

Ashfield District Local Plan Examination

Matter 1 Hearing Statement

On behalf of Harworth Group.

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Introduction

This hearing statement for Matter 1 has been prepared by Pegasus Group on behalf of Harworth Group in respect of Harworth's interests north of Sutton-in-Ashfield.

1. Matter 1 – Procedural and Legal Requirements including the Duty to Cooperate

Issue 1 – Whether the Council has complied with the Duty to Cooperate in the preparation of the Ashfield Local Plan.

Questions

Duty to Cooperate

- 1.1. Having regard to the proposed release of land from the Green Belt, what discussions have been held with neighbouring authorities as to whether they could accommodate some of the identified need for housing and employment development?

For the Council.

- 1.2. What form did these discussions take, and what was the outcome?

For the Council

- 1.3. Is this clearly evidenced?

For the Council

- 1.4. What are the cross-boundary issues relating to economic growth and employment land provision?

For the Council

Other Strategic Matters

- 1.5. Are there any other relevant strategic matters in relation to the Duty to Cooperate?

For the Council

- 1.6. If so, how have they been addressed through co-operation and what is the outcome of this? How have these informed the plan's policies?

For the Council

- 1.7. Are there any strategic cross-boundary issues in relation to any of the proposed site allocations and any general policies, and if so, how have they been considered via the Duty to Cooperate?

Overall

- 1.8. Overall, has the Council maximised the effectiveness of the Local Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on relevant strategic matters during the preparation of the Local Plan?



For the Council.

Issue 2 – Whether the Council has compiled with relevant procedural, legal and other requirements.

Plan Preparation

- 1.9. Has the plan been prepared in accordance with the Council’s Statement of Community Involvement and met the minimum consultation requirements in the Regulations?

For the Council

- 1.10. Has the preparation of the plan been carried out in accordance with the Local Development Scheme?

For the Council

- 1.11. Is the plan sufficiently clear whether there are any policies from the existing development plan that would be superseded by its adoption?

No, the plan is not sufficiently clear whether there are any policies from the existing development plan that would be superseded by its adoption.

Paragraph 1.4 of SDO1 states that:

“When the Local Plan is adopted the saved policies from the Ashfield Local Plan Review (2002) will be superseded and will no longer form part of the development plan”.

It is necessary for decision making to have absolute clarity about the status of policies in the Development Plan and for this reason SDO1 should include a schedule of policies in the current Development Plan that will be superseded.

Habitats Regulations Assessment

- 1.12. How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?

For the Council.

- 1.13. What potential impacts of the Local Plan were considered? What were the conclusions of the HRA and how has it informed the preparation of the Local Plan?

For the Council.

- 1.14. Have any concerns been raised regarding the HRA and if so, what is the Council’s response to these? How has Natural England been involved?

For the Council



Sustainability Appraisal

1.15. Does the Sustainability Appraisal (SA) meet the requirements for a Strategic Environmental Assessment?

No, the SA does not meet the requirements for a Strategic Environmental Assessment because:

1. It is not clear how the conclusions of the SA have informed the Council's decision making on the selection of the preferred 'dispersed development strategy';
2. It has failed to provide a sufficiently cogent outline of the reasons for selecting the preferred strategy because there is long paper trail of decision making, including Cabinet reports, which is not clearly and concisely documented within the SA report itself;
3. It has failed to identify and then test the alternative of the under-allocation of housing compared to the housing requirement over the full plan period.

1.16. How has the SA informed the preparation of the Local Plan at each stage and how were options considered?

Options were considered by Ashfield Cabinet 27th September 2022, Ashfield Local Plan Development Panel 15th November 2022 and then again by Cabinet 13th December 2022. None of the reports to these meetings are included in the SA as an appendix and none of the reports included a summary of the SA findings or recommendations.

SD03 paragraphs 5.5.76 to 5.5.85 document the reasons for the selection of the preferred option. Paragraph 5.5.78 notes that:

"in making this decision, the Council also reflected further on the findings of the 2021 Regulation 18 Draft SA Report findings which noted potentially greater negative effects associated with the new settlement option, particularly in relation to biodiversity and landscape (SA Objectives 6 and 7)".

It is not clear whether this statement is factually accurate, and we cannot find any reference in the Council's evidence to such consideration. Overall, it is not clear how the SA has informed the preparation of the development strategy in the Local Plan.

1.17. What were the conclusions of the SA and how has it informed the preparation of the Local Plan?

Paragraphs 5.5.76 to 5.5.85 SD03 document the reasons for the selection of the preferred option and the rejection of alternatives.

Please see answer to 1.16 above. It is not clear how the conclusions of the SA have informed Council's decision making for the development strategy in the Local Plan.

1.18. Are the likely environmental, social and economic effects of the Local Plan adequately and accurately assessed in the SA?



No, the likely environmental, social and economic effects of the Local Plan have not been adequately and accurately assessed in the SA because it has not considered the under-allocation of housing compared to the housing requirement over the full plan period. Please also see response to question Matter 2 Question 6.

Appendix E of the SA (document reference SD03f) 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 or 7,582 over the plan period is identified as the 'preferred option' even though the final plan includes a figure of 6,825 homes over the plan period. SD03 paragraph 5.3.19 is therefore inaccurate in stating that "The Council determined to take forward Preferred Option of 446 dpa".

The option of 6,825 homes over the Plan period has not been assessed as an option in the SA.

We note the Inspectors initial question to the Council (INS01) posed the question of the assessment of the under-allocation of housing compared to the housing requirement over the full plan period, and the Council's response is set out in document ADC02. 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 ADC02 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.

Climate Change

- 1.19. Does the plan accord with s19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended) by including policies that are designed to secure that the development and use of the land in the District contribute to the mitigation of, and adaptation to, climate change?

For the Council

Equality and Diversity

- 1.20. Having regard to the Equality Impact Assessment [SD.09], in what way does the Plan seek to ensure that due regard is had to the three aims expressed in Section 149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

For the Council

Other matters

- 1.21. Are any other the implementation policies to be regarded as 'strategic policies'?

For the Council

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

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