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**Whyburn Consortium**

**Hearing Statement**

**Week 3 Matter 12**

Respondent ID: 63

by CarneySweeney

**Date: December 2024**



**CARNEYSWEENEY**  
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 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 12 – Viability.



## 2.0 Week 3 Matter 12 – Viability

Respondent ID: 63

### Issue

*Whether the cumulative effect of the Local Plan's policies would result in the overall strategy being viable*

### Questions:

*12.1 How has the presence of contamination and ground stability issues on the proposed site allocations been considered? How might this affect the viability and deliverability of the site allocations?*

This is a question for the Council to respond to and depending on their response, we may wish to comment during the Examination Hearing session.

*12.2 Has the viability assessment made any assumptions regarding site remediation? If so, what are they?*

No. Chapter 4 of the Whole Plan Viability Assessment (SEV.38) deals with 'Viability Appraisal Assumptions' with reference to Abnormal Construction Costs, however, Paragraphs 4.23 and 4.24 of SEV.38 state the following:

*"4.23 Most development will involve some degree of exceptional or 'abnormal' construction cost. Brownfield development may have a range of issues to deal with to bring a site into a 'developable' state such as demolition, contamination, utilities diversion etc. Whole Plan and CIL Viability Assessment is based on generic tests and it would be unrealistic to make assumptions over average abnormal costs to cover such a wide range of scenarios. In reality abnormal cost issues like site contamination are reflected in reductions to land values so making additional generic abnormal cost assumptions would effectively be double counting costs unless the land value allowances were adjusted accordingly.*

*4.24 It is considered better to bear the unknown costs of development in mind when setting CIL rates and not fix rates at the absolute margin of viability."*

[underlining is our emphasis]

On the basis of the above it appears that site remediation has not been considered as part of SEV.38.



*12.3 Is the submitted Plan's Spatial Strategy viable and deliverable having regard to the extent of previously developed sites or sites requiring remediation identified?*

This is a question for the Council to respond to and depending on their response, we may wish to comment during the Examination Hearing session.

*12.4 Does Policy H3 recognise the potential impacts of abnormal costs such as ground conditions on greenfield sites in relation to viability?*

No. There is no reference to abnormal costs in the context of greenfield, or brownfield sites, in Policy H3. The evidence base noted to support Policy H3 refers to SEV.38 and as noted in our response to Question 12.2 above, SEV.38 does not report to consider matters of site remediation/ground conditions.

*12.5 Does Policy H3 provide sufficient flexibility where viability may be challenging? Is the wording of the policy sufficiently clear in this regard?*

In part yes. Part 3 of Policy H3 deals with the provision of affordable housing via off-site commuted sums of an equivalent value in lieu of on-site provision (in total or in part).

Part 4 of Policy H3 goes on to outline that proposals that do not meet the policy requirement must be justified, supported by an independent viability assessment. However, Part 4 of Policy H3 does not provide any detail as to whether the provision of off-site commuted sums in lieu of on-site provision would also apply to any development which has been found to be justified to deliver a reduced level of affordable housing provision. This should be clarified by the Council, as in the absence of this, Policy H3 is not clear and fails to provide sufficient flexibility for the circumstances where a reduced level of affordable housing is being provided.

*12.6 Are the requirements for contributions towards any key supporting infrastructure clearly set out in the Plan?*

Whilst this is a question for the Council to respond to, it is noted that Policy SD5: Developer Contributions seeks to deal with the provision of new, or enhancement of existing infrastructure and facilities where appropriate. This policy refers to for example, education provision/facilities; new and expanded health and/or community facilities; improving transport infrastructure including the strategic transport network, public transport, cycleways and pedestrian access to town centres; and cross-boundary infrastructure to help deliver and mitigate the effects of development.

However, we wish to reiterate that the now preferred spatial strategy for dispersed development of “...focusing on sites of less than 500 dwellings...” (Policy S1, SD.01) is unlikely to provide the economies of scale to support key infrastructure, which was a reason for why the now preferred spatial strategy approach was discounted at the Regulation 18 consultation stage (Table 5.5. of Regulation 18 Sustainability Appraisal, CD.04).



As such, the effectiveness of Policy SD5 to secure the necessary contributions from development via the preferred spatial strategy approach is not evidenced.

*12.7 Overall, do the submitted policies clearly set out the contributions expected from development along with other infrastructure, and would these cumulatively not undermine the deliverability of the Plan?*

No. In the context of the proposed housing allocations under Policy H1, the contribution/s expected is not set out in the policy. As per our response to Question 12.6 above, it is also unclear how the scale of development proposed via a 'dispersed development' approach will deliver any meaningful contribution towards associated infrastructure.

