

Ashfield District Local Plan Examination

Matter 2 Hearing Statement

On behalf of Harworth Group.

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Introduction

This hearing statement has been prepared by Pegasus Group on behalf of Harworth Group in respect of Harworth's interests north of Sutton-in-Ashfield.

2. Matter 2 – Meeting Ashfield’s Housing Needs

Issue 1 – Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to meeting housing needs.

Relevant policies – S1, S7, H2, H2a, H3, H4, H5, H6, H7, H8

Questions

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

The figure of 446 dwellings per annum is the correct Local Housing Need figure. It is for the Council to explain the calculation and how the median workplace-based affordability ratio was used to calculate LHN calculation – see question 2.2 below.

- 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?

No, at the date of submission (May 2024) the median workplace-based affordability ratio was 6.15 not the 5.73 set out in BP.02 paragraph 4.1.

- 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?

In background paper on housing (BPO2), the Council appear not to have considered any exceptional circumstances which would justify an alternative approach to using the standard method; this is not consistent with the NPPF paragraph 61.

- 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)?

No, the Plan fails to provide the number of homes required for the Plan period and there is no justification for doing so. There are clearly suitable, developable available sites, able to contribute to supply and which do not lie within Green Belt.

Our client’s site Ashfield North is located north of Sutton-in-Ashfield, north west of Beck Lane and west of the A617. The majority of the land comprises relatively flat agricultural land with no significant technical constraints. There are no overhead cables, and the site is in Flood Zone 1, land at the least risk of flooding. Ashfield North can provide approximately 1,000 homes helping to overcome the current identified shortfall.

The Council has not provided a justification for not meeting its Local Housing Need, the Local Plan it is not positively prepared and does not meet this test of soundness.

- 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?

No, the approach in the development strategy is not consistent with paragraph 143(e) of the Framework, as the strategy does not meet housing needs over the plan period, putting pressure on for release of further Green Belt land, making likely that boundaries will not endure over the Plan period.

Paragraph 5.5.2 of SDO3 states that the option of Urban Concentration within/adjoining existing settlements with no Green Belt release was not taken forward through SA because:

“there are not enough sites available through the Strategic Housing and Economic Land Availability Assessment (SHELAA) process to meet the minimum housing required in the district for either option. In SA terms, it is therefore considered that the [option is] not a ‘reasonable alternative’ at this stage as they will not deliver the Local Plan’s growth objectives”.

The Council has not followed a sequential approach to the release of Green Belt land.

It is not clear whether the Council, in response to the absence housing land outside of Green Belt, then carried out a further call for sites or sought to maximise housing provision outside of Green Belt by other means. It is not clear what other reasonable options for meeting the identified housing requirement were considered prior to the proposed release of land from the Green Belt.

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

No, the SA does not appear to have considered the under-allocation of housing compared to the housing requirement over the full plan period. It would be expected that this would have been identified as a broad strategic reasonable alternative.

Appendix E of the SA (document reference SDO3f) is entitled ‘Appraisal of Strategic Housing Options’. Appendix E appraises the reasonable alternative of 446 homes per year or 7,582 per plan period and appraises this versus the alternative of 10% flexibility 535 homes per year or 9,095 over the plan period to 2023–2040. It is noted that 446 per year 7,582 is identified as the ‘preferred option’ even though the final plan includes a figure of 6,825 homes over the plan period. SDO3 paragraph 5.3.19

We note the Inspectors initial question to the Council (INS01) posed this question and the Council’s response is set out in document ADCO2. The Council has not identified explicitly where in the SA assessed the under allocation of housing compared to the requirement over the Plan period.

The examples cited by the Council in ADCO2 appear to only refer to when SA objective of housing has been considered, not the strategic option of under-allocation of housing compared to the housing requirement.

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

Ashfield District Council’s latest Housing Delivery Test results are that its delivery falls below 95% of its housing requirement and requires and Action Plan.



This suggests that extra caution should be taken to housing delivery and trajectory expectations, indicating that the Plan should include significant flexibility over and above its housing requirement to ensure that the required housing is delivered over the plan period.

As has been stated elsewhere in our hearing statement, the Plan fails to identify sufficient land simply to meet identified need, let alone include any flexibility and it is therefore not positively prepared.

The Plan should allocate more land for housing that is sufficient to meet its Local Housing Needs, including flexibility.

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?

No comment

- 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?

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment



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?

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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?

No comment

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

No comment

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

No comment

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

No comment



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

No comment

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?

No comment

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

No comment

2.28. Having regard to Lisa Smith v SSLUHC [2022] EWCA Civ 1931 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 Showpeople in Ashfield District Council? Or considering the Judgement does the Council judge it necessary to review their assessment of Traveller site needs for the District?

No comment.

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?

No comment

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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