



**Ashfield District Local Plan
Examination**

**Matters, Issues and Questions
identified by the Inspectors**

Matter 2:

Meeting Ashfield's Housing Needs

October 2024

Ashfield District Council's response to Inspectors' Document INS03

This document is Ashfield District Council's response to the Matter, Issues and Questions (MIQs) identified for examination by Inspectors Mr. Philip Mileham and Mr Graham Wyatt of the Planning Inspectorate, as published on the 30th September 2024. This is one of twelve separate papers produced to address the specific matters and issues identified on the front page.

Each response paper includes a number of references to specific evidence which has been relied upon in answering the MIQs. These reference numbers (shown as [XXXX]) relate directly to the Examination Library website, where all evidence is published:

<https://www.ashfield.gov.uk/local-plan-examination/examination-library/>

The Inspectors' questions are shown below in ***bold italics***.

The council's responses are shown in normal typeface below the Inspector's questions.

Proposed Modifications arising from the Inspectors' MIQs are set out in grey tint boxes.

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 - Spatial Strategy to Deliver the Vision

S7 - Meeting Future Housing Provision

H2 - Provision for Gypsies, Travellers and Travelling Showpeople

H2a - Gypsy, Traveller and Travelling Showpeople Site Allocations

H3 - Affordable Housing

H4 - Rural Exceptions Sites

H5 - Public Open Space in New Residential Developments

H6 - Housing Mix

H7 - Housing Density

H8 - Houses in Multiple Occupation, Flats and Bedsits

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

Council's response

- 2.1.1 Yes. Paragraph 3.61 of the submitted Local Plan [SD.01] identifies that the Local Housing Need (LHN) for Ashfield District is based on the standard methodology for assessing housing need as set out in planning practice guidance. This was 446 dwellings per annum (dpa) as of April 2023. The calculation for this is included in Section 4 of Background Paper 2: Housing [BP.02].
- 2.1.2 The LHN generated by the standard method can change annually, however, for Ashfield the outcome for 2024 has remained the same as in 2023 despite a change in the inputted variables. In addition, the PPG (ID: 2a-008-20190220) sets out that local housing need calculated using the standard method may be relied upon for a period of 2 years from the time that a plan is submitted to the Planning Inspectorate for examination (in Ashfield's case this was April 2024).
- 2.1.3 A Housing Land Supply Position Statement [ADC.04] has been prepared to provide up to date evidence in respect of housing supply in support of the submitted Ashfield Local Plan 2023-2040. The latest LHN calculation is included in full at Appendix 1 of this document.

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?

Council's response

- 2.2.1 Yes. As set out above, the position at point of submission was based on the most up to date LHN calculation at that time. This used the '*median workplace based affordability ratio*' as published by the ONS (Table 5c) of **5.73** (2022 ratio published 22nd March 2023). This ONS dataset was updated on 3rd April 2023, however, the ratio for Ashfield remained unchanged at that time.
- 2.2.2 The latest median workplace based affordability ratio dataset (2023) was published on 25th March 2024, after the Regulation 19 consultation period. As such this could not practically be taken into account prior to submission of the Local Plan for Examination in April 2024.
- 2.2.3 However, the Council have since undertaken an assessment to understand what the LHN would be with at April 2024. This uses the most up to date 10 year household growth period (PPG states that this should be 10 consecutive years, with the current year being used as the starting point), alongside the most recently published affordability ratio of **6.15**. This calculation is included in Appendix 1 of the Housing Land Supply Position Statement [ADC.04] and illustrates that the current LHN for Ashfield remains at 446 dwellings per annum, despite changes to the inputted data.

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?

Council's response

- 2.3.1 No - Whilst the Council do consider that the District has numerous local constraints to the scale of development which could reasonably be accommodated – these are discussed in Background Paper 1: Spatial Strategy and Site Selection [BP.01] and also the Analysis of Constraints for the District of Ashfield [BP.05] – it is not considered that there are exceptional circumstances to deviate from the standard method.

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)?

Council's response

- 2.4.1 Yes - NPPF paragraph 22 requires strategic policies to look ahead over a minimum of 15 years post adoption, as such Policy S7 sets a minimum figure of 7582 dwellings over the entire 17-year Plan period. Local Plan paragraph 3.63 acknowledges that the proposed allocations (in Policy H1) together with small site supply (as calculated at April 2023) will provide for approximately 13 years' worth of housing supply post adoption. This is consistent with NPPF paragraph 68 which

requires policies to identify a sufficient supply and mix of sites, (taking into account their availability, suitability and likely economic viability), with specific, deliverable sites for years one to five of the plan period, and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

- 2.4.2 However, the Council have prepared a Housing Land Supply Position Statement, October 2024 [ADC.04] which draws on the most up to date information in respect of housing supply and delivery in the district. This illustrates that the deficit over the full 17-year plan period currently estimated to be -237 dwellings (equivalent of just over 6 months).
- 2.4.3 In addition, it is anticipated that some larger windfall sites (of 10 or more dwellings) are likely to come forward within the Plan period, adding to the supply identified through allocation and unallocated small sites, although this element is not relied upon in the overall calculation undertaken by the Council. It is therefore expected that actual delivery could in reality meet the total identified level of need over the entire plan period.
- 2.4.4 Ashfield District is relatively small geographically (10.956 Ha) and has limited areas of open countryside separating the 3 towns and 3 large villages. There is very little scope for brownfield development and many other constraints (including Green Belt) impacting greenfield sites. At the point of submission, it was not possible to identify specific developable sites or broad locations for growth for years 11-15 of the Plan (post adoption) whilst delivering the Council's vision and subsequent spatial strategy. Section 10 of Background Paper 1 [BP.01] discusses why the approach taken to site allocation is considered to be sound in more detail.
- 2.4.5 The Council considers it pragmatic to address the housing need and supply through regular reviews of policies in the local plan, at least every 5 years, (as required by NPPF para.33), whilst conforming with NPPF para. 68. Reviews would take into account any changing circumstances affecting the area, or any relevant changes in national policy. The council's commitment to this aspect is included in the Local Plan at paragraph 3.64.

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?

Council's response

- 2.5.1 The Council consider that Green Belt release is necessary to deliver growth in appropriate locations and to achieve the Vision through the preferred spatial strategy. Sites have been selected according to the methodology set out in [BP.01] and aim to deliver proportionate growth in sustainable locations to serve existing settlements whilst minimising impact on the Green Belt.
- 2.5.2 The Council considers that proposed changes to the green belt present long term strong defensible boundaries. Taking account of the settlement hierarchy in Strategic

Policy S1, the only 'Level A' settlement wholly constrained by Green Belt in Ashfield is the town of Hucknall. It should be noted that this settlement is located on the District's boundary with Gedling Borough. Gedling Borough Council have allocated a significant sized site for 805 dwellings to the north of Hucknall and are proposing additional allocation on existing 'white land' in this location to accommodate a further 640 dwellings.

- 2.5.3 Future development requirements beyond the Plan period are uncertain, and wholesale Green Belt release at this stage is considered inappropriate. It should also be noted that the remaining 'Level A' settlements of Sutton and Kirkby are not wholly constrained by Green Belt, albeit having other constraints to development.
- 2.5.4 As set out in the response to Qu.2.4, it is anticipated that the full housing need could be met by the end of the plan period, despite the site allocations and small housing commitments currently falling slightly short of this target.

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

Council's response

- 2.6.1 The Regulation 19 Pre-Submission SA Report [SD.03] has been developed consistent with best practice guidance¹ and in accordance with the SEA Regulations² as outlined in response to Matter 1 questions 1.15-1.18. This includes noting any difficulties encountered, including uncertainties and assumptions (Section 4.5 of SD.03).
- 2.6.2 Table 3.1 'Key Sustainability Issues' of the SA Report [SD.03] identifies the issue of "not meeting the housing need identified by the NPPF Standard Method".
- 2.6.3 The housing requirement of 446 dpa (and higher reasonable alternative figure) is appraised in Section 5.3 of the SA Report [SD.03] with detailed appraisal in Appendix E [SD.03f]. The issue of undersupply is noted in the commentary against SA Objective 1 (Housing) in SD.03f and is given as part of the justification for not selecting the reasonable alternative to the housing requirement (paragraph 5.3.14 - 5.3.15 of the SA Report SD.03).
- 2.6.4 The assessment of the spatial strategy in Section 5.5 of the SA Report [SD.03] and Appendix G [SD.03h] identifies significant positive effects with some uncertainty with regards to SA Objective 1 (Housing). Paragraph 5.5.6 of SD.03 notes that the "option would meet housing need over the plan period but there would be lower flexibility for any additional needs or changes in future housing demand requirements". The risk of not meeting the housing need is given as a justification for not selecting some of

¹ MHCLG (2019), Planning Practice Guidance, Strategic environmental assessment and sustainability appraisal, Paragraph: 001 Reference ID: 11-001-20190722. Available on line: <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal> [Accessed October 2024].

² Statutory Instrument 2004 No. 1633 *The Environmental Assessment of Plans and Programmes Regulations 2004*. Available from [SEA Regulations](#)

the reasonable alternatives to the spatial strategy (Table 5.5, Option 8 and 9 of the SA Report, SD.03).

- 2.6.4 In setting out the Council's reasoning for the choice of spatial strategy, SA Report [SD.03] paragraph 5.5.80 notes that "*the Council's Cabinet resolved to take forward an amended scenario that sought to reduce the impact on the Green Belt and meet housing need. It agreed: to reflect the standard method of housing need; [and] to provide a minimum of a 10-year housing supply.*" Paragraph 5.5.83 of SD.03 also notes "*The [preferred] strategy would enable sites to be identified consistent with NPPF paragraph 68 which requires policies to identify a sufficient supply and mix of sites, (taking into account their availability, suitability and likely economic viability), with specific, deliverable sites for years one to five of the plan period, and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.*"
- 2.6.5 The proposed housing allocations (appraised in Section 5.6 of the SA Report [SD.03] and Appendix H [SD.03i]) are sites that deliver the spatial strategy identified.
- 2.6.6 Section 5.7 of the SA Report [SD.03] sets out the appraisal of the Local Plan policies with detailed appraisal in Appendix I (SD.03j) and Appendix J (SD.03k).
- 2.6.7 The appraisal is based on the policy wording and underlying assumption that the policy will be implemented, in line with the assumptions set out in Section 4.5 of the SA Report [SD.03] (including "*there will be consistent policy implementation*", paragraph 4.5.2 final bullet point). Policy S7: Meeting Future Housing Provision articulates that "*a minimum of 7,582 new dwellings will be delivered within the period 2023 to 2040, dispersed across the District in accordance with the Council's spatial strategy for growth*". The policy is therefore assessed as having significant positive effects against SA Objective 1 (Housing) in Section 5.7 of the SA Report (SD.03) and Appendix I (SD.03j). This assessment reflects that the policy wording clearly sets out that the Local Housing Need (LHN) figure of 446 dwellings per annum (dpa), identified for the district following the application of the standard methodology, is the *minimum* quantum of dwellings to be delivered in the plan period. With regards to housing supply, it is noted that Local Plan [SD.01] explanatory text at paragraph 3.6.4 identifies that "*the supply of land for future housing will be kept under review*".
- 2.6.8 The SA has identified the historic issues associated with the undersupply of housing and has considered the extent to which preferred and reasonable alternative options for the housing requirement and spatial strategy could meet housing needs. The SA has appraised the policies in the Local Plan on the positive presumption that the policies will be implemented as worded. Therefore, the risk of not meeting the housing requirement outlined in the wording of Policy S7 (e.g. that an under supply of housing is not addressed and resolved during the lifetime of the plan) has not in this instance, been fully explored. If the Inspectors wish to request that the SA specifically considers the under supply of housing against the requirement in Policy S7, this could be explored through a future iteration of the SA as established in case law³.

³ Cogent Land LLP v Rochford DC [2013] EWHC 2542 (Admin) (21/09/2012)

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

Council’s response

- 2.7.1 The Council’s Housing Land Supply Position Statement, October 2024 [ADC.04] updates the housing delivery trajectories and Five-Year Housing Land Supply (5YHLS) contained within Appendix 2 of the submitted Local Plan.
- 2.7.2 The 2022 HDT results (published 19th December 2023) show that Ashfield District has failed the HDT in this accounting period with a measurement of 74%. As a consequence of this, an additional 20% buffer is included in the 5 year housing land supply calculation, consistent with NPPF para. 79 b) which states “where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites”.
- 2.7.3 NPPF para. 77 makes clear that this additional 20% buffer constitutes supply moved forward from later in the plan period, i.e., it does not result in an additional 20% above the entire quantum of development planned for.
- 2.7.4 This buffer is taken into account in the updated 5YHLS calculation for the position post Local Plan adoption, which also includes an assumption for under delivery in year 2024/2025, based on the housing trajectory. The table is replicated below for convenience and illustrates that the Council can demonstrate a 5YHLS at anticipated point of adoption.

Five Year Housing Requirement	Dwellings
Local Housing Need* @ 446 dpa x 5 years	2230
Add 20% buffer	446
Under delivery year 2023 to 2025 (actual plus assumed)	-37
Total 5 year requirement including buffer	2639
Annual requirement including buffer	528
Supply at April 2025	Dwellings
Supply from large sites without planning permission	845
Planning permissions deliverable within 5 years (2025-2030)	1806
Discount applied to permissions based on historic lapse rate	-105
Permitted Development deliverable within 5 years	1
Residential Institutions (C2) deliverable within 5 years [#]	48
Small site windfall allowance (2027 to 2030)	273
Total amount of housing available and deliverable for the 5 year period post adoption	2868
Calculation of 5 year housing land supply	Dwellings/ Years
Deliverable sites for the 5 year period	2868
Divided by annual requirement for next 5 years	528
Equates in years to	5.43
Oversupply (+) or undersupply (-) of deliverable dwellings	+229

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?

Council's response

- 2.8.1 The Greater Nottingham & Ashfield Housing Needs Assessment 2020 [SEV.19] identified a need in Ashfield for rented accommodation of 237 dwellings per annum. However, it is stressed that the report does not provide an affordable housing target as the amount of affordable housing delivered will be limited to the amount that can viably be provided. (Note: The Greater Nottingham & Ashfield Housing Needs Assessment Update 2024 [ADC.01] indicates an increase in the need for social/affordable rented homes at 302 dpa.)
- 2.8.2 What can be provided through private sector development is related to viability and the demand for other infrastructure requirements. The current policy is informed by the Whole Plan Viability Assessment, March 2023 [SEV.38]. After considering various levels of contributions towards infrastructure, the Assessment recommends that affordable housing on greenfield sites of 25% and brownfield sites of 10%, should be taken forward for the whole of the District. The proposed affordable housing requirements reflect a minimum figure as, dependent on the tenure mix or infrastructure contributions, a higher level of affordable housing may be achievable to meet local needs.
- 2.8.3 There is also potential for further provision of affordable housing from sites which could be brought forward under Policy H4 Rural Exceptions. This enables delivery of small sites with 100% affordable housing and could contribute to overall supply, over and above that secured as part of a 'major' development under Policy H3.
- 2.8.4 In addition to future provision under Policies H3 and H4, Ashfield Council is proactive and directly intervenes with provision of affordable housing. Since 2022, the Council has delivered a total of 108 new-build homes for Affordable Rent on Council-owned land, delivered in conjunction with Homes England and providing a mixture of property types to meet local demand. There are currently a further 21 units on site as at October 2024, which are due for completion in 2025.
- 2.8.5 The Council's new-build programme remains a corporate priority and there is a further site of 40 homes due to start before the end of 2024. Beyond that, officers are actively looking to acquire land and are currently in negotiation with private landowners to secure suitable sites which would provide up to 100 homes for Affordable Rent over the next 2 to 3 years.
- 2.8.6 The purchase of privately owned homes is also a possibility. In the past, the Council received HCA funding to purchase long-term empty and derelict homes from the private sector. These were then refurbished and let to applicants on the housing register. This will not increase the numbers of homes within the district but does

bring them back into use as affordable homes. Officers are also using retained Right to Buy Receipts, and HRA reserves, to purchase ex-Council properties to add to the lettable housing stock. Since the programme began in 2018, 55 such purchases have been completed or are in progress.

- 2.8.5 The Council intend to prepare a specific affordable housing trajectory to demonstrate the supply anticipated from allocations and existing permissioned sites.
- 2.8.6 Despite the level of need, it is not considered that this points to any requirement for the Council to increase the Local Plan housing requirement due to affordable needs. The link between affordable need and overall need (of all tenures) is complex and in trying to make a link it must be remembered that many of those picked up as having an affordable need are already in housing (and therefore do not generate a net additional need for a home) while others are newly forming households which will already be picked up by the housing need.

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?

Council's response

- 2.9.1 The need for specialist housing for older people was set out in Chapter 6 of the Greater Nottingham and Ashfield Housing Needs Assessment (October 2020) [SEV.19]. As Table 6.13 sets out there is a need for:
- 2,463 units of housing with support (sheltered accommodation)
 - 948 units of housing with care (extra-care) and
 - Table 6.19 identifies a need for 1,252 bedspaces of residential and nursing care
- 2.9.2 The latest Greater Nottingham & Ashfield Housing Needs Assessment Update 2024 [ADC.01] identifies slightly reduced level of need to those set out above, as follows:
- 1,617 units of housing with support (sheltered accommodation)
 - 955 units of housing with care (extra-care) and
 - 734 bedspaces of residential and nursing care
- 2.9.3 Strategic Policy S7:2 encourages proposals for new housing for older people and those with disabilities, including supported and specialist accommodation, where they are in suitable locations in line with the role and size of the settlement.
- 2.9.4 Although the analysis suggests a future need for additional residential and nursing care bedspaces the County Council is seeking to shift away from residential care towards extra-care. Therefore, the findings of additional future need should only be seen as a nominal need rather than an actual need.
- 2.9.5 The strategic direction of both the Clinical Commissioning Group (CCG) and the County Council is to support people in their own homes for as long as possible rather than placement in a care home. This does not preclude such schemes coming forward through the development management process as older stock would need to be replaced and specialist provision such as dementia care would be desirable.

- 2.9.6 Greater Nottingham and Ashfield Housing Needs Assessment (October 2020) [SEV.19] does not specify a need for those with disabilities but does highlight the aging population (Table 6.4), above average levels of population with a disability (Table 6.5), a projected increase in those with a disability (Tables 6.10 and 6.11) and a need for wheelchair-user accommodation (Table 6.20).
- 2.9.7 Taking this in the round the report states (at Para 6.30), that this “provides clear evidence justifying delivering ‘accessible and adaptable’ homes as defined in Part M4(2) of Building Regulations and, where possible, ‘fully adapted homes’ as defined in Part M4(3) of the same document. The Councils should ensure that the viability of doing so is also tested as part of drawing together its evidence base.”
- 2.9.8 The latest Housing Need update [SEV.19a/ADC.01] goes one step further (at Para 9.53), by stating that that “all dwellings (in all tenures) to meet the M4(2) standards and around 5% of homes meeting M4(3)(A) (adaptable) – wheelchair user dwellings in the market sector and a higher proportion of around a tenth at M4(3)(B) (accessible) in the affordable sector.” However, this recognises that viability will impact on the level which is actually delivered.
- 2.9.9 Policy H6:2 sets out that developments of 10 or more dwellings will be expected to provide 10% of dwellings that are accessible or easily adaptable for occupation by the elderly or people with disabilities (M4 Category 2). The provision of accessible and easily adaptable dwellings will make a valuable contribution towards meeting the future needs of the elderly or those with disabilities, enabling them to stay in their own home if desired.
- 2.9.10 Chapter 7 of the 2020 Nottingham and Ashfield Housing Needs Assessment [SEV.19] examines the need for student accommodation. This did not show any demand for specialist housing for students in Ashfield.

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

Council’s response

- 2.10.1 Yes, the need for affordable housing was set out in Chapter 5 of the Greater Nottingham and Ashfield Housing Needs Assessment (October 2020) [SEV.19]. Table 5.13 shows a net need for 237 affordable homes to rent per annum. Table 5.17 shows a gross need for 85 affordable homes to buy per annum although there is a supply to meet this demand (Table 5.18).
- 2.10.2 The chapter concludes at Paragraph 5.104 that there is “a clear and acute need for rented affordable housing from lower income households, and it is important that a supply of rented affordable housing is maintained to meet the needs of this group”
- 2.10.3 The Housing Need Assessment does not provide a recommended split of tenures although it does provide commentary around what the council should consider when setting a policy. This includes available funding streams, the viability of different forms of homes and the council’s objectives and priorities in addressing housing

need. The current tenure split required by Ashfield Council’s Strategic Housing team is 25% shared ownership, 75% rented.

2.10.4 Although the level of affordable housing to rent is by far in excess of affordable housing to buy, Paragraph 65 of the September 2023 NPPF states that on major development “at least 10% of the total number of homes to be available for affordable home ownership.” This would justify the Council seeking affordable homes to be delivered as Shared Ownership.

Will they be viable?

Council’s response

2.10.2 The various housing typologies that were assessed, representing the type of development envisaged to emerge over the Plan period were subjected to a series of Affordable Housing delivery targets ranging from 10-30%. All of the tests were based on the Affordable Housing tenure mix set out in Policy H3, namely 25% Low Cost Home Ownership (e.g. Shared Ownership), 25% Social Rent and 50% Affordable Rent.

2.10.3 Of the various potential combinations of Affordable Housing delivery and Greenfield/Brownfield sites in the two Housing sub-markets within the District, the following test results represented the optimum balance of maximising Affordable Housing delivery whilst maintaining development viability. It can be seen that these results demonstrate a significant ‘viability buffer’ in terms of the margin beyond a reasonable return to the developer (taking account of all policy impacts).

Maximum Viability Margin per Sqm					
Sutton and Kirkby Zone	Urban Edge Large Scale	Urban Edge Medium Scale	Suburban/Rural Large Scale	Suburban/Rural Medium Scale	Infill Housing
10% Affordable Housing Brownfield	£19	£19	£18	£16	£103
25% Affordable Housing Greenfield	£37	£37	£31	£27	£236
Hucknall & Rural Zone	Urban Edge Large Scale	Urban Edge Medium Scale	Suburban/Rural Large Scale	Suburban/Rural Medium Scale	Infill Housing
10% Affordable Housing Brownfield	£54	£54	£53	£52	£136
25 % Affordable Housing Greenfield	£75	£75	£70	£66	£270
30% Affordable Housing Greenfield	£22	£22	£14	£9	£270

2.10.4 From the above results the following differential delivery target for Brownfield and Greenfield sites was considered appropriate.

‘1. Affordable housing contributions will be required on new housing developments of 10 or more dwellings or 0.5 ha or more, other than where affordable housing requirements are excluded by national planning policy, as follows:

- A minimum of 25% affordable housing on greenfield sites, and
- A minimum of 10% affordable housing on brownfield sites’

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

Council's response

2.11.1 Yes - NPPF (Sept. 2023) paragraph 78 makes clear that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. Policy H4 aims to support the District's rural areas with regard to affordable housing and the Council considers the following requirements justified for the effective delivery of this policy:

- a) Development is of a small scale not exceeding 9 dwellings and consisting of 100% affordable housing.*
 - NPPF definition of rural exceptions sites refers to ‘small’ sites. For the planning policy purposes a small site is taken to be one consisting of less than 10 dwellings. This will also serve to minimise the visual impact on existing rural settlements.
- b) There is robust evidence of local need for affordable housing for people with a local connection to the area.*
 - Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection (NPPFF definition). Local Plan supporting paragraphs 6.128-6.130 expand on how this might be applied.
- c) The type of housing provided reflects the nature and scale of the identified need.*
 - The Council need to be confident that the provision of any development in areas which would not normally permit housing development will meet a genuine assessed local need in that area.
- d) Arrangements exist to ensure that the housing will remain affordable in perpetuity;*
 - The Council will seek to ensure that any affordable housing provision will remain at an affordable price and be occupied in perpetuity by those in need of affordable housing. This includes Rural exceptions developments and accords with the NPPF definition.

- e) *The development site immediately adjoins rural settlements and is accessible to services sufficient to support the daily needs of new residents via public transport, walking or cycling.*
- In order to minimise visual impact and provide reasonable access to local services and facilities, rural exception sites should be situated within or physically adjoining existing rural settlements.

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

Council's response

- 2.12.1 Under its obligations as prescribed by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), the Council maintains a register of individuals or groups who wish to acquire serviced plots of land to build their own homes in the authority's area and to have regard to those registers in carrying out its functions. The register is updated on a regular basis and is shared with Mansfield District Council as well as Newark and Sherwood District Council (both of which fall within the Nottingham Outer Housing Market area with Ashfield District). Applicants may express interest in one or more districts.
- 2.12.2 As of October 2024, the Council's Custom & Self-build Register, contains a total of 68 individuals & 1 group, with the following breakdown relevant to Ashfield:
- Ashfield: 7 individuals
 - Ashfield or Mansfield: 1 individual
 - Ashfield or Newark & Sherwood: 1 individual
 - All three districts: 16 individuals
- 2.12.3 However, it is also considered to be relevant that there are difficulties in using this as an accurate representation of demand, due to potential double counting where parties have expressed an interest from more than one area, either within or outside of the HMA.
- 2.12.4 Therefore, there is a lack of quantitative evidence which would justify a specific target of custom and self-build housing with the Local Plan, and instead general support is provided within Policy H6. Future demand will continue be monitored on a regular basis, and the policy reviewed in line with NPPF paragraph 33 where necessary.
- 2.12.5 It is expected that self-build housing would be primarily delivered over the plan period through the Council's windfall of small sites, in which individual applicants would seek planning permission for a dwelling bespoke to their own needs. This would reflect the entries on the register, which indicate those wishing to build their own home vary significantly in the desired plot/dwelling size, location and budget to build.

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

Council's response

- 2.13.1 Yes - Provision of Green Infrastructure and public open space plays a vital role in helping to create sustainable communities. Accessible open spaces, sport and recreation facilities are all highly valued assets to Ashfield's communities and new residential developments should, where appropriate, contribute to open space provision either by the creation of additional areas or the improvement of existing facilities in the locality.
- 2.13.2 The Ashfield Public Open Space Strategy 2016-2026 [SEV.16] identifies the Council's aims and objectives for improving the quality and access to open space within the District. It sets out Standards for the provision of informal recreational open space (including parks, amenity green space and green corridors), outdoor sports facilities, play space and natural green space. The Strategy aims to ensure a consistent approach to the planning of open space, enabling the development process to achieve the right type, quantity and quality of open space.
- 2.13.2 The thresholds set out in policy H5 reflect those in current saved Policy HG6 of the Ashfield Local Plan Review 2002. Implementation of this policy has been successful in delivering both new and improved existing open space across the District over the past two decades.

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

Council's response

- 2.14.1 The requirements of Policy H5(1b) are clarified in paragraph 6.140 of the supporting text. Please also see response to question 2.13

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?

Council's response

- 2.15.1 Yes - as noted in the Council's response to question 2.12, existing evidence points to a relatively low level of demand when viewed against the quantum of housing need as a whole. It is not considered sufficient to justify a specific requirement for custom and self-build housing at this time.
- 2.15.2 Policy H6 gives general support at point 3 for such proposals. Supporting text in Local Plan paragraph 6.162 states "Should demand exceed that which it is possible to accommodate through either voluntary measures or through Council owned sites, an SPD may be required setting out how development sites outside of the Council control can contribute to meeting established demand in line with government policy." Given the direction of travel in respect of the use of SPDs, a modification is proposed to instead refer to reviewing the policy in line with paragraph 33 of the Framework.

Proposed Modification

Amend in paragraph 6.162 as follows:

The level of demand for such sites is monitored against small sites coming forward through the planning application process in an annual monitoring report. **This policy will be reviewed at least every 5 years (in line with NPPF paragraph 33) and updated** should demand exceed that which it is possible to accommodate through either voluntary measures or through Council owned sites. ~~an SPD may be required setting out how development sites outside of the Council control can contribute to meeting established demand in line with government policy.~~

2.16 Does Policy H6 reflect the housing mix that was subject to viability testing in the Whole Plan Viability Assessment (SEV.38)?

Council's response

2.16.1 The Housing Mix within para 6.146 of the supporting text of Policy H6 set out in the table below indicates a 'starting point' to inform negotiations between the Council and applicants as to the appropriate mix for new housing development in the District.

Recommended Housing Mix				
Housing Type	1 Bed	2 Beds	3 Beds	4+ Beds
Market	4%	27%	45%	24%
Affordable Home Ownership	23%	38%	24%	15%
Affordable Rented	35%	37%	25%	3%

Table 6: Recommended Housing Mix

Source: Greater Nottingham & Ashfield Housing Needs Assessment 2020

2.16.2 The Viability assessment supporting the plan considered a number of different housing mixes as follows:

Residential Development Scenarios

Residential Scenario 1

Title	Urban Edge Large Scale		
Unit Numbers		Apartments	
	75	2 bed houses	30%
	113	3 Bed houses	45%
	38	4 bed houses	25%
	24	5 bed house	

Residential Scenario 2

Title	Urban Edge Medium Scale		
Unit Numbers		Apartments	
	45	2 bed houses	30%
	68	3 Bed houses	45%
	22	4 bed houses	25%
	15	5 bed house	

Residential Scenario 4

Title	Suburban/Rural Medium Scale		
Unit Numbers		Apartments	
	6	2 bed houses	30%
	10	3 Bed houses	50%
	4	4 bed houses	20%
		5 bed house	

Residential Scenario 3

Title	Suburban/Rural Large Scale		
Unit Numbers		Apartments	
	15	2 bed houses	30%
	23	3 Bed houses	46%
	12	4 bed houses	24%
		5 bed house	

Residential Scenario 5

Title	Infill Housing		
Unit Numbers		Apartments	
		2 bed houses	
	5	3 Bed houses	55%
	4	4 bed houses	45%
		5 bed house	

2.16.3 It is considered that these tests are reflective of the mix suggested by the supporting text of Policy H6.

2.16.4 The Affordable Housing tests within these typology tests applied the following mix:

Housing Type	1 Bed	2 Bed	3 bed
Affordable Home Ownership	20%	40%	40%
Affordable Rent	30%	40%	30%
Social Rent	20%	60%	20%

2.16.5 It is considered that these tests are also reflective of the mix suggested by the supporting text of Policy H6.

Why is the recommended housing mix not included within the text of Policy H6?

Council's response

2.16.6 The recommended housing mix requirement is dynamic and has historically changed with each HNA update. Consequently, the Council did not consider it appropriate to embed this within the policy text, effectively 'fixing' it for a 15-year Local Plan period. However, in light of the NPPF requirement to review policies at least every 5 years, this could be moved into policy wording from the supporting text if deemed preferable

to provide greater certainty. This element would then be subject to regular review and updated as appropriate.

2.16.7 Local Plan paragraph 6.148 identifies instances where adjustments may need to be applied and so acknowledges the need for flexibility in the identified recommended housing mix on a site by site basis.

2.16.8 It should be noted that the Housing Needs Assessment which underpinned many of the housing implementation policies has been subject to an update by the consultants. This is available on the Local Plan Examination website under reference ADC.01 and also SEV19a.

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

Council's response

2.17.1 NPPF para 129 a) sets out that "plans should include the use of minimum density standards for city and town centres and other locations that are well served by public transport....". Para 129 b) goes on to state "the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range."

2.17.2 Planning Policy Guidance supports this approach in particular setting out that "A range of considerations should be taken into account in establishing appropriate densities on a site or in a particular area. Tools that can assist with this include....accessibility measures such as distances and travel times to key facilities, including public transport stops or hubs..." (Paragraph: 004 Reference ID: 66-004-20190722).

2.17.3 Policy H7 aims to encourage higher density development in areas which are close to key services and facilities, i.e., identified town centres, plus the major transport nodes which enable access to other centres and services further afield, and not just locally significant destinations. The power of a destination determines how far people will walk to get to it, and the policy reflects real travel behaviour, such as the propensity of people to walk a longer distance for work, or indeed to access the rail/tram network to travel into a city centre.

2.17.4 In respect of the threshold distances set out in Policy H7, the supporting text is clear that these are based on actual walking routes, rather than an arbitrary radius (or 'as the crow flies'). The study How far do people walk? (WYG, 2015) identifies that the average distances for journeys where walking is the main mode of travel, and also where walking is the first stage of a public transport trip. These are as follows:

- Walk as main mode of travel 1,150m
- Walk to a Bus Stop 580m
- Walk to a Railway Station 1,010m

- 2.17.5 It is considered that many people would be willing to walk/cycle or use other forms of active travel within a 1000m (1km) catchment, with a more significant number likely to travel within 400m (or 10-minute round trip) using such modes.
- 2.17.6 With regard to dwellings per hectare, the minimum baseline of 30 dwellings per hectare (dph) has not been achieved in 19% of large sites built over the 10-year period from 2011-2021 (Local Plan Table 10). This is likely to be the end result of delivering acceptable development schemes when taking account of site-specific circumstances (such as physical constraints or area character). However, the Council's ambition remains that 30 dph should be the minimum requirement outside of the 2 specified density zones (of 400m and 1 km).
- 2.17.7 Local Plan Table 10 identifies that 75% of large sites have delivered between 30% and 50% over the same 10-year period. Whilst this isn't broken down more specifically at this stage, the requirements of 34 dph (within the 1km zone), and 40 dph (within the 400m zone) are considered to be achievable and promote efficient use of land through optimising density in these areas.
- 2.17.8 It should be noted that the latest Housing Land Monitoring Report 2024 does indicate that densities have reduced in the past 3 years. However, the density requirements on the whole are considered to be realistically achievable, whilst respecting the character of Ashfield as a Non-metropolitan District with conservation areas affecting 2 of its 3 town centres.
- 2.17.9 The policy is in line with the NPPF in respect of a variable approach to requirements and maximising land use in more sustainable locations.
- 2.17.10 The council use the same thresholds and assumptions in determining potential yield from non-permissioned sites for the Housing Trajectories – more detail can be found in Background Paper 2: Housing [BP.02].

2.18 Is the wording of Policy H7 sufficient clear as to whether the density requirements are gross or net?

Council's response

2.18.1 Local Plan paragraph 6.166 refers to the minimum requirement of 30 dwellings per hectare (net) and repeated with additional detail in para. 6.169. However, it is acknowledged that the reference to 'net' hectareage would provide greater clarity if embedded within the policy wording. A modification is therefore proposed in this respect.

Proposed modification	
Include reference to 'net' hectareage as follows:	
Within 400m of district shopping centres/major public transport nodes	40 dwellings per hectare (Net)
Within 1Km of district shopping centres/major public transport nodes	34 dwellings per hectare (Net)

Over 1km from district shopping centres/major public transport nodes	30 dwellings per hectare (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?

Council's response

2.18.2 Policy H7 supporting text at paragraph 6.166 states that “Development densities in all major housing developments should normally be no lower than an average 30 dwellings per hectare (net). Densities below this will need to be justified, taking into account individual site circumstances.”

2.18.3 This aspect is currently not referenced in the Policy wording itself and additional text is therefore proposed for clarity.

Proposed Modification

Lower densities may be acceptable where it would otherwise result in significant adverse impacts to the surrounding area’s historic environment, settlement pattern or landscape character.

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

Council's response

2.19.1 Development proposals relating to the multiple residential occupation of buildings, including apartments and/or bedsit accommodation, will be assessed on a site-by-site basis having regard to the criteria listed in Policy H8 (2). The policy’s key function is essentially that of a more specific amenity policy, giving a single point of reference for applicants and decision makers.

2.19.2 The Council have not identified strict parameters at this stage, including concentration level and boundaries. Unintended consequences of defined areas could result in an increase in the number of HMOs created in the areas directly adjacent to those not within the restrictive boundaries (bunny-hopping).

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

Council's response

2.20.1 This policy pulls together elements of other policies which relate specifically to multiple occupancy developments. This is intended to provide a single point of reference for the decision maker and applicant. The justification for the criteria are as follows:

- a. *The extent to which it would contribute to the achievement of mixed and balanced communities;*

2.20.2 HMOs are an important part of the housing market which bring benefits to the community by providing affordable, flexible accommodation for those groups who otherwise may struggle to access housing and those that require short term housing options. This could include a range of social groups including low income households, young professionals, migrant workers, those going through a change in family circumstances.

2.20.3 However, the number of properties used this way has grown in recent years. Where concentrations of such uses develop, this can have a distorting effect on neighbourhoods with many residents not having a long-term stake in the community and some service needs of longer-term residents, becoming unsustainable.

2.20.4 NPPF para 16a) sets out that Plans should be prepared with the objective of contributing to the achievement of sustainable development. This policy is considered to be consistent with the NPPF social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

b. The individual characteristics of the building or site and immediate locality;

2.20.5 HMO developments can raise issues relating to residential amenity and visual character, for example, as a result of additional windows, external staircases, parking on and off-site, cycle storage, bin storage and access for rubbish collection etc.

c. Any evidence of existing HMO and purpose-built accommodation provision within the immediate vicinity of the site that already impacts on local character and amenity;

2.20.6 It is considered that this criterion can be effectively addressed under criterion (a) regarding mixed and balanced communities. A modification is therefore proposed to delete criterion (c).

d. The impact the proposed development would have on the character and amenity of the area or site, having particular regard to the criteria set out in Policies SD2 and SD3. External staircases and large extensions which reduce the amenities of adjoining occupiers and/or the private amenity space available to future residents to an unacceptable degree will not be supported;

2.20.7 Careful design which reflects the character of the property, and the locality must be achieved. Proposals will only be supported in particular where they conform with Policy SD2 Design Considerations for Development, Policy SD3 Amenity and Policy SD11 Parking Standards. However, it is considered that this criterion can be

combined with criterion (b) to avoid any overlap. A modification is proposed to this effect.

- e. Whether the proposal would incorporate an appropriate level of car and cycle parking having regard to the location, scale and nature of the development in line with Policy SD11; and*

2.20.8 HMOs by their nature have the potential to increase the number of cars associated with a single property and therefore to increase the pressure on the on-street parking provision. This can lead to problems such as traffic obstructions (to pedestrians, emergency vehicles and refuse vehicles) and congestion. While highway safety will be an issue to consider for all applications, the harm to the residential amenity of the local area caused by the number of cars associated with new HMO developments will also be an important consideration in determining applications.

- f. Whether the proposal would result in the positive re-use of an existing vacant building or disused land in accordance with wider regeneration benefits.*

2.20.9 This criterion forms an important part of the planning balance when considering wider benefits to the surrounding area and community.

Proposed Modifications

Delete Policy H8 (c) as follows:

~~c. Any evidence of existing HMO and purpose built accommodation provision within the immediate vicinity of the site that already impacts on local character and amenity;~~

Delete Policy H8 (d) as follows:

~~d. The impact the proposed development would have on the character and amenity of the area or site, having particular regard to the criteria set out in Policies SD2 and SD3. External staircases and large extensions which reduce the amenities of adjoining occupiers and/or the private amenity space available to future residents to an unacceptable degree will not be supported;~~

Add new text to Policy H8 (b) as follows:

b. The individual characteristics of the building or site and immediate locality, **having particular regard to the criteria set out in Policies SD2 and SD3;**

Issue 3: Whether the plan will meet the needs of Gypsies, Travellers and Travelling Showpeople.

Policy H2a – Gypsy, Traveller and Travelling Showpeople Site Allocations

2.21 With regard to the need for pitches and plots for Gypsies, Travellers and Travelling Showpeople, is the Gypsy and Traveller Accommodation Assessment sufficiently up to date?

Council's response

2.21.1 The Greater Nottingham and Ashfield District Council Gypsy and Traveller Accommodation Assessment 2021 (GTAA) [SEV.21] sets out the level of future need for the District for the period 2020 to 2038. It is acknowledged that there is a slight mismatch in the evidence base timeframe, i.e., the GTAA period of 2020-2038, rather than the Local Plan period of 2023-2040.

2.22.2 However, since the quantum of assessed need is minimal, and the site allocations under policy H2a meet the identified need to 2038 in full, it is considered appropriate that any additional need is likely to be adequately addressed using criteria based policy H2. In addition, a 'windfall' Gypsy site for 3 pitches was granted permission in November 2023 and is now fully occupied.

2.22.3 Policy H2 does not preclude additional pitches, plots or sites coming forward through the planning application process based on the level of assessed need.

2.22.4 In respect of Gypsy/Traveller definitions, the GTAA used a methodology which provides first, an accommodation need figure based on ethnic identity (including those who no longer travel); second, a figure based on the PPTS (August 2015) and a third which related to the work interpretation (where accommodation need only takes account of those who travel in a caravan for work purposes). The outcomes are shown in the table below (GTAA table S.1B)

Period	Ethnic definition	PPTS 2015 definition	Work definition
Total 2020-25	1	0	0
Total 2025-30	1	1	1
Total 2030-35	1	1	1
Total 2035-38	1	1	1
Total 2020-38	4	3	3

2.22.5 The GTAA recommended adoption of the PPTS figure and that local authorities consider other options for meeting the needs of those who meet the ethnic definition such as a criteria-based policy. However, it was also recommended that it is recommended that this be kept under review in the light of evolving appeal decisions and case law.

2.22 Is the plan's approach to addressing the needs of ethnic Gypsies and Travellers justified?

Council's response

- 2.22.1 Yes. The Council plans for the higher level of assessed need, based on the 'ethnic definition'(which includes those who no longer travel), as opposed to the Traveller definition set out in national policy Planning Policy for Traveller Sites 2015.
- 2.22.2 This reflects the approach taken by government in December 2023 to revert the definition of Gypsies and Travellers used in the Planning Policy for Travellers Sites to that adopted in 2012.

2.23 Is the need for Gypsies, Travellers and Travelling Showpeople's pitches identified over the full plan period? If not, is the submitted approach justified?

Council's response

- 2.23.1 The need for Gypsies, Travellers and Travelling Showpeople's pitches and plots are identified to the year 2038. Table 4 in the Ashfield local Plan identifies the following level of need evidenced by the GTAA 2021.

Ashfield Future Pitch/Plot Requirements 2020 to 2038		
Period	Gypsy/Traveller Pitches	Showpeople's Plots/Yards
2020 to 2025	1	9
2025 to 2030	1	2
2030 to 2035	1	2
2035 to 2038	1	1
Total 2020 to 2038	4	14

- 2.23.2 The Greater Nottingham and Ashfield District Council Gypsy and Traveller Accommodation Assessment 2021 (GTAA) [SEV.21] was undertaken in conjunction with neighbouring authorities to provide a sound evidence base for the respective emerging/ updated development plans. It informed the Regulation 18 stage Ashfield Local Plan (consultation 4th October to 16 November 2021), which at that stage had a plan period of 2020-2038.
- 2.23.3 As the Local Plan progressed through to Regulation 19 stage a decision was taken to re-base the plan period to facilitate a full 15 year Plan upon adoption. The GTAA was not subsequently updated at that time due to timescales, the low level of

identified need particularly towards the end of the assessment period, and the requirement for evidence to be proportionate.

2.23.4 As set out in the council's response to Qu. 2.21, the criteria based Policy H2 does not preclude additional pitches, plots or sites coming forward through the planning application process based on the level of assessed need.

2.23.5 The council consider this to be a pragmatic and justified approach.

2.24 Is the plan sufficiently clear as to when the proposed allocations to meet the needs of Gypsies and Travellers are required by?

Council's response

2.24.1 Table 4 in the Ashfield local Plan identifies the following level of need evidenced by the GTAA 2021. This sets out the level of need in 5 year tranches up to 2038 (remaining period only 3 years).

2.24.2 The Local Plan identifies sites to fully meet these needs in policy H2a.

2.25 What process and methodology did the Council use to determine which sites to allocate?

Council's response

2.25.1 The council undertook a call for sites for a Strategic Housing and Economic Land Availability Assessment (SHELAA) in 2018 – this included sites for Gypsy/Traveller and/or Showpeople's use. The SHELAA remains a 'live' document with submission forms available on the Council's website, and any submitted sites are assessed on a frequent basis.

2.25.2 Sites submitted to the SHELAA have been limited, identifying only 1 site for Gypsy & Traveller use and 3 for Travelling Showmen use. Two of these sites were assessed as unsuitable, including the one Gypsy/traveller site.

2.25.3 The 2 sites which were submitted for Traveling Showpeople use were subsequently assessed as potentially achievable. These sites are well located being adjacent to an existing yard and have been allocated under policy H2a.

2.25.4 With regard to Gypsy/Traveller sites, the Council rely on available land safeguarded as part of a wider housing site which has recent current planning approval (see Qu. 2.27).

2.26 The plan identifies a requirement for 4 plots to meet the needs of Gypsies and Travellers. The table at page 97 of the GTAA identifies a total additional plot requirement of 9 yard plots. What is the reasoning for the difference between this figure and the submitted plan and where is this set out?

Council's response

- 2.26.1 Table 6.5 on page 97 of the GTAA refers to the estimate of the need for permanent residential plots for showpeople years 2020-2025 only. The total requirement of **14 plots** for Showpeople's accommodation 2020-2038 is included in GTAA table S.2B on page 11, and also table 6.16 on page 105. This is the need figure used in the Local Plan.
- 2.26.2 In respect of Gypsy/Traveller sites, the total need 2020-2038 is set out in GTAA table S1.B on page 9. This is replicated in the Council's response to Qu.2.21 and shows an overall need for **4 pitches** for the higher ethnic definition which is used in the Local Plan.
- 2.26.3 Sites are allocated in Policy H2a to meet these needs.

2.27 Taking each in turn, are the proposed site allocations for Gypsies, Travellers and Travelling Showpeople justified? Is each site deliverable?

Council's response

- 2.27.1 Site H2a(a) - Land off Park Lane (Phase 2), Kirkby-in-Ashfield. This site now has planning permission for 7 showpeople's plots and is fully occupied. The provisions of Policy H2(4) will safeguard the site from alternative future uses unless it can be demonstrated that the need no longer exists, or the site has become unsuitable.
- 2.27.2 Site H2a(b) - Land off Park Lane (Phase 3), Kirkby-in-Ashfield. This site has been assessed in the SHELAA as available, potentially suitable and achievable, with an anticipated capacity for 7 showpeople's plots. It forms an extension to an existing Showpeople's site.
- 2.27.3 Site H2a(c) Land East of Park Lane, Kirkby-in-Ashfield. This site forms part of a wider site which has current permission for 38 dwellings. The permission includes this site as an indicative area for Gypsy/Traveller use and it has an anticipated potential yield for 4 pitches.

2.28 Having regard to Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022, a judgement regarding the interpretation of the Planning Policy for Traveller Sites (PPTS) and the application of that policy to Gypsies and Travellers who have ceased to pursue nomadic lifestyles. Does the Plan make adequate provision to meet the housing requirement for Gypsies, Travellers and Travelling Show People in Ashfield District Council? Or considering this Judgement does the Council judge it necessary to review their assessment of Traveller site needs for the District?

Council's response

- 2.28.1 See response to Qu's 2.21 and 2.22. There is no requirement to update the GTAA in this respect.
- 2.28.2 The most recent GTAA was completed in 2021, and it identifies needs based on both the PPTS (2015) definition and ethnicity (including those who no longer travel).

2.28.3 The Council plans for the higher level of assessed need, based on the ‘ethnic definition’(which includes those who no longer travel), as opposed to the Traveller definition set out in national policy Planning Policy for Traveller Sites 2015.

2.28.4 This reflects the approach taken by government in December 2023 to revert the definition of Gypsies and Travellers used in the Planning Policy for Travellers Sites to that adopted in 2012, as a consequence of the above judgement.

2.29 Can the Council demonstrate a supply of specific deliverable sites sufficient to provide five years’ worth of sites for gypsies and travellers against the requirement?

Council’s response

2.29.1 Yes. The Council has allocated sufficient sites to meet the full level of need identified in the GTAA as set out below.

Ashfield Future Pitch/Plot Requirements 2020 to 2038		
Period	Gypsy/Traveller Pitches	Showpeople’s Plots/Yards
2020 to 2025	1	9
2025 to 2030	1	2
2030 to 2035	1	2
2035 to 2038	1	1
Total 2020 to 2038	4	14

2.29.2 In respect of the Showpeople’s allocations, the GTAA identifies a need for 11 new plots between 2020-2030. Site H2a(a) secured planning approval in 2021 for 7 plots and is now fully occupied. Site H2a(b), which could also accommodate 7 plots is available and is anticipated to be deliverable within 5 years post Local plan adoption.

2.29.3 In respect of Gypsy/Traveller pitches, the GTAA identifies a need for 2 new pitches between 2020-2038. As set out in the response to Qu. 2.21, a ‘windfall’ Gypsy site for 3 pitches was granted permission in November 2023 and is now fully occupied which meets this immediate need (this leaves a balance of 1 pitch with outstanding need to 2038). Sites H2a(c) allocates a site for 4 pitches at Park Lane Kirkby, which falls within the boundary of a permission secured for settled housing (H1Kk – Laburnum Avenue). The settled affordable housing site is expected to commence delivery in 2025/26. The land to the south of this site was safeguarded for Gypsy/Traveller purposes and is anticipated to follow on from the main development as required to meet future need.