

# CONSULTATION RESPONSE

## **Ashfield Local Plan**

### Additional Housing Site Allocations

**On behalf of** Campfield Farms Ltd  
(Respondent ID803)

April 2025

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## 1. INTRODUCTION AND OVERVIEW

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- 1.1 This response to consultation on the Additional Housing Site Allocations ('the AHSA'), proposed in respect of the Ashfield Local Plan (ALP) has been prepared on behalf of Campfield Farms Ltd (Respondent ID803).
- 1.2 On behalf of Campfield Farms Ltd, Ceres Property made representations through the new Ashfield Local Plan (ALP)'s plan-making process in respect of the Site, and participated in the Examination hearing sessions which took place in 2024.
- 1.3 Campfield Farms Ltd is promoting development of Land off Cauldwell Road, Sutton-in-Ashfield ('the Site') for strategic scale development.
- 1.4 The Site formed a draft allocation in the Regulation 18 Draft Local Plan (2020 – 2038) (November 2021) as one of two new settlements proposed within the draft spatial strategy. Draft Strategic Policy S7 (Meeting Future Needs – New Settlement: Land at Cauldwell Road, Sutton-in-Ashfield) comprised the draft allocation as shown on the draft Policies Map for a mixed-use New Settlement to deliver 1,000 dwellings. However, the proposed allocation was not carried forward to the Regulation 19 iteration of the ALP, and the submitted ALP does not propose the Site be developed.
- 1.5 It is noted that the AHSH is intended to remedy soundness issues set out in the Examining Inspectors' letter of 3 December 2024 (INS05) which followed Examination hearing sessions.
- 1.6 However, we consider that the AHSH fails to adequately address the soundness issues that have already been identified through the Examination, for the reasons set out in this response.
- 1.7 Our position to date has been that whilst there are concerns with the soundness and legal compliance of the submitted ALP that, whilst significant, are nevertheless capable of being remedied through the examination process.
- 1.8 However, mindful of the letter from the Housing Minister to the Planning Inspectorate (31 July 2024) and its instruction that Local Plan examinations should not be used to address fundamental issues with submitted Local Plans, together with the Council's response to the issues that have been raised to date (or moreover, the failure to address specific concerns), we are becoming increasingly concerned as to whether the ALP can be made sound.
- 1.9 In particular, and despite the Examining Inspectors having raised the matter in both their Interim Findings letter of 3 December 2024 (INS05) and reiterated the point in their letter of 28 January 2025

(INS06), we have seen nothing from the Council which sets out why the proposed spatial strategy is the appropriate strategy. This is of particular concern given that the Council is seeking to remove land from the Green Belt for allocation for development when non-Green Belt sites have already been found to be sustainable, yet have been rejected for allocation in the ALP. We suggest this is a matter that requires urgent attention if the ALP is to be capable of being found sound.

- 1.10 Aside from the above, even if one were to ignore these concerns, we consider there are in any case issues with the proposed approach taken by the AHSA, and we do not consider it represents a sound solution to the housing land supply issues identified through the ALP Examination.
- 1.11 Additionally, and for the reasons set out within Section 3 of this response, we consider the AHSA and its accompanying Sustainability Appraisal Addendum (February 2025) ('the SA Addendum') give rise to concerns in respect of legal compliance.
- 1.12 We have nevertheless sought to provide a constructive solution to the defects in the current ALP. In Section 4 of this representation, we set out how we consider allocation of the Site represents a sustainable alternative to the AHSA proposed, and one that is better placed to address the concerns identified through the ALP Examination.

## 2. PROPOSED ADDITIONAL HOUSING SITE ALLOCATIONS

2.1 The AHSA proposes 13 additional sites be allocated, as set out in the below table (reproduced from the table at paragraph 6.1 of the AHSA).

New Site Ref.	Site Name	Greenfield/ Brownfield	Planning Permission	Potential Yield (Dwellings)
H1Kl	Central Avenue, Kirkby	B	Yes	16
H1Km	Abbey Road, Kirkby	G	No^	38
H1Kn	Southwell Lane, Kirkby	B	No	60
H1Ko	Former Kirkland's Care Home, Fairhaven, Kirkby	B	No	20
H1Kp	Pond Hole, Kirkby	B	No	54
H1Kq	Former Wyvern Club site, Lane End, Kirkby	B	No	12
H1Kr	Ellis Street, Kirkby	B	No	24
H1Sai	Pendean Way	G	Yes	12
H1Saj	Between Redcliffe St & Leyton Avenue, Sutton	B	No^	18
H1Sak	Rookery Lane, Sutton	G	No^	78
H1Sal	Newark Road/ Coxmoor Road	G	Yes	300
H1Sam	Beck Lane South, Skegby	G	No	106
H1San	Radford's Farm, Dawgates Lane, Skegby	G	No^	90

^ Site has had a resolution to grant planning permission subject to the signing of a section 106 legal agreement in respect of developer contributions

2.2 These vary in size, from 12 dwellings to 300 at Newark / Coxmoor Road.

2.3 These potential 'additional' sites include three that already benefit from consent, including one allowed on appeal; plus, four which benefit from a resolution to grant subject to S106. Once these existing commitments are discounted, the additional contribution the AHSA sites make to the supply is just 170 homes.

2.4 Of the 5 sites that do not already benefit from consent or a resolution to grant planning permission, the AHSA refers to 3 as Priority Project A3 in the Kirkby Town Centre Spatial Masterplan: Shaping Kirkby's Future (2021). Once the contribution from these previously identified sites is deducted from the AHSA's total supply, the remaining 2 sites are projected to deliver a total of just 80 dwellings.

- 2.5 Additionally, the AHSA includes sites already identified in the Council's latest housing land supply position provided to the Examination (ADC.04). Central Avenue, Kirby is already projected to contribute 16 dwellings between year 2 and 3 in the Council's Housing Land Supply Position Statement (October 2024). Similarly, 12 dwellings at Pendean Way are already accounted for in this trajectory.
- 2.6 Separately, we note reference within the AHSA to many of the proposed sites having been assessed as *"available, potentially suitable, and potentially achievable"*.
- 2.7 However, firstly, we note the qualification regarding the suitability and achievability of sites, with sites only 'potentially' suitable and achievable.
- 2.8 Secondly, despite reference within the AHSA to sites have been assessed through the SHELAA, we have been unable to find these within the SHELAA that is published as part of the ALP evidence base. There does not appear to be published evidence to support their deliverability available to view as part of the consultation.
- 2.9 We also note that H1Km (Abbey Road, Kirkby) is located within the Green Belt. The SA of the Regulation 19 iteration of the ALP concluded this Site merited rejection, stating:
- "Not selected - Located in the countryside on the Main Urban Area fringe. The site serves a Green Belt function and it is not considered there is a justification for exceptional circumstances to take the site out of the Green Belt."*
- 2.10 The Inspectors' letter of 28 January 2025 (INS06) included the following:
- "If the Council resolves to identify any additional sites currently within the Green Belt, very clear justification should be provided as to why you are not pursuing other sites outside the Green Belt"*
- 2.11 No such justification has been provided alongside the AHSA.
- 2.12 If the Site is simply proposed to be allocated because of the resolution to grant consent, its inclusion within the AHSA is still problematic as a) it simply reaffirms our concerns that the AHSA is not actually allocated additional sites; and b) it is unclear if the application (resolved to be approved on 5 February 2025) will need to be reconsidered in light of updates to the Planning Practice Guidance on Green Belt, published on 27 February 2025.
- 2.13 There is of course a further matter regarding any sites that the ALP proposes to release from the Green Belt and allocate for residential development: the NPPF 2024's 'golden rules' will apply to planning applications to bring forward such sites. This means these sites will be required to provide at least 50% affordable housing (unless it can be demonstrated such a requirement would be

unviable); be accompanied by necessary improvements to local and national infrastructure; and provide new, or improvements to existing, publicly accessible green space. It is unclear if the proposed land to be removed from the Green Belt through the ALP is capable of complying with the 'golden rules'.

### 3. SUSTAINABILITY APPRAISAL ADDENDUM

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3.1 Appendix C of the SA Addendum includes the Council's justification for rejection of potential site allocations, including the Site as site reference SA077.

3.2 It states:

*"Not Selected – While the site was identified as a proposed strategic housing allocation in the Draft Local Plan 2021 it has not been taken forward. The reasons for it not being taken forward at the Regulation 19 stage are due to the potential adverse impact on the Sherwood Forest possible potential Special Protection Area (ppSPA) an area value for ground nesting birds, its potential adverse impact on Hamilton Hill Scheduled Monument, and also the significant level of local opposition to the site. Further detail is set out in the SA Report section covering the spatial strategy"*

3.3 As the above confirms, the Site's proximity to the Sherwood Forest ppSPA is clearly a determinative factor in its rejection.

3.4 The reason why this is problematic, from a legal compliance perspective, is that site H1Ka has been allocated, despite also being within 400m of the same ppSPA.

3.5 The SA Addendum is the first update to the SA of the ALP since Natural England withdrew its objection to its proposed allocation. Natural England's original objection to the Ashfield Local Plan, specifically concerning Policy H1Ka, was based on the site's proximity—within 400 meters—to the Sherwood Forest ppSPA. The concern being the potential disturbance of the habitats of the Woodlark and Nightjar species in that area, i.e. it was the same concern as that which the SA Addendum maintains in relation to the site SA077.

3.6 In short, a selected option has been appraised on the basis that adequate mitigation is possible (which the relevant statutory consultee, Natural England, has confirmed is acceptable); whereas a reasonable alternative, rejected option, has not been assessed with the benefit of such mitigation.

3.7 This constitutes an inconsistent approach to the appraisal of options.



## 4. ALTERNATIVE SOLUTION

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- 4.1 Land off Cauldwell Road, Sutton-in-Ashfield ('the Site') represents a sustainable solution to the defects in the ALP identified through the Examination. It would be a more sustainable option
- 4.2 The Site was proposed to be allocated at the Regulation 18 stage, and as such its development is already supported by the Council's evidence base, including Sustainability Appraisal.
- 4.3 Importantly, the site is not within the Green Belt. As a non-Green Belt option available to the Council, the NPPF which the submitted Local Plan is being considered in relation to requires the Site be considered ahead of Green Belt options. Its allocation would not require exceptional circumstances to be demonstrated to justify its release.
- 4.4 Indeed, it is important to be mindful of the following statement contained within the Inspectors' Interim Findings letter on the submitted ALP of 3 December 2024:

*"Another main issue where we have concerns is the justification for the release of Green Belt land. As you are aware, Paragraph 140 of the Framework sets out the Government's expectations on the exceptional circumstances that must exist before altering the Green Belt boundary. Paragraph 141 of the Framework expects that before concluding that exceptional circumstances exist to justify changes to the Green Belt boundary, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for housing development. By focussing on sites of fewer than 500 dwellings, **there may be other potential sites of over 500 dwellings which may result in the Council not needing to release land from the Green Belt. It appears from the representations that such sites may well exist. Therefore, there is currently insufficient evidence to justify that exceptional circumstances exist to remove land from the Green Belt at the strategic level.**" (Emphasis added).*

- 4.5 As per previous representations, but to reiterate, the vision for the Site is a high-quality development where people and nature coexist; a landscape-led development that will deliver significant social, economic and environmental benefits for the District. The Site and its proposed development is not only of a scale that it would deliver enormous benefits to the District, it also has the potential address the entire shortfall in housing delivery identified.
- 4.6 In seeking to justify rejection of the Site from allocation at the Regulation 19 stage, the accompanying Sustainability Appraisal expressed concerns regarding uncertainty over its deliverability and viability. At the time the Regulation 19 iteration of the ALP was prepared, proposals for development of the

Site did not have a developer or promoter on board. However, and as we informed the Council in our letter of 16 January 2024, this situation has changed: Campfield Farms Ltd is now working with Places for People regarding the promotion of the Site for strategic development. Places for People has considerable experience in planning and delivering new communities.

- 4.7 As noted in Section 3 of this representation, the SA Addendum's criticism of the Site relating to its proximity to the Sherwood Forest ppSPA cannot be substantiated, given Natural England has withdrawn its objection over the exact same issue in respect of a proposed allocation in the ALP.
- 4.8 In light of the change in circumstances relevant to the Council's reason for rejecting the Site, main modifications to the ALP to include its allocation would evidently be justified. Indeed, in light of the need to identify additional sites for allocation, and mindful that the Site is not within the Green Belt, it is not considered that the ALP could be considered justified, positively planned, or consistent with national policy if it did **not** allocate the Site.
- 4.9 We would welcome the opportunity to discuss how the Site could assist in addressing the soundness issues identified in respect of the submitted ALP, and how its development could help achieve significant benefits for the District's communities and its environment.