# Ashfield District Council logo

# Ashfield District Local Plan Examination

# Matters, Issues and Questions identified by the Inspectors

# Matter 7:

# Heritage and the Natural Environment

**December 2024**

**Ashfield District Council’s response to Inspectors’ Document INS03**

This document is Ashfield District Council’s response to the Matter, Issues and Questions (MIQs) identified for examination by Inspectors Mr. Philip Mileham and Mr Graham Wyatt, of the Planning Inspectorate, as published on the 30th September 2024. This is one of twelve separate papers produced to address the specific matters and issues identified on the front page.

Each response paper includes a number of references to specific evidence which has been relied upon in answering the MIQs. These reference numbers (shown as **[XXXX]**) relate directly to the Examination Library website, where all evidence is published: <https://www.ashfield.gov.uk/local-plan-examination/examination-library/>

The Inspectors’ questions are shown below in ***bold italics***.

The Council’s responses are shown in normal typeface below the Inspector’s questions.

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| Proposed Modifications arising from the Inspectors’ MIQs are set out in grey tint boxes.Proposed new text in **Bold**. Propose text to be deleted ~~strikethrough~~. |

## 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.

## Relevant Policies:

## EV1 - Green Belt

**EV2 - Countryside**

**EV3 - Re-use of Building in the Green belt and Countryside**

**EV4 - Green Infrastructure, Biodiversity and Geodiversity**

**EV5 - Protection of Green Spaces and Recreational Facilities**

**EV6 - Trees, Woodland and Hedgerows**

**EV7 - Provision and Protection of Allotments**

**EV8 - Agricultural Land Quality**

**EV9 - The Historic Environment**

## EV10 - Protection and Enhancement of Landscape Character

### Heritage and the Natural Environment

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

Council’s response

7.1.1 Yes. The supporting text to Policy EV2, at paragraph 5.26 sets out that: Policy EV2 shows the types of development which are appropriate in the Countryside areas not designated as Green Belt. It supports the intention to locate most new residential and employment development within urban areas. Further, it responds to national government planning advice (Section 6 of the NPPF) which supports sustainable economic growth, farm diversification and tourism and leisure developments that benefit rural businesses, communities and visitors and which respect the character of the countryside.

7.1.2 Policy EV3: Re-use of Buildings in the Green Belt and Countryside, supports the re-use of appropriately located and suitably constructed buildings in the Green Belt and countryside where this would meet sustainable development objectives. The supporting text to Policy EV3, at paragraph 5.59 sets out that: Preference will be given for the re-use of buildings for local business and commercial uses, as opposed to residential use, and this will be a material consideration in determining applications.

***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?***

Council’s response

7.2.1 Yes, Policy EV4: Green Infrastructure, Biodiversity and Geodiversity has been shaped and informed by result of significant cooperation and engagement with a wide range of stakeholders and statutory consultees, including Natural England, the Nottinghamshire Wildlife Trust, and Nottinghamshire County Council as the responsible body for producing the Local Nature Recovery Strategy for Nottinghamshire.

7.2.2 In particular, the Council has engaged and worked closely with Nottinghamshire County Council on many Green Infrastructure and Biodiversity matters, including the District’s Biodiversity Opportunity Maps[[1]](#footnote-1), the Biodiversity Net Gain Framework for Nottinghamshire, the Nottinghamshire Ecological and Geological Data Partnership and more recently the Nottinghamshire Local Nature Recovery Strategy. Further information on these working groups/partnerships can be found in the Council’s Duty to Co-operate Statement of Compliance [DTC.01 – para. 4.3].

7.2.3 The effectiveness of this active and ongoing cooperation is evident in the Plan, its policies and the wide-ranging agreements that are in place, including:

* The Statement of Common Ground between Ashfield District and Nottinghamshire County Council [SCG.07], which sets out that both parties have agreed that:
* The Council will continue to work with Nottinghamshire County Council and other appropriate agencies to conserve and improve Green Infrastructure and Biodiversity and ensure development proposals enhance biodiversity and create new green spaces for local communities to enjoy.
* The Statement of Common Ground between Ashfield District Council and Natural England [SCG.06], which sets out that both parties have agreed that:
* The proposed changes to the policies and supporting text in respect of environmental issues, in particular Policy S2: Meeting the Challenges of Climate Change (now Policy S3) and Policy EV4: Green Infrastructure, Biodiversity and Geodiversity, as set out in the Council’s Regulation 18 Consultation Document [SD.07 Page 53] are considered acceptable in seeking to protect the natural environment.

***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?***

Council’s response

7.3.1 Yes, Policy EV5: Protection of Green Spaces and Recreational Facilities has been informed by result of significant cooperation and engagement with a wide range of stakeholders and statutory consultees, including Sports England.

7.3.2 It is noted that Sports England, at the Regulation 19 consultation stage, have made several suggested changes to Policy EV5 to ensure that it aligns with the NPPF, in particular paragraph 99. The Council welcomes Sports England’s contribution to the Plans development and as such the Council proposes the following modification:

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| Amend Policy EV5 to read:

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| Policy EV5: Protection of Green Spaces**, Sports** and Recreation Facilities |
| Strategic Objectives | SO1, SO2, SO4, SO5, SO14. |
| 1. Green spaces**, sports** and recreation facilities**, including playing fields,** will be protected by restricting development to appropriate recreation uses or recreation facilities that are of a scale appropriate with the size of the space.
2. The Council will resist the loss or fragmentation of green space**,** and recreation facilities identified on the Policies Map and listed in Appendix 7.
3. The Council will resist the loss or fragmentation of green space not identified on the Policies Map, which meet one of the following criteria:
4. Contribute to the distinctive form, character and setting of a settlement;
5. Contribute to the visual quality of the locality;
6. Create a focal point within the built up area;
7. Provide the setting for heritage assets;
8. Form part of an area of value for wildlife, sport or recreation, including areas forming part of a 'green corridor'; or
9. Form the only accessible green space (as identified within the Public Open Space Strategy) for some residents.
10. Development that would lead to the loss or partial loss of a green space**, sports** or recreation facility, **including playing fields** will **only** be permitted where it meets one of the following criteria:
11. An assessment has been undertaken which clearly shows the green space, **sports** or recreational facility, **including playing fields,** to be surplus to requirement; **or**
12. It is ancillary to the recreation use, or it would assist in the retention and enhancement of the recreational use of the site, **providing that for playing fields it would not affect the quantity or quality of playing pitches or otherwise adversely affect their use;** **or**
13. ~~Adequate~~ **Equivalent or better** replacement provision of new green space, **sports or recreational facility**, **including playing fields,** is provided ~~in the locality~~ **in terms of quantity and quality in a suitable location; or**
14. **It is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.**
15. ~~It is proposed to make significant improvements to the overall quality of the recreation provision in the locality.~~
16. Development of flood ~~resilience~~ **alleviation** schemes within local green spaces will be supported provided the schemes do not adversely impact the primary function of the green space. **For a flood alleviation scheme affecting sports or recreational facilities, including playing fields, these should be assessed against criteria 4 of this policy.’**

Sites may be subject to review and regard will be had to any update in the Council’s Public Open Space Strategy and Playing Pitch Strategy. Any new green spaces**, sports** or recreational facilities, **including playing fields,** developed after the Local Plan is adopted will be protected under this Policy. |

Amend paragraph 5.1 of Policy EV5 to read:* 1. “This policy aims to protect green spaces**, sport** and recreational facilities, **including playing fields,** and sets out the criteria against which the loss or partial loss would be considered.”

Amend paragraph 5.104 of Policy EV5 to read:5.104 “It is important to prevent the loss of green spaces where this would harm the character of a settlement or the visual quality of the locality. **Proposals which result in the loss, or partial loss, of sports or recreational land or buildings, including playing field, would be assessed against part 4 of the policy.** ~~Sites are shown on the Policies Map and listed in Appendix 7.”~~Amend paragraph 5.105 of Policy EV5 to read:5.105 “Ashfield’s Public Open Space Strategy and Playing Pitch Strategy provides evidence on the existing green space**, sports and recreational facilities** network and its recreational values. ~~It~~ **They** provide a basis for improving the quality and potential uses of ~~green spaces~~ **facilities** to cater for increasing future demand arising from growth and the changing needs of the community. The **Public Open Space Strategy** ~~Strategies~~ sets out standards for the provision of green spaces, and identifies deficiencies in ~~the~~ **their** quantity, quality or accessibility. ~~of green spaces.~~ **The Playing Pitch Strategy provides an assessment of the need for playing pitches and the need for improvements to provision.** Prospective developers will be expected to make appropriate provision to address deficiencies in green spaces, **sports and recreational facilities to meet** ~~and for~~ the needs arising from their development, in accordance with these standards**/strategies** or subsequent review of standards.’ |

7.3.3 The Council has consulted and agreed with Sports England on the proposed modification. A Statement of Common Ground can be prepared to evidence this at the Inspectors request.

***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?***

Council’s response

7.4.1 Yes, Policy EV9: The Historic Environment has been informed by result of significant cooperation and engagement with a wide range of stakeholders and statutory consultees, including Nottinghamshire County Council and Historic England.

7.3.2 It is noted that Historic England, at the Regulation 19 consultation stage, have made several suggested changes to Policy EV5 to ensure that it aligns with the NPPF, in particular paragraph 99. The Council welcomes Historic England’s contribution to the Plans development and as such the Council proposes the following modification:

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| Amend Policy EV9 to read:

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| **Policy EV9: The Historic Environment** |
| Strategic Objectives | SO1, SO3, SO7, SO8, SO11, SO13, SO14.  |
| All Heritage AssetsProposals that effect heritage assets will be supported where the proposals conserves or enhances **the significance of** the heritage asset. Proposal that harm the significance of a heritage asset will only be supported where it is demonstrated that the harm is justified and the public benefits clearly outweigh the harm.(was criteria 4)1. A proposal must have regard to its impact on the historic environment and will be expected to be in line with advice and guidance contained within conservation area appraisals, characterisation studies and other relevant guidance. A proposal will be considered acceptable where it will conserve and, where appropriate, enhance the **significance of the heritage asset, including their setting.** ~~the historic environment, including designated and non-designated heritage assets and their setting.~~
2. Proposals that affect ~~designated and non-designated~~ heritage assets should be accompanied by a Heritage Statement**, and where appropriate an archaeological field evaluation (following a desk-based assessment),** that provides a proportionate assessment of the significance of the heritage asset, and where appropriate its setting, and an assessment of the impact of the proposal on the significance.
3. Proposals that conserve or enhance the significance of ~~designated and non-designated~~ heritage assets and their settings, through appropriate scale, siting, high quality design and materials will be supported.
4. ~~Proposals that effect heritage assets will be supported where the proposals conserves or enhances the heritage asset. Proposal that harm the significance of a heritage asset will only be supported where it is demonstrated that the harm is justified and the public benefits clearly outweigh the harm.~~ *(now criteria 1)*

Designated Heritage Assets**Proposals that will result in substantial harm to, or loss of the significance of a designated heritage asset and their setting will be refused unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.** *(was criteria 8)*1. Designated Heritage Assets in Ashfield include:
2. Conservation Areas;
3. Listed Buildings (including attached and curtilage structures)1;
4. Scheduled Monuments;
5. Registered Parks and Gardens.
6. Proposals, including demolition, that are likely to result in substantial harm to or total loss of Grade I, Grade II\* Listed Buildings, Grade I or Grade II\* Registered Parks and Gardens or Scheduled Monuments and their setting, will only be permitted in wholly exceptional circumstances.
7. Proposals that will result in the substantial harm to or total loss of the significance of a Grade II Listed Building, Grade II Registered Park and Garden, Conservation Areas and their setting, will only be permitted in exceptional circumstances.
8. ~~Proposals that will result in substantial harm to or loss of the significance of a designated heritage asset and their setting will be refused unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:~~
9. ~~the nature of the heritage asset prevents a reasonable use of the site and the site cannot be developed in a less harmful way; and~~
10. ~~through marketing there is no viable use of the heritage asset, and grant funding is not available; and~~
11. ~~the benefit of bringing the site back into use outweighs the harm or loss.~~

*(now criteria 5 but without a, b & c which are repeated from the NPPF)*1. Proposals that result in less than substantial harm to the significance of a designated heritage asset will only be permitted where it is demonstrated that the proposal shall deliver public benefits that outweigh the harm, including securing the heritage asset’s optimum viable use.

Non-Designated Heritage Assets1. Non-Designated Heritage Assets in Ashfield include:
2. Local Heritage Assets2;
3. Sites or Areas of Archaeological Interest3;
4. Unregistered Parks and Gardens3;
5. Landscape features as defined in the Landscape Character Assessment (2009) including ancient woodlands and veteran trees, field patterns, watercourses, drainage ditches and hedgerows of visual and historic value.
6. Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, will be considered subject to the policies for designated heritage assets.
7. A balanced judgement shall be taken with proposals that affect directly or indirectly non-designated heritage assets, having regard to the scale of the harm or loss and the significance of the heritage asset.

Demolition will only be permitted where it is demonstrated:1. that the architectural or historical significance of the non-designated heritage asset is minimal; or
2. through an up-to-date structural report, that the non-designated heritage asset is not capable of viable repair; or
3. through appropriate marketing, that the non-designated heritage asset has no viable use.

**Archaeology**1. **Proposals should take account of their effect on sites and their settings with the potential for archaeological interest. Where proposals are likely to affect known important sites, sites of significant archaeological potential, or those that become known through the development process, will be required to submit an appropriate desk-based assessment and, where necessary, an archaeological field evaluation, undertaken by a suitably qualified professional. This will then be used to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ. Planning permission will be resisted for development proposals which affect the significance of Scheduled Monuments.**

Existing Conservation Areas are detailed in paragraph 5.153 and shown on the Policies Map. Listed Buildings, Scheduled Monuments and Registered Parks and Gardens are listed in the National Heritage List for England, Scheduled Monuments are also listed in Appendix 10 and shown on the Policies Map. Registered and Unregistered Parks and Gardens are listed below in paragraph 5.175 and shown on the Policies Map. Any new sites identified after the Local Plan is adopted will be protected under this Policy.1 Any object or structure fixed to the principal listed building or any object or structure within its curtilage that has formed part of the land since before 1st July 1948 is also protected.2 As identified in the Nottinghamshire Historic Environment Record (HER), or by the District Council using the guidance publication Local Heritage Assets in Ashfield: Criteria.3 As identified in the Nottinghamshire Historic Environment Record (HER). |

It is proposed to re-order the supporting text to align with the order of Policy EV9. |

7.3.3 The Council has consulted and agreed with Historic England on the proposed modification. A Statement of Common Ground can be prepared to evidence this at the Inspectors request.

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

Council’s response

7.5.1 Yes, Policy EV10: Protection and Enhancement of Landscape Character has been shaped by engagement with all stakeholders, including Natural England, Historic England and Nottinghamshire County Council.

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

Council’s response

7.6.1 Yes, Policies EV2 to EV10 serve a clear purpose to protect and enhance the district’s rich heritage, scenic countryside and biodiversity. The policies are consistent with national policy and avoid unnecessary duplication.

7.6.2 Policy EV1: Green Belt, is a restatement of national policy and included in the Local Plan for completeness. This is set out in paragraph 5.1 of the Local Plan [SD.01].

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

Council’s response

7.7.1 Yes. Policies EV1 to EV10, together with their supporting text provided clear direction as to how decision makers should react to a development proposal.

1. Ashfield Biodiversity Opportunity Mapping Project 2016. Nottinghamshire Biodiversity Action Group [↑](#footnote-ref-1)