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Planning Inspectorate

Report to Ashfield District Council

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Inspectors appointed by the Secretary of State

Date: 18 November 2026

Planning and Compulsory Purchase Act 2004 (as amended and applied by the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026)

Report on the Examination of the Ashfield Local Plan 2023 - 2040

The Plan was submitted for examination on 29 April 2024

The examination hearings were held between 12 November 2024 and 14 January 2026.

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Abbreviations used in this report

ADC	Ashfield District Council
BNG	Biodiversity Net Gain
CA	Conservation Area
HA	Hectare
HE	Historic England
HIA	Heritage Impact Assessment
HMA	Housing Market Area
HNS	Greater Nottinghamshire and Ashfield Housing Needs Study
HS2	High Speed 2
MM	Main Modification
NPPF	National Planning Policy Framework
ppSPA	Sherwood Forest possible potential Special Protection Area
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SoCG	Statement of Common Ground
SPA	Special Protection Area
SuDS	Sustainable Drainage Systems
SHELAA	Strategic Housing and Employment Land Availability Assessment
The Plan	Ashfield Local Plan (2023-2040)
TPO	Tree Preservation Order

Non-Technical Summary

This report concludes that the Ashfield Local Plan 2023 – 2040 (the Plan) provides an appropriate basis for the planning of Ashfield District Council, provided that a number of Main Modifications are made to it. Ashfield District Council has specifically requested that we recommend any main modifications necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared a schedule of the proposed Main Modifications and, where necessary, carried out a sustainability appraisal and habitats regulations assessment of them. The Main Modifications were subject to public consultation over a six-week period. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Ashfield Local Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amending Policy S1 (Spatial Strategy to Deliver the Vision) to reflect the updated distribution of housing following the inclusion of 13 additional sites necessary to make the Spatial Strategy effective;
- Including the requirements for Gypsy, Traveller and Travelling showpeople's pitches and plots in Policy S7 (Meeting Future Housing Provision) and amending the supporting text and Table 2 to reflect the number of homes needed to meet the housing requirement and sources of supply;
- Amending Policy S13 (Protecting and Enhancing Our Green Infrastructure and the Natural Environment) to reflect the Local Nature Recovery Strategy;
- Updating Policy H1 (Housing Site Allocations) and the supporting text to include new policies and supporting text changes to reflect the 13 additional sites required to deliver the housing requirement over the plan period, updates to reflect dwelling yields, and the progress of sites;
- Modifying Policy H8 (Houses in Multiple Occupation, Flats, and Bedsits) and the supporting text so that it more clearly relates to Houses in Multiple Occupation and to set out more precise requirements for the assessment of such uses;
- Changes to the supporting text to Policy EM2 (Employment Land Allocations) to provide additional reasoning and guidance;
- Amending Appendix 2 to include the updated five year housing requirement
- Inserting a new Appendix 2a to provide additional detail on the distribution of new housing against the settlement hierarchy;
- Inserting a new Appendix 12 to include a Monitoring Framework;
- Adding a new Appendix 13 to show the existing development Plan Policies to be superseded on Adoption of the Ashfield Local Plan; and
- Adding a new Appendix 14 to show which policies in the Plan are strategic policies.

A number of other Main Modifications are also recommended to ensure that the Plan is positively prepared, justified, effective and consistent with the NPPF.

Introduction

1. This report contains our assessment of the Ashfield District Council Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and as applied by Regulation 4 and paragraph 2 schedule 1 of the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026. It considers whether the Plan is compliant with the relevant legal requirements (including in terms of the Town and Country Planning (Local Planning) (England) Regulations 2012, also as applied by Regulation 4 and paragraph 2 schedule 1 of the Levelling-up and Regeneration Act 2023 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2026) and whether it is sound.

2. As the Plan reached Regulation 19 stage in December 2023, it has been examined under the September 2023 version of the National Planning Policy Framework (the NPPF). Therefore, any references in this report to the NPPF are to the September 2023 iteration.

3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Plan, submitted in April 2024, is the basis for our examination. It is the same document that was published for consultation between 4 December 2023 and 29 January 2024.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any Main Modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2** etc, and are set out in full in the Appendix attached to this report.

5. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in this light, we have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted local plan. In this case, the Plan highlights changes to the Policies Map designations, alongside each policy, and a separate submission Policies Map comprises the set of plans identified as the Ashfield Local Plan 2023-2040 Policies Map – North Sheet (SD.02a) and Ashfield Local Plan 2023-2040 Policies Map – South Sheet (SD.02b).

7. The Policies Map is not defined in statute as a development plan document, and as a result, we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map (MOD.002 and MOD.003b).

8. These further changes to the Policies Map were published for consultation alongside the Main Modifications (PMM1 - PMM72). They comprise the addition of 13 site allocations to Policy H1 and the removal of two sites from Policy H1, either because they had been completed prior to the Regulation 19 version of the Plan or because they fall below the threshold of 10 dwellings. The modifications also include the extension of identified employment sites; the removal of the safeguarded route for HS2, which has since been cancelled within Ashfield; the deletion of policy references to ensure factual accuracy; amendments to Local Wildlife Site boundaries; and the correction of a mapping error relating to the M1 Junction 27 Strategic Employment Site.

9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the Policies Map to include all the changes proposed in the Policies Map documents SD.02a (Ashfield Local Plan Policies Map North) and SD.02b (Ashfield Local Plan Policies Map South) along with the further changes published alongside the MMs.

Context of the Plan

10. The Ashfield District Council Local Plan (2023 – 2040) is proposed to replace the saved policies of the Ashfield Local Plan Review (2002). The submitted Plan will constitute the full development plan for Ashfield.

11. The Plan area covers the whole of Ashfield District which has a relatively compact geography and covers approximately 10,956 hectares with a population of around 127,918 in 2019 as per ONS population data. Ashfield is bisected by the M1 Motorway and subject to a number of constraints, including a significant proportion of the south of the District being designated as Green Belt which covers around 41% of its area. The District is characterised by the three main settlements of Kirkby-in-Ashfield and Sutton-in-Ashfield to the north, and Hucknall in the south. The larger villages of Teversal, Huthwaite, Underwood, Jacksdale and Selston are dispersed across the District. The Plan area also includes five Conservation Areas and nine sites designated as Sites

of Special Scientific Interest. Parts of the Sherwood Forest possible-potential Special Protection Area (ppSPA) can also be found within the District.

Public Sector Equality Duty

12. The Council carried out an Equality Impact Assessment of the submitted Plan (SD-09). We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.

13. We have considered several matters during the examination including housing needs of different groups, social and community infrastructure, and health and wellbeing (Policies S12, EM5, and SD13), also for those who need accessible housing (Policy SD2 along with ensuring there is adequate provision to meet the accommodation needs of Gypsies and Travellers (Policy H2)). In this way the disadvantages that they suffer would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic. There is also no compelling evidence that the Plan as a whole would bear disproportionately or negatively on them or others in this category.

Assessment of Legal Compliance

Consultation

14. The Plan has been subject to consultation including a draft Local Plan 2021 (Regulation 18 Stage) between 4 October and 16 November 2021, with an eight week consultation on the pre-submission publication draft (Regulation 19 stage) taking place between 4 December 2023 and 29 January 2024. Consultation on the Plan was carried out in compliance with the Council's Statement of Community Involvement (SCI) August 2020 [SD.06] and involved a significant range of stakeholders including all relevant statutory bodies and a large number of local organisations. All of the representations received as part of the Regulation 19 pre-submission publication version of the Plan were submitted by the Council for consideration and we have taken these into account as part of the examination.

15. The Plan has been prepared in accordance with the Council's Local Development Scheme, August 2023 [SD.05]. However, due to the further work required to find additional housing sites, the Plan will be adopted later than envisaged when it was submitted for examination.

16. Following the close of hearing sessions, the MMs that we decided were necessary for soundness were subject to consultation, which was carried out in compliance with the Council's SCI.

Sustainability Appraisal

17. The Council carried out a Sustainability Appraisal (SA) (SD.03) of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19.

18. The SA considered two principal approaches to addressing housing growth with one option considering the level of housing growth by using the Government's Standard Methodology at the time of preparation (446 dwellings per annum) and an alternative higher growth scenario with a flexible buffer producing approximately 535 dwellings per annum [SD.03f]. The alternative higher growth option was not pursued due to an increased number of uncertain or negative effects, principally relating to the uncertainty of delivery. There would also be some negative effects from the loss of natural resources through the release of additional greenfield land and the effects on travel and accessibility.

19. The Council then tested 10 different spatial strategies to accommodate the preferred option of using the standard method's level of growth [SD.03h] which resulted in the dispersed strategy utilising smaller, non-strategic scale development being identified as the preferred option. The alternative options considered, whilst having some positive effects, were not selected primarily as they would likely result in slower housing delivery and fail to enable all parts of the District to grow. Furthermore, in the case of those alternative options which include new settlements or larger strategic urban extensions, these would likely result in uncertain or harmful effects on landscape and the loss of natural resources as the preferred approach focuses on bringing forward smaller schemes within and on the edges of settlements.

20. The SA was updated to assess the MMs and was published for consultation alongside them.

21. In conclusion, we are content that the SA results have informed plan preparation along with the wider submitted evidence base. It provides a robust and proportionate assessment to accompany the Plan's preparation.

Other legal compliance matters

22. The Habitats Regulations Assessment (October 2023) [SD.04] sets out why an Appropriate Assessment is not necessary. The Plan is not likely to have adverse effects on the integrity of European sites, either alone or in-combination with other plans or projects, providing that the mitigation set out in the Local Plan is implemented successfully.

23. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. However, on submission the Plan did not clearly identify which of the policies were considered to be Strategic Policies as required by paragraph 21 of the NPPF, which states that Plans should make explicit which policies are strategic policies. As such, **MM111** is necessary to include within the Plan a schedule at Appendix 14 denoting the strategic policies in order for the Plan to accord with the NPPF. In addition, **MM110** inserts a new Appendix 13 which sets out the existing development plan policies that are superseded by the Plan.

24. The Development Plan, taken as a whole, contains policies that are designed to ensure that development and the use of land within the local planning authority area contribute to both the mitigation of, and adaptation to, climate change. Policies CC1, CC2 and CC3 collectively seek to address the challenges posed

by climate change through the promotion of zero and low-carbon development, decentralised energy networks, and renewable and low-carbon energy generation. The policies also seek to ensure the sustainable management of water resources and require development proposals to appropriately consider flood risk and the potential impacts of flooding.

Conclusion

25. In conclusion, the Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

26. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 11 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy criterion.

Issue 1 – Whether the Plan's overall approach to meeting Ashfield's housing needs is positively prepared and based on robust evidence and is justified, effective and consistent with the NPPF.

27. In order to determine the minimum number of new homes needed in the Plan, paragraph 61 of the NPPF states that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The submitted Plan's housing need figure has been calculated utilising the Government's standard method as set out in the Planning Practice Guidance (PPG), as its starting point.

28. The Council's calculation of housing need is set out in the Housing Background Paper [BP.02] and utilised the 2022 median workplace-based affordability ratio (published March 2023). At the time of submission, this was the most up to date figure available.

29. Using the standard methodology results in a minimum requirement of **446** new dwellings per year which, taken over the 17 years of the plan period (2023-2040), would result in a total of **7,582** dwellings and this figure has been transposed into the Plan in Policy S7.

30. The PPG advises that the number generated by the calculation of LHN should be kept under review and revised 'where appropriate', as the inputs can change over time. Once the LHN has been calculated, it can be relied upon for a period of 2 years following submission of the Plan for examination.

31. As the Plan was submitted in April 2024, at the time of writing this report, over two years have elapsed. In addition, following the close of hearings, the 2025 workplace-based affordability ratios were published in March 2026. Utilising the updated inputs would result in an LHN calculation of 414 dwellings per annum [ADC.38], a decrease of only thirty-two per annum below the submitted Plan's figure. In the context of a strategic plan which will look ahead to 2040, this is not a significant or meaningful change which renders the Plan unsound.

Furthermore, as it would not be a meaningful change in the LHN, it is not expedient to require further modifications to the Plan to make this change which would delay the adoption of this Plan.

32. We are therefore satisfied that the approach to the calculation was undertaken correctly and is sound.

Setting the housing requirement

33. There are no compelling reasons which would justify the housing requirement being set differently to the calculation of the Local Housing Need figure above, which in any event is a minimum figure.

34. Having regard to the overall strategy for the District which we discuss below, we support the identification of the housing requirement being set at the level of the standard method calculation which accords with the PPG and is positively prepared.

Approach to the overall plan period

35. The plan period on submission was from 2023-2040. At the time the Plan was submitted, the standard methodology calculation utilised the 2022 workplace-based affordability ratio but as this was published in 2023, as set out above, it is appropriate to commence the plan period in this year.

36. Paragraph 22 of the NPPF states that strategic policies should look ahead over a minimum 15-year period from adoption. Due to the length of the examination, the Plan will no longer look 15 years ahead from the date of adoption. However, the potential consequences of extending the plan period further in relation to strategic housing and employment requirements do not outweigh the benefit of adopting the Plan expeditiously. There are considerable advantages of having an up-to-date adopted plan including securing a 5 year land supply and supporting the delivery of key employment and regeneration sites in the District.

37. Furthermore, plans are required to be reviewed, and if necessary, updated every 5 years which would provide a suitable opportunity to address this matter as required by Policy PM2 of the National Planning Policy Framework 2026. As such, we are not minded to recommend a main modification to extend the end date of the Plan yet further.

38. Therefore, in this instance, we consider proceeding with the Plan's end date as submitted is a pragmatic and reasonable approach that would facilitate the delivery of a Local Plan which will support the area's key aims and objectives along with the development of the specific site allocations in the District. We therefore consider it to be appropriate and justified in this instance.

Conclusion

39. We therefore conclude that the Plan has been informed by a robustly calculated, objective assessment of housing need and that the housing requirement and plan period as set out in Policy S7 are justified and positively prepared.

Issue 2 – Whether the Spatial strategy, settlement hierarchy and distribution of development is justified, effective, positively prepared and consistent with the NPPF

Policy S1: Spatial Strategy to deliver the vision

40. The Plan sets out 14 strategic objectives (SO1 to SO14) which are identified as central to achieving the Council's vision for Ashfield. The objectives seek to respond to the key issues facing the District including the climate emergency, delivering new homes, shaping and supporting its town and local centres and increasing jobs and helping businesses grow. The vision, as expressed via the Plan's overall spatial strategy also seeks to protect what is special and looks to improve its areas, tackling biodiversity loss by retaining and improving existing as well as creating new biodiverse areas, improve design, reduce the need to travel and improve choices for more sustainable travel, securing new social and community infrastructure, and creating safe, healthy and inclusive communities.

41. The Plan's spatial strategy is principally set out in Policy S1 which seeks to disperse development across the key settlements in the District. The southern half of the District is designated as part of the Nottingham-Derby Green Belt which completely surrounds the key settlement of Hucknall, the southern extent of Kirkby-in-Ashfield and surrounds Selston, Jacksdale, and Underwood.

42. The principal objective of the spatial strategy is to ensure that all parts of the District benefit from additional development in order to support existing services and community facilities, provide infrastructure to support the sustainability of settlements, avoid disproportionate growth in any one area and ensure an integrated approach to considering the location of housing in relation to local economic growth and regeneration. In order to achieve this, the strategy focusses on the allocation of new sites for housing of fewer than 500 dwellings.

43. The Council considered eight different development strategies through the SA [SD.03 and SD.03h]. The alternative options included the potential for a large single Strategic Urban Extension (SUE) along with smaller sites, a new settlement with one large SUE plus Green Belt release, two SUEs plus smaller sites and moderate Green Belt release, a new settlement in the Hucknall Green Belt plus smaller sites, two new settlements plus smaller sites and moderate Green Belt release, three new settlements including one in the Green Belt, and two new settlements one in the Hucknall Green Belt and one at Cauldwell Road plus further Green Belt release.

44. Although a number of the alternative options tested had some positive effects against the SA objectives over the submitted approach, they would have a number of negative effects particularly in relation to biodiversity and landscape. The alternative strategies would result in some sustainability benefits above the submitted approach, notably in relation to economic benefits. Notwithstanding this, evidence in examination document ADC.35 indicates that smaller sites in the District would assist with the speed of new housing delivery as strategic scale infrastructure improvements would not be needed. Furthermore, the Council's wider planning objectives seek to ensure all parts of the District, including larger villages, and the key settlement of Hucknall benefit from additional housing to support local jobs, services and regeneration. These

objectives would not be able to be achieved under alternative scenarios as they would preclude the key settlement of Hucknall from further plan-led expansion via the submitted Plan. The submitted strategy would also enable future residents to access existing infrastructure within the key settlements more easily.

45. The Council considered that delivering a robust housing trajectory would be placed at greater risk utilising a SUE or new settlement focussed strategy due to the likelihood of slower housing delivery in the shorter term whilst key infrastructure is being developed. We find that the preferred approach would support wider benefits through the utilisation of existing infrastructure and support housing delivery in the shorter term. We therefore find that the submitted approach would be an appropriate strategy for the District as required by paragraph 35 of the NPPF.

46. Policy S1 also sets out the overall settlement hierarchy for the District which focuses on the Main Urban Areas of Sutton-in-Ashfield, Kirkby-in-Ashfield and Hucknall for the largest scale of growth. The Strategic Employment Areas would assist with economic growth and benefit from the locational advantages offered by their proximity to the major M1 transport corridor. The Named Settlements of Selston, Jacksdale, Underwood, Annesley/Newstead, Bestwood Village, Brinsley and Fackley are smaller settlements which would accommodate smaller scale growth. The hierarchy also identifies the Blenheim Industrial Estate to accommodate existing and future employment uses. The remainder of the District comprises open countryside plus land in the Green Belt and other villages and hamlets which are not further defined in the Plan. The Spatial Strategy and Site Selection Background Paper [BP.01] also provides further justification to support the settlement hierarchy. Collectively, we find that the settlement hierarchy appropriately categorises settlements into the respective tiers and provides a sound basis for directing the accompanying scales of growth to each location within those tiers.

47. Table 1 of the Plan sets out the distribution of new housing in the District having regard to existing planning permissions and the site allocations in the Plan by geographical area against the existing population. Overall, the submitted Spatial Strategy seeks to maintain the existing population distribution with the majority of the existing population being within the Northern Towns Area which includes Sutton-in-Ashfield along with Kirkby-in-Ashfield which are two of the Main Urban Areas. This is followed by the Southern Town Area which includes the Main Urban Area settlement of Hucknall. On submission, approximately 65.8% of new residential development would take place in the Northern Towns Area equating to approximately 4,018 dwellings, with a further 24.1% (1,469 homes) directed to the Southern Town Area, and the balance of 618 dwellings to the Rural Villages west of the M1 motorway. This distribution reflects the existing population but also takes into account the extent of Green Belt designation in the southern half of the District.

48. To ensure that the Plan is positively prepared, **MM8** adds new supporting text to the end of paragraph 3.24 to provide justification for the site selection and strategic approach as identified in Policy S1. The new text acknowledges the slightly higher planned growth in the north of the District, which we find to be of a scale appropriate to the existing settlements and the settlement hierarchy. It

also acknowledges that planned and permissioned growth around Hucknall falls within the administrative boundary of Gedling Borough which is likely to see future expansion of the town beyond the plan period.

49. Consequently, **MM8** updates Table 1 for effectiveness to reflect the distribution of new housing development by geographical area which reflects the Council's spatial strategy for dispersed development. The new figures include updates to committed developments, existing planning permissions and sites under construction, and new allocations proposed in the Plan. The modification also demonstrates that the level of growth directed to each area is broadly proportionate to the existing population distribution and thereby supports a balanced pattern of development across the District. The amended text also confirms that housing and employment allocations are identified through Policies H1, EM2 and S6 and are shown on the Policies Map.

50. To ensure that the Plan is positively prepared, **MM9** is necessary to insert Table 1a which sets out how the planned development aligns with the settlement hierarchy as set out within Policy S1. This includes both committed developments through existing planning permissions and sites under construction, and new allocations proposed in the Plan, and thereby demonstrates that the planned housing growth is consistent with the identified settlement hierarchy. For the same reason **MM107** is necessary to insert a new Appendix 2a into the Plan which sets out the distribution of development against the settlement hierarchy which includes development approved up to October 2025.

51. However, on submission, the Plan only identified approximately 6,700 dwellings against the overall housing requirement of 7,582 dwellings on deliverable/developable sites or broad locations in accordance with the spatial strategy as set out in Table 2 of Policy S7. As a result, whilst the strategy is justified, by failing to meet the minimum housing requirement it is neither effective nor positively prepared.

52. The Plan therefore requires additional sites to meet the housing requirement. In seeking additional sites, the Council has identified sites of fewer than 500 dwellings, consistent with the Spatial Strategy, and sought to maximise the use of suitable brownfield land. The Council identified a further 13 additional sites [HSC.01] which have a combined capacity of 838 homes. Of the further sites, 12 are in locations outside the Green Belt with one site within the Green Belt which has been granted planning permission. These specific sites are focussed on locations in or adjacent to the Main Urban Areas of the settlement hierarchy, such as Kirkby-in-Ashfield, Sutton-in-Ashfield and Skegby.

53. The inclusion of the additional sites means that the Plan is positively prepared and the strategy effective in meeting the identified housing needs for the District. It would also accord with Paragraph 140 of the NPPF which indicates that strategic policies should establish the need for any changes to the Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.

54. Therefore, **MM34** is necessary to insert these additional sites into Policy H1 in order for the Plan to meet its housing requirement in locations identified in the

settlement hierarchy for effectiveness and to ensure the strategy is positively prepared and consistent with the NPPF. We discuss the merits of each of the sites below.

Conclusion

55. Overall, subject to the recommended MMs discussed above, we find the spatial strategy, settlement hierarchy and distribution of development to be justified, effective, positively prepared and consistent with the NPPF.

Issue 3 – Whether the identified need for new housing and employment land can be accommodated without releasing land from the Green Belt. If not, do exceptional circumstances exist at a strategic level that would justify altering the Green Belt boundary?

56. Before we can conclude that exceptional circumstances exist to justify changes to the Green Belt boundary, paragraph 141 of the NPPF requires the Council to demonstrate that it has examined fully all other reasonable options for meeting its identified needs for development. This includes making as much use as possible of suitable brownfield and underutilised land, optimising the density of development and discussing with neighbouring authorities whether some needs could be accommodated elsewhere. Evidence within the Nottingham Core and Outer Housing Market Area Authorities SoCGs [SCG.01 and SCG.02] indicates that after being approached, adjoining authorities confirmed they were not in a position to meet any of Ashfield's housing needs. It is also notable that the Green Belt also extends into the neighbouring authorities of Nottingham, Newark and Sherwood, Broxtowe and Gedling. Therefore, these authorities have their own housing capacity to consider having regard to the extent of Green Belt in their respective areas.

57. The Council considered a number of alternative options to the submitted strategy within the SA, which included opportunities for larger scale development which would not result in the need to alter the Green Belt boundary. However, as discussed in Issue 2 above, a number of alternative options to the submitted spatial strategy would not have delivered the Plan's aims described above in a timely manner.

58. In terms of whether alternative strategies could result in the minimum level of housing being provided without altering the Green Belt, we have addressed this above. However, it is notable that a number of alternative approaches would also require the release of land from the Green Belt, including those which would result in a new settlement to the south of the District. Such options would potentially require more Green Belt release than the Plan proposes.

59. The Plan's approach seeks to allocate sites below 500 dwellings, as well as making best use of brownfield and underused land as required by paragraph 141(a) of the NPPF. This has resulted in a number of allocations being identified on brownfield sites within existing settlements, which we consider in detail later in this report. The Plan also identifies site allocations of 10 dwellings and above, which we find to be a sufficiently thorough and proportionate approach to meeting the need for new housing.

60. The Plan also seeks to optimise the density of development in accordance with the NPPF. Policy H7 requires minimum net densities on sites in different locations and the Plan sets out site capacities in accordance with this policy. The indicative site capacities have been based on density assumptions which seek to maximise the number of new homes that allocated sites can accommodate wherever possible. However, it should be noted that due to the absence of high-rise and significantly dense urban development in the District, we recognise that significantly higher densities on new allocations, which would principally be located on the edge of settlements, would likely result in harm to the character and appearance of these specific sites, but also of the area more widely. As such, we are satisfied that the Plan strikes an appropriate balance to maximising density whilst protecting the character of the area. Accordingly, we are satisfied that the Council has fulfilled the requirements of paragraphs 141(a) and (b) of the NPPF by making as much use of brownfield and underused land and optimising the density of developments in the area.

61. Therefore, in order to achieve a dispersed spatial strategy in Ashfield to meet the Council's aims, in light of our finding above and due to the extent of Green Belt to the south of the District, the approach taken by the Council would accord with paragraph 142 of the NPPF. Paragraph 142 indicates that when reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. This provides sufficient justification that to meet the Plan's housing distribution, exceptional circumstances exist to alter the Green Belt boundary to enable further site allocations in the Southern Town Area.

62. Turning to the approach to employment land, Ashfield's strategic employment base is principally focussed on the manufacturing, construction, wholesale and transport and storage sectors [BP.03]. The Plan's employment strategy focuses the majority of additional employment land for logistics space at Junction 27 of the M1 Motorway, reflecting the key position of Ashfield along the M1 motorway corridor and its attractiveness to the employment market. The M1 in Ashfield is located entirely within the Green Belt. Therefore, in order to meet the Employment Land Review's need for additional logistics space in appropriate locations close to the M1, this could not be achieved within the Council's administrative area whilst avoiding land in the Green Belt. Due to the extent of Green Belt surrounding the M1, there are no reasonable alternatives to meeting this need other than within the Green Belt. As a result, we are satisfied that exceptional circumstances exist at the strategic level to amend the Green Belt boundary in locations close to J27 of the M1 for additional employment land. We discuss the justification and detail of these changes below.

63. Paragraph 145 states that strategic policies should establish the need for any changes to the Green Belt boundaries. Therefore, to ensure that the Plan is effective and consistent with the NPPF, **MM7** is necessary to amend criterion 6 of Policy S1 to reference that land is to be released from the Green Belt. This specifically relates to land adjacent to Junction 27 of the M1 and Sherwood Business Park, maximising the economic development potential of this key employment site. In addition, **MM7** also inserts a new criterion 10 into Policy S1 to reference the release of land from the Green Belt for residential development at Hucknall, Underwood, Selston, Brinsley, and Jacksdale in order to help meet identified housing needs.

Conclusion

64. Overall, we find that the Council has satisfactorily demonstrated how it has met the requirements of paragraph 141 of the NPPF. Furthermore, we are satisfied that at the strategic level, exceptional circumstances have been demonstrated to alter the Green Belt boundary. We discuss each of the specific changes to the Green Belt boundary in Issue 4 below.

Issue 4 – Whether the proposed housing and employment site allocations are justified, effective and consistent with the NPPF

Policy H1: Housing Site Allocations

65. Policy H1 identifies the larger housing allocations that will contribute towards meeting the District's assessed housing requirement as set out in Strategic Policy S7. These allocations form a key component of the housing land supply and are intended to deliver planned growth over the plan period.

66. The Policy also confirms that site-specific masterplans may be prepared for larger allocations that do not yet benefit from planning permission. These masterplans are intended to provide additional guidance on the Council's expectations for the development of individual sites and to assist in securing comprehensive and coordinated delivery.

67. The Plan makes several references to masterplans for sites across the District. Whilst they are not a statutory requirement, masterplans provide a useful framework for the delivery of large strategic sites, particularly where multiple developers or landowners have interests within a site. Masterplans also establish broad development principles and parameters, helping to coordinate development over what may be a lengthy delivery period. In doing so, they provide greater certainty for landowners, developers, local communities and decision makers by setting out a clear understanding of the form and pattern of development expected to come forward over the plan period. As such, we agree with the Council's assessment that the references to masterplans remain necessary for the Plan to be effective.

68. Housing allocations in Policy H1 have been selected from sites identified through the Strategic Housing Land and Economic Availability Assessment (SHELAA) [SEV.20 - SEV.20dd] as available, suitable and deliverable. The site allocations have been chosen having regard to infrastructure capacity, environmental constraints and the need to deliver sustainable growth. These sites have been subject to further assessment through the Sustainability Appraisal, which has considered the environmental, social and economic implications of development and informed the selection of the most sustainable sites.

69. Background Paper 1: Spatial Strategy and Site Selection 2021 [BP.01] sets out the Council's justification for the site selection process which sets out the steps that have been followed to identify the allocations in the Plan. The allocations include sites with and without planning permission. Due to the passage of time since the Plan has been under preparation, a number of sites have been granted planning permission and in several instances are already under

construction. In these circumstances, only the remaining dwelling capacities which are not yet built at the base date of April 2025 contribute towards the allocations. Appendix 2 of the Plan sets out the anticipated phasing and delivery of the allocated sites over the plan period.

70. Notwithstanding the above, during the examination the Council identified that draft masterplans had been prepared to support a number of allocations, but these were not included with the Plan. As we find these to be necessary, to ensure that the Plan is positively prepared, **MM33** updates the Plan to acknowledge that concise Masterplans '*have been prepared'* for the larger housing sites, details of which can be found in the newly created Appendix 11 which is inserted by **MM108** in order for the Plan to be effective. In order to reflect the site allocations which have been granted or are under construction, **MM34** is necessary for effectiveness to update Policy H1 to reflect the status of the sites to the base date of April 2025.

71. Subject to the MMs we are satisfied that the policy is justified, effective and consistent with the NPPF.

Hucknall Area site allocations

H1Ha: Seven Stars PH, West Street/ Ogle Street, Hucknall

72. The former Seven Stars Public House site is a brownfield site within the settlement boundary of Hucknall. The Seven Stars public house is a Local Heritage Asset and as such is a non-designated heritage asset. The site is identified for a minimum of 28 dwellings. The site does not, at the base date, have extant planning permission and there are no issues identified which require further detailed policy guidance. As a result, we find the site to be justified.

H1Hb: Linby Boarding Kennels, east of Church Lane, Hucknall

73. The Linby Boarding Kennels site allocation comprises approximately 3.32ha of land to the north of Hucknall and is part greenfield and part brownfield land. The site is located within 300m of five listed buildings, a conservation area, and a locally listed building. The Heritage Impact Assessment (HIA) assessed any potential harm as less than substantial. There is also the potential for archaeology at the site, and a Local Wildlife Site is located to the north.

74. The northern part of the site has planning permission for 9 dwellings. The remainder of the site would have a minimum capacity of approximately 34 dwellings and is located within the Green Belt.

76. The Plan seeks to remove the site from the Green Belt. Paragraph 140 of the NPPF states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.

77. The site adjoins the existing settlement along its northern and western boundaries. However, the site would extend development into the Green Belt, as there is no adjacent development to screen it to either the east or south.

Whilst there are some existing buildings on site associated with its use as a kennels, plus an existing dwelling, these features do not make a positive contribution to the Green Belt. The Green Belt harm assessment [SEV.07h] identifies that overall, the development of the site would be of relatively high harm to the Green Belt.

78. The Plan does not include any specific development requirements for the site within Policy H1. However, the need for landscaping to minimise the impact of the allocation on the Green Belt along with other requirements in relation to the location of vehicle and pedestrian and cycle access need to be explicitly highlighted in the Plan. Therefore, for effectiveness, **MM35** is necessary in order for a new policy to be inserted which will provide guidance for decision makers when dealing with planning proposals on this site allocation. As a consequence, for effectiveness, **MM38** deletes paragraph 6.14 of the reasoned justification to remove the future requirement for a concise masterplan as additional guidance is now inserted as a policy by **MM35**, and masterplans are now included as Appendix 11 of the Plan through **MM108**.

79. Overall, whilst the site scores relatively high in regard to harm to the Green Belt, the site would make an important contribution to meeting the identified housing need for the area in a key settlement in the hierarchy which has good access to a range of services and facilities. The removal of the kennels would also provide some public benefits by removing a noise generating use. The Plan requires the provision of a new cricket pitch on the site. However, there is no clear evidence before us that the requirement for a pitch is justified. The MMs schedule contained an error as it did not show the deletion of paragraph 6.13 of the supporting text in relation to the cricket pitch. However, we are directing that paragraph 6.13 of the reasoned justification be deleted by **MM112** in the final modifications schedule to this report in order for the Plan to be justified and effective.

Conclusion and exceptional circumstances

80. The allocation would result in a moderate alteration to the Green Belt of around 3.32ha. Whilst the Green Belt assessment identifies the release of this site as being of relatively high harm, some additional structural landscaping to the north and east of the site would minimise the impact on the remainder of the Green Belt by providing additional screening which would lessen the visual impact of future residential development on the site. Furthermore, the existing property, kennels and car parking would also be removed as a result of the development of the site. We have already concluded that at the strategic level, there are exceptional circumstances which justify the release of land from the Green Belt in Hucknall to meet the submitted Spatial Strategy. Therefore, we find that exceptional circumstances exist to remove this site from the Green Belt.

81. **MM36** is necessary to amend the reasoned justification to confirm that exceptional circumstances exist to release the site from the Green Belt in order for the site to be effective and consistent with the NPPF. In addition, **MM37** inserts additional text into the reasoned justification to ensure consideration is given to the findings of the HIA and to refer to the need for a desk-based archaeological assessment to be submitted with any planning applications on the site for effectiveness.

Site H1Hc: Land north of A611/ South of Broomhill Farm, Hucknall

82. This allocation is a large area of greenfield land extending to approximately 31.02 ha which is located between the existing urban edge of Hucknall and extends south where it is bound by the A611. The overall gross site area also includes a Local Wildlife Site and part of a disused railway, which is identified as a priority habitat. The site is identified in the Plan as having capacity for 499 dwellings.

83. The Plan seeks to remove the site from the Green Belt. Paragraph 140 of the NPPF states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.

84. The site comprises 6 parcels of land which are shown in the Green Belt assessment as sites H05 sites 1-6. The site is bounded to the north by existing residential development, albeit the dwellings to the eastern boundary have longer linear rear gardens which result in the potential for more clear views into the site. The southern extent of the site is bounded by the A611 and there is a line of trees along the roadside which provides a strong visual boundary which demarks the site from the remainder of the Green Belt to the south. However, the tree boundary is of reduced height towards the south west extent of the site which allows for some limited intermittent views into the site. There are also several belts of trees bisecting the site along with an area of woodland to the north east.

85. Site parcels 1, 2, 4 and 6 have been assessed as having relatively low harm in regard to the Green Belt objectives. Site parcels 3 and 6 have been assessed as having high harm in terms of the specific Green Belt objective of safeguarding the countryside from encroachment, but this is principally due to the size of these particular parcels.

Conclusion and exceptional circumstances

86. The allocation would result in a large alteration to the Green Belt of approximately 31.02 ha. Overall, the Green Belt assessment finds that the parcels that collectively make up the allocation would result in relatively low harm to the Green Belt. However, a significant landscape buffer to the southwest boundary of the site along the A611 would provide further strength to the boundary of the site and further visual mitigation to the effects of future residential development.

87. We have already concluded that at the strategic level, there are exceptional circumstances which justify the release of land from the Green Belt in Hucknall to meet the submitted Spatial Strategy. Therefore, we find that exceptional circumstances exist to remove this site from the Green Belt.

88. The Plan does not include any specific development requirements for the site within Policy H1. However, the need for landscaping to minimise the effects of the allocation on the Green Belt along with other requirements in relation to access roads, accessibility and permeability into adjoining residential areas,

requirements for specific ground stability assessments, archaeology assessments, planting schemes and open space mean that **MM39** is necessary to insert a new specific policy for the allocation into the Plan for effectiveness.

89. In addition, **MM40** inserts into the reasoned justification reference to the indicative masterplan for the site which is necessary for effectiveness. In addition to the MMs consulted upon, it is necessary for us to insert a further modification to the supporting text via **MM113** of the schedule to delete the third sentence of paragraph 6.15 and insert a new sentence to state that 'The Council considered that there were exceptional circumstances to release this site from the Green Belt to meet housing needs in accordance with the spatial strategy as set out at Policy S1.' This is necessary in order for the Plan to be justified and accord with the NPPF.

Site H1Hd: Land adjoining Stubbing Wood Farm, Watnall Road, Hucknall

90. The land adjoining Stubbing Wood Farm, Watnall Road allocation is a large area of greenfield land located to the south-west of Hucknall and extends to approximately 8.82 ha. The site has been allocated for 198 dwellings.

91. The Plan seeks to remove the site from the Green Belt. Paragraph 140 of the NPPF states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.

92. The site is located adjacent to existing residential development to the north and east, whilst the site is contained to the south by Watnall Road. To the south-west of the site, the site is framed by a line of trees and vegetation, whilst to the north-west, the site is bordered by an area of woodland, known locally as Starth Wood. The HIA also indicates there are two Listed Buildings within 300m of the site, some of which may have underground bunkers/tunnels.

93. The Green Belt assessment considers the site in two separate parcels (reference H08, sites 1 and 2). Site 1 to the north is well contained by the existing residential development to the east and woodland to the west. Although the Green Belt assessment considers a wider site which extends outside Ashfield's administrative area, the northern extent of the site is nonetheless well connected to the existing settlement, and the Green Belt assessment scores the site as having moderate harm to the Green Belt objectives.

94. The Green Belt assessment finds that Parcel 2 to the south scores the same as parcel 1, and the assessment notes that this area is similarly well contained by existing development and the Watnall Road.

Conclusion and exceptional circumstances

95. The allocation would result in a large alteration to the Green Belt of approximately 31.02 ha. Overall, the Green Belt assessment finds that the parcels that collectively make up the allocation would result in moderate harm to the Green Belt.

96. We have already concluded that at the strategic level, there are exceptional circumstances which justify the release of land from the Green Belt in Hucknall to meet the submitted Spatial Strategy. Therefore, we find that exceptional circumstances exist to remove this site from the Green Belt.

97. The Plan does not include any specific development requirements for the site within Policy H1. However, the evidence indicates a need for landscaping to minimise the effects of the allocation on the Green Belt, along with other requirements in relation to transport, the effect on designated heritage assets, accessibility and permeability into adjoining residential areas, archaeology assessments and planting schemes. As a result, **MM41** is necessary to insert a new specific policy for the allocation into the Plan for effectiveness.

98. In order for the Plan to be effective and accord with the NPPF, **MM42** is also necessary to amend the reasoned justification at paragraph 6.19 to reflect that exceptional circumstances exist to amend the Green Belt boundary to exclude the site allocation from the Green Belt.

99. The submitted reasoned justification to the policy did not clearly set out the potential requirements which followed from the Heritage Impact Assessment (HIA). As a result, **MM43** is necessary to amend the reasoned justification to include the requirements of the HIA as well as reflect that a masterplan has been prepared for the site which is included at Appendix 11.

Sites H1He, H1Hf, H1Hg, H1Hl, H1Hn, H1Ca

100. H1He: Phase 5b, land at Rolls Royce, Watnall Road, Hucknall. The site is within the settlement limits of Hucknall and has planning permission for 150 dwellings. As of April 2025, the site is under construction.

101. H1Hf: Phase 9, land at Rolls Royce, Watnall Road, Hucknall. The site comprises previously developed land located within the settlement limits of Hucknall and is allocated for 101 dwellings. The site has planning permission and is under construction as of April 2025.

102. H1Hg: Hucknall Town Football Club. The site comprises the former football club and is allocated for 83 dwellings. The site has planning permission for residential development and is under construction as of April 2025.

103. H1Hl: Land at Shepherd Street (Rolls Royce site). The site is located within the existing settlement limits of Hucknall. The site is allocated for 48 dwellings and has the benefit of planning permission. The site is under construction as of April 2025.

104. Site H1Hn: (Phase 2) Land at, Broomhill Farm. The site is located between site H1Hc and the existing built-up area of Hucknall. The site is allocated for 168 dwellings on greenfield land. The site is outside the Green Belt and has the benefit of planning permission and was under construction as of April 2025.

105. H1Ca: Former Hucknall Police Station, Watnall Road, Hucknall. The site has planning permission for a Care home for approximately 73 bedspaces at the former Hucknall Police Station. The existing buildings had been demolished by

April 2025 and development has commenced. In order for the Plan to be effective in respect of this site allocation, **MM44** is necessary to remove references to how dwellings in Class C2 of the Use Classes Order are considered in the housing land supply as this is unnecessary repetition of National Planning Practice Guidance.

106. In light of the current development status of site allocations H1He, H1Hf, H1Hg, H1Hl, H1Hn and H1Ca the principle of residential development has been established, and the allocations do not give rise to any soundness concerns. However, **MM34** updates the potential yield from sites H1Hg and H1Hl to reflect the planning permissions granted and provides an additional column which sets out the progress of each of the allocations. As such, this is necessary for the Plan to be effective.

Kirkby Area site allocations

Site H1Ka: Beacon Farm, Kirkby-in-Ashfield

107. The Beacon Farm site allocation comprises approximately 1.5 ha of land to the south of Kirkby-in-Ashfield. The site includes a number of existing buildings including an existing dwelling along with several outbuildings. The site is within 400m of the ppSPA. However, the site is separated by the A611 which establishes a sufficient buffer between Beacon Farm and the ppSPA.

108. The Plan seeks to remove the site from the Green Belt. Paragraph 140 of the NPPF states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.

109. The site adjoins the existing settlement along its southern boundary. However, it would extend development into the Green Belt as there are only sporadic buildings to the east and north of the site. Nevertheless, the site is bordered to its east by the A611, and Graves Lane to the north which provide a clear physical barrier to define the extent of the allocation to existing boundaries. The site is not visually connected to the existing settlement due to topographical changes to the edges of the site.

110. The Green Belt harm assessment [SEV.07c] finds that overall, the site scores relatively low against the Green Belt purposes. The site would not extend beyond the existing urban area and as a result, there would not be any appreciable increase in the size of the gap between settlements.

Conclusion and exceptional circumstances

111. The allocation would result in a moderate alteration to the Green Belt of around 1.50 ha. The Green Belt assessment identifies the release of this site as a lower performing area, and as a result, being of relatively low harm. Notwithstanding this, some additional structural landscaping to the north and east of the site would minimise the impact on the remainder of the Green Belt by providing additional screening which would lessen the visual impact of future residential development on the site. We have already concluded that at the strategic level, there are exceptional circumstances which justify the release of land from the

Green Belt in Kirkby-in-Ashfield to meet the submitted Spatial Strategy. Therefore, we find that exceptional circumstances exist to remove this site from the Green Belt.

112. On submission, the Plan did not include any specific development requirements for the site within Policy H1. However, the need for landscaping to minimise the impact of the allocation on the Green Belt along with other requirements in relation to specific transport improvements to the adjacent A611 need to be explicitly highlighted in the Plan. Therefore, for effectiveness, **MM45** is necessary in order for a new policy to be inserted which will provide guidance for decision makers when dealing with planning proposals on this site allocation.

113. In addition, in order for the Plan to be justified and accord with the NPPF, **MM46** is necessary to amend the reasoned justification to reflect that there are exceptional circumstances to justify the release of this site from the Green Belt to meet housing needs in accordance with Policy S1.

Site H1Kb: Land off Millers Way, Kirkby

114. This is a greenfield site which was completed in April 2025 and delivered 54 dwellings. As the site has now been completed, there are no soundness concerns in relation to the site.

Site H1Kc: Doles Lane, Kirkby

115. The site comprises brownfield land formerly occupied by secondary and primary schools. The site is identified in Policy H1 for 54 dwellings and there are a number of designated heritage assets in close proximity to the site.

116. The Plan's supporting text does not make reference to the findings of the HIA insofar as development proposals will need to have regard to its recommendations. As a result, **MM47** is necessary for effectiveness to insert new text referencing development being informed by the HIA and that an archaeological assessment should be provided on submission of any future planning application.

Site H1Kd – Off Walesby Drive

117. The site now has the benefit of planning permission and is under construction. In light of this change in circumstance, **MM48** is necessary for effectiveness to amend the supporting text to reflect the latest developments on the site.

Site H1Ke: Land off Diamond Avenue, Kirkby

118. The site at Diamond Avenue extends to approximately 2.2 ha and is allocated for 63 dwellings. The site is within the ownership of the Council, and it is likely to deliver 63 dwellings in years 6-10 of the Plan period.

Site H1Kf: Warwick Close, Kirkby

119. This development has been completed and delivered 34 dwellings.

H1Kg: Land behind 126 Skegby Road, Kirkby-In-Ashfield

120. The site at 126 Skegby Road is some 0.55 ha in size and is programmed to deliver 15 dwellings during 2028/2029.

Site H1Kh: Land Off Hucknall Road, Newstead

121. The site at land off Hucknall Road, Newstead is a greenfield site located to the south of Hazelford Way, adjacent to the village of Newstead. The site extends to approximately 1.55 ha and is allocated for 47 dwellings.

122. The Plan seeks to remove the site from the Green Belt. Paragraph 140 of the NPPF states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.

123. The Green Belt Assessment [SEV.07c] notes that the site is well contained by the Hucknall Road and Annesley Forest plantation to the west. Whilst the site would have some impact on the setting of the nearby Annesley Conservation Area, there is already existing residential development within the Conservation Area (CA) which has significantly eroded the significance of its setting. This erosion, along with the separation between the site and the CA, means that any harm would be limited, which can be addressed as part of detailed proposals. Moreover, the site is bordered to the north and east by existing residential development, and although there would be some encroachment into the countryside, the site would nonetheless have some connection to the existing settlement via its eastern extent.

124. The Green Belt assessment finds that the site would result in moderate harm overall against the Green Belt objectives. However, having regard to the containment of the site by the plantation and existing residential development, it would be a clearly defined and contained site.

Conclusion and exceptional circumstances

125. The allocation would result in a moderate alteration to the Green Belt of approximately 1.55 ha. Overall, the Green Belt assessment finds that the site would result in moderate harm to the Green Belt objectives.

126. We have already concluded that at the strategic level, there are exceptional circumstances which justify the release of land from the Green Belt in Kirkby-in-Ashfield to meet the submitted Spatial Strategy. Therefore, we find that exceptional circumstances exist to remove this site from the Green Belt.

127. In order for the Plan to be effective and accord with the NPPF, **MM49** is also necessary to amend the reasoned justification at paragraph 6.37 to reflect that exceptional circumstances exist to amend the Green Belt boundary to exclude the site allocation from the Green Belt.

Site H1Kk – Land off Laburnum Avenue, Kirkby-in-Ashfield

128. The site now has the benefit of planning permission and is under construction. It is expected to deliver 38 dwellings. As such, **MM50** is necessary for effectiveness to amend the supporting text to reflect the latest developments on the site.

H1Kl: Central Avenue, Kirkby

129. The development at Central Avenue is within the Main Urban Area of Kirkby and has been completed. The development delivered 16 affordable units.

Site H1Km: Abbey Road, Kirkby

130. The site is an area of greenfield land extending to approximately 1.40 ha and is located to the west of Kirkby-in-Ashfield. The site has been identified in the SHELAA as suitable and achievable and since being subject to public consultation earlier in the examination, planning permission has been granted for 38 dwellings.

131. The site is assessed as a small part of parcel 2 which is a wider area of land identified as KA01 within the Green Belt assessment. It adjoins the existing settlement of Kirkby and is bordered by existing residential development to the west. Whilst the site would extend built development, it would not extend further into the Green Belt than the existing linear development to its south.

132. Although the site does currently form part of the gap between Kirkby and Ravenshead (in Gedling Borough), the limited extent of the site would not result in an appreciable reduction in the space between these settlements.

Conclusion and exceptional circumstances

133. The allocation would result in a moderate alteration to the Green Belt in Kirkby-in-Ashfield of approximately 1.40 ha. The Green Belt assessment finds that the wider site would result in a moderate level of harm to the Green Belt. However, as the allocation comprises a much smaller component of the wider site that was assessed, its actual harm to the criteria relating to checking the unrestricted sprawl of settlements and safeguarding the countryside from encroachment would likely be less if assessed separately due to its smaller size. Furthermore, the component of the site which has been allocated directly adjoins the existing urban area of Kirkby and has a clear relationship to built development.

134. We have already concluded that at the strategic level, there are exceptional circumstances which justify the release of land from the Green Belt in Kirkby-in-Ashfield to meet the submitted Spatial Strategy. Therefore, we find that exceptional circumstances exist to remove this site from the Green Belt.

135. In order for the Plan to be justified and effective, **MM51** is necessary to amend the reasoned justification to include site specific guidance for the site. It is also necessary to make a further amendment to the reasoned justification that accompanies this site to reflect that exceptional circumstances have been demonstrated which justify the release of the site from the Green Belt.

Site H1Kn: Southwell Lane, Kirkby

136. The site is an area of previously developed land extending to approximately 2 ha located off Southwell Lane and is identified for 60 dwellings. The site is within the main urban area of Kirkby and as a result, is suitable for residential development. As this site was identified for allocation during the examination, in order for the Plan to be effective, **MM51** is necessary to insert text into the reasoned justification to provide some site-specific guidance for consideration as part of future planning applications.

H1Ko: Former Kirkland's Care Home, Fairhaven, Kirkby

137. The site is previously developed. The site extends to 0.55 ha within the Main Urban Area of Kirkby. The site is owned by the Council and allocated for the development of 20 affordable dwellings. Planning permission for the development has been granted, providing a clear expectation that the site will be delivered during the plan period. As this site was identified for allocation during the examination, in order for the Plan to be effective, **MM51** is necessary to insert text into the reasoned justification to provide some site-specific guidance for consideration as part of future planning applications.

H1Kp: Pond Hole, Kirkby

138. The site comprises an area of vacant brownfield land extending to 0.49 ha within the urban area of Kirkby and is allocated for 54 dwellings. The site is a private/Council site and there is a joint fund programme to assist the site's development, and it is expected to come forward within the first five years of the Plan. As this site was identified for allocation during the examination, in order for the Plan to be effective, **MM51** is necessary to insert text into the reasoned justifications to provide some site-specific guidance for consideration as part of future planning applications.

H1Kq: Former Wyvern Club site, Lane End, Kirkby

139. The site is a vacant area of previously developed land at the former Wyvern Club and is allocated for 12 dwellings. The site lies within the town centre of Kirkby within the urban area and is acceptable in principle for residential development. The site now has planning permission for its redevelopment to provide for 12 dwellings. As this site was identified for allocation during the examination, in order for the Plan to be effective, **MM51** is necessary to insert text into the reasoned justification to provide some site-specific guidance for consideration as part of future planning applications.

H1Kr: Ellis Street, Kirkby

140. The site comprises an area of previously developed land extending to approximately 0.20 ha located off Ellis Street, Kirkby and is currently used for parking, leisure and commercial units. The site is allocated for 24 dwellings and is located within the main urban area of Kirkby. As a result, due to its location, the principle of residential development would be acceptable. As this site was identified for allocation during the examination, in order for the Plan to be

effective, **MM51** is necessary to insert text into the reasoned justification to provide some site-specific guidance for consideration as part of future planning applications.

Policy H2a: Gypsy, Traveller and Travelling Showpeople Site Allocations

141. The Plan seeks to identify two allocations under Policy H2a to provide a total of 14 Plots for travelling showpeople. These are to be provided in phases 2 and 3 on land off Park Lane, Kirkby-in-Ashfield.

142. The Plan also identifies land east of Park Lane for the allocation of 4 pitches for Gypsies and Travellers to meet the identified needs over the Plan period. The site has planning permission for Gypsy and Traveller pitches. All three of the sites are located to the south-west of Kirkby-in-Ashfield and are in close proximity to the existing settlement boundary. Therefore, future occupiers will be able to access services and facilities in Kirkby-in-Ashfield. Overall, we are satisfied that the allocations are justified and soundly based.

Other Kirkby-in-Ashfield site matters

143. In order to ensure the Plan is effective, **MM52** is necessary to update paragraph 6.40 of the reasoned justification to include references to the further sites identified during the examination in Kirkby and to reflect that these sites were granted planning permission prior to January 2026.

Sutton Area Site Allocations

H1Sa: Rear of 211 Alfreton Road

144. This is a greenfield site measuring some 4.1 ha and is allocated for 110 dwellings. As at April 2025, the development at the rear of 211 Alfreton Road is currently under construction. As such, we are satisfied that the site is acceptable for residential development and soundly based.

H1Sb: South of Vision West Nottinghamshire College, Cauldwell Road

145. The site at Vision West is the subject of a planning obligation that is currently being negotiated. Once completed, planning permission will be granted on this greenfield site which is expected to deliver 208 dwellings.

H1Sc: West of Fisher Close, Skegby

146. The development at Fisher Close is currently under construction. This greenfield site is expected to deliver 84 dwellings.

H1Sd: Adj. Oakham Business Park, Off Hamilton Road

147. The land adjacent Oakham Business Park, off Hamilton Road extends to approximately 9.99 ha and is allocated for 225 dwellings. The site is located adjacent to an existing employment area and is also in close proximity to the Hamilton Hill Scheduled Monument. As such, the HIA identifies a number of recommendations for enhancement and mitigation measures to ensure harm is

avoided to the Monument from the site allocation. These measures would lessen harm to the significance of the heritage asset and thus ensure that the allocation is justified and deliverable. Since the Plan has been in examination, the site has been granted outline planning permission.

148. In order to ensure that the Plan is effective, **MM53** is necessary to insert additional text into the reasoned justification to reflect the counterpoint view to the Monument and other important views which should remain unobstructed and/or undeveloped.

H1Se: Priestic Road

149. The site at Priestic Road is located within the Sutton Main Urban Area and is allocated for 19 dwellings. It comprises a brownfield site within a former railway cutting and is affected by a number of constraints, including land contamination and evidence of surface water flooding, although it lies within Flood Zone 1. The site previously benefited from planning permission for development. The Council considers that any remediation and site preparation costs necessary to facilitate residential development should be reflected in the site's land value and purchase price. The site is expected to deliver approximately 19 dwellings and is anticipated to come forward during years 9 to 10 of the plan period. Overall, we are satisfied that the site is justified and sound.

H1Sf: Rear 23 Beck Lane, Skegby

150. The site extends to approximately 0.84 ha and is allocated in the Plan for 23 dwellings. Since the examination has been in progress, planning permission has been granted for 33 affordable dwellings. The applicant is currently discharging relevant conditions so that the development can begin and the site is expected to come forward in 2028/29. As such, **MM54** is necessary to amend the reasoned justification to reflect the approved permission for effectiveness. Also, for effectiveness, **MM55** is necessary to reflect the need for proposals to provide an archaeological assessment at the detailed planning stage.

H1Sg: Former Miners Welfare Sports Ground, Stanton Hill

151. The site at the former Miners Welfare Sports Ground is a part greenfield, and part previously developed site that lies adjacent to the urban area to the north of Sutton. The site extends to approximately 3.78 ha and is allocated in the Plan for 85 dwellings. Since the Plan has been in examination, the site has full planning permission and is to be delivered within the first 5 years. As a result, **MM56** is necessary to amend the supporting text to reflect the extant planning permission for effectiveness.

H1Sh: Pasture Farm, Alfreton Road

152. The site at Pasture Farm, Alfreton Road extends to approximately 1.13 ha and is allocated for 34 dwellings which the updated housing trajectory indicates will be delivered in years 2031/32. Evidence in the SHELAA (ref SA025) points to the potential for contamination of topsoil on the site which would require some consideration, but this would not of itself render the allocation unsound. However, there is some evidence that ground stability could be a constraint on

the site if proven by geotechnical investigations. However, we do not consider these matters to prejudice the allocation of the site for residential development. These potential issues are included within the supporting text to Policy H1 in order to highlight any impacts to landowners/prospective developers.

153. The Council has been made aware of developer interest on this site, with an option agreement in place to enable access to the site. We are content that there is a reasonable prospect that the site will come forward for development at the point envisaged.

H1Si: Rear Kingsmill Hospital

154. The site to the rear of the Kingsmill Hospital extends to around 14.64 ha and is allocated for approximately 264 dwellings. The effects of the allocation on heritage assets have been assessed within the HIA at pages 108 to 113 [SEV.17]. The site is located approximately 4.2km southeast of Hardwick Hall Park, a Grade II* Registered Park and Garden. Although the site lies within a character analysis area for the park, the designated heritage asset is sufficiently distant that the allocated site will not harm the significance or setting of the park.

155. The allocation would cause harm towards the upper end of the less than substantial range to Dalestorth House. The asset and its curtilage are already surrounded to the east, west and southwest by housing development. A buffer of greenery is provided by its gardens and an abundance of trees. The house is mostly visually divorced from its historically rural landscape. The asset's location on one of the main roads out of Skegby allows its original function as an Inn for travellers to be understood.

156. Potential harm caused to views could be mitigated by retention and enhancement of trees along Skegby Lane as well as a green buffer between the road and development. This could be achieved by the retention of all or part of the Skegby Horticulture Unit. This green buffer is essential for keeping open views of the landscape to the south, which the current house was specifically designed to enjoy.

157. The Plan does not provide clear policy guidance to guide subsequent planning applications on the site. As such, **MM57** is necessary to insert a new policy for site H1Si for effectiveness. **MM59** is also necessary to amend the supporting text to reflect the inclusion of the site masterplan into Appendix 11 of the Plan for effectiveness. Furthermore, for effectiveness, **MM58** is necessary to amend the supporting text to reflect the findings of the HIA and the need for an archaeological desk-based assessment.

H1Sj: Cleggs Hill Drive, Huthwaite

158. The site at Cleggs Hill Drive, Huthwaite extends to approximately 4.62 ha and is allocated in the Plan for 104 dwellings. The site is located to the north of Huthwaite adjacent to existing residential development. The site is in the ownership of the Council and is expected to be delivered from Year 8 of the housing trajectory onwards. We are satisfied that the allocation is justified and soundly based.

H1Sk: Sunnyside Farm, Blackwell Road, Huthwaite

159. The site at Sunnyside Farm is a greenfield site extending to approximately 18.89 ha and is allocated for 350 dwellings. The site has been considered in the SHELAA [SA.058] and is expected to deliver 350 dwellings as depicted on the masterplan that has been prepared by the Council. The site does not have planning permission.

160. The Plan does not include any specific development requirements for the site within Policy H1. As a result, **MM60** is necessary to insert new Policy H1Sk into the Plan which provides development requirements for the site along with the requirement to have regard to the masterplan for the site in Appendix 11 for effectiveness. **MM60** is also required to be further amended to remove references to two points of vehicle access to allow for flexibility following any updated evidence submitted and agreed at the detailed planning stage. **MM62** is consequently also necessary for effectiveness to amend the supporting text to reflect that the masterplan is now included at Appendix 11. For the same reason, **MM61** is necessary to amend the supporting text to reflect that surface water flows may require mitigation.

H1Sl: North of Fackley Road, Teversal

161. This 5.09 ha greenfield site located to the north of Fackley Road, is allocated for 124 dwellings. Since the examination has been in progress, development on the site has begun and is expected to deliver 124 dwellings. We are satisfied that the allocation is justified and sound.

162. For effectiveness, **MM63** is necessary to reflect that the site was granted planning permission in January 2026.

H1Sm: Land adjacent 88 High Hazels Drive

163. This greenfield site extending to approximately 0.41 ha is allocated for 18 dwellings. The site which now has planning permission is justified and soundly based.

164. For effectiveness, **MM64** is necessary to amend paragraph 6.66 of the supporting text to reflect the most recent position on the site which is that there is now an extant permission on the site and references to a previous lapsed permission are no longer relevant.

H1Sn: Adjacent Molyneux Farm, Fackley Road, Teversal

165. The land adjacent to Molyneux Farm extends to approximately 0.5 ha and is allocated in the Plan for approximately 14 dwellings. The SHELAA (SA064) identifies the site as potentially suitable and achievable to deliver 14 units in the years 2028/29. We are satisfied that the allocation is justified and sound.

H1So: Off Fackley Road, Teversal

166. This site is linked to site H1Sn which should be brought forward as a comprehensive development of both sites. This site is expected to deliver 12 units. We are satisfied that the allocation is justified and sound.

H1Sq: Hardwick Lane recreation ground, Sutton-In-Ashfield

167. The site at Hardwick Lane is the former recreation ground which extends to approximately 1.10 ha and is allocated for 40 dwellings. The development at Hardwick Lane recreation ground is currently underway and will deliver 40 dwellings. The site is therefore justified and soundly based.

168. For effectiveness, **MM65** is necessary to insert new text at the end of paragraph 6.71 of the supporting text to reflect the fact that planning permission was granted in January 2026.

H1Sr: Land off Clare Road

169. This site has planning permission for 69 affordable dwellings which was granted in November 2025. Development on this site is expected to deliver over the period 2026/2027.

H1Ss: Land East of A6075 Beck Lane, Skegby

170. The site east of A6075 Beck Lane is a greenfield site that extends to around 11.80 ha. It is allocated for approximately 212 dwellings.

171. The Plan does not include any specific development requirements for the site within Policy H1. However, the need to provide guidance to establish the location of access points, secure pedestrian and cycle routes through the site, the requirement for a heritage statement and archaeological assessment, appropriate design to reflect existing mature trees and the securing of recreational space for community use mean that **MM66** is necessary to insert a new site-specific policy for site H1Ss to ensure effectiveness. **MM68** is necessary to add new supporting text to paragraph 6.75 to reference the HIA. **MM69** is also necessary for effectiveness to alter the text of paragraph 6.76 of the Plan to reference the masterplan for the site which is now included at Appendix 11.

172. Since the Plan has been in examination, the site has been granted planning permission for the delivery of 230 dwellings, albeit it had not commenced as of January 2026. As a result, **MM67** is necessary to update paragraph 6.72 of the supporting text for effectiveness to reflect the latest planning status of the site.

H1St: Land off Blackwell Road/Main Street, Huthwaite

173. The site at Blackwell Road has permission for 90 dwellings which are currently under construction. To ensure that the supporting text to this site is accurate **MM70** is necessary for effectiveness to amend the supporting text to reflect the extant planning permission on the site.

H1Su: Rear 113 – 139 Beck Lane, Skegby

174. Part of this site has planning permission with approximately 91 units expected to be delivered with development likely to start in 2027. To ensure that the supporting text to this site is accurate **MM71** is necessary for effectiveness to amend the supporting text to reflect the extant planning permission on the site.

H1Sw: Off Gilcroft Street/St Andrews Street/Vere Avenue, Skegby

175. This is a greenfield site that will deliver 206 dwellings. The development is currently under construction.

H1Sx: Rear 249, 251 Alfreton Road

176. The development at Alfreton Road was completed in 2025 and delivered 43 dwellings.

H1Sy: Off Brand Lane, Stanton Hill

177. The development off Brand Lane is currently under construction and will deliver 70 dwellings.

H1Sz: Junction of Outram Street/Park Street

178. A planning permission at Outram Street has lapsed and is likely now to deliver 24 dwellings in year 8/9.

H1Saa: Land at Beck Lane, Skegby

179. The development at Beck Lane is currently under construction and will deliver 322 dwellings up to 2032/2033.

H1Sac: The Quarry, 57 Stoneyford Road

180. The development at The Quarry is currently under construction and will deliver 47 dwellings.

H1Sad: The Pattern House, Crossley Avenue, Huthwaite

181. This is a brownfield site and it is anticipated that it will deliver 23 dwellings during 2026/2027.

H1Sae: Ashland Road West

182. The development at Ashland Road West is currently under construction and will deliver 300 dwellings by 2032/33.

H1Saf: Midland Road

183. The development at Midland Road on a greenfield site has been completed and delivered 20 dwellings.

H1Sag: Quantum Clothing Site, North Street, Huthwaite

184. To ensure that the supporting text to site H1Sag is correct and to make the Plan effective, paragraph 6.81 is modified by **MM72** to acknowledge that the site at Quantum Clothing has planning permission for 61 dwellings. It is a brownfield site, and development has yet to commence.

H1Sah: 208 Mansfield Road

185. Planning permission has yet to be granted at this brownfield site which is expected to deliver 36 dwellings.

H1Sai: Pendean Way, Sutton

186. The site at Pendean Way is currently under construction. This is a greenfield site that will deliver 12 units.

H1Saj: Between Redcliffe Street and Leyton Avenue, Sutton

187. The site at Redcliffe Street and Leyton Avenue has outline planning permission and a reserved matters application is awaited. This is a brownfield site and will deliver 18 units.

H1Sak: Rookery Lane, Sutton

188. The owner of this site has completed a planning obligation and discharged planning conditions to enable works to start at the site. This site is Phase 2 of site H1Sx and is expected to deliver approximately 78 units.

H1Sal: Newark Road/ Coxmoor Road

189. The site at Newark Road has outline planning permission and, as of April 2026, a reserved matters application was being considered by the Council. The site is expected to deliver 300 units.

H1Sam: Beck Lane South, Skegby

190. The site at Beck Lane is owned by Nottinghamshire County Council and is located adjacent to the existing urban area of Skegby, surrounded by existing and proposed development. Directly north of the site is site allocation H1Saa which is currently being developed and the smaller site allocation H1Sf abuts to the southeast.

191. The Teversal Pastures SSSI is located approximately 1km to the north-west of the site. In order to ensure that the development of the site will not harm the interest features of the site, evidence needs to be submitted at the planning stage to ensure any potential effects can be fully considered. As such, a further amendment to **MM73** is necessary for effectiveness to insert some additional supporting text to Policy H1Sam to reflect the need for such evidence to be submitted.

H1San: Radford's Farm, Dawgates Lane, Skegby

192. The site at Radford's Farm has a resolution to grant planning permission subject to the applicant entering into a planning obligation with the Council. The development is expected to deliver 90 dwellings.

193. **MM73** adds new supporting text after paragraph 6.82 for the additional allocations that have been identified by the Council. These sites are listed above as H1Saj, H1Sak, H1Sam, and H1San. This modification is required to ensure that the Plan is positively prepared and effective.

194. **MM74** modifies paragraph 6.84 to update the housing allocations that have the benefit of planning permission, details of which can be found at Appendix 2 of the Plan. This modification is required to ensure that the Plan is positively prepared and effective.

Selston, Jacksdale and Underwood Site Allocations

H1Va: Land at Plainspot Farm, New Brinsley, Underwood

195. The site adjacent to Plainspot Farm is a greenfield site extending to approximately 1.56 ha which is allocated for 42 dwellings. The site is located within the Green Belt adjoining the village of Brinsley, which is predominantly located within the neighbouring authority area of Broxtowe Borough.

196. The Plan proposes to remove the site from the Green Belt. Paragraph 140 of the National Planning Policy Framework states that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.

197. The site comprises agricultural land and, according to the Green Belt Harm Report [SEV.07g], development of the site for residential purposes would result in a relatively low level of overall harm to the Green Belt and would not significantly undermine its purposes. Furthermore, the site is adjacent to an existing settlement identified within the Plan's settlement hierarchy, where residents have access to a range of services and facilities.

Conclusion and exceptional circumstances

198. The Council's spatial strategy seeks to deliver sustainable and proportionate growth across the District, including within larger and more sustainable villages, in order to support the retention and viability of local services and facilities. The development of this site would contribute towards meeting the District's identified housing need in a sustainable location and would support the Plan's dispersed strategy for growth.

199. Taking these factors together, namely the relatively low harm to the Green Belt, the contribution the site would make towards meeting identified housing needs, its sustainable location adjacent to a named settlement, and its role in delivering the spatial strategy, we are satisfied that exceptional circumstances exist to justify the release of the site from the Green Belt. Consequently, the proposed

modification to the Green Belt boundary is justified and consistent with the NPPF.

200. The Plan does not include any specific development requirements for this site within Policy H1. Therefore, to ensure that the Plan is positively prepared and effective, **MM75** and **MM76** add a new housing policy for site H1Va: Plainspot Farm, to set out how much development the site is likely to deliver. It also seeks to ensure that detailed landscaping is provided to mitigate the impact of the development on the Green Belt.

H1Vb: Off Westdale Road, Jacksdale

201. The site off Westdale Road extends to approximately 2.16 ha and is allocated in the Plan for 49 dwellings. Since the examination has been in progress, planning permission has been granted at the site for 64 dwellings, albeit this had not commenced as of January 2026. For effectiveness, **MM34** is necessary to update the site capacity to 64 dwellings to reflect the approved scheme. Subject to this modification we are satisfied that the allocation is justified and soundly based.

H1Vc: Land Adj. Bull & Butcher Public House, Selston

202. The site adjacent to the Bull & Butcher public house lies within the Green Belt and is well contained by existing residential development to the east and west. It has been assessed through the SHELAA (ref. SJU014) as potentially suitable, available and achievable for development.

203. The Plan proposes to remove the site from the Green Belt. Paragraph 140 of the National Planning Policy Framework states that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.

204. Selston is a large village containing a range of services and facilities and is among the most sustainable settlements in the rural area in accessibility terms. The Plan's spatial strategy seeks to deliver sustainable and proportionate growth within villages to support the retention and viability of local services and facilities. Development in this location would contribute towards meeting the District's housing needs in a sustainable location and would support the Council's dispersed strategy for growth across the District.

Conclusion and exceptional circumstances

205. The allocation would result in a moderate alteration to the Green Belt of approximately 6.60 ha. The Green Belt Harm Report [SEV.07d] identifies that development of the site would result in a relatively low level of overall harm to the Green Belt. We have already concluded that at the strategic level, there are exceptional circumstances which justify the release of land from the Green Belt in Selston to meet the submitted Spatial Strategy.

206. Taking into account the low level of harm to the Green Belt, the contribution the site would make towards meeting identified housing needs, its sustainable location adjacent to a key settlement, and its role in delivering the spatial

strategy, we are satisfied that exceptional circumstances exist to justify the release of the site from the Green Belt. Consequently, the proposed modification to the Green Belt boundary is justified and consistent with the NPPF.

207. On submission, the Plan did not include any specific development requirements for this site within Policy H1. Therefore, **MM77** and **MM78** add a new housing policy for site H1Vc: Land adjacent to the Bull & Butcher public house, to set out how much development the site is likely to deliver. It also seeks to ensure that detailed landscaping is provided to mitigate the impact of the development on the Green Belt. In addition, **MM79** modifies para 6.87 to recognise that the site, as of October 2025, has a resolution to grant outline planning permission for 149 homes, subject to the completion of an agreement under section 106 of Town and Country Planning Act 1990 (as amended). These modifications are required to ensure that the Plan is positively prepared and effective.

H1Vd: Adjacent to 149 Stoney Lane, Selston

208. The site is allocated for 6 dwellings. However, for effectiveness, **MM80** is necessary to delete this site as an allocation due to its size being below the Council's 10 dwelling threshold for allocations and to avoid double-counting with the small site windfall allowance in the housing trajectory.

H1Ve: Land Off Park Lane/South West M1, Selston

209. The land off Park Lane/ South West M1 is a greenfield site extending to approximately 9.39 ha and is allocated for approximately 167 dwellings. The site is located adjacent to the existing built-up area of Selston and is well contained by the M1 motorway to the north and existing residential development to the west. The site is currently the subject of a planning application for residential use.

210. The Plan proposes to remove the site from the Green Belt. Paragraph 140 of the National Planning Policy Framework states that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.

211. The site is comprised of two parcels of land, which the Green Belt Harm Report [SEV.07d] identifies would not extend beyond the existing urban area and would be visually connected to the existing settlement. The M1 motorway provides a strong and defensible boundary to the Green Belt to the north of the site, and the assessment finds that development would result in a relatively low level of overall harm to the Green Belt.

Conclusion and exceptional circumstances

212. Selston is a large village with a range of services and facilities and is among the most sustainable settlements in the rural area in accessibility terms. The Plan's spatial strategy seeks to deliver sustainable and proportionate growth within villages to support the retention and viability of local services and facilities. As such, development in this location would contribute towards meeting the

District's housing needs in a sustainable location and would support the Council's dispersed strategy for growth across the District.

213. Taking these factors together, namely the relatively low harm to the Green Belt, the contribution the site would make towards meeting identified housing needs, its sustainable location adjacent to a key settlement, and its role in delivering the spatial strategy, we are satisfied that exceptional circumstances exist to justify the release of the site from the Green Belt. Consequently, the proposed modification to the Green Belt boundary is justified and consistent with the NPPF.

214. On submission, the Plan did not include any specific development requirements for this site within Policy H1. Therefore, **MM81** inserts Policy H1Ve: Land off Park Lane/ South West M1, Selston, which sets out how much development the site is likely to deliver. The new policy also seeks to ensure that detailed landscaping is provided to mitigate the impact of the development on the Green Belt and to ensure that any planning applications are accompanied by impact assessments to consider the effects of the M1 Motorway.

H1Vg: Land North of Larch Close, Underwood

215. The land North of Larch Close is a predominantly greenfield site extending to approximately 3.02 ha and is allocated for 52 dwellings. The site is located adjacent to the existing built-up area of Underwood and is well contained by mature trees and hedgerows, with existing residential development to the south-west. The site currently comprises stables, a manége, grazing land, areas of dense tree cover to the north, and a dwelling at 99 Mansfield Road. It has been assessed through the SHELAA (refs. SJU031 and SJU043) as available, potentially suitable and achievable for development.

216. The Plan proposes to remove the site from the Green Belt. Paragraph 140 of the National Planning Policy Framework states that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans.

217. The Green Belt Harm Report (SEV.07d) identifies that development of the site would result in a moderate level of overall harm to the Green Belt. However, the allocation would provide an opportunity to address existing highway issues in the area, particularly those arising from heavy goods vehicles using the narrow Sandhills Road corridor to access Junction 27 of the M1 motorway. These issues stem in part from constraints at the Alfreton Road/Mansfield Road junction, which limit the ability of larger vehicles to turn safely. Development of the site would facilitate the provision of a new high-standard link road, thereby improving its connectivity and offering benefits to both highway users and local residents.

Conclusion and exceptional circumstances

218. The Plan's spatial strategy seeks to deliver sustainable and proportionate growth within villages to support the retention and viability of local services and facilities. Development in this location would contribute towards meeting the

District's housing needs in a sustainable location and would support the Council's dispersed strategy for growth across the District.

219. Taking these factors together, namely the moderate harm to the Green Belt, the contribution the site would make towards meeting identified housing needs, its sustainable location adjacent to a key settlement, and its role in delivering the spatial strategy, we are satisfied that exceptional circumstances exist to justify the release of the site from the Green Belt. Consequently, the proposed modification to the Green Belt boundary is justified and consistent with the NPPF.

220. On submission, the Plan did not include any specific development requirements for this site within Policy H1. Therefore, to ensure that the Plan is positively prepared and effective, **MM82** and **MM83** add a new housing policy for site H1Vg: Land north of Larch Close, to set out how much development the site is likely to deliver. The new policy seeks to ensure that detailed landscaping is provided to mitigate the impact of the development on the Green Belt.

H1Vh: Rear of 64-82 Church Lane, Underwood

221. The site known as Rear of 64-82 Church Lane is allocated for 10 dwellings. Part of the site has planning permission. The site is expected to deliver 10 dwellings with development at the site yet to take place.

222. **MM84** modifies para 6.94 to recognise that part of the site, as of January 2026, has outline planning permission for the construction of five custom built homes. This modification is required to ensure that the Plan is positively prepared and effective. Overall, subject to the MM, we are satisfied that the allocation is justified and sound.

H1Vi: Westdale Road/Rutland Road, Jacksdale

223. The site at Westdale Road is allocated for 22 dwellings. The site is located wholly within Flood Zone 1. Overall, we are satisfied that the allocation is justified and sound.

H1Vj: Land off Main Road, Jacksdale

224. The site benefits from full planning permission for 81 dwellings, with a Section 106 Agreement completed in August 2024. Progress has already been made towards implementation, including the completion of street naming and numbering and the discharge of a number of planning conditions in October 2024. The developer is currently active elsewhere in the District at the Miller's Way allocation (Policy H1Kb), where development is nearing completion. It has been indicated that construction of this site is intended to commence following the completion of the Miller's Way scheme.

225. **MM85** modifies para 6.97 to recognise that the site, as of April 2024, has planning permission, the details of which can be found at Appendix 2 and provides information of the type of permission, the application reference and estimated delivery timescales. This modification is required to ensure that the Plan is positively prepared and effective. Overall, subject to the MM, we are satisfied that the allocation is justified and sound.

Conclusion

226. Subject to the MMs identified above, we conclude that the Plan's site allocations are underpinned by proportionate and robust evidence. They represent a justified and effective means of contributing to the overall requirement for 7,582 dwellings over the plan period. In addition, the allocations make an appropriate contribution to meeting identified needs for commercial, retail and community infrastructure, thereby supporting the delivery of a balanced and sustainable development strategy. Where alterations to the Green Belt are proposed, we are satisfied, for the reasons set out above, that exceptional circumstances have been demonstrated. The allocations are therefore justified, effective and consistent with the NPPF.

Issue 5 - Whether the Plan would be effective in ensuring the housing requirement would be met and whether there would be 5 year supply of deliverable housing sites on adoption

Total Supply over the Plan period

226. As set out under Issue 1 above, the annual housing requirement is 446 dwellings per year. When this is applied over the plan period, this results in a total requirement of 7,582 dwellings (2023 to 2040).

227. Since the plan period has commenced, there have been approximately 907 completions between the start of the plan period and the most recently available monitoring base date of April 2025. This results in the requirement for 6,675 dwellings in the period between 1st April 2025 and 31st March 2040.

228. Table 2 as updated by **MM18** sets out the updated future supply sources for the overall housing supply for the Plan. As at the base date for monitoring, the Council has indicated that approximately 342 dwellings have permission on small sites. Further supply from large sites with planning permission accounts for 2,638 dwellings. Allowances have also been made for lapsed permissions and demolitions.

229. On submission, the Plan identified a windfall allowance of 60 dwellings per year. However, during the examination, the Council indicated that this figure should be increased to 91 dwellings per year reflecting a number of years of higher windfall post-2015. The Council's Housing Background paper [BP.02] indicates that the average small site windfall over the period 2011-2021 is approximately 72 dwellings. However, the rate in several of the years in this period are significantly above average, and as such, there is evidence that the submitted windfall rate may be overly cautious and fail to reflect the true position. As a

result, we find the amended windfall allowance of 91 dwellings per year taken from year 3 onwards to avoid any double counting with extant permissions on small sites to be justified in this instance. This results in a contribution of approximately 1,092 dwellings over the plan period.

230. Overall, the total supply over the period 2025-2040 is approximately 7,266 dwellings including the additional sites identified by the Council during the examination period. Taking into account the 907 dwellings completed since the start of the Plan period in 2023, this represents a forecast surplus of 591 dwellings to 2040.

Five-Year Housing Land Supply

231. Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement.

232. In light of the additional sites to be allocated in the Plan, and having regard to further planning permissions granted, it is necessary for the Council to prepare an updated housing trajectory. As such, **MM106** therefore inserts an amended trajectory (at Appendix A of the MMs Schedule) which shows that housing completions would exceed the minimum housing requirement in each of the first five years following the anticipated adoption date of the Plan.

233. Whilst there was a very minor shortfall against the minimum requirement in 2023/24, there was a slight exceedance in 2024/25. Therefore, we accept that there has been no persistent under-delivery of homes since the start of the plan period. Based on a minimum of 446 dwellings per year plus a 5% buffer, the five-year housing land requirement is 2,342 (446 x 5 + 5%).

234. The Housing Background Paper [BP.02] sets out the assumptions used to forecast the likely rates of housing delivery from allocated and consented sites. The Council has also utilised evidence from developers on the anticipated build-out rates for sites with permission which have informed the forecasts.

235. The district summary table which has been updated to October 2025, shows forecast completions in 2026/27 as 587 dwellings, 601 in 2027/28, 575 in 2028/29, 477 in 2029/30 and 632 in 2030/31. This would result in a forecast total of 2,872 dwellings at 2030/31. As a result, it would exceed the 5 year housing land requirement. In order for the Plan to be justified and effective, **MM106** is necessary to update the district summary tables in Appendix A of the Plan with the version updated to April 2025.

236. In order for the Plan to be justified and effective, **MM105** and **MM106** are necessary to update Appendix 2 of the Plan to reflect the updated data arising from supply from large sites without planning permission, and the number of planning permissions deliverable within 5 years from adoption.

Conclusion

237. In light of the above, we conclude that subject to the MMs identified within our report there is a reasonable prospect that there would be a housing land supply of over 5 years on adoption of the Plan.

238. The housing trajectory also identifies the sites expected to contribute to housing supply beyond the first five years following adoption. Having regard to the evidence concerning the suitability, availability and achievability of those sites, we are satisfied that there is a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Issue 6 – Are the Plan's policies for housing based upon robust evidence, justified, consistent with the NPPF and are they likely to be effective?

Policy S7: Meeting Future Housing Provision

239. Policy S7 is a strategic policy which provides the overall context for meeting future housing provision within the Plan. We have addressed the soundness of the overall housing need and requirement under Issue 1 above. Policy S7 provides the strategic policy 'hook' within the Plan to support wider housing requirements such as housing for those with specialist needs such as older people, and those with disabilities, as well as support for custom and self-build dwellings and high-quality sustainable design.

240. We address the land supply position in detail in Issue 5. However, in light of the additional sites identified by the Council, the reasoned justification to Policy S7 would not be accurate. Therefore, to ensure that the Plan is in conformity with paragraph 72 of the NPPF regarding the number of years housing supply, **MM16** deletes the part of paragraph 3.63 which refers to proposed housing allocations and supply from small sites will provide for some 13 years' worth of housing supply. In addition, **MM17** deletes paragraph 3.64 of the reasoned justification which simply repeats paragraph 33 of the NPPF which is necessary for the effectiveness of the Plan.

241. As a consequence of the Council's identification of additional sites to meet the requirements of the Spatial Strategy, Table 2 which sets out the Council's housing requirement and future supply source would also no longer be accurate. As a result, **MM18** is necessary to update Table 2 with the latest available, up-to-date information in respect of net homes delivered and future supply in order to ensure that Policy S7 is effective. A further amendment to **MM18** is also necessary to reflect that future housing supply source information is based to 1 April 2025 for effectiveness.

242. Policy S7 also includes the strategic expectation that sufficient pitches or plots will be identified for Gypsies, Travellers and Travelling Showpeople. The Greater Nottinghamshire and Ashfield Gypsy and Traveller Accommodation Assessment (GTAA) and the accompanying update [SEV.21 and SEV.21a] set out that there is a net overall need for 4 pitches for Gypsies and Travellers to 2038, and a need for 14 plots for Travelling Showpeople by 2038.

243. The GTAA identifies that in the first period of the study from 2020-2025, the need for pitches in Ashfield has been met through the planning approval of a site in Hucknall. Whilst the overall study period falls 2 years short of the overall plan period (ending in 2038 as opposed to 2040), the GTAA identifies sufficient supply for at least the next 10 years. Due to the relatively short time period over which the GTAA does not cover, we do not consider it expedient to delay the progress of the Plan further in order to seek any additional evidence to cover this period. Furthermore, any proposals which may come forward can be addressed via the criteria in Policy H2. A new Local Plan, prepared under the National Planning Policy Framework (2026) within the next 5 years will also provide an opportunity to address any remaining shortfall over the longer term.

244. Turning to the requirements for Travelling Showpeople, the GTAA identifies a total net need of 14 plots to 2038, with a need for 7 plots by 2025. The GTAA update [SEV.21a] indicates that 7 plots have already been provided in Kirkby during the period 2020-2025, leaving a remainder of 7 plots required to 2038. This is proposed to be met through a further allocation to extend the Kirkby site.

245. Overall, we find that the Plan's approach to providing Gypsy and Traveller pitches and travelling showpeoples plots is justified and supported by evidence. However, on submission, Policy S7 did not set out the overall number of pitches against which the Plan would identify allocations to meet, and thereby not clearly quantify the scale of pitches required. Paragraph 20 of the NPPF expects strategic policies to set out the scale and make provision for housing, which would include pitches and plots for Gypsies, Travellers and Traveling Showpeople. As a result, Policy S7 would not be effective.

246. Therefore, **MM15** is necessary to modify Policy S7 to include the number of Gypsy and Traveller pitches required in the first 5 year period of the Plan along with the number of Travelling Showpeoples' plots required, as well as introducing a new criterion to reflect that proposals which accord with Policy H2 will be permitted.

247. In addition, **MM19** is necessary to amend the reasoned justification to Policy S7 to provide details of the breakdown of plots required across different periods of the Plan for effectiveness.

Policy H2: Provision for Gypsies, Travellers and Travelling Showpeople and Policy H2a: Gypsy and Travelling Showpeople site allocations

248. Policy H2 provides the detailed criteria against which the Council will determine proposals for Gypsies, Travellers and Travelling Showpeople. Policy H2 also seeks to safeguard existing authorised pitches from release to other uses in order that they can continue to contribute to meeting the need for pitches in the longer term. Overall, we are satisfied that the criteria within Policy H2 are justified and the policy will be effective in dealing with proposals for Gypsies, Travellers and Travelling Showpeople and would accord with the Planning Policy for Traveller Sites (2024).

249. Policy H2a identifies the specific sites to meet the need for the additional 14 plots for Travelling Showpeople and 4 pitches for Gypsies and Travellers over the plan period set out in Policy S7. None of these sites are proposed within the

Green Belt, and we address the detailed consideration of each allocation under Issue 4.

250. Over the course of the examination, there have been some changes to the planning status of the proposed sites. Therefore, to ensure that Policy H2a is up-to-date and is thereby effective, **MM86** is necessary to update the potential yield and progress of the site allocations for the period 2023–2040 as at the monitoring base date of April 2025. In addition, to ensure consistency with other parts of the Plan, and for effectiveness, **MM87** has been amended at paragraph 6.109 to provide a cross reference to meeting the needs of Gypsies and Travellers in Policy S7.

Policy H3: Affordable Housing

251. Policy H3 seeks to secure affordable housing to meet the identified needs set out in the Greater Nottingham and Ashfield Housing Needs study and Housing Needs Update (2024) (HNS) [SEV.19 and SEV.19a]. Ashfield has an identified need for affordable housing in the District which the Greater Nottingham and Ashfield Housing Needs Update (2024) (SEV.19a) estimates as 1,704 homes. Policy H3 also sets out the proportions of affordable housing to be sought on greenfield and brownfield sites, along with the expected tenure mix.

252. The policy requires that 25% affordable housing is to be sought on greenfield sites in the District, whilst brownfield sites would be subject to a lower 10% requirement. The reduced percentage on brownfield sites reflects the additional costs of developing such sites, including site clearance and remediation. Turning to the proposed tenure mix, Policy H3 requires 25% as shared ownership, 25% for social rents and 50% affordable rented housing with the policy allowing for some flexibility in their application. The Whole Plan Viability Assessment [SEV.38] provided sensitivity testing of these percentages and indicated that overall, they would not prejudice residential schemes coming forward at these levels.

253. Overall, we are satisfied that the requirements of Policy H3 are justified, will be effective and are consistent with the NPPF.

Policy H4: Rural exception sites

254. Policy H4 supports rural exception sites for affordable housing adjoining rural settlements, where they comprise no more than nine dwellings and provide 100% affordable housing. Proposals must demonstrate a robust local need for affordable housing for people with a local connection, with the type and scale of housing reflecting that need and arrangements in place to secure its affordability in perpetuity.

255. Sites must immediately adjoin a defined rural settlement and be accessible to services that meet residents' daily needs by public transport, walking or cycling. The policy also requires the housing to be capable of management by an appropriate body, such as a Registered Social Landlord or Local Authority. A rural settlement is defined as a 'Named Settlement' or a settlement within the 'Remainder of the District' identified under Policy S3, together with its immediate surrounds.

256. Overall, we are satisfied that Policy H4 provides a clear framework for securing affordable housing on rural exception sites and that new residential development contributes towards meeting identified housing needs and creating mixed and balanced communities across the District. Therefore, we find that Policy H4 is effective, justified and sound.

Policy H5: Public Open Space in New Residential Developments

257. Policy H5 sets out the requirements for the amount of public open space that should be provided in new residential development sites. It requires larger sites of 2 ha or more to provide a minimum of 10% of the gross site area as open space. The policy also indicates that on smaller sites, the amount of open space required will depend on the mix of dwelling sizes provided, and on small sites or sites where it would be inappropriate to provide open space onsite, contributions towards open space or improvements to existing provision elsewhere will be sought.

258. Overall, we are satisfied that the policy provides a robust basis for securing public open space, or appropriate contributions towards open space, as part of new residential developments and it is therefore justified and sound.

Policy H6: Housing Mix

259. The HNS [SEV.19] provides the Council's principal evidence of how homes are occupied and projects the growth of family households in the District. Policy H6 seeks to balance the type of housing to be provided in the District against evidence of need.

260. Policy H6 also sets out the Plan's expectation for new residential development proposals to maintain and provide a mix of housing tenures, types and sizes in order to create mixed and balanced communities. The HNS sets out the principal evidence of the need for housing of different sizes, and the Plan embeds the HNS's recommended housing mix for the District as a starting point for consideration for relevant planning proposals.

261. On submission, the expected mix of housing sizes and number of bedrooms required by the policy was not included within the policy itself but instead left to the reasoned justification. The Council expected to utilise this housing mix in considering development proposals, but reasoned justification does not have the force of policy. As such, **MM88** is necessary to modify Policy H6 to include the recommended housing mix into the policy text for effectiveness. Furthermore, **MM89** is also necessary for effectiveness to remove references from the reasoned justification to the preparation of a potential Supplementary Planning Document which is no longer intended to be progressed.

Policy H7: Housing Density

262. Policy H7 seeks to promote the efficient use of housing land in the District by requiring different density expectations in different locations. The Policy sets densities at 40 dwellings per hectare within 400 metres of district shopping centres/ major transport nodes, 34 dwellings per hectare within one kilometre of

district shopping centres/ major transport nodes and 30 dwellings per hectare on sites over one kilometre from district shopping centres/major transport nodes. However, on submission, Policy H7 did not provide any flexibility for lower densities where particular site characteristics may justify a reduction to the minimum density, such as where landscape character and/or the historic environment of the area may otherwise be harmed.

263. Furthermore, Policy H7 was not clear whether the minimum housing densities per hectare set out in the policy were net or gross which would have significantly affected its operation in practice. As a result, **MM90** is necessary for effectiveness to amend Policy H7 to provide the policy with some flexibility in relation to historic and landscape character and to clarify that the minimum densities are net.

Policy H8: Houses in Multiple Occupation, Flats, and Bedsits

264. Policy H8 seeks to control the development of Houses in Multiple Occupation (HMOs), flats and bedsits in the District. The Policy provides a number of criteria to control such developments where they require planning permission with the overall aim of maintaining inclusive and mixed communities across Ashfield.

265. Criteria 2a-f of Policy H8 seek to provide a framework for development management decisions for these uses. However, on submission, these criteria and the accompanying guidance in the reasoned justification, when taken collectively, were not sufficiently precise so that it is evident how a decision maker should react to development proposals, as expected by paragraph 16 of the NPPF. Furthermore, during the examination it became clear that the principal reason for the policy was to control HMOs rather than flats or bedsits. As a result, for effectiveness **MM91** is necessary to modify paragraph 6.172 of the reasoned justification to remove references to flats and bedsits.

266. In addition, for effectiveness, **MM92** is necessary to remove references to flats and bedsits within the Policy text and to replace criteria 1a and 1b with new criteria which indicate that HMOs will be supported where this does not result in the sandwiching of existing class C3 residential dwellings. **MM92** also deletes criteria 2a, 2c and 2d and amends criterion 2b to refer to Policies SD2 and SD3 which will be used to inform decisions having regard to the design effects and consideration of living conditions of nearby and future occupiers of HMOs.

267. **MM93** is also necessary to update the reasoned justification to the policy to reflect the modified criteria discussed above, and to set out in more detail the circumstances under which the policy will apply, including to larger HMOs which require planning permission. These are necessary to make Policy H8 effective.

268. In addition, **MM94** is also necessary for effectiveness to delete submitted paragraph 6.173 which provided justification in relation to flats and bedsits which are no longer intended to be covered by the policy, with updated text which sets out the Council's overall position on the role of HMOs in the District.

269. **MM95** deletes paragraph 6.177 and inserts a new paragraph which lists and explains the sources of information the Council will examine in order to

determine the number and location of existing HMOs in the area when determining proposals. These are also necessary for effectiveness.

Conclusion

270. For the reasons above, subject to the main modifications we have identified, we conclude that the Plan's policies for housing needs (Policies H2, H2a, H3, H4, H5, H6, H7, H8 and S7) are justified, effective and are consistent with the NPPF.

Issue 7 – Whether the Plan is positively prepared, justified, effective, consistent with the NPPF in relation to employment and the economy.

Policy S6: Meeting Future Needs – Strategic Employment Allocation at Junction 27 M1 Motorway

271. Policy S6 allocates two strategic employment sites adjacent to Junction 27 of the M1 for logistics and distribution uses, comprising approximately 45 hectares in total. The sites are identified as being of strategic importance due to their proximity to the highway network and their role in meeting regional demand for logistics and employment land.

272. Policy S6 requires the strategic sites to deliver high quality and sustainable employment schemes, supported by comprehensive transport infrastructure improvements, enhanced public transport provision, and improved walking, cycling and rights of way connections. It also seeks to ensure that the development is sensitively designed, integrates with its surrounding landscape, respects heritage assets and local character, and incorporates substantial green infrastructure.

273. As set out previously, Ashfield's strategic employment base is principally concentrated within the manufacturing, construction, wholesale, transport and storage sectors [BP.03]. There is a significant demand for logistics development which has historically been constrained by the application of Green Belt policies affecting land in proximity to the M1 motorway [SEV.27]. The Council's Green Belt Assessment for Junction 27 [SEV.07i] concluded that the release of the proposed sites would result in a relatively high degree of harm to the Green Belt.

274. The Plan's employment strategy focuses the majority of additional employment land for logistics space at Junction 27 of the M1 Motorway, reflecting the key position of Ashfield along the M1 motorway corridor. The M1 in Ashfield is located entirely within the Green Belt. Therefore, in order to meet the Employment Land Review's identified need for additional logistics space in appropriate locations close to the M1, this could not be achieved within the Council's administrative area whilst avoiding land in the Green Belt. Due to the extent of Green Belt surrounding the M1, there are no reasonable alternatives to meeting this need other than within the Green Belt. As a result, we are satisfied that exceptional circumstances exist at the strategic level to amend the Green Belt boundary in locations close to J27 of the M1 for additional employment land. We discuss the justification and detail of these changes in Issue 7 of our report.

275. To ensure that the Plan is positively prepared, **MM13** removes reference to the safeguarded route for HS2 within Policy S6, as the high-speed railway has since been cancelled within the Ashfield area. **MM14** is a consequential amendment to remove reference to HS2 at paragraph 3.59 for effectiveness.

276. Overall, the policy provides a clear and robust framework for the delivery of strategic employment growth whilst ensuring that transport, landscape, heritage and environmental considerations are appropriately addressed.

Policy S8: Delivering Economic Opportunities

277. Policy S8 sets out how the Council will deliver economic opportunities and is committed to developing a sustainable, diverse, and resilient economy. It identifies 81ha of employment land for the plan period, which is to be met through Policy S6. Policy S8 also aims to enhance the District's appeal to businesses through the encouragement of key stakeholders to provide and improve access to high speed information technology, and to work with educational providers and other stakeholders to improve employability. Overall, the policy provides a clear and robust framework for the delivery of economic opportunities. Therefore, we are satisfied that it is effective, justified and sound.

Policy EM1: Business and Economic Development

278. Policy EM1 supports economic growth by giving significant weight to proposals that create employment opportunities and attract inward investment. It seeks to direct business development to town centres, allocated employment sites and Key Employment Areas. The policy safeguards employment land by supporting a range of employment generating uses, including industrial, office, research and development, storage and distribution activities. It also allows certain complementary uses, such as training facilities, ancillary services and appropriate sui generis uses, where these support the employment function of the area and do not undermine its primary role.

279. In addition, Policy EM1 encourages home-working and small business start-ups, provided that they remain ancillary to the residential use of the property and do not result in unacceptable impacts on residential amenity, traffic, parking, or the character of the area. Overall, the policy provides a clear and robust framework for business and economic development and the retention of employment land. Therefore, we are satisfied that it is effective, justified and sound.

Policy EM2: Employment Land Allocations

280. The Nottingham Core HMA[1] and Nottingham Outer HMA Employment Land Needs Study 2021 [SEV.28] identified a significant imbalance in the supply of employment land in the District, of 75ha (2018) when set against past take up data. The report also commented on the need to release land from the Green Belt to allow the development of sites around Junction 27 of the M1.

[1] Housing Market Area (HMA)

281. Policy EM2 allocates approximately 43.94 hectares of employment land across Sutton-in-Ashfield, Kirkby-in-Ashfield and Hucknall for office, research and development and industrial and storage/distribution uses. Together with the strategic employment allocation at Junction 27 of the M1 motorway (see Policy S6), these sites are intended to maintain and enhance the District's employment land supply and support economic growth.

282. Policy EM2 allocates site S3 – Hamilton Road, Sutton-in-Ashfield for employment development. The site is located in proximity to the Hamilton Hill Scheduled Monument which has the potential to contain archaeological remains. However, on submission, this was not identified in the Plan. Therefore, **MM98** is necessary for effectiveness to insert additional supporting text to reflect this and provide details of further archaeological work that may be required.

283. The Government has confirmed that the HS2 within the Ashfield area is no longer being progressed. To ensure that the Plan is up to date and effective, **MM96** removes the reference to the safeguarded HS2 route from Policy EM2, as the high-speed rail project has been cancelled in the Ashfield area. Paragraph 7.7 of the Plan refers to the *'Council's Employment Background Paper 3: Economy Land, 2023'* which identifies sites that are anticipated to meet the demand for employment land during the plan period. However, to ensure that the supporting text to Policy EM2 is effective, and that it is clear to the decision maker, **MM97** removes reference to the background paper and amends it to reference a range of sites.

284. Further to the above, consequential amendments **MM1**, **MM2**, **MM3** and **MM6** are also needed to remove references to HS2 from Chapter 1 of the Plan for effectiveness. The Plan also sets out that the Council and other partners have developed a business case to support reopening the freight-only line between the Robin Hood Line in Nottinghamshire and the Erewash Valley Line in Derbyshire for passenger services. However, on submission the Plan did not accurately reflect the connections Nottingham/ Derby/ Leicester and beyond. Accordingly, for effectiveness, **MM4** amends paragraph 1.57 to refer to these connections. For the same reason and to avoid duplication, a consequential modification is required through **MM5**, to delete paragraph 1.60 that refers to the reopening of the Robin Hood Line to Erewash freight line.

Policy EM3: Retention of Employment Sites and Allocations

285. Policy EM3 seeks to protect existing employment land and premises from alternative uses. Development resulting in the loss of allocated employment sites or sites/buildings within Key Employment Areas will only be permitted where there is no reasonable prospect of their continued use for the identified employment purposes and the alternative use would meet an unmet development need in the area.

286. For other existing employment sites and buildings, loss will only be permitted where continued employment use would cause unacceptable environmental problems and/or where, having regard to market conditions and longer-term demand, the site or building is no longer physically suitable for employment use and there is no realistic prospect of its reuse or redevelopment for that purpose.

287. Overall, the policy provides a clear and robust framework for the retention of employment sites and allocations. Therefore, we are satisfied that it is effective, justified and sound.

Policy EM4: Rural Development

288. Policy EM4 supports rural employment, agricultural, forestry, horticultural, recreational and equestrian development within Named Settlements and, where appropriate, the countryside, provided proposals are of an appropriate scale, respect local character, protect neighbouring amenity, are accessible, and do not give rise to unacceptable environmental or cumulative impacts.

289. The policy also supports farm diversification where it remains ancillary to an established agricultural enterprise and contributes to its viability. Specific requirements are included for agricultural and equestrian development to ensure that proposals are justified by operational need, make adequate provision for waste management, and are sensitively integrated into the rural landscape. In addition, Policy EM4 establishes criteria for the removal of agricultural or rural worker occupancy conditions, requiring clear evidence that there is no longer a need for the dwelling to serve the holding, business or wider locality. Overall, we are satisfied that the Policy is justified and sound.

Policy EM5: Education, Skills and Training

290. Policy EM5 seeks to raise skills and improve education and employment opportunities across the District. It supports the growth and improvement of local educational institutions and new education and training facilities, subject to appropriate location, accessibility and compatibility with employment areas. It also promotes the use of training and employment agreements to develop the skills of the local workforce.

291. The policy further supports the renovation, redevelopment and expansion of schools and requires development to provide, or contribute towards, additional primary and secondary school places where these are needed as a consequence of new development. Overall, the policy provides a clear and robust framework for the improvement of education, skills and training. Therefore, we are satisfied that it is effective, justified and sound.

Conclusion

292. For the reasons above, subject to the main modifications we have identified, we find that the Plan is positively prepared, justified, effective, consistent with the NPPF in relation to employment and the economy.

Issue 8 – Whether the Plan is positively prepared, justified, effective, consistent with the NPPF in relation to retail and town centres.

Policy S11: Vibrant Town Centres (Strategic Policy)

293. Policy S11 establishes a hierarchy of centres and seeks to direct main town centre uses to the District's Town Centres and Local Shopping Centres in order

to maintain and enhance their vitality and viability. The policy requires proposals to have regard to the Plan's retail hierarchy, Town Centre Masterplans and relevant evidence base, whilst applying the sequential and, where appropriate, impact tests to out-of-centre development.

294. The policy identifies Sutton-in-Ashfield, Kirkby-in-Ashfield and Hucknall as the principal centres and supports development that strengthens their retail, service, cultural and regeneration functions. It also supports development within Local Shopping Centres and Shopping Parades where proposals are of an appropriate scale and respect the role and character of the centre. In addition, the policy promotes heritage-led regeneration within centres containing designated heritage assets and identifies key opportunity sites and gateways for future investment and enhancement.

295. To ensure that Policy S11 aligns with other policies in the Plan, **MM21** inserts the words *'as defined by Policy SH1'*. This modification is required as it clarifies when an impact assessment is required for proposals involving main town centre uses located outside designated town centres and to ensure that the Plan is effective.

Policy SH1: Retail, Leisure, Commercial and Town Centre Uses

296. Policy SH1 supports a broad range of town centre uses, residential development, healthcare and educational uses within Sutton-in-Ashfield, Kirkby-in-Ashfield and Hucknall Town Centres, provided proposals reinforce the role and function of the centres, support their vitality and viability, maintain active frontages and are of an appropriate scale and design.

297. The policy seeks to promote a diverse mix of uses, encourage the utilisation of upper floors, particularly for residential purposes, and ensure that development contributes positively to regeneration objectives set out in the Town Centre Masterplans. It also resists concentrations of uses such as hot food takeaways, betting shops and drinking establishments that could undermine the character or function of the centres. **MM99** requires those considering such proposals to have '…*regard to the Town Centre Local Centre Study 2023 (or any subsequent update)*' to avoid clusters of hot food takeaways, betting shops or pubs/drinking establishments. This is required so it is clear which study is applicable and to make the policy effective.

298. Provision is made for the conversion of surplus commercial premises to residential use where a lack of demand for town centre uses can be demonstrated and the proposal would not harm the character or operation of the centre. The policy further applies the sequential and, where appropriate, impact tests to main town centre uses, directing development to the most accessible and sustainable locations and protecting existing centres from significant adverse effects on investment, vitality and viability.

Policy SH2: Local Shopping Centres, Shopping Parades and Single Shops

299. Policy SH2 establishes a framework for supporting and maintaining the vitality and viability of Local Shopping Centres, whilst ensuring they continue to meet day-to-day shopping and service needs. The Policy supports appropriately

scaled town centre uses that reinforce the role and function of designated centres and resists developments that would undermine their health and viability.

300. The policy also safeguards key convenience stores and requires the application of the sequential and, where appropriate, impact tests for larger retail and leisure proposals. Support is also given to community uses occupying long-term vacant premises where these would contribute positively to the centre. In addition, the policy provides for small-scale retail development within shopping parades and villages lacking designated centres, whilst seeking to retain existing retail provision unless a lack of demand can be demonstrated.

301. The policy allows the conversion of retail and commercial units to residential use only where it can be demonstrated that the unit is no longer required for town centre purposes and the proposal would not harm the function of the centre. It also seeks to prevent an over-concentration of uses such as hot food takeaways, betting shops and drinking establishments. On submission, the Plan was unclear which study is applicable when considering proposals. Therefore, **MM100** requires those considering such proposals to have '…*regard to the Town Centre Local Centre Study 2023 (or any subsequent update)*' to avoid clusters of hot food takeaways, betting shops or pubs/drinking establishments as they are likely to have harmful effects on the amenity of a centre and reduce its attractiveness to other users for shopping, working, socialising and living.

Policy SH3: Shopfronts

302. Policy SH3 seeks to secure high-quality shopfront designs that contribute positively to the character, appearance and vitality of shopping areas. It requires shopfronts to maintain active frontages through clear glazing, appropriate lighting and designs that provide natural surveillance and an attractive street scene. Shopfronts of architectural or historic interest are also protected. New or altered shopfronts, signage, canopies, and lighting are required to be well designed, proportionate to the host building and sympathetic to their surroundings. External security measures are restricted to exceptional circumstances and should retain visual permeability. In addition, the policy promotes inclusive design by requiring shopfronts to provide suitable access for all users. Overall, we are satisfied that the policy is justified and sound.

Conclusion

303. For the reasons above, subject to the main modifications we have identified, the Plan's approach to placing vibrant town and local centres at the heart of the community (Policies S11 and SH1 to SH3) is justified, effective and consistent with the NPPF.

Issue 9 – Whether the Plan's policies for Climate Change and the Natural Environment are justified, effective and consistent with the NPPF.

Policy S3: Meeting the Challenge of Climate Change

304. Policy S3 seeks to meet the challenge of climate change through mitigating its effects, including through the reduction of greenhouse gas emissions. The

Policy also requires developments to reduce flood risk, including achieving greenfield run-off rates within the catchment area of the River Leen. This is required to minimise the risk of flooding to Hucknall and the City of Nottingham. However, Policy S3 does not provide adequate flexibility to aid decision-making. Therefore, to make it effective, **MM12** is necessary to amend criteria 2.d.iv through the insertion of "*and, where possible, lower*" in relation to run-off rates within the catchment of the River Leen.

Zero/Low Carbon Developments and Decentralised, Renewable, Low Carbon Energy Generation - Policy CC1

305. Policy CC1 promotes development that supports the transition to net zero and addresses climate change mitigation and adaptation. It requires development, where viable and feasible, to minimise energy demand and greenhouse gas emissions through measures such as energy-efficient design, sustainable drainage, green infrastructure, sustainable travel provision, waste reduction and renewable or low-carbon energy technologies.

306. The policy also supports larger non-residential developments achieving BREEAM[2] 'Excellent' or equivalent and provides support for renewable and low carbon energy generation and energy storage schemes, subject to there being no significant adverse effects, and compliance with other policies in the Plan. Overall, we find the policy to be effective, justified and sound.

Water Resource Management - Policy CC2

307. Policy CC2 seeks to ensure that development is supported by adequate water supply, sewerage and treatment infrastructure and does not contribute to the deterioration of water quality over the lifetime of the development. The policy also supports the objectives of the Humber River Basin Management Plan and Water Framework Directive and requires development to avoid adverse effects on surface water, groundwater, watercourses, aquifers and water-dependent ecological sites. It also promotes the restoration and enhancement of the water environment, including the use of nature-based solutions where feasible.

308. In addition, Policy CC2 requires development to manage construction phase impacts on water quality and flood risk and promotes water efficiency measures, including a maximum consumption target of 110 litres per person per day for residential development. Support is also given to water-efficient design, including rainwater harvesting and greywater reuse. Overall, we find the policy to be effective, justified and sound.

Flood Risk and Sustainable Drainage Systems (SuDS) - Policy CC3

309. Policy CC3 seeks to ensure that development is directed to areas of lowest flood risk and is safe for its lifetime without increasing flood risk elsewhere. In accordance with the NPPF, development in areas at higher risk of flooding must

[2] Building Research Establishment Environmental Assessment Method

satisfy the Sequential Test and, where necessary, the Exception Test, with development in the functional floodplain limited to appropriate uses.

310. Additionally, Policy CC3 requires flood risk from all sources to be considered, taking account of climate change, and seeks to ensure that surface water is managed effectively through the use of SuDS, the control of runoff rates and the maintenance of pre-development drainage characteristics as far as practicable. It promotes the integration of SuDS within green and blue infrastructure networks and supports opportunities arising from development to improve drainage infrastructure and increase floodplain capacity. Overall, we find the policy to be effective, justified and sound.

Policy S13: Protecting and Enhancing Our Green Infrastructure and the Natural Environment

311. Policy S13 seeks to protect, conserve and enhance the District's natural environment, including green and blue infrastructure networks, in order to maintain ecological connectivity, support biodiversity and preserve landscape character. It also requires biodiversity to be maintained and enhanced through the protection, restoration and linking of important habitats, informed by the District's Biodiversity Opportunity Maps. The policy also supports the planting and long-term management of native trees, street trees, and woodland, alongside the retention of existing trees where possible.

312. To ensure that the biodiversity of Ashfield is maintained and enhanced, and that Policy S13 is consistent with the NPPF, **MM23** is necessary to amend criterion 2.a) to reference the *Local Nature Recovery Strategy for Nottinghamshire and Nottingham*. This makes clear the evidence base that will be relied upon when seeking to protect, connect and enhance important habitats, thereby providing greater clarity and effectiveness in the implementation of the policy.

313. In addition, for effectiveness, **MM24** and **MM25** make consequential changes to reflect the amendment introduced by **MM23**. Specifically, **MM24** inserts a new paragraph after paragraph 3.131 and **MM25** amends paragraph 3.133 to reference the *Local Nature Recovery Strategy for Nottinghamshire and Nottingham*. These modifications provide consistency between the supporting text and Policy S13 and ensure that the Plan clearly identifies the relevant documents.

Policy S4: Green Belt

314. Policy S4 is an overarching strategic policy which confirms that the Green Belt, as defined on the Policies Map, will be protected from inappropriate development in accordance with the NPPF. It identifies the principal areas of Green Belt within the District, including land around Hucknall, land to the south and east of Kirkby-in-Ashfield, and land surrounding the villages of Selston, Jacksdale, Underwood and part of Brinsley. It also confirms that Bagthorpe is a village washed over by the Green Belt. The Policy accords with the NPPF, and accordingly, we find it sound as submitted.

Policy EV1: Green Belt

315. Policy EV1 sets out the Council's detailed policy for the Green Belt. The policy identifies the forms of development within the Green Belt that are not inappropriate in principle. It supports limited infilling in villages, affordable housing to meet identified local needs, and the redevelopment of previously developed land where this would preserve openness or avoid substantial harm to Green Belt openness whilst contributing to affordable housing provision.

316. Policy EV1 also reflects the NPPF in supporting other forms of development, including mineral extraction, engineering operations, certain transport infrastructure, the re-use of permanent and substantial buildings, and appropriate changes of use, provided that they preserve the openness of the Green Belt and do not conflict with its purposes. Overall, we are satisfied that it is justified and consistent with the NPPF.

Policy EV2: Countryside

317. Policy EV2 establishes the approach to development in the countryside outside defined settlements. It makes clear that, where land is designated as Green Belt, Green Belt policy takes precedence. Policy EV2 supports development that requires a countryside location, including rural enterprises, agriculture, forestry, tourism, certain business uses, utilities and transport infrastructure. It also permits well designed buildings essential to appropriate countryside uses, together with limited extensions, replacement buildings and infill development, provided that they are suitably located and designed and do not harm the character and appearance of the countryside. Overall, the policy seeks to support sustainable rural development whilst safeguarding the intrinsic character of the countryside.

318. The Policies Map sets out land use designations and where other planning policies apply. In order for the Plan to be effective, and so it is clear for the decision maker, **MM26** inserts the phrase '*as defined on the Policies Map*' into Criterion 2 of Policy EV2, in order to clearly define the extent of the countryside within the Plan.

Policy EV3: Re-use of Buildings in the Green Belt and Countryside

319. Policy EV3 supports the re-use of suitable existing buildings in the Green Belt and countryside, provided they are permanent, structurally sound and capable of conversion without substantial alteration or reconstruction. Proposals should respect the character and appearance of the building and its surroundings and, within the Green Belt, should not have a materially greater impact on openness or conflict with Green Belt purposes. The policy also supports employment, recreational and tourism uses, provided they are appropriate in scale and location, while residential conversions should not create isolated homes or result in residential curtilages that harm openness or local character. Buildings recently constructed for agricultural or equine purposes are excluded, whilst buildings of historic or architectural value should be preserved and enhanced.

Policy EV4: Green and Blue Infrastructure, Biodiversity, and Geodiversity

320. Policy EV4 seeks to protect, enhance and connect the District's green infrastructure network, supporting the delivery of multifunctional green corridors and assets that provide biodiversity, recreational and environmental benefits.

321. Policy EV4 requires development to conserve and enhance biodiversity and geodiversity, avoid habitat fragmentation, and contribute to habitat creation, restoration and ecological connectivity. It also requires qualifying development to deliver a minimum 10% Biodiversity Net Gain (BNG) in accordance with national requirements. Strong protection is afforded to internationally, nationally and locally designated ecological sites, priority habitats and protected species, with proposals required to avoid harm in the first instance and apply mitigation or compensation only where necessary. The policy also seeks to safeguard the Sherwood Forest possible potential Special Protection Area (ppSPA), an area which has not been formally designated as an SPA but has been identified for its ecological importance, particularly its breeding bird interest. Therefore, development within 400 metres of the forest is restricted unless any adverse effects can be satisfactorily avoided or mitigated.

322. To ensure that it is clear that Policy EV4 relates to both green and blue infrastructure, and to ensure that the Plan is positively prepared, **MM27** amends the policy title by adding the words "*and Blue*". To ensure consistency with the NPPF, **MM27** is necessary to modify Criterion 2 by replacing the reference to the "Natural England Biodiversity Metric" with the "*Statutory Biodiversity Metric*" and clarifies Criterion 4 by specifying that, where sufficient BNG cannot be achieved on-site or off-site, offsetting sites should be located in accordance with the Nottinghamshire Biodiversity Opportunity Map and the Local Nature Recovery Strategy (LNRS). In addition, for effectiveness, **MM27** also inserts the words "*for Nottinghamshire and Nottingham*" after "LNRS" to reflect the relevant strategy.

Policy EV5: Protection of Green Spaces and Recreation Facilities

323. Policy EV5 seeks to safeguard green spaces and recreation facilities from inappropriate development and resist their loss or fragmentation. The policy protects both designated and undesignated green spaces that make an important contribution to settlement character, visual amenity, heritage settings, biodiversity, recreation or local access to open space.

324. The policy allows the loss of green space or recreation facilities only where it can be demonstrated that the provision is surplus to requirements, the development supports the ongoing recreational use of the site, equivalent replacement provision is made, or there would be a significant improvement in the quality of local recreational facilities. In addition, the policy supports flood resilience schemes within green spaces where these would not undermine the primary function of the space.

325. As Policy EV5 relates specifically to green spaces and recreation facilities, it must ensure that all such spaces are subject to the provisions of the Policy. Thus, **MM28** is necessary to insert the words "*sports*" and "*including playing fields*" into the list of recreational facilities covered by the policy. In addition,

MM28 updates Criteria 4 and 5 to clarify the circumstances in which the loss or partial loss of a recreation facility will be permitted and where flood alleviation schemes will be supported. These modifications are therefore necessary to ensure that the policy is effective.

326. For effectiveness, **MM29** is necessary to make a consequential amendment to the supporting text for Policy EV5, updating paragraph 5.101 to insert the words "*sports*" and "*including playing fields*". For the same reason, **MM30** and **MM31** are necessary to amend paragraphs 5.104 and 5.105 to clarify the circumstances in which the loss or partial loss of recreational facilities will be accepted and to refer to the Public Open Space Strategy and the Playing Pitch Strategy. These modifications are necessary to ensure that the supporting text aligns with the changes made to Policy EV5 through **MM28**.

Policy EV6: Trees, Woodland, and Hedgerows

327. Policy EV6 seeks to protect, retain and enhance trees, woodland and hedgerows, whilst requiring new development to contribute to increased tree coverage across the District. It provides strong protection for ancient woodland and ancient, aged and veteran trees, permitting their loss only in wholly exceptional circumstances. Trees and hedgerows of visual, historic or ecological value, including those protected by Tree Preservation Orders (TPOs) or located within Conservation Areas, are also safeguarded unless there is clear justification and the benefits of development outweigh the harm.

328. Where losses are unavoidable, replacement planting, mitigation and long-term maintenance are required, including replacement trees at a minimum ratio of two-for-one. The policy also requires protective measures during construction and seeks to ensure no net loss of valued landscape and environmental features. Overall, we are satisfied that the policy is justified and sound.

Policy EV7: Provision and Protection of Allotments

329. The policy supports the provision of new allotments where there is an identified local need and enables new provision, or financial contributions towards provision, to be secured through residential development where additional demand arises.

330. It also seeks to protect existing allotments from development. The loss of allotment land would only be permitted where there is clear evidence that it is no longer required and surplus to local needs or where overriding sustainability benefits justify its redevelopment and suitable replacement provision is secured within the locality. Overall, we are satisfied that the policy is justified and sound.

Policy EV8: Agricultural Land Quality

331. The policy seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) as a finite resource of national importance. Development affecting such land would only be permitted where there is an overriding sustainability benefit and it has been demonstrated that there are no realistic opportunities to accommodate the development on alternative sites. Overall, we are satisfied that the policy is justified and sound.

Policy S14: Conserving and Enhancing Our Historic Environment

332. Policy S14 seeks to ensure the conservation and enhancement of Ashfield's historic environment, including designated and non-designated heritage assets, archaeological remains, historic landscapes and their settings. It requires heritage assets to be managed in a manner proportionate to their significance, securing the continued protection and enjoyment of the historic environment. Overall, we find the policy to be justified and sound.

Policy EV9: The Historic Environment

333. Policy EV9 provides a framework for the conservation and enhancement of the historic environment. It requires development proposals affecting designated and non-designated heritage assets to be informed by a proportionate assessment of significance and impact and supports proposals that conserve or enhance heritage assets and their settings through appropriate design, scale, siting and materials.

334. The policy affords substantial protection to designated heritage assets, including conservation areas, listed buildings, scheduled monuments and registered parks and gardens. Proposals resulting in substantial harm or loss would only be permitted in exceptional or wholly exceptional circumstances, and where the resulting public benefits clearly outweigh the harm. Less than substantial harm must likewise be justified by public benefits.

335. Policy EV9 also seeks to protect non-designated heritage assets, including locally important buildings, archaeological sites, historic parks and gardens, and landscape features of historic significance. A balanced judgement is required where such assets are affected, having regard to the significance of the asset and the degree of harm. Demolition would only be supported where significance is limited, repair is not viable, or no viable use can be demonstrated.

336. However, as submitted, Policy EV9 fails to provide a sufficiently clear framework for the conservation and enhancement of designated heritage assets and their settings. In particular, the need to conserve or enhance the significance of assets lacks clear direction for supporting heritage evidence and does not address deliberate neglect or damage to such assets.

337. To address these shortcomings, **MM32** is necessary to restructure the Policy and amend the text to place greater emphasis on the need for development proposals to conserve or enhance the significance of designated heritage assets and their settings, with harm only being acceptable where it is justified and clearly outweighed by public benefits. It also requires proportionate heritage assessments, and where necessary archaeological evaluations, to accompany proposals affecting heritage assets, and introduces a criterion confirming that evidence of deliberate neglect or damage to a heritage asset should not be taken into account in determining applications.

338. In relation to non-designated heritage assets, **MM32** is also necessary for consistency with the NPPF to amend EV9 to support their retention and clarifies

that a balanced judgement should be applied, having regard to the significance of the asset and the degree of harm that would result from the proposal. It also introduces a clearer presumption against substantial harm to, or loss of, such assets unless the specified criteria are met.

339. Finally, a new archaeology section is added, by **MM32** requiring the assessment and evaluation of sites with archaeological potential. Those sites with such potential, or those that become known through the development process, will be required to submit an appropriate desk-based assessment which will be used to inform any appropriate mitigation, recording and preservation that is necessary to make a development acceptable.

340. These modifications are required to ensure that Policy EV9 is effective and consistent with the NPPF.

Policy EV10: Protection and Enhancement of Landscape Character

341. Policy EV10 seeks to ensure that development in the countryside reflects and responds positively to local landscape character. It requires proposals to be informed by the Ashfield Landscape Character Assessment and to protect, conserve and, where possible, enhance the distinctive qualities of the landscape, including important views, settlement gaps, landscape features, ecological corridors and the settings of heritage assets.

342. Development resulting in adverse landscape impacts would only be supported where the public benefits clearly outweigh the harm and no less harmful alternative site is available. Where development is acceptable, appropriate mitigation and landscape enhancements would be required, including the restoration of damaged landscape features and the provision of on-site or off-site enhancements proportionate to the scale of development. Overall, we find the policy to be effective, justified and sound.

Conclusion

343. For the reasons above, subject to the recommended MMs we have identified, the Plan's policies for Climate Change and the Natural Environment are justified, effective and consistent with the NPPF.

Issue 10 - Whether the Plan’s policies for Sustainable Development, Design, the Green Belt, Heritage, Achieving Successful Development and Health are justified, effective and consistent with the NPPF.

Policy S2: Achieving Sustainable Development

344. Policy S2 sets out the Council’s approach to sustainable development, enshrining the presumption in favour of sustainable development. However, the Policy fails to identify major developments as a source to deliver social value and, those that may affect the built, natural, and historic environment. Consequently, **MM10** is necessary to amend Policy S2 Criteria 2b so that it is clear that developments will not be permitted where these designations would be adversely affected. It also makes clear that Criteria 4 relates to major developments. **MM11** is a consequential modification to paragraph 3.27. These

modifications are required to ensure that Policy S2 is consistent with the NPPF and is effective.

Policy S5: High Quality Buildings and Places through Plan Making and Design

345. Policy S5 establishes a strategic commitment to achieving high-quality design and placemaking across the District. It requires new development to create attractive and successful buildings and places, supported by the use of development frameworks, masterplans and other design guidance where appropriate.

346. Policy S5 also promotes the use of design codes for strategic and large-scale developments and supports the involvement of the Design Review Panel to help secure high standards of design and delivery. In addition, Policy S5 recognises the important role of neighbourhood planning in shaping local areas and supports the preparation of neighbourhood plans and orders that are consistent with the strategic policies of the Local Plan. Overall, we are satisfied that the Policy is justified and sound.

Policy SD1: Social Value

348. Policy SD1 requires that all major developments maximise social value through the submission of a Social Value Strategy, to address placemaking, health and wellbeing, local employment and growth, community resilience, and environmental and climate objectives. Overall, we are satisfied that the Policy is justified and sound.

Policy SD2: Good Design Considerations for Development

349. Policy SD2 requires high-quality, locally distinctive and climate-resilient design. It also seeks to ensure that developments provide accessible movement, attractive public spaces and green infrastructure. Proposals should also help reduce crime and demonstrate how they have been designed to perform to a high standard. We are satisfied that the Policy is justified and sound.

Policy SD3: Amenity

350. Policy SD3 seeks to protect residential amenity, safety and quality of life, ensuring developments avoid adverse effects from overlooking, overshadowing, pollution, traffic, poor design and crime or anti-social behaviour. Developments should also demonstrate that it will not undermine the quality of life or community cohesion and consider appropriate surveillance of public spaces and parking. We are satisfied that the Policy is justified and sound.

Policy SD4: Recycling and Refuse Provision in New Development

351. Policy SD4 requires new developments to provide adequate, accessible and appropriately designed refuse and recycling facilities, while minimising any impacts on amenity, appearance and security. We are satisfied that the Policy is justified and sound.

Policy SD5: Developer Contributions

352. Policy SD5 requires developments to fund and provide the infrastructure necessary to support and mitigate its impacts, with contributions secured through appropriate mechanisms and subject to viability considerations.

353. However, Policy SD5 is not consistent with the NPPF because it does not refer to the provision of sustainable waste management facilities. To address this omission and ensure consistency with the NPPF, **MM101** inserts a new criterion at 1.C), requiring the provision of sustainable waste management facilities, where appropriate, to meet identified needs. We are satisfied that the Policy is justified and sound.

Policy SD6: Assessing Development Viability and Development Demand

354. Policy SD6 requires robust viability evidence where development cannot meet policy or infrastructure requirements, and evidence of effective marketing where a lack of demand is claimed. The Policy states that where development proposals are unable to meet the requirements of the Plan, this must be supported by viability evidence demonstrating why any departure from policy is necessary to make the scheme viable.

355. To ensure that such evidence is impartial and robust, **MM102** modifies Policy SD6 by inserting the word '*independent'* into criterion (1). This ensures that the policy is effective, and any viability evidence submitted in support of proposals that cannot meet the Plan's policy and infrastructure requirements is independently prepared and assessed. We are satisfied that the Policy is justified and sound.

Policy SD7: Communications Infrastructure

356. Policy SD7 supports high-quality telecommunications and digital infrastructure, whilst seeking to protect amenity, heritage and the environment. It also promotes high-speed broadband connectivity for all residents and/or users of new development. We are satisfied that the Policy is justified and sound.

Policy SD8: Contaminated Land and Unstable Land

357. Policy SD8 seeks to ensure that development on contaminated or unstable land is able to demonstrate that risks can be safely mitigated, protecting health, buildings, water and the natural environment. We are satisfied that the Policy is justified and sound.

Policy SD9: Environmental Protection

358. Policy SD9 seeks to prevent and minimise pollution from development through the protection of health, amenity and the environment from noise, lighting, air pollution and other impacts. We are satisfied that the Policy is justified and sound.

Policy SD11: Parking

359. Policy SD11 requires the provision of adequate, well-designed and integrated parking, including accessible spaces. EV charging and sustainable drainage, with flexibility in highly accessible locations is also required. We are satisfied that the Policy is justified and sound.

Policy SD12: Advertisements

360. Policy SD12 seeks to ensure that advertisements, signs and display boards are designed and located in a manner that protects visual amenity, public safety and local character. Particular emphasis is placed on safeguarding the appearance of conservation areas and protecting the significance and setting of heritage assets, including listed buildings and scheduled monuments.

361. To ensure that Policy SD12 is consistent with the NPPF, and that it is effective, **MM103** modifies criteria d) so that advertisements must have regard to the significance of heritage assets including their settings. We are satisfied that the Policy is justified and sound.

Policy S12: Tackling Health Inequalities and Facilitating Healthier Lifestyles

362. Policy S12 is a strategic policy which seeks to support the creation of healthy and sustainable communities and reduce health inequalities across the District. It supports initiatives that promote health, wellbeing and healthier lifestyles, and requires development proposals to contribute positively to these objectives. The policy identifies a range of measures through which development can support health and wellbeing, including the provision of an appropriate mix of housing, access to employment opportunities, active travel, green spaces, recreation facilities, allotments, community services and healthcare infrastructure. It also seeks to protect residential amenity from environmental impacts such as noise, pollution and contamination, whilst promoting community safety and educational attainment.

363. To ensure that the Plan provides a clear framework for addressing health inequalities and promoting healthier lifestyles, the Council will support programmes and strategies that contribute to these objectives. Accordingly, to ensure that Policy S12 is effective, **MM22** inserts the wording: *"which include, but are not limited to, relevant partnership strategies such as the Ashfield Health and Wellbeing Partnership Strategy 'Be Healthy, Be Happy' and the Council's Corporate Plan"*. This modification provides greater clarity regarding the strategies that the Council will support in delivering the aims of the policy.

Policy SD13: Provision and Protection of Health and Community Facilities

364. Policy SD13 seeks to provide and protect accessible health and community facilities, requiring new or expanded provision where development creates additional needs. Criteria 3 of the Policy seeks the retention of existing health and community facilities unless one of the circumstances set out in criteria a, b or c applies. However, the current wording does not make it sufficiently clear that satisfying any one of these criteria would justify an alternative use. **MM104** therefore inserts the word '*or*' after criteria a and b to clarify that only one of the

listed circumstances needs to be met for a proposal to comply with the policy. We are satisfied that the Policy is justified and sound.

Policy S15: Safeguarding Mineral Resources

365. Policy S15 seeks to safeguard mineral resources by requiring consultation with the Minerals Planning Authority for non-exempt development proposals within identified Minerals Safeguarding Areas. Such development will only be permitted where it accords with the safeguarding requirements of the Nottinghamshire Minerals Local Plan. Overall, we find the policy to be justified and sound.

Conclusion

366. For the reasons above, subject to the recommended MMs we have identified, the Plan's policies for Sustainable Development, Design, the Green Belt, Heritage, Achieving Successful Development and Health are justified, effective and consistent with the NPPF.

Issue 11 - Whether the Plan's policies for Transport and Infrastructure are justified, effective and consistent with the NPPF.

Policy S9: Aligning Growth and Infrastructure

367. Policy S9 seeks to ensure that the infrastructure necessary to support sustainable growth is planned and delivered in a coordinated manner. The policy identifies key infrastructure priorities including utilities, education, health and community facilities, digital connectivity, sustainable transport, rail improvements, skills development and measures to support the transition to lower-carbon travel. Policy S9 also requires development to contribute proportionately towards the provision, enhancement and maintenance of infrastructure necessary to mitigate its impacts, including where infrastructure has been forward funded. It promotes the efficient use of existing infrastructure, the safeguarding of infrastructure corridors and assets, and improved accessibility to services by a range of transport modes.

368. However, Policy S9 as submitted is unsound as it fails to facilitate sustainable waste management systems as part of its environmental infrastructure and thus is not consistent with the NPPF. To remedy this, **MM20** introduces a new criterion requiring the '*facilitation and support of sustainable waste management facilities where appropriate to meet identified needs*.' This is required to ensure that the Policy is effective and that the Plan is positively prepared.

Policy S10: Improving Transport Infrastructure

369. Policy S10 seeks to improve transport infrastructure and promote sustainable travel choices across the District with the aim of reducing reliance on the private car. It supports measures that enhance connectivity by rail, tram, bus, walking and cycling, including improvements to the Nottingham Express Transit network, the Robin Hood Line, the proposed reopening of the Maid Marian Line to passenger services, and key transport corridors such as the A38, A611 and A608. Policy S10 also supports the delivery of strategic pedestrian and cycle routes linking the District's main settlements and destinations, whilst

safeguarding land required for future transport infrastructure, including the extension of the Nottingham Express Transit system. Overall, we find the policy to be justified and sound.

Policy SD10: Transport Infrastructure

370. Policy SD10 promotes sustainable, safe and accessible transport by prioritising walking, cycling and public transport, whilst ensuring that developments mitigate its impacts on the wider transport network. We are satisfied that the Policy is justified and sound.

Conclusion

373. For the reasons above, subject to the recommended MMs we have identified, the Plan's policies for Transport and Infrastructure are justified, effective and consistent with the NPPF.

Monitoring and Implementation

374. On submission the Plan did not include a monitoring and implementation framework to guide the monitoring and implementation of the Plan. Therefore, **MM109** is necessary to add a new Appendix 12 which sets out the arrangements for implementation and monitoring, including relevant indicators and targets, the production of Annual Monitoring Reports and the requirement for periodic review of the plan. This is required to ensure that the Plan is effective and consistent with the NPPF.

Overall Conclusion and Recommendation

375. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

376. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that with the recommended main modifications set out in the Appendix the Ashfield Local Plan satisfies the requirements referred to in the Section 20(5)(a) of the 2004 Act and is sound.

Philip Mileham and Graham Wyatt
Inspectors

This report is accompanied by an Appendix containing the Main Modifications.