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Whyburn Consortium

Hearing Statement

Week 3 Matter 5

Respondent ID: 63

by CarneySweeney

Date: December 2024



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1.0 Introduction

CarneySweeney are acting on behalf of the Whyburn Consortium in making representations to the emerging Ashfield Local Plan (2023-2040), with representations having been made to the previous Regulation 19 consultation stage.

Our previous representations are not repeated here but should be read in conjunction with this Hearing Statement to the Inspector's Matters, Issues and Questions for Week 3 Matters 5, 7, 11 and 12.

As requested, we have provided separate Hearing Statements for the following Matters:

- Matter 5 – Sustainable Development in Ashfield
- Matter 7 – Heritage and the Natural Environment
- Matter 11 – Transport and Infrastructure: *Hearing Statement prepared by mode transport planning on behalf of Respondent ID: 63, Whyburn Consortium*
- Matter 12 - Viability

This document covers Week 3 Matter 5 – Sustainable Development in Ashfield.



2.0 Week 3 Matter 5 – Sustainable Development in Ashfield

Respondent ID: 63

Issue

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to sustainable development in the district.

Questions:

5.1 Are the requirements of the sustainable development in Ashfield policies S12 – S15 justified by appropriate available evidence, having regard to national guidance, and local context?

We comment as follows:

- Strategic Policy S12 Tackling Health Inequalities and Facilitating Healthier Lifestyles: We have no comments on Policy S12 in the context of Question 5.1
- Strategic Policy S13 Protecting and Enhancing Our Green Infrastructure and the Natural Environment: The evidence base noted to support Policy S13 refers to the Ashfield Biodiversity Opportunity Mapping Project (SEV.12) dated 2016, which reports that the aim is to produce a Biodiversity Opportunity Map (BOM) for Ashfield District. However, this report dates from 2016 and so the accuracy of the information, and the appropriateness of SEV.12 to form part of the evidence base, is questioned. It is further noted that SEV.12 is also referred to as an evidence base document for a number of other policies which include Policy EV2, Policy EV4, Policy EV5, Policy EV6 and Policy EV10.

The Council should clarify to what degree SEV.12 has been relied upon as part of this plan making process, and why an update or addendum to this document has not been prepared given the passage of time since the report was first published. This is particularly in the context of Section 8 of SEV.12 stating that “...the report should be seen as a living document that will be updated as better data becomes available or as new opportunities are identified.”

- Strategic Policy S14 Conserving and Enhancing Our Historic Environment: The evidence base supporting Policy S14 is unclear. Each policy forming part of the Pre-Submission Draft document (SD.01) is accompanied by an ‘evidence base list’ however for Policy S14, with the exception of the Sustainability Appraisal (SD.03), all the other evidence base documents listed are not included in the Examination Library.



A 'Heritage Impact Assessment for Local Plan' is included in the Examination Library, document reference SEV.17. The Council should clarify to what degree SEV.17 has been relied upon as part of this plan making process as the format of the Pre-Submission Draft Document (SD.01), which provides a list of evidence base documents under each policy, makes no reference to SEV.17.

- Strategic Policy S15: Safeguarding Mineral Resources: We have no comments on this policy.

5.2 Do Policies S12 – S15 provide clear direction as to how a decision maker should react to a development proposal?

We comment as follows:

- Strategic Policy S12 Tackling Health Inequalities and Facilitating Healthier Lifestyles: Part 1 of Policy S12 makes reference to the Council being supportive of “...programmes and strategies which aim to promote sustainable communities, reduce health inequalities and facilitate healthier lifestyles in Ashfield...”. The reference to “... programmes and strategies...” is unclear and should be clarified as to what is meant by this requirement. For example, what “...programmes and strategies...” would the Council expect to support under the remit of Part 1 of Policy S12 in the context of this plan making process? This should be clarified and if required, the policy wording amended to ensure that the requirement of Part 1 Policy S12 is effective.
- Strategic Policy S13 Protecting and Enhancing Our Green Infrastructure and the Natural Environment: Part 1 of Policy S13 which seeks to deal with the natural environment, green and blue infrastructure etc. reads as a ‘statement’, outlining that the aim is to “...protect, conserve and enhance...”. However, the policy does not set out any further policy guidance as to how this would be achieved.

In contrast, Part 2 of Policy S13 deals with biodiversity and sets out ‘how’ biodiversity would be maintained and enhanced, providing a decision maker the criteria against which a proposal would be considered against - this approach has not been applied to Part 1 of this policy. Notwithstanding this, Part 2 a) of Policy S13 refers to “*protecting, connecting and enhancing important habitats, informed by the District’s Biodiversity Opportunity Maps”* [underlining is our emphasis]. As per our response at Question 5.1 above, the Ashfield Biodiversity Opportunity Mapping Project (SEV.12) was produced in 2016 and with the passage of time, the accuracy of the document is questioned. The Council should clarify to what degree they are relying on SEV.12 as part of this plan making process as there is no update to this document included in the Examination Library.



- Strategic Policy S14 Conserving and Enhancing Our Historic Environment: We have no comments in the context of Question 5.2 on the basis that Historic England have been reported to support the wording of Policy S14 at Page 15 of the Statement of Consultation (SD.08) which states as follows “*the policy is supported by Historic England*”. If, however, this position is reported incorrectly as we note the Statement of Common Ground between Ashfield District Council and Historic England has not yet been signed (SCG.08), then we reserve our position to make comments during the Hearing session.
- Strategic Policy S15: Safeguarding Mineral Resources: We have no comments on this policy.

5.3 Do Policies S12 – S15 serve a clear purpose, avoiding unnecessary duplication of national policy? Is the wording consistent with national policy?

We comment as follows:

- Strategic Policy S12 Tackling Health Inequalities and Facilitating Healthier Lifestyles: Please see our response to Question 5.2 above. Whilst the policy seeks to deal with health inequality, Part 1 of Policy S12 does not set out a clear purpose with the inclusion of the phrase “...programmes and strategies...” which is ambiguous. The Council should clarify what is meant by this phrase and how it complies with the provisions of national policy.
- Strategic Policy S13 Protecting and Enhancing Our Green Infrastructure and the Natural Environment: Please see our response to Question 5.3 above. Part 1 of Policy S13 does not provide a clear purpose as it comprises a ‘statement’ and does not set out how the natural environment, green and blue infrastructure and assets would be assessed in the context of a development to “...protect, conserve and enhance...” these spaces.
- Strategic Policy S14 Conserving and Enhancing Our Historic Environment: We have no comments in the context of Question 5.3 on the basis that Historic England have been reported to support the wording of Policy S14 at Page 15 of the Statement of Consultation (SD.08) which states as follows “*the policy is supported by Historic England*”. If, however, this position is reported incorrectly as we note the Statement of Common Ground between Ashfield District Council and Historic England has not yet been signed (SCG.08), then we reserve our position to make comments during the Hearing session.
- Strategic Policy S15: Safeguarding Mineral Resources: We have no comments on this policy

