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Whyburn Consortium

Hearing Statement

Week 3 Matter 7

Respondent ID: 63

by CarneySweeney

Date: December 2024



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PLANNING

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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 7 – Heritage and the Natural Environment.



2.0 Week 3 Matter 7 – Heritage and the Natural Environment

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 heritage and the Natural Environment.

Questions:

7.1 Does Policy EV2 enable the sustainable growth and expansion of businesses in rural areas in accordance with section 6 of the Framework?

We have no comments on this question.

7.2 Has Policy EV4 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees in relation to the provision of Green Infrastructure/Biodiversity Net Gain?

Yes. The Statement of Common Ground between Ashfield District Council and Natural England [SCG.06] identifies that both parties agree to amended wording for Policy EV4, included at Appendix 3 of SCG.06, which forms part of SD.01 (Regulation 19 Pre-Submission Draft document). On this basis we have no further comments.

7.3 Has Policy EV5 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees in relation to the loss of sporting facilities and its protection from flooding?

This is not clear. Sport England are reported to have commented on the wording of Policy EV5 during the Regulation 19 consultation stage with the following stated in the Statement of Consultation (SD.08):

“Sport England have raised concern that the wording of the policy is not clear regarding the protection of sports facilities, including playing fields and the policy does not address the replacement of the equivalent quantity of provision in accordance with national policy.

Sport England also recommends the policy should include wording that clarifies proposals for a flood resilience scheme affecting sports facilities, including playing fields, should be assessed against Paragraph 103 of the NPPF.”

[Source: Page 18 of SD.08 Statement of Consultation]



The Council's response to the above comment in SD.08 states as follows:

"A minor change is proposed to include a definition (as set out in paragraph 5.103) in appendix 1: Glossary of Terms and Abbreviations.

The Council will review the wording of Policy EV5, criteria 5 based on the received comments prior to Examination and will propose changes where deemed appropriate for clarity.

..."

[Source: Page 18 of SD.08 Statement of Consultation]

On the basis of the Council's response above, the reference to Paragraph 5.103 is unclear as to which document is being referred to in this context. Also, the proposed changes to address the concerns of Sport England are not evidenced. The Council should set out what changes are being proposed following a review of Policy EV5 to address Sport England's comments.

7.4 Has Policy EV9 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees to ensure its consistency with National Policy

The Statement of Common Ground between Ashfield District Council and Nottinghamshire County Council (SCG.07) reports that the parties agree the following:

"Strategic Policy S14 and Development Management Policy EV9 are appropriate for the future protection and management of designated and non-designated heritage assets and their setting."

In respect of the above, we have no further comments to make.

However, the Statement of Consultation (SD.08) reports that Historic England have made a number of recommended changes to Policy EV9, with the Council's response outlined to be as follows:

"The Council has reviewed the wording of Policy EV9 based on the received comments and changes (where appropriate) have been agreed with Historic England through a Statement of Common Ground. These changes will be included in a schedule of proposed changes."

[Source: Page 19 of SD.08 Statement of Consultation]

From a review of the Examination library, a schedule of proposed changes does not appear to be included. At the time of preparing this Hearing Statement, the Statement of Common Ground between Ashfield District Council and Historic England (SCG.08) also remains unsigned. As such, the amended wording to Policy EV9 to



address Historic England's comments is unknown and not evidenced.

7.5 Has Policy EV10 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees in relation to Named Settlements?

No. With the exception of the Statement of Consultation (SD.08) reporting that CPRE Nottinghamshire commented on Policy EV10, the level of engagement with any other relevant stakeholders, including infrastructure providers and statutory consultees is not evidenced.

As per our response to Question 5.1 Matter 5, the evidence base reported to support Policy EV10 also 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.

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 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."*

7.6 Do policies EV1 to EV10 serve a clear purpose, avoiding unnecessary duplication of national policy? Is the wording consistent with national policy?

Whilst Question 7.6 deals with Policies EV1 to EV10, we wish to make comments in respect of EV1 and EV9, set out as follows:

- **Policy EV1 Green Belt:** Whilst Policy EV1 seeks to protect the Green Belt from inappropriate development, the policy wording unnecessarily repeats national policy, which should be avoided in the event of any subsequent changes to Green Belt policy/guidance set out at a national level.
- **Policy EV9: The Historic Environment:** Please see our comment above under Question 7.4 regarding Historic England's comments on the wording of Policy EV9, with any subsequent amendments to address these concerns not being evidenced.

We may have further comments to make during the Hearing Session on Policies EV1 to EV10 following a review of the Council's Hearing Statement.



7.7 Do Policies EV1 to EV10 provide clear direction as to how a decision maker should react to a development proposal?

We comment as follows in respect of Question 7.7:

- Policy EV1 Green Belt: Please see our response above to Question 7.6 in the context of Policy EV1 which also applies in the context of Question 7.7.
- Policy EV2 Countryside: Whilst we have no comments on this policy, please see our response to Question 7.5 above with regards to Ashfield Biodiversity Opportunity Mapping Project (SEV.12), dated 2016, which is noted as an evidence base document for Policy EV2.
- Policy EV3 Re-use of Buildings in the Green Belt and Countryside: We have no comments on this policy.
- Policy EV4 Green Infrastructure, Biodiversity and Geodiversity; Policy EV5: Protection of Green Spaces and Recreation Facilities; and Policy EV6: Trees, Woodland and Hedgerows: Whilst we have no comments on Policies EV4-EV6, please see our response to Question 7.5 above with regard to Ashfield Biodiversity Opportunity Mapping Project (SEV.12), dated 2016, which is noted as an evidence base document for Policy EV4.
- Policy EV7: Provision and Protection of Allotments: We have no comments on this policy.
- Policy EV8: Agricultural Land Quality: We have no comments on this policy.
- Policy EV9: The Historic Environment: Please see our response above to Question 7.6 in the context of Policy EV9.
- Policy EV10: Protection and Enhancement of Landscape Character: Part 1 of Policy EV10 does not provide a clear purpose as it comprises a 'statement' rather than setting out a policy criterion which development would be assessed against. We have also commented on Policy EV10 under Question 7.5 above.

