

Examination of the Ashfield Local Plan
Inspectors:
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Contact: Christine Sarris
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Our Ref: Response to Inspectors letter INS05
Your Ref: ADC.10
Date: 14/01/2025

Dear Inspectors,

EXAMINATION OF THE ASHFIELD LOCAL PLAN 2023 – 2040

Thank you for your letter dated 3rd December 2024. Please see below for the Council's response.

We were disappointed, despite requests, to receive your letter over one month after it was dated. It has left a very short timescale of only four working days for the Council to provide the required information. However, the Council remains committed to working towards adopting a sound plan as soon as possible and has set out below how it is proposed to take your comments forward.

The Council feels that it has put forward a positive vision for development in Ashfield in the draft Local Plan. This has been based on years of work and extensive community engagement. It includes a realistic and ambitious supply of housing and employment land.

Regarding the Council's housing land supply and the identification of sufficient homes to meet the housing requirement in the submitted plan, the Council would draw like to draw the Inspectors attention to Paragraph 68 of the Framework which states that:

“Planning policies should identify a supply of:

- a) specific, deliverable sites for years one to five of the plan period; and
- b) specific, developable sites or broad locations for growth, for years 6-10 and, **where possible**, for years 11-15 of the plan.”

The Council is of the opinion that it has complied with this requirement and that specific, developable sites or broad locations for growth, for years 1-5 and 6 -10 have been identified. The Council is meeting its own housing needs up to 2038/39.

In your letter you have said:

“Whilst we note that the Council considers the shortfall of housing over the plan period could be partially reduced through an increased windfall allowance, we are not convinced

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that the revised windfall rate presented by the Council is justified, or that it will continue at the rate envisaged over the plan period. This is because the revised windfall rate has been based on a period where the Council has not had an up-to-date Local Plan and where the presumption in favour of sustainable development set out in the Framework has been applied in decision-making.”

In response, the Council would re-iterate that the windfall rate included as part of future housing delivery relates to small sites of 9 dwellings or less only (details of past delivery are included in section 6 of the housing Land Supply Position Statement (ADC.04).

Approvals for these smaller windfall sites are highly unlikely to have been influenced by the presumption in favour of sustainable development applied as a consequence of triggering the tilted balance under NPPF para 11. The majority of these sites are on brownfield sites, and virtually all new builds fall within settlement boundaries. Moreover, 42% of completions on small sites (since monitoring of Permitted development began in 2017) have been from either change of use, conversions, or prior approvals (PD). The past delivery is summarised in the annual Housing Land Monitoring reports, but further in-depth information regarding these sites can be provided by the Council if required for further justification.

Furthermore, as set out in ADC.04 para 6.3, it is important to acknowledge that the historic delivery period includes 3 years where supply from permitted development sources was not recorded, and also a period of slow delivery as a consequence of the Covid pandemic. The latter has been acknowledged by Government in its approach to the Housing Delivery Test which applies a reduction of 9.5% for year 2019/20 (11 out of 12 months) and 33% in year 2020/21 (8 out of 12 months), to account for the considerable variations in levels of housing delivery as local planning authorities and construction industry faced disruption on a national, regional, and local level.

The Council firmly believe there will be a continued supply not only from small sites (as included in the supply calculations), but also that there is a realistic prospect for sites of 10 dwellings or more to come forward as windfalls.

The Council's Matter 9 Hearing Statement (HS9.1) discusses potential supply from Large windfall sites at paragraphs 9.4.7 to 9.4.12. This acknowledges the policy void which has resulted in a significant amount of recent delivery on large windfall sites, i.e., not allocated in the Ashfield Local Plan Review 2002, and also 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. As such, the Council do not rely on any specific supply figures from large site windfalls. However, for the reasons discussed in HS 9.1, it is considered reasonable to anticipate some level of future delivery from such sites.

Your letter to us further asks:

“1. Whether the Council can identify any further sites for allocation in accordance with the submitted plan's spatial strategy to meet housing needs? If not, could any sites of greater than 500 dwellings be identified for allocation whilst maintaining the dispersed approach?

II. If further sites cannot be identified, then how could the Plan and its spatial strategy be modified to make it effective, justified and sound in seeking to meet housing needs in full over the plan period.”

The Council can undertake work to seek to identify further sites for allocation sites of 500 dwellings or less, in accordance with the submitted plan’s spatial strategy to meet housing needs. The Council intends to progress this work immediately and will take any additional proposed sites to the Council’s Local Plan Development Committee meeting on the 6th of February 2025. Following public consultation, the inclusion of any additional site allocations will also require approval at a full Council meeting.

As such, the Council does reserve the right to change its approach subject to the outcome of these future Council meetings. Given the Council has had four working days to respond to your letter there has been limited time to engage with Councillors and for any formal decisions to be taken. At this time, we do not consider it necessary to have a call for sites but this will be kept under review dependent upon the outcome of future meetings.

We will write you to confirm the outcome of the Local Plan Development Committee meeting. We do not consider it necessary to modify the Plan and its spatial strategy. Whilst you have paused the planned hearings as part of the Examination in Public, we are happy to continue to engage with you during this period so that the current pause does not slow down progress in considering other matters included in the Plan.

I confirm that a copy of your letter INS05 has been posted on the Examination website along with information on the cancellation of the January hearing sessions.

I trust the above and enclosed information provides you with the clarity on the issues raised. However, should you require any further information, please do not hesitate to contact me.

Yours sincerely



Christine Sarris
Assistant Director Planning

cc. John Bennett, Executive Director Place

ASHFIELD DISTRICT COUNCIL LOCAL PLAN 2023-2040

Identification of further sites for allocation in accordance with the submitted plan's spatial strategy to meet housing needs

Timetable

ID	Task Name	Start	Finish	Jan	Feb	Mar	Apr	May	June	July
1	Identification of further sites for allocation	Jan	Jan							
2	Local Plan Development Committee. Seek recommendation for proposed changes	Feb	Feb							
3	Update Local Plan documents	Feb	Feb							
4	Cabinet: Seek approval for proposed changes and for Public Consultation	Feb	Feb							
5	Full Council: Seek approval for proposed changes and for Public Consultation	Feb	Feb							
6	Public consultation on proposed changes (6 weeks)	Feb	April							
7	Consider responses and prepare a Consultation Statement	April	April							
8	Local Plan Development Committee. Seek recommendation for consultation Statement and additional sites	May	May							
9	Cabinet: Seek approval for consultation Statement and additional sites, and to submit documents to the Inspector	May/June	May/June							
10	Full Council: Seek approval for consultation Statement and additional sites, and to submit documents to the Inspector	May/June	May/June							
11	Submit documents to Inspectors	June	June							