# Ashfield District Council Logo

# Ashfield District Local Plan Examination

# Matters, Issues and Questions identified by the Inspectors

# Matter 8:

# Design, developer contributions and other place-making policies

**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. |

## Issue: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to design, developer contributions and other placemaking policies.

## Relevant Policies:

## S5 – High Quality Buildings and Places through Place Making and Design

## SD1 - Social Value

## SD13 – Provision and Protection of Health and Community Facilities

### Design

***8.1 Has Policy S5 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees to ensure its consistency with National Policy?***

Councils’ response

8.1.1 Yes, Policy S5: High Quality Buildings and Places through Place Making and Design, has been shaped and informed by result of significant cooperation and engagement with a wide range of stakeholders and statutory consultees to ensure its consistency with National Policy.

***8.2 Are the requirements of achieving successful development through well designed places policies justified by appropriate available evidence, having regard to national guidance, and local context.***

Councils’ response

8.2.1 Yes. Policy S5 and SD2 provide criteria against which development proposal will be assessed to ensure they achieve successful development through well designed places, in accordance with Part 2 and Part 12 of the NPPF, and Planning Practice Guidance.

8.2.2 The supporting text to Policy S5, at paragraph 3.50 sets out that, regard will be had to various Council documents in assessing the design of new development to ensure that it provides positive benefit in terms of landscape and townscape character and enhances local distinctiveness. This includes the Town Centre Masterplans, the Residential Design Guide SPD and the Landscape Character Assessment (LCA). Paragraph 3.49 sets out that, the Council will expect development to respond to local character and history, reflecting the identity of its context whilst allowing for innovative and forward-thinking design. More detail on this is set out in Policy SD2.

8.2.3 Policy SD2 requires all new development to be of a high-quality sustainable design that ensures attractive, usable and durable places which help deliver economic and social prosperity; in turn helping to attract inward investment. The policy sets out at criteria 1 that:

“Through its layout and design, the Council will expect all new development to contribute to place making and be of high quality that contributes to a healthy, safe and sustainable environment. Proposals must have regard to the National Design Guide, and successfully integrate with and enhance their surroundings, be innovative where appropriate, and be adaptable to the evolving effects of climate change.”

***8.3 Is Policy SD1 consistent with National Policy in seeking to maximise social values?***

Councils’ response

8.3.1 Yes. Social Value is relevant to the way in which development projects are designed, procured and constructed in order to maximise the benefits to local communities. It is closely related, and complementary to, the principles of sustainable development already within the [National Planning Policy Framework](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf) (NPPF) which includes a *“social objective”.* Policy SD1 includes reference in the supporting text (para. 9.2) to the Council’s corporate Social Value Policy 2022. This corporate policy contains information on the Ashfield TOMS (Themes, Outputs and Measures) which are bespoke to Ashfield and aim to ensure social value outcomes from development meet the needs of local communities. The Council will prepare a Supplementary Planning document to set out how the social value strategy for a development should be prepared and what it should contain.

***8.4 Is Policy SD6 consistent with Section 5 of the National Planning Policy Framework in seeking to clawback contributions over the lifetime of a development?***

Councils’ response

8.4.1 Section 5 of the National Planning Policy Framework addresses the supply and delivery of new housing.

 8.4.2 Guidance on viability and the use of review mechanisms is set out in Planning Practice Guidance under Viability:

‘Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project.’

(Planning Practice Guidance, Paragraph: 009 Reference ID: 10-009-20190509 Revision Date 09 05 2019)

8.4.3 Where a viability issue has been established and affordable housing/S106 contributions are reduced, the potential to introduce Viability Review Mechanisms will be considered to improve contribution levels towards policy compliance in accordance with para. 4 of Policy SD6.

8.4.4 On large scale developments which may have a number of phases and be built over a number of years it is reasonable to review the economics of the scheme based on actual sales values achieved and build costs incurred to determine if additional contributions can be unlocked.

8.4.5 On small-medium scale development (for example less than 100 units) where the development is likely to be largely completed in 2-3 years and viability issues are unlikely to have altered significantly it may not always be appropriate to introduce a review mechanism.  For smaller scale developers using traditional sources of finance, review clauses can act as a barrier to funding. An undischarged review clause may be seen as a potential ongoing liability to a funder who may treat the deferred potential contributions as ‘worst case’ additional costs.

***8.5 Has Policy SD8 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees in identifying sources of water contamination and remediation caused by the site or its previous use?***

Councils’ response

8.5.1 Yes. Policy SD8 is the result of significant cooperation and engagement with a wide range of stakeholders, including infrastructure providers and statutory consultees in relation to identifying sources of water contamination and remediation caused by the site or its previous use. Details can be found in the Council’s Duty to Cooperate Statement of Compliance [DTC.01]. Engagement has been undertaken with the Environment Agency, Severn Trent, the Local Lead Flood Authority (Nottinghamshire County Council) and the Coal Authority. The Council’s internal Environmental Health team were consulted in regard to these issues. The responses are recorded on the SHELAA individual site reports.

***8.6 Has Policy SD13 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees in seeking to retain existing sporting facilities within the District?***

Councils’ response

8.6.1 Yes. Policy SD13 is the result of significant cooperation and engagement with a wide range of stakeholders, including infrastructure providers and statutory consultees in relation to sporting facilities within the District.

8.6.2 A comprehensive process was undertaken in 2024 to collect and analyse the data required for the Council’s Playing Pitch Strategy [SEV.15]. This included:

• Review of previous Playing Pitch Strategy (adopted 2017)

• Engaging with Sport England and the National Governing Bodies for outdoor sports, such as the Football Association and England Rugby

• Mapping of facilities and pitch provision

• Undertaking a consultation with sports clubs, schools and local leagues

• Assessing the condition of outdoor sports provision across the District

• Assessing survey results and calculating current and future demand for facilities

• Developing an action plan to address the key issues identified.

8.6.3 The Strategy provides evidence on the supply and demand for sports pitches arising from new development and the existing population, to ensure that suitable provision can be made in the future. The Playing Pitch Strategy covers the public, private, educational, voluntary and commercial sectors and covers the following outdoor sports provision: Football, Rugby Union, Cricket, Hockey, Tennis, Bowls, Netball and AGP (artificial grass pitch) provision.

***8.7 Is Policy SD13 consistent with Section 11 of the National Planning Policy Framework in seeking to protect the loss commercial community facilities?***

Councils’ response

8.7.1 Chapter 11 of the National Planning Policy Framework addresses the efficient use of land. Paragraph 119 states:

‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.’

8.7.2 Paragraph 120 d) promotes the development of under-utilised land and buildings and paragraph 123 states that:

‘Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and

b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.’

8.7.3 Policy SD13 takes a positive approach to the development of land and buildings used for community facilities. Flexibility is provided whilst balancing this with safeguards to protect community uses for which there is a need in that location and, in the case of community facilities, which are viable, as set out in paragraph 3 c) of Policy SD13 and paragraph 9.129 in the accompanying text.

8.7.4 Chapter 9 of the National Planning Policy Framework addresses the importance of healthy and safe communities. Paragraph 93 a) states:

‘To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;’

8.7.5 Policy SD13 is consistent with Section 11, and Section 9, of the National Planning Policy Framework.

***8.8 Do Policies SD1 – SD13 serve a clear purpose, avoiding unnecessary duplication of national policy? Is the wording consistent with national policy?***

Councils’ response

8.8.1 Yes, the policies serve a clear purpose and avoid unnecessary repetition of national policy, as set out in NPPF para 16 f) which states that plans should ‘serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)’.

8.8.2 The supporting text to these policies provides further detail and refers to the evidence base.

***8.9 Do Policies SD1 – SD13 provide clear direction as to how a decision maker should react to a development proposal?***

Councils’ response

8.9.1 Yes, the policies provide clear direction as set out in NPPF para 16 d) which states that plans should ‘contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals’.

8.9.2 The supporting text to these policies provides further detail and refers to the evidence base.