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Ashfield Local Plan

EIP Hearing Statement

Matter 2 – Meeting Ashfield’s Housing Needs

On behalf of Vistry Group

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Introduction

This Hearing Statement is submitted by ADAS Planning on behalf of Vistry Group and should be read in conjunction with the Written Representations submitted as part of the Regulation 19 Pre-Submission Draft in January 2024. With the representations, Vistry Group outlined a number of concerns about the draft plan primarily raising concerns with the housing shortfall and proposing their Brand Lane site as an alternative site to help fill this undersupply.

INS01 confirmed that the plan will be considered under the September 2023 version of the National Planning Policy Framework (NPPF), as such this Hearing Statement utilises the same version of the NPPF.

The following Statement builds upon the concerns raised in the representations, responding to the Inspectors Matters Issues and Questions.

Matter 2 – Meeting Ashfield’s Housing Needs

Issue 1

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to meeting housing needs.

Relevant policies – S1, S7, H2, H2a, H3, H4, H5, H6, H7, H8

Questions

2.1 Has the calculation of Local Housing Need (LHN) (446 dwellings per annum) been undertaken correctly?

NPPF Paragraph 61 states that LHN must be calculated utilising the standard method and only in ‘exceptional circumstances’ an alternative approach may be accepted. Ashfield Council has acknowledged that the standard method should be used¹ however they put forward various arguments as to why they deem this ‘inappropriate’¹ for their calculation.

Utilising the standard method for LHN produces an overall requirement of 7,582 dwellings over the plan period, it is worth reiterating that this is a minimum number that should be delivered. Despite this, the Council’s plan only provides a supply of 6,700 dwellings resulting in a shortfall of 882. We consider that the 446 dwellings per annum (dpa) has been correctly calculated in line with the standard method, however this has not been implemented within the plan meaning it has not been ‘positively prepared’². Given the previous undersupply of housing, we consider that the higher dpa of 535 discussed in question 2.6 would be more appropriate than relying on the minimum figure produced through the standard method.

¹ Background Paper 1: Spatial Strategy and Site Section – Paragraph 10.5

² NPPF Paragraph 35a)

2.3 Are there any exceptional circumstances which justify an alternative approach to using the standard method? If so, what are they, and what should the housing requirement be?

As referenced in question 2.1, the Council has utilised the standard method to calculate housing need but has opted not to meet this need, which places them in conflict with national policy. While the Council has not explicitly cited "exceptional circumstances" to justify their shortfall, they have presented several arguments to support their decision, including:

- Inflated population growth
- Green Belt constraints
- Countryside (intrinsic character and Best and Most Versatile land)
- Other constraining designations
- High population density

Firstly, the Council argues that the redevelopment of significant vacant employment sites in recent years has artificially inflated housing delivery rates, leading to exaggerated population growth figures in the standard method. They contend that this creates an unfair penalty for authorities with a good track record of housing delivery and fails to account for local capacity constraints and character. However, we believe that population growth resulting from housing development is a natural and expected consequence of delivering much-needed homes. It is not a valid reason to deviate from the standard method targets, particularly here, where the authority has not been meeting need for some time (see question 2.7 response). Growth, particularly in sustainable locations, is a positive outcome of meeting housing needs, not a factor to be mitigated.

Secondly, the Council claims that Ashfield is significantly constrained by Green Belt designations (covering 41% of the district) and asserts that they have "explored all reasonable options" before proposing Green Belt release. As expanded upon in question 2.5, this justification is undermined by the availability of non-Green Belt sites that have been prematurely discounted, including Vistry Group's Brand Lane site, some of which comprises previously developed land (PDL), in a sustainable location. This demonstrates that the Council has not exhausted all reasonable alternatives, making their reliance on Green Belt constraints less credible.

The Council also argues that Ashfield District has a high population density, presenting data in Table 23 of Background Paper 1 to support this claim. However, when comparing Ashfield's population density to that of England and Wales (ONS 2021 census data), the district ranks 126th out of 331 local authorities, placing it between the 2nd and 3rd quartiles, towards the lower end. This does not suggest that Ashfield is uniquely constrained by its population density, and we therefore refute the claim that population density represents an exceptional barrier to housing delivery in the district.

None of the reasons presented by the Council constitute the exceptional circumstances necessary to justify accepting a lower housing need figure than that calculated using the standard method. National policy is clear that housing needs should be met in full, and the Council's arguments fall short of demonstrating a justified deviation from this requirement.

2.4 Is the plan positively prepared in light of the under-identification of homes over the full Plan period compared with the requirement under the standard method (6,825 compared to the LHN of 7,582)?

We do not consider that the plan has been positively prepared due to the shortfall of 882 homes. As per response to question 2.3, the Council has failed to substantially justify this shortfall and has not demonstrated exceptional circumstances to substantiate a deviation from delivering the required level of housing through the standard method. NPPF Paragraph 35a) provides clear guidance on how a plan is 'positively prepared' which includes 'as a minimum' providing enough housing for the assessed need; the Council has also failed to secure alternative delivery of this need with other authorities. The Council must seek to allocate further housing land to ensure the plan is positively prepared.

2.5 The plan identified a shortfall in housing allocations over the full plan period but nonetheless proposes the release of a number of sites from the Green Belt. Is this approach consistent with paragraph 143(e) of the Framework which indicates that when defining Green Belt boundaries, plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period?

NPPF Paragraph 141 requires that, before concluding that exceptional circumstances exist to alter Green Belt boundaries, a Council must demonstrate it has fully examined all other reasonable options for meeting their identified development needs. While Chapter 9 of Background Paper 1 asserts that exceptional circumstances exist to justify the release of Green Belt land, this is contradicted by the Council's own admission that approximately 744³ additional dwellings could be delivered on non-Green Belt sites, which they have discounted for various reasons. Vistry Group's Brand Lane site, for instance, has the potential to deliver over 140 homes in a sustainable location, including on PDL. When combined with the 744 non-Green Belt dwellings, this would total 884 homes, enough to meet the identified shortfall without altering Green Belt boundaries. While we acknowledge that not all of these 744 dwelling sites may be appropriate, it is evident that the Council has been too quick to discount more suitable non-Green Belt sites, including Vistry Group's, suggesting that they have not fully explored all reasonable alternatives.

Furthermore, the Council has admitted it has only identified enough land to meet their housing needs for 13 of the required 15 years, with a supply deficit expected between years 11 and 15⁴. Table 20 in Background Paper 1 reveals that 22% (1,246 homes) of the proposed allocations depend on releasing Green Belt land. Despite this, the Council has failed to secure sufficient land (Green Belt or otherwise) to meet their housing needs over the full plan period. The Council's proposal to review housing needs in five years to address the shortfall, in line with NPPF Paragraphs 68 and 33, strongly suggests that further Green Belt release will likely be required. Given that 22% of the current housing allocations are already within the Green Belt, it is reasonable to assume that future reviews will again rely heavily on Green Belt land to meet housing needs. This approach directly conflicts with NPPF Paragraph 143(e), which requires that Green Belt boundaries should not need to be altered at the end of the plan period.

³ Background Paper 1: Spatial Strategy and Site Section – Paragraph 8.17

⁴ Draft Local Plan – Paragraph 3.63

The Council's reliance on Green Belt sites, coupled with their premature dismissal of viable non-Green Belt alternatives, indicates that they have not adhered to this principle, putting the permanence of Green Belt boundaries at risk in future plan periods.

2.6 How has the SA considered the under-allocation of housing compared to the housing requirement over the full plan period?

The Council's Sustainability Appraisal (SA) appears to diminish the implications of under-allocating housing in relation to the full plan period's requirements, particularly when considering past undersupply outlined in question 2.7.

While the SA acknowledges that the higher growth option (535 dpa compared to 446 dpa) could enhance housing supply and deliver significant positive effects against housing objectives (SA Objective 1), the Council ultimately decided not to pursue this reasonable alternative. This decision is inconsistent with the evidence provided in their own Background Paper 2: Housing (October 2023), which recognises the constrained housing supply over the full plan period, and evidence from the Housing Delivery Test (question 2.7) which supports a 20% increase to account for underdeliver.

The Council has further justified their position by citing concerns about potential out-commuting and congestion, yet this reasoning is overly simplistic. A higher housing figure, particularly if located in sustainable and well-connected areas, could contribute to a more balanced housing market and potentially reduce the need for future Green Belt release by meeting needs earlier in the plan period. Omission sites such as Brand Lane are located on the boundary of existing well connected areas and would arguably not contribute as much to congestion as other proposed allocations.

Additionally, the SA notes that a larger housing buffer would result in a greater initial supply of housing, which would have significant benefits in addressing the district's housing shortfall. Ultimately, by selecting the lower housing requirement, the Council has chosen a conservative approach that not only fails to meet the identified need but also contradicts the NPPF's emphasis on boosting the supply of housing and meeting housing needs in full. This failure to allocate sufficient housing will likely exacerbate future housing delivery issues, especially as the plan progresses toward its end date.

2.7 Do the Council's latest Housing Delivery Test results have implications for the housing delivery and trajectory expectations in the submitted plan?

The undersupply of 315 houses between 2019 and 2023, as evidenced in the Council's latest Housing Delivery Test (HDT), highlights a persistent inability to meet housing need. This shortfall underscores continuing issues in the Council's approach to housing delivery, which would only be further exacerbated by a plan that fails to allocate sufficient housing to meet identified needs in full.

As noted in response to question 2.6, the Council declined a more ambitious housing target that would account for past undersupply; rather than responding to this underperformance with more ambitious delivery targets or increased land allocations, the Council has opted to adopt a housing requirement that falls below the need identified through the standard method.

The latest HDT results should serve as a warning that the current approach is insufficient to meet the district's housing needs. Without allocating further housing the Council is likely to experience continued housing shortfalls, placing the success of the entire plan at risk.

Issue 2

Whether the plan will deliver an appropriate mix of housing to meet the various housing needs over the plan period and whether these are justified, effective and consistent with national policy.

Questions

2.8 How does the need for affordable housing compare to the housing requirement? Based on the thresholds and requirements in Policy H3, will affordable housing needs be met?

As the Council are unable to meet the minimum number of required homes across the plan period, they therefore will not be able to meet the required affordable housing targets outlined in Policy H3.

Table 2 of the draft plan outlines how the Council has reached their total housing supply of 6,700 dwellings. Within this, only 5718 of these are on large sites (over 10 dwellings) and therefore 982 dwellings would not be subject to the affordable housing requirements of Policy H3.

Utilising the large site allocations information within Policy H1 we can identify the number of dwellings to be delivered on Brownfield and Greenfield site allocations and apply the respective affordable percentages outlined in Policy H3 (for the purposes of this any G/B sites have been categorised as Brownfield):

Table Showing Affordable Housing Delivery (Policies H1 & H3)	
Greenfield Sites Dwellings (H1)	5,011
Greenfield Affordable Housing (25% H3)	1,253
Brownfield Sites Dwellings (H1)	705
Brownfield Affordable Housing (10% H3)	71
Total Affordable Housing	1,323
Affordable/Social Rent (75% H3)	992
Shared Ownership (25% H3)	331
Disaggregated over plan period (dpa)	
Affordable/Social Rent (75% H3)	58
Shared Ownership (25% H3)	19

This table shows that across the plan period there would only be the potential for the delivery of 1,323 affordable homes. Whilst the results of the 2020 Housing Needs Assessment (HNA) state that Ashfield has an annual affordable home ownership requirement of -195, an annual need of 237 rented affordable homes is required. When disaggregating the results of the above table across the plan period we see that only 58 affordable/social rented properties would be provided each year, only 24% of the actual annual need identified in the HNA.

Collectively this highlights the significance of the Council's unwillingness to allocate sufficient housing to meet the needs of the district, a critical flaw that will be keenly felt by some of the more vulnerable of society who rely on the provision of affordable housing.



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