



ASHFIELD DISTRICT
COUNCIL –
ADDITIONAL
HOUSING
ALLOCATIONS
CONSULTATION

March 2025

REPRESENTATIONS BY OXALIS
PLANNING IN RELATION TO THE
PROMOTED SITE: LAND SOUTH OF
SALMON LANE, ANNESLEY WOODHOUSE

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1. Introduction

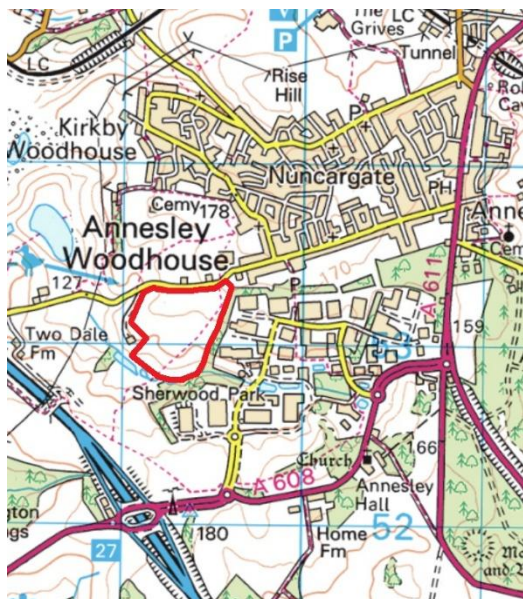
- 1.1. These representations are submitted by Oxalis Planning who have interest in the Greater Nottinghamshire Area and are acting as Planning Agents on behalf of the Landowners for the SHELAA submission: Land South of Salmon Lane, Annesley Woodhouse, reference 'KA062'. Please see the Site Location Plan below.



Promap
LANDMARK INFORMATION

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Plotted Scale - 1:8000. Paper Size - A4

- 1.2. Please also see the Context Plan below to further demonstrate the Site's setting:



- 1.3. These representations respond to the proposed new housing allocations consultation, which has emerged following commencement of the examination of the submitted Local Plan. In response to a letter received by the Council from the Inspectors on 03/12/2024 which, in summary, required the Council to identify an additional supply of housing sites to meet the shortfall of 882 homes, the consultation seeks views on the proposed new housing allocations to be included within the Ashfield Local Plan (2023 – 2040) to meet the shortfall identified by the Inspectors.
- 1.4. The consultation seeks comments specific to each individual proposed new housing allocation site and asks if the proposed additions are considered legally compliant, sound, and comply with the Duty to Cooperate.
- 1.5. This document sets out Oxalis' comments on the proposed allocations, draws suggestions on further work required, and suggests how SHELAA Site 'KA062' (that we are promoting) is a suitable alternative to meeting the identified shortfall in full. This Site was not reviewed as part of this consultation, as identified in Appendix 2 of the consultation document.
- 1.6. In these representations we will therefore:
- i) Review the Inspector's letter and request to the Council for additional information in relation to supply and meeting the wider shortfall
 - ii) Review and comment on the proposed new housing site allocations
 - iii) Draw conclusions on the Council's approach to responding to the Inspector's letter and identified housing supply shortfall
 - iv) Suggest alternative ways for the Council to meet the requirements set out by the inspectors

2. Inspectors' Letter

- 2.1. Following commencement of hearing sessions on Ashfield District Council's submitted Plan, the Inspectors recognised that the supply of homes delivered by the Plan was insufficient by 882 units across the plan period, to meet the identified housing needs.
- 2.2. Subsequently, the Inspectors wrote to Ashfield District Council (ADC) on 03rd December 2024 to advise on initial findings under matters 1-3, which included a review of housing supply. The letter sets out that Ashfield District Council should respond to those findings to meet the identified shortfall.
- 2.3. Post submission of the Plan, ADC shared an updated 'Housing Land Supply Position Statement (October 2024)' with the Inspectors. This statement (ADC.04) set out that the small sites windfall allowance under Policy S7 could be increased and would go some way to meeting the identified shortfall.
- 2.4. The Inspectors' letter explains their view that the windfall rate would not continue at the rate envisaged in ADC.04 due to it being based on a period where the Council did not have an up-to-date Local Plan. Therefore, the presumption in favour of sustainable development has applied in decision making, resulting in an inflated historic delivery rate, which the windfall supply is based on.
- 2.5. Therefore, the windfall rate presented in ADC.04 has not been accepted by the Inspectors, and the identified windfall rate of 720 homes in the submitted version must therefore remain, rather than the updated 1,183 identified in ADC.04.
- 2.6. The Inspectors explain they have: *"significant concerns that even if we were to conclude exceptional circumstances exist to alter the Green Belt boundary based on the submitted plan, the current shortfall in housing would likely result in the need for further alterations to the Green Belt..."*
- 2.7. Therefore, the Inspectors recognise that additional Green Belt release may be required to meet the identified housing needs if exceptional circumstances are justified.

3. Ashfield's Response

- 3.1. Ashfield District Council issued their response to the Inspectors' letter on 14th January 2025. It sets out their options to identifying the additional housing sites, and the subsequent Cabinet and Council meetings (on the 5th and 17th of February respectively) concluded that the Council will allocate additional sites that were submitted in the SHELAA to meet the housing need deficit.
- 3.2. Ashfield's response identifies that the historic delivery rates of windfall sites (which has not been accepted by the Inspectors) contained a period of slow delivery as a result of the Covid pandemic, and the Council therefore argue that the figures have not been inflated overall by the increased delivery during the period that the Council did not have

an up-to-date Local Plan. They also explain that there was a period of 3 years where the supply of newly permitted sites was not recorded.

- 3.3. The response sets out that the identified windfall rate did not include delivery on larger windfall sites of 10 or more units and only considered those on small sites of 9 dwellings or fewer. As the letter explains, Hearing Statement HS9.1 paragraphs 9.4.7 to 9.4.12 details that this is a policy void that has resulted in a significant amount of recent delivery on large windfall sites, and that it would be flawed to project these historical completions forward as that policy void will no longer exist with the adoption of the new Local Plan. The letter then explains that it is considered reasonable to anticipate some level of future delivery on large windfall sites.
- 3.4. The 'Ashfield Local Plan 2023 to 2040: Additional Sites and Public Consultation' document tabled at the Council meeting held 17th February 2025, includes a table on PDF Page 6 which sets out the revised housing land supply which has been revised to account for the proposed allocations and updated delivery numbers following the progression of site development.
- 3.5. This table sets out that ADC consider that the new allocations would deliver 146 dwellings above the housing requirement. It is noted however that a large number of the increased delivery (aside from the new allocations) has derived from including the net homes delivered during the period 01/04/2023 – 01/04/2024. ADC.04 which sets out how these 451 dwellings have been delivered, suggests that they have derived from sites with planning permission, mostly on larger sites. As a result, it is not clear if the table row 'with planning permission at September 2024' has been reduced appropriately, to consider that those permissions have already delivered some 451 units.

4. Review of the Inspectors' Letter and Ashfield's Response

- 4.1. The Inspectors have identified that the revised windfall numbers in ADC.04 of 1,183 homes is inaccurate due to those figures being based upon on a period where the Council did not have an up-to-date plan, and were subject to un-planned development, therefore inflating the delivery.
- 4.2. Ashfield's response explains that the revised windfall numbers considered a period where 3 years of unaccounted development permissions were not recorded and included a slow period during the Covid outbreak, insinuating that the Inspectors should not be concerned about the inflated revised windfall rates. Neither of these comments in Ashfield's response address the fact that overall windfall figures were inflated because of being subject to un-planned development, and a review of how these matters impact the predicted windfall allowance have not been provided as part of this consultation. Therefore, the Inspectors' comments regarding inflated historic windfall delivery remains, and the previously presented allowance of 720 homes must therefore remain.

- 4.3. Paragraph 71 of the National Planning Policy Framework (NPPF, September 2023) states that:

Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.

- 4.4. Clearly, the evidence presented under HS9.1 does not provide compelling evidence that the revised windfall rates will provide a reliable source of supply given the lack of assessment of increased delivery as a result of being without an up-to-date plan, and neither does it assess the implications of slower delivery during the Covid pandemic.
- 4.5. Ashfield's identification of a 3-year period of not recording development permissions further demonstrates that the revised position does not accord with NPPF Paragraph 71, which requires "compelling evidence" to justify the windfall allowance. This lack of data clearly does not constitute compelling evidence. In our view, and in accordance with the Inspectors' letter, the revised windfall allowance is unsound, and the previously presented allowance of 720 dwellings must remain. As a result, new allocations must meet, at a minimum, the identified shortfall of 882 dwellings across the plan period.
- 4.6. Furthermore, the substantial 3-year period of unaccounted permitted sites identified by ADC demonstrates uncertainty in the Local Plan's supporting evidence base. It creates doubt that evidence has been prepared robustly and erodes confidence in the proposed Local Plan.
- 4.7. Table B in ADC.04 provides an update to the anticipated housing delivery and new dwellings required over the plan period. It deducts 451 dwellings from the overall need due to new dwellings on permitted sites (as set out in the appendices) being delivered during the period 01/04/2023 – 31/03/2024. It is clear from the statement that these dwellings have been delivered from sites with existing planning permission.
- 4.8. The line 'with planning permission at 01st September 2024' also in table B appears to have not been updated since the iteration submitted within the Local Plan, and therefore does not reduce the number of dwellings on sites with permission in accordance with the units delivered during the period 01/04/2023 to 31/03/2024. The 451 dwellings therefore appear to have been double counted.
- 4.9. Further clarification is required to explain if and how the 451 dwellings identified to have been delivered on permitted sites from the period 01/04/2023 – 31/03/2024 have been deducted from the figure that considers dwellings with permission.
- 4.10. Notwithstanding this, the Inspectors' letter was written post submission of the updated 'Housing Land Supply Position Statement (October 2024) and still concluded that a shortfall of 882 dwellings exists. It is therefore inappropriate for ADC to assume that the October 2024 revised housing land supply position statement has been accepted by the

Inspectors. The Inspectors' letter is clear that the identified shortfall in housing supply in 882 dwellings.

- 4.11. Without being present at hearings, information provided does not clearly explain why ADC's approach to their October 2024 'Housing Land Supply Position Statement' has not been accepted by the Inspectors. As a result, the proposed new housing allocations should deliver, at a minimum, 882 new dwellings.

5. Proposed New Housing Allocations Consultation

- 5.1. The February 2025 'Consultation on Additional Housing Site Allocations' document sets out that Ashfield propose to allocate 13 new sites to meet the unmet need of 882 homes. These 13 new sites would deliver 828 dwellings, but are not 828 new dwellings in addition to the previously identified supply. Therefore, not only is the delivery of the new allocations insufficient to meet the deficit, but the actual delivery rates of sites already proposed to be allocated has reduced overall.
- 5.2. The proposed amendments to Policy H1 update the yield of dwellings on the sites proposed to be allocated, which have emerged following greater understanding of delivery rates on previously allocated sites. Appendix 1 of the consultation document considers the new allocations and revised dwellings deliverable on sites already proposed to be allocated, which in summary, results in the following changes in combination with the proposed new allocations:
- Hucknall Area - 1,311 reduced by 122 to 1,189
 - Kirkby Area – 542 increased by 175 to 717
 - Sutton Area – 3,283 increased by 563 to 3,846
 - Selston Jacksdale and Underwood Area – 580 decreased by 23 to 557
- 5.3. As a result of the above updated position for H1, it results in an overall increase of 593 dwellings to meet the 882-dwelling shortfall. Therefore, a shortfall of 289 dwellings remains, if all the new allocations are accepted.
- 5.4. As discussed in Section 4 of these representations, the revised windfall position cannot be adopted, as set out by the inspectors, as it is not backed by "compelling evidence" as required by the NPPF.
- 5.5. Many of the proposed new housing allocations are by nature, typical windfall sites, and would often be considered to come forward outside of planned development. However, as Ashfield recognise under Hearing Statement HS9.1, it would be flawed to predict the emergence of new large windfall sites. Therefore, it is accepted that such sites can now be allocated as they would not contribute to the windfall allowance.

- 5.6. With regards to large windfall sites, ADC's response to the Inspectors' letter explains that "*it is considered reasonable to anticipate some level of future delivery from such sites.*". This contradicts the position explained in paragraph 5.5 above, where ADC accept that it would be flawed to predict the emergence of new large windfall sites. Given the lack of evidence, ADC's position regarding consideration to large windfall sites cannot be considered sound as it does not provide evidenced justification, which is against NPPF paragraph 71.
- 5.7. 3 of the Sites now proposed to be allocated form part of the Kirkby regeneration area. The plans for the regeneration of the area are supported by a Masterplan SPD under Policy S11, which identifies that some housing is to be delivered at sites 'H1Kp, H1Kq, and H1Kr'. Given that these Sites are not new allocations, it is unclear from the consultation how these Sites can be considered to provide an additional supply, when it forms part of an already proposed urban regeneration scheme allocation. We therefore consider that these additional units cannot be counted as new allocations at this time.
- 5.8. Furthermore, proposed new allocation H1kl was previously anticipated to come forward as a small windfall site, as set out by the SHELAA (reference KA032). Given this position, this Site has effectively been double counted within the windfall supply, and allocated sites. Therefore, the windfall position would need to be reduced if this site is to be considered as a new allocation.
- 5.9. As a general comment, it is unclear why many of the proposed new allocations have only just come forward. As the Council do not account for large windfall sites through the housing figures, it is unclear why these sites were not proposed to be allocated in the first place, given their status in the SHELAA.
- 5.10. The sub-headings below set out our views of some of the individual new allocations proposed in a format consistent with the response required by the representation forms.

H1Kl – Central Avenue, Kirkby

- 5.11. Proposed new site allocation H1Kl at Central Avenue, Kirkby, is a site of 16 dwellings that has gained permission since the submission of the Local Plan. With the understanding that windfall sites of 10 or more dwellings are not considered in the Local Plan to meet the housing supply, it is considered appropriate for this site to now be proposed to be allocated.
- 5.12. This Site was previously anticipated to come forward as a small windfall site of 3 units, as identified by the SHELAA (reference KA032). Given this position, this Site has effectively been double counted within the windfall supply, and allocated sites. Therefore, the windfall position would need to be reduced if this site is to be considered as a new allocation.
- 5.13. As per the Inspectors' letter dated December 3rd 2024, the revised housing land supply position presented by the Council in October 2024 has not been accepted on the basis

that the 10 year period prior included a period where the Local Plan was out of date, and the District was subject to unplanned development. This has likely resulted in a higher delivery of windfall sites during this period. Although Ashfield's response argues that the 10-year period also included a length of time during the Covid pandemic where applications were stalled, and that the period included a timeframe where development permissions were not recorded. The position remains unsound against NPPF Paragraph 71 which requires windfall allowances to be back-ed by "*compelling evidence that they will provide a reliable source of supply*".

- 5.14. Based on the Site's previously assumed capacity under the SHELAA, if the allocation is to be carried forward, the windfall allowance would need to be altered in order to remove the windfall supply assumed by the SHELAA. Therefore, the balance of dwellings delivered under the allocation and by the windfall allowance must be appropriately reviewed until it can be considered to contribute towards the housing supply.

H1Km – Abbey Road, Kirkby

- 5.15. Proposed new site allocation H1Km, Abbey Road, Kirkby, is a site that has resolution to grant planning permission for 38 dwellings. This site is located within the Green Belt. This proposed new allocation establishes that the Council will explore options to deliver additional housing sites in the Green Belt if an insufficient supply of housing sites is identified.
- 5.16. The Site has gained permission since the submission of the Local Plan. It is therefore of a size and type typical of a windfall site. With the understanding that windfall sites of 10 or more dwellings are not considered in the Local Plan to meet the housing supply, it is considered appropriate for this site to now be proposed to be allocated.
- 5.17. As per the Inspectors' letter dated December 3rd 2024, the revised housing land supply position presented by the Council in October 2024 has not been accepted on the basis that the 10 year period prior included a period where the Local Plan was out of date, and the District were subject to unplanned development. This has likely resulted in a higher delivery of windfall sites during this period. Although Ashfield's response argues that the 10-year period also included a length of time during the Covid pandemic where applications were stalled, and that the period included a timeframe where permitted development supply was not recorded. The position remains unsound against NPPF Paragraph 71 which requires windfall allowances to be back-ed by "*compelling evidence that they will provide a reliable source of supply*".

H1Kn – Southwell Lane, Kirkby

- 5.18. The Site has a lapsed permission for 60 dwellings and is proposed to be allocated for 60 dwellings. However, the SHELAA (Site ref. KA057) recognises that it may have wildlife constraints, resulting in a possibility of yielding 41 units rather than the 60 previously permitted. The number of units the site can accommodate therefore needs to be reviewed further.

- 5.19. The lapsed permission indicates that there may have been further issues hindering its deliverability, above the identified wildlife constraints. It is there uncertain if this site is deliverable.
- 5.20. As per the Inspectors' letter dated December 3rd 2024, the revised housing land supply position presented by the Council in October 2024 has not been accepted on the basis that the 10 year period prior included a period where the Local Plan was out of date, and the District were subject to unplanned development. This has likely resulted in a higher delivery of windfall sites during this period. Although Ashfield's response argues that the 10-year period also included a length of time during the Covid pandemic where applications were stalled, and that the period included a timeframe where permitted development supply was not recorded. The position remains unsound against NPPF Paragraph 71 which requires windfall allowances to be back-ed by "*compelling evidence that they will provide a reliable source of supply*".
- 5.21. The number of dwellings identified for this site therefore, in our view, must be reviewed in further detail, as the Site's planning history identified potential constraints in relation to wildlife. The numbers assumed by the more up-to-date SHELAA review (as opposed to the lapsed permission), are therefore a more likely yield for this site. The assumed dwellings delivered by the allocation should therefore be reduced by 19.
- 5.22. With the understanding that windfall sites of 10 or more dwellings are not considered in the Local Plan to meet the housing supply, it is considered appropriate for this site to now be proposed to be allocated.

H1Ko – Former Kirkland's Care Home, Fairhaven

- 5.23. Proposed new allocated Site H1Ko at the former Kirkland's Care Home Site, Fairhaven, is a small site of 20 dwellings that is on brownfield land. It is therefore of a size and type typical of a windfall site. It does not have planning permission.
- 5.24. As an unpermitted brownfield Site, it may contain challenges to overcome such as contamination, which may affect viability. It may therefore not be guaranteed to come forward within the Plan period.
- 5.25. As per the Inspectors' letter dated December 3rd 2024, the revised housing land supply position presented by the Council in October 2024 has not been accepted on the basis that the 10 year period prior included a period where the Local Plan was out of date, and the District were subject to unplanned development. This has likely resulted in a higher delivery of windfall sites during this period. Although Ashfield's response argues that the 10-year period also included a length of time during the Covid pandemic where applications were stalled, and that the period included a timeframe where permitted development supply was not recorded. The position remains unsound against NPPF Paragraph 71 which requires windfall allowances to be back-ed by "*compelling evidence that they will provide a reliable source of supply*".

H1Kp – Pond Hole, Kirkby

- 5.26. This Site forms part of the Kirkby Centre regeneration Scheme under policy S11, which is supported by a Masterplan Supplementary Planning Document (SPD). The Site has therefore effectively been allocated for mixed-uses under Policy S11, and the Masterplan SPD sets out that this site specifically is for residential-led development with commercial frontage.
- 5.27. The Local Plan, therefore, has always considered that housing would be delivered as part of this Site.
- 5.28. The Site is brownfield and may therefore have constraints affecting its deliverability.
- 5.29. It is unclear from the consultation how this Site can be considered to provide an additional supply when it forms part of an urban regeneration scheme effectively already allocated under Policy S11. We therefore consider that this Site cannot be considered as a new allocation at this time, until further evidence is presented to explain why the dwellings delivered by this site have not previously been considered towards policy S7.

H1Kq – Former Wyvern Club Site, Lane End, Kirkby

- 5.30. This Site forms part of the Kirkby Centre regeneration Scheme under policy S11, which is supported by a Masterplan Supplementary Planning Document (SPD). The Site has therefore effectively been allocated for mixed-uses under Policy S11, and the Masterplan SPD sets out that this site specifically is for a ‘business cluster’ within a landmark building, which may include some residential units.
- 5.31. The Local Plan, therefore, has always considered that housing would be delivered as part of this Site.
- 5.32. The Site is brownfield and may therefore have constraints affecting its deliverability.
- 5.33. It is unclear from the consultation how this Site can be considered to provide an additional supply when it forms part of an urban regeneration scheme effectively already allocated under Policy S11. We therefore consider that this Site cannot be considered as a new allocation at this time, until further evidence is presented to explain why the dwellings delivered by this site have not previously been considered towards policy S7.

H1Kr – Ellis Street, Kirkby

- 5.34. This Site forms part of the Kirkby Centre regeneration Scheme under policy S11, which is supported by a Masterplan Supplementary Planning Document (SPD). The Site has therefore effectively been allocated for mixed-uses under Policy S11, and the Masterplan SPD sets out that this site specifically is for a residential-led development

with commercial frontage. It is noted that the Site borders a landfill Site and therefore may have contamination constraints.

- 5.35. The Local Plan, therefore, has always considered that housing would be delivered as part of this Site.
- 5.36. The Site is brownfield and may therefore have constraints affecting its deliverability.
- 5.37. It is unclear from the consultation how this Site can be considered to provide an additional supply when it forms part of an urban regeneration scheme effectively already allocated under Policy S11. We therefore consider that this Site cannot be considered as a new allocation at this time, until further evidence is presented to explain why the dwellings delivered by this site have not previously been considered towards policy S7.

H1Sai – Pendean Way

- 5.38. Proposed new allocated Site H1Sai at Pendean Way, is a small site of 12 dwellings site that has gained permission since the submission of the Local Plan. It is therefore of a size and type typical of a windfall site.
- 5.39. With the understanding that windfall sites of 10 or more dwellings are not considered in the Local Plan to meet the housing supply, it is appropriate for this site to now be proposed to be allocated.
- 5.40. As per the Inspectors' letter dated December 3rd 2024, the revised housing land supply position presented by the Council in October 2024 has not been accepted on the basis that the 10 year period prior included a period where the Local Plan was out of date, and the District were subject to unplanned development. This has likely resulted in a higher delivery of windfall sites during this period. Although Ashfield's response argues that the 10-year period also included a length of time during the Covid pandemic where applications were stalled, and that the period included a timeframe where permitted development supply was not recorded. The position remains unsound against NPPF Paragraph 71 which requires windfall allowances to be back-ed by "*compelling evidence that they will provide a reliable source of supply*".
- 5.41. This proposed new allocation is understood, however actual deliverability may be impacted by its potential constraints.

H1Saj – Between Redcliffe St and Leyton Avenue, Sutton

- 5.42. Proposed new allocated Site H1Saj at Leyton Avenue, Sutton, is a small site with a resolution to grant outline consent for 18 dwellings, and is likely to gain permission since the submission of the Local Plan. It's size and type is typical of a windfall site.
- 5.43. With the understanding that windfall sites of 10 or more dwellings are not considered in the Local Plan to meet the housing supply, it is appropriate for this site to now be proposed to be allocated.

- 5.44. As per the Inspectors' letter dated December 3rd 2024, the revised housing land supply position presented by the Council in October 2024 has not been accepted on the basis that the 10 year period prior included a period where the Local Plan was out of date, and the District were subject to unplanned development. This has likely resulted in a higher delivery of windfall sites during this period. Although Ashfield's response argues that the 10-year period also included a length of time during the Covid pandemic where applications were stalled, and that the period included a timeframe where permitted development supply was not recorded. The position remains unsound against NPPF Paragraph 71 which requires windfall allowances to be back-ed by "*compelling evidence that they will provide a reliable source of supply*".

H1Sak – Rookery Lane, Sutton

- 5.45. Proposed new allocated Site H1Sak at Rookery Lane, Sutton, is a site with a resolution to grant consent for 78 dwellings and is an extension of a wider allocation. The application was submitted in 2022 and is assumed to have been considered in preparation of the Local Plan, prior to submission to the inspectorate.
- 5.46. With the understanding that windfall sites of 10 or more dwellings are not considered in the Local Plan to meet the housing supply, it is appropriate for this site to now be proposed to be allocated.
- 5.47. As per the Inspectors' letter dated December 3rd 2024, the revised housing land supply position presented by the Council in October 2024 has not been accepted on the basis that the 10 year period prior included a period where the Local Plan was out of date, and the District were subject to unplanned development. This has likely resulted in a higher delivery of windfall sites during this period. Although Ashfield's response argues that the 10-year period also included a length of time during the Covid pandemic where applications were stalled, and that the period included a timeframe where permitted development supply was not recorded. The position remains unsound against NPPF Paragraph 71 which requires windfall allowances to be back-ed by "*compelling evidence that they will provide a reliable source of supply*".

H1Sam – Beck Lane South, Skegby

- 5.48. Proposed new allocated site H1Sam at Beck Lane South, Skegby, adjoins a previously allocated site that is currently being developed. The consultation document explains that this site had not previously been taken forward as an allocation due to known access constraints. It explains further that a resolution for access constraints is progressing, however its delivery is subject to overcoming this constraint. The Site, therefore, is assumed to come forward for development, but known constraints may affect its deliverability.

6. Evaluation of Proposed New Allocations

6.1. As discussed in section 5 of these representations, it is Oxalis' position that a number of Sites that are now proposed to be allocated through the live consultation may not be deliverable as set out, or that further information is required to understand why they were not previously proposed to be allocated. These Sites are listed below, and we set out our understanding of the assumed housing provision the sites will provide, with an explanation as to why it is different to the consultation:

- **H1Kl** – This Site assessed under the SHELAA was assumed to deliver **3 dwellings**. If this site is now proposed to be allocated, the windfall allowance should be updated to consider that this site may now be allocated.
- **H1Kn** – This Site was previously consented to deliver 60 dwellings and the permission has lapsed. The more up to date SHELAA identifies that the site is constrained and is likely to deliver **19 fewer units**.
- **H1Kp** – This Site forms part of allocation S11 and the masterplan assumes that it would deliver housing, it has therefore already been allocated. Further evidence is required to demonstrate why this Site was not considered to contribute to housing delivery under Policy S7. Without this evidence, the **54 dwellings** assumed to be delivered can **not be considered as a new supply**.
- **H1Kq** - This Site forms part of allocation S11 and the masterplan assumes that it would deliver housing, it has therefore already been allocated. Further evidence is required to demonstrate why this Site was not considered to contribute to housing delivery under Policy S7. Without this evidence, the **12 dwellings** assumed to be delivered can **not be considered as a new supply**.
- **H1Kr** - This Site forms part of allocation S11 and the masterplan assumes that it would deliver housing, it has therefore already been allocated. Further evidence is required to demonstrate why this Site was not considered to contribute to housing delivery under Policy S7. Without this evidence, the **24 dwellings** assumed to be delivered can **not be considered as a new supply**.

6.2. Given that the updated Policy H1 position results in an increase of 593 dwellings (as discussed in section 5 of these representations), when considering the points made above concerning deliverability of the proposed new allocations, Oxalis consider that the delivery of new sites under Policy H1 would be 106 fewer, resulting shortfall of 395 units against the 882 dwelling deficit identified by the Inspectors.

6.3. The Local Plan therefore does not allocate a sufficient supply of homes to meet the housing need requirement identified by the Local Plan, and the proposed new allocations only go some way to reducing the original deficit identified by the Inspectors

through hearing sessions. Even if the figures for all of the new sites are accepted, a shortfall of 289 dwellings remains against the 882 dwelling deficit.

7. Land South of Salmon Lane

- 7.1. Oxalis Planning act as agents on behalf of the Landowners for the Site located south of Salmon Lane, Annesley Woodhouse.
- 7.2. This Site was submitted as a SHELAA submission (ref. KA062) to Ashfield District Council on the 27th of January 2025 and was made in response to the Inspectors' findings and recommendations to allocate additional Sites.
- 7.3. As set out in Appendix 2 of the consultation document, this SHELAA submission was not reviewed or considered under the proposed new allocations.
- 7.4. ADC, through proposed new allocation H1Km, establish that it is appropriate for new Green Belt Sites to be allocated in order to meet the identified housing shortfall over the Plan period. This Site would therefore not be at odds with this approach.
- 7.5. Furthermore, it is set out by the Inspectors in their letter dated 03rd December 2024 that if Sites of 500 or more dwellings cannot be explored or justified, then exceptional circumstances may exist for further Green Belt release.
- 7.6. This Green Belt site is located immediately west of Annesley Woodhouse and Sherwood Business Park. Furthermore, it is located less than 500m away from the recently permitted new employment development north-east of M1 junction 27, which situates the Site within the vicinity of significant established built and emerging development. Please see appended to this letter, a context Plan of the Site, which demonstrates its immediate setting.
- 7.7. This juxtaposition places the site immediately adjacent to some of the largest employment developments in the District, and the largest in Annesley. New residents at the site could benefit greatly from these opportunities, that are within a short walking distance, which is a key, fundamental principle of sustainable planning practise.
- 7.8. Development of the Site for housing could, therefore, provide exemplar active travel routes connecting housing to Sherwood Business Park, and the new emerging employment Site to the south-west, whilst also offering recreation benefits at the Country Park adjacent.
- 7.9. As a part of any prospective development of the Site, the Landowners would commit to delivering around 50% of the site as a substantial publicly accessible community park, providing new and local residents with high quality amenity, which would be safeguarded.
- 7.10. This provision to the local community would significantly contribute to the public realm and quality of green space in Annesley Woodhouse. None of the proposed new

allocations as part of the consultation offer such amenity. This Site therefore presents the opportunity to deliver such an asset, where other proposed allocations fail to contribute. This is a requirement under the Green Belt 'Golden Rules', which would be directly delivered by the site.

- 7.11. With 50% of the Site committed to delivering a country park, the remaining land bordering Sherwood Business Park could deliver approximately 250-300 new dwellings. This additional supply could go some way to meeting the shortfall that still remains beyond the new allocations assumed in section 6 of these representations.
- 7.12. Within the part of the Site identified for housing, the number of dwellings anticipated represents a density which would allow for existing tree and hedge cover to be retained.
- 7.13. One of the proposed new allocations 'H1Sal' located at Newark Road/Coxmoor Road offers a similar development capacity to the Site south of Salmon Lane. Comparatively, and aside from Green Belt/Grey Belt matters, the proposed allocation does not perform well against the Site as it would not deliver high-quality green space/public amenity, nor would it offer sustainable travel options to significant employment opportunities.
- 7.14. Similarly, most of the proposed new allocations do not offer such important attributes. This Site, therefore in our view, should be considered further to evaluate its offering of such important characteristics, against that offered by the proposed new allocations.
- 7.15. The December 2024 revision of the National Planning Policy Framework (NPPF) aims to increase housing development on Green Belt land in a thoughtful and sustainable manner.
- 7.16. Paragraph 156 of the NPPF introduced 3 golden rules which are summarised as follows:
- Delivers affordable housing in accordance with the development plan policies
 - Necessary improvements to local and national infrastructure
 - The provision of new, or improvements to existing, green spaces that are accessible to the public
- 7.17. In accordance with these rules, the Site proposed would ensure that it delivers affordable housing in accordance with the proposed Local Plan; contribute to necessary improvements to infrastructure; and would provide a **significant** new country park which would be accessible by the public in Annesley Woodhouse, and the adjacent, large business parks.
- 7.18. Notwithstanding the points made above concerning Green Belt, it is Oxalis' view that the Site could be considered 'Grey Belt', subject to further consideration should the Site be taken forward.
- 7.19. Definitions on Page 77 of the December 2024 NPPF describes Grey Belt as follows:

For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

- 7.20. Green Belt purposes under Paragraph 143 are as follows:
- a. To check the unrestricted sprawl of large built-up areas
 - b. To prevent neighbouring towns merging into one another
 - d. to preserve the setting and special character of historic towns
- 7.21. Against purpose a, the Site would propose a new Country Park which could be retained as Green Belt land and therefore restrict development further west of Annesley Woodhouse. Notwithstanding this, the newly permitted employment site north-east of M1 J27 (ref. V/2022/0360) establishes encroachment into the Green Belt south-west of the Site, up to the eastern side of the M1 corridor. The Site, therefore, would not be at odds with this already consented approach, and would therefore not strongly contribute to purpose a.
- 7.22. Against purpose b, there are no neighbouring towns west of the Site between the M1 corridor, therefore, the Site cannot merge into another settlement.
- 7.23. Against purpose d, Annesley Woodhouse is not an area with special character or historic interest. It is considered that as the Site is located further west away from Annesley Woodhouse and immediately west of Sherwood Business Park, development of the Site could not impact the character of Annesley Woodhouse, particularly above that imposed by Sherwood Business Park.
- 7.24. Development of the Site would be managed so that it would not be at odds with the requirements under Footnote 7 of the NPPF.
- 7.25. It is clear from the above that the site should be considered 'Grey Belt' land. Furthermore, it would be delivered to meet the 'Golden Rules', which is required for development within the Green Belt.
- 7.26. Please refer to the Indicative Layout, Context and Analysis Plan found in Appendix 1 of these representations which further details this context.
- 7.27. If Oxalis' position on the delivery of the proposed new allocation is accepted, or explored further, a shortfall of 395 dwellings would exist. Even if this position is not accepted, a shortfall of 289 dwellings exists. This Site, therefore, could substantially meet the shortfall.

- 7.28. Given the above, we consider that the Site should be considered as a new allocation alongside the proposed new allocations consulted on in this process.

8. Conclusions

- 8.1. The consultation held by Ashfield District Council asks for views relating to the proposed new housing allocations, specifically if they are deemed sound and are consistent with national policy.
- 8.2. For the reasons set out in section 5 of these representations, Oxalis are of the view that proposed new Sites H1KL, H1Kn, H1kp, H1Kq, and H1Kr may not deliver a new supply of homes beyond sites already considered elsewhere within the Local Plan. This equates to 106 dwellings of the proposed increase of 593 under revised policy H1.
- 8.3. Consistent with the Inspectors' views, Oxalis consider the identified shortfall to be 882 dwellings. Without considering the loss of provision on existing proposed allocations, the new allocation which provide an additional 828 dwellings, would not meet the shortfall in full. When considering the reduced supply, the revised position under Policy H1 would deliver an additional 593 units against the 882 shortfall, requiring a further 289 dwellings to be delivered/identified.
- 8.4. Based on Oxalis' view that the revised windfall position has not been accepted, and that some of the proposed new allocated sites have been included elsewhere within the Plan, the shortfall against the 882 undersupply is 395 dwellings.
- 8.5. As briefly presented in section 7 of these representations, the Land Oxalis represent to the south of Salmon Lane, could go some way to meeting this identified shortfall in a sustainable manner, in accordance with the NPPF golden rules concerning Green Belt development.
- 8.6. Although the Local Plan falls within the transitional arrangement of the September 2023 NPPF revision, it is important to consider that in-light of the amendments made under the December 2024 version of the NPPF, Ashfield would be required to deliver an additional 89 dwellings per annum (an additional 1,513 across the Plan period). Therefore, in light of these recent notions by central Government, Ashfield's housing requirements by comparison are weak, and therefore the Plan must ensure the full housing needs are robustly met and include an overprovision to ensure the Plan is approached in a positive and proactive way.
- 8.7. Following from the points made in these representations, this section sets out the key reasons why we do not consider the plan to meet the soundness requirements and tests:

Positively Prepared

- 8.8. The proposed new allocations deliver and revised housing numbers deliver an increase of 593 dwellings. This still leaves a significant remaining shortfall against the identified 882 dwellings. If the deliverability of the proposed new allocations are successfully challenged as set out in section 5 of these representations, the shortfall would increase by a further 106, resulting in an overall undersupply of 395 dwellings.

Justified

- 8.9. The plan does not set an appropriate strategy and has not properly considered all reasonable alternatives to meet the housing provision shortfall against the identified needs

Effective

- 8.10. The Plan does not plan effectively to meet development requirements over the plan period.

National Policy

- 8.11. We believe the significant shortfall in housing land supply represents the exceptional circumstance that requires a review of the Green Belt, as alluded to by the Inspectors, under paragraph 140 of the September 2023 NPPF. Having regard to the evidence set out, the proposed new allocations set out in section 5 of these representations should be revisited as part of that more robust and finer-grained assessment.

Summary of the Site South of Salmon Lane

- 8.12. The site South of Salmon Lane offers an opportunity to deliver additional dwellings to meet the remaining shortfall. It would be delivered in accordance with the Green Belt golden rules, by notably providing an extensive Country Park, making its development suitable. Oxalis' view is that development on this site can be undertaken in a positive and beneficial way where environmental effects can be managed, and the benefits maximised.
- 8.13. Qualitatively, this Site would offer greater benefits than the new allocations proposed, and many of the existing allocations through its provision of a new Country Park, and proximity to employment opportunities.
- 8.14. The Site offers an important juxtaposition to significant employment sites (existing and new) within the district, encouraging sustainable travel to and from places of work, a fundamental principle of positive planning.
- 8.15. The benefits the Site can offer go over and above many of the proposed new allocations, and existing allocations, offering a betterment to emerging and existing housing sites in

Ashfield, and should therefore be considered further. In addition, the Site should be considered as 'Grey Belt', which erodes the sensitivities of such Green Belt land.

- 8.16. Oxalis consider that the new allocations only go some way to meeting the identified shortfall of 882 dwellings. We consider that some of the proposed new allocations have uncertainty around delivery and may have been double counted as they have been allocated as part of the Kirkby regeneration scheme. Without considering these proposed new allocations, a shortfall of 395 dwellings remains, and ADC should therefore identify additional housing sites to be allocated. This Site could meet a significant portion of this need.
- 8.17. As the Site was not considered in the proposed new housing allocations consultation, we are of the view that the Council should robustly review its entire SHELAA sites, including this recent submission, to identify an appropriate number of new allocations to meet the unmet housing need identified by the Inspectors.
- 8.18. Oxalis would welcome an invitation to speak at the subsequent hearing sessions, and to be involved in the progression of the ADC's Local Plan.

Appendix 1 – Land South Salmon Lane Indicative Layout, Context, and Analysis Plan

The Site is bound to the east by Sherwood Business Park. It would therefore offer immediate access to a range of employment opportunities, and it is screened well by existing vegetation that could be enhanced as part of delivering a Country Park element to the Site.

The edge of the settlement extends north of the Site, and it is well situated in relation to the main built up area of Annesley Woodhouse. New development would not be at odds with this setting.

The proposed site would offer an extensive new country park, which is integral to the delivery of new housing development. Prospective new residents, workers at the adjacent emerging and existing employment sites, and residents of Annesley Woodhouse would greatly benefit from this asset. The existing Public Right of Way would be integrated into the proposals to provide connectivity to the adjacent employment sites and the new country park.

The newly permitted business park north-east of M1 J27 (ref.2022/0360) contains the Site from the south-west, and would offer immediate access to employment opportunities for prospective new residents.



Key



Site Boundary

Approx 22.5ha



Country Park

Approx 13.5ha



V/2022/0360

Recently Permitted
Employment
Development



Developable Area

Approx. 9ha

**Public Right of Way
Integration**

Site South of Salmon Lane Indicative Layout, Context, and Analysis Plan