of new housing and employment proposed in the Plan would be on land currently designated as Green Belt?

3.10 What other reasonable options for meeting the identified housing requirement were considered prior to the proposed release of land from the Green Belt?

? If not, why is this the case?

3.12 How has the assessment of sites within the Green Belt informed the Council's approach to site selection?

3.13 Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, paragraph 141 of the Framework states that strategic policy-making authorities should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for housing. This will be assessed through the examination and will consider whether the strategy:

- Makes as much use as possible of suitable brownfield sites and underutilised land;
- Optimises the density of development, and
- Has been informed by discussions with neighbouring authorities about whether they can accommodate some of the identified need.

How has the preparation of the Plan sought to make as much use as possible of suitable brownfield sites and optimise the density of development?

3.14 How would the proposed release of land maintain the openness and permanence of the Green Belt?

3.15 How has the Green Belt assessment considered the potential for mitigation?

3.16 Do the Plan's strategic policies set out the scale and need for the release of land from the Green Belt as required by paragraph 140 of the Framework?

3.17 Having regard to the shortfall of housing provision over the plan period, what evidence is there that the Green Belt boundary will not need to be altered at the end of the plan period as set out at paragraph 143(e) of the Framework?

3.18 At a strategic level, do exceptional circumstances exist to alter the Green Belt boundary, having particular regard to paragraphs 140 – 143 of the Framework? If not, how could housing and employment needs be met in other ways?